LEGISLATIVE JOURNAL

OF THE

STATE OF NEBRASKA

Volume 1

ONE HUNDRED FIRST LEGISLATURE
FIRST SPECIAL SESSION

2009

Convened November 4, 2009 **Adjourned November 20, 2009**

LINCOLN, NEBRASKA

Compiled

Under the Authority of the Legislature

by

PATRICK J. O'DONNELL, CLERK

First Special Session - 2009
November 4, 2009 through November 20, 2009

Officers of the Legislature
Legislative Members
Rules of the Legislature
Legislative Journal
Chronology of Bills and Resolutions Referred to Committee
Introducers of Bills and Resolutions - By Senator and By Committee
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Regular Session - 2010
January 6, 2010 through April 14, 2010

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OFFICERS OF THE LEGISLATURE

Richard J. Sheehy (Lt. Governor), President ..... Hastings
Mike Flood, Speaker ..... Norfolk
Patrick J. O'Donnell, Clerk ..... Lincoln
Richard Brown, Assistant Clerk ..... Lincoln
Ron Witkowski, Sergeant at Arms ..... Lincoln

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Chris Langemeier, Schuyler ..... Member at Large
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Tom White, Omaha ..... Member at Large
Lavon Heidemann, Elk Creek ..... Ex Officio Member

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FISCAL ANALYST ..... Michael Calvert

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REVISOR OF STATUTES ..... Joanne Pepperl

BOUND JOURNAL
Brad Boesen ..... Journal Clerk
Vicki Buck ..... Journal Clerk
Carol Koranda ..... Index Clerk
Dallas Mehling/Kim Weber ..... Bill Status Clerk

LEGISLATURE

MEMBERS

Dist.	Name	Address	Occupation	Counties
1	Lavon Heidemann	Elk Creek	Farmer	Cass*, Johnson, Nemaha, Otoe*, Pawnee, Richardson
2	Dave Pankonin	Louisville	Owner, President; Pankonin's, Inc. (Farm Equipment Dealership).	Cass*, Otoe*, Sarpy*
3	Scott Price	Bellevue	Federal Contracts Manager - Techsi	Sarpy*
4	Pete Pirsch	Omaha	Attorney	Douglas*
5	Heath Mello	Omaha	Resource Development Specialist	Douglas*, Sarpy*
6	John E. Nelson	Omaha	Attorney-at-Law	Douglas*
7	Jeremy J. Nordquist	Omaha	Senior Advisory, Building Bright Futures	Douglas*
8	Tom White	Omaha	Attorney	Douglas*
9	Gwen Howard	Omaha	Social Worker	Douglas*
10	Bob Krist	Omaha	Contract Manager Army Corps of Engineers	Douglas*
11	Brenda J. Council	Omaha	Attorney	Douglas*
12	Steve Lathrop	Omaha	Attorney	Douglas*
13	Tanya Cook	Omaha	Consultant - Public Relations	Douglas*
14	Tim Gay	Papillion	Financial Advisor	Sarpy*
15	Charlie Janssen	Fremont	Small Business Owner	Dodge
16	Kent Rogert	Tekamah	Owner, Rogert Ag & Real Estate, Inc.	Burt, Cuming, Stanton, Thurston, Washington*
17	Bob Giese	South Sioux City	Hy-Vee Manager	Dakota, Dixon, Wayne

Dist.	Name	Address	Occupation	Counties
18	Scott Lautenbaugh	Omaha	Attorney	Douglas*, Washington*
19	Mike Flood	Norfolk	Broadcaster/Lawyer	Madison
20	Brad Ashford	Omaha	Attorney/Business Owner	Douglas*
21	Ken Haar	Malcolm	Retired	Lancaster*, Saunders*
22	Arnie Stuthman	Platte Center	Farmer/Feeder	Colfax*, Platte
23	Chris Langemeier	Schuyler	Real Estate Broker and Appraiser	Butler, Colfax*, Douglas*, Sarpy*, Saunders*
24	Greg L. Adams	York	Retired Teacher	Polk*, Seward, York
25	Kathy Campbell	Lincoln	Executive Vice President, Cedars Home for Children Foundation	Lancaster*
26	Amanda McGill	Lincoln		Lancaster*
27	Colby Coach	Lincoln	Director, Collaborative Industries, Inc.	Lancaster*
28	Bill Avery	Lincoln	Professor Emeritus (UNL) (Retired)	Lancaster*
29	Tony Fulton	Lincoln	Owner, Guardian Angels Homecare; Mechanical Engineer	Lancaster*
30	Norm Wallman	Cortland	Agribusiness	Gage, Lancaster*
31	Rich Pahls	Boys Town		Douglas*
32	Russ Karpisek	Wilber	Real Estate Agent/Meat Cutter	Fillmore, Jefferson, Saline, Thayer
33	Dennis Utter	Hastings	Retired	Adams, Hall*
34	Annette Dubas	Fullerton	Farmer/Rancher	Hall*, Hamilton, Merrick, Nance, Polk*
35	Mike Gloor	Grand Island	Hospital Administrator (Retired)	Hall*
36	John Wightman	Lexington	Attorney	Buffalo*, Dawson*
37	Galen Hadley	Kearney	Professor Emeritus	Buffalo*, Kearney

Dist.	Name	Address	Occupation	Counties
38	Tom Carlson	Holdrege	Financial Advisor	Clay, Franklin, Gosper, Harlan, Nuckolls, Phelps, Webster
39	Beau McCoy	Omaha	Home Improvement Contractor	Douglas*, Sarpy*, Washington*
40	M. L. "Cap" Dierks	Ewing	Rancher and Retired Veterinarian	Cedar, Holt*, Knox, Pierce
41	Kate Sullivan	Cedar Rapids	Banker	Antelope, Boone, Garfield, Greeley, Hall*, Howard, Sherman, Valley, Wheeler
42	Tom Hansen	North Platte	Rancher	Lincoln
43	Deb Fischer	Valentine	Rancher	Blaine, Boyd, Brown, Cherry*, Custer, Holt*, Hooker, Keya Paha, Logan, Loup, McPherson, Rock, Thomas
44	Mark R. Christensen	Imperial	Business Broker/Farmer	Chase, Dawson*, Dundy, Frontier, Furnas, Hayes, Hitchcock, Perkins, Red Willow
45	Abbie Cornett	Bellevue	Marketing Department Bellevue University	Sarpy*
46	Danielle Conrad	Lincoln	Attorney	Lancaster*
47	Ken Schilz	Ogallala	Cattle Feeder/Farmer	Arthur, Banner, Cheyenne, Deuel, Garden, Keith, Kimball, Morrill
48	John N. Harms	Scottsbluff	Retired	Scotts Bluff*
49	LeRoy J. Louden	Ellsworth	Rancher	Box Butte, Cherry*, Dawes, Grant, Scotts Bluff*, Sheridan, Sioux

Clerk

Patrick J. O'Donnell . . . . . Lincoln

RULES OF THE LEGISLATURE

Rules in effect at the commencement of the One Hundred First Legislature, First Special Session, 2009, are the same rules in effect at the commencement of the One Hundred First Legislature, First Session, 2009.

FIRST DAY - NOVEMBER 4, 2009

LEGISLATIVE JOURNAL

ONE HUNDRED FIRST LEGISLATURE
FIRST SPECIAL SESSION

FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, November 4, 2009

PRAYER

The prayer was offered by Senator Campbell.

ROLL CALL

Pursuant to a proclamation by the Honorable Governor of the State of Nebraska, Dave Heineman, the One Hundred First Legislature, First Special Session of the Legislature of Nebraska, assembled in the George W. Norris Legislative Chamber of the State Capitol, at the hour of 3:00 p.m., Wednesday, November 4, 2009, and was called to order by President Sheehy.

The roll was called and the following members were present:

Adams, Greg L.
Avery, Bill
Campbell, Kathy
Carlson, Tom
Christensen, Mark
Coash, Colby
Conrad, Danielle
Cook, Tanya
Cornett, Abbie
Council, Brenda J.
Dierks, Cap
Dubas, Annette M.
Fischer, Deb
Flood, Mike
Fulton, Tony
Gay, Tim
Giese, Robert J.
Gloor, Mike
Haar, Ken
Hadley, Galen
Hansen, Thomas F.
Harms, John N.
Heidemann, Lavon L.
Howard, Gwen
Janssen, Charlie
Karpisek, Russ
Krist, Bob
Langemeier, Chris
Lathrop, Steve
Lautenbaugh, Scott
Louden, LeRoy J.
McCoy, Beau
McGill, Amanda
Mello, Heath
Nelson, John E.
Nordquist, Jeremy J.
Pahls, Rich
Pankonin, Dave
Pirsch, Pete
Price, Scott
Rogert, Kent
Schilz, Ken
Stuthman, Arnie
Sullivan, Kate
Utter, Dennis
Wallman, Norm
White, Tom
Wightman, John M.

The following member was excused:

Ashford, Brad

DECLARATION

Pursuant to a proclamation issued by the Honorable Dave Heineman, Governor of Nebraska, we are here and now assembled in the One Hundred First Legislature, First Special Session of the Nebraska Legislature. I, as President of the Legislature, declare that we are now open for the transaction of business.

(Signed) Rick Sheehy
President of the Legislature

PROCLAMATION

BY VIRTUE OF THE AUTHORITY VESTED in the Governor by Article IV, Section 8, of the Nebraska Constitution, I, Dave Heineman, as Governor of the State of Nebraska, believing that an extraordinary occasion has arisen, DO HEREBY CALL the Legislature of Nebraska to convene in extraordinary session at the State Capitol on November 4, 2009, at 3:00 p.m. for the purpose of considering and enacting legislation on only the following subjects:

1. To reduce or eliminate appropriations and reappropriations approved by the 101st 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.

I direct that members of the Legislature of the State of Nebraska be notified of the convening of this extraordinary session by presenting to each of them a copy of this Proclamation.

IN WITNESS WHEREOF, I have hereunto set my hand and cause of the Great Seal of the State of Nebraska to be affixed this 2nd day of November, in the year of our Lord Two Thousand and Nine.

(Signed) Dave Heineman
Governor

Attest:

(Signed) John Gale
Secretary of State

RESIGNATION

August 12, 2009

The Honorable Dave Heineman
Governor
State of Nebraska
P.O. Box 94848, State Capitol
Lincoln, NE 68509-4848

Dear Governor Heineman:

Please accept this letter as notification that I am resigning from my position as State Senator for the 10th Legislative District in the State of Nebraska. My last day of employment will be August 16, and per the responsibilities outlined under section 32-562, subsection (3), of the Nebraska Revised Statutes, I am delivering this notice to you directly in written form.

It has been a privilege, and an honor to serve the citizens of this state. I want to take this opportunity to thank the citizens of Legislative District 10, and the citizens of Nebraska, for allowing me the opportunity to serve them for the past seven years in this capacity.

Sincerely,
(Signed) Michael J. Friend
District 10

Cc: Patrick O'Donnell, Clerk of the Legislature

MESSAGE FROM THE GOVERNOR

September 11, 2009

Mr. President, Speaker Flood
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Senators:

I hereby appoint Robert J. Krist to fill the vacancy in the 10th Legislative District created by the resignation of Senator Mike Friend. This appointment takes effect on September 11, 2009.

Sincerely,
(Signed) Dave Heineman
Governor

GUBERNATORIAL APPOINTMENT

Greetings To All Who Shall See These Presents Know Ye, that I, Dave Heineman, on behalf of the State of Nebraska and as Governor, do hereby appoint Robert J. Krist as a member of the Legislature for the 10th District.

Reposing special trust in your ability, integrity and patriotism, I do authorize and empower you to discharge the duties of said appointment, according to law.

This appointment shall take effect on September 11, 2009, and continue until January 5, 2011, provided you shall satisfactorily perform all the duties imposed by law.

(Signed) Dave Heineman
Governor

(Signed) John A. Gale
Secretary of State

CERTIFICATE

State of Nebraska

United States of America,)
) ss. Secretary of State
State of Nebraska)

I, John A. Gale, Secretary of State of the State of Nebraska do hereby certify that Bob Krist has been appointed as a Member of the Nebraska Unicameral Legislature from the Tenth District for the unexpired term of Mike Friend. The term beginning September 11, 2009, shall continue until January 5, 2011, or such time as he shall satisfactorily perform all the duties imposed upon such officer by law, and until a successor is duly elected and qualified.

I further certify that the foregoing appointment was made by Governor Dave Heineman under the authority granted by the Constitution and by Section 32-566 of the Revised Statutes of Nebraska.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this Fourth day of November in the year of our Lord, two thousand and nine.

(SEAL) John A. Gale, Secretary of State

OFFICIAL OATH

STATE OF NEBRASKA)
) ss.
County of Douglas)

"I, Robert J. Krist, do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of Nebraska, and will faithfully discharge the duties of Member of the Legislature, District 10 according to the best of my ability, and that at the election at which I was chosen to fill said office, I have not improperly influenced in any way the vote of any elector, and have not accepted, nor will I accept or receive, directly or indirectly, any money or other valuable thing from any corporation, company or person, or any promise of office, for any official act or influence (for any vote I may give or withhold on any bill, resolution, or appropriation)."*

(Signed) Robert J. Krist

Subscribed in my presence and sworn to before me this 14th day of September 2009.

(Signed) John A. Gale
Secretary of State

(SEAL)
*Constitution of the State of Nebraska, Article XV, Section One.
For Executive, Judicial Officers and Members of the Legislature.

CERTIFICATE

State of Nebraska

United States of America,)
) ss. Secretary of State
State of Nebraska)

I, John A. Gale, Secretary of State of the State of Nebraska do hereby certify that the attached is a true and correct copy of the Official Roster of members of the Nebraska Unicameral Legislature elected or appointed to serve in the One Hundred First Legislature, First Special Session, 2009.

Further, I hereby certify that the members so listed on the Official Roster attached hereto are the duly elected or appointed members of the Unicameral Legislature in the State of Nebraska for the One Hundred First Legislature, First Special Session, 2009.

Finally, I hereby certify that all election returns, abstracts, canvass and appointment records with reference to said members are on file in the office

of the Secretary of State and are a matter of public record.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this Fourth day of November in the year of our Lord, two thousand and nine.

(SEAL) John A. Gale, Secretary of State

DISTRICT/NAME		ELECTED
1	Lavon L. Heidemann	November 4, 2008
2	Dave Pankonin	November 7, 2006
3	Scott Price	November 4, 2008
4	Pete Pirsch	November 7, 2006
5	Heath Mello	November 4, 2008
6	John E. Nelson	November 7, 2006
7	Jeremiah Nordquist	November 4, 2008
8	Tom White	November 7, 2006
9	Gwen Howard	November 4, 2008
10	Bob Krist	Appointed September 11, 2009
11	Brenda J. Council	November 4, 2008
12	Steve Lathrop	November 7, 2006
13	Tanya Cook	November 4, 2008
14	Tim Gay	November 7, 2006
15	Charlie Janssen	November 4, 2008
16	Kent Rogert	November 7, 2006
17	Robert J. Giese	November 4, 2008
18	Scott Lautenbaugh	(2 year term) November 4, 2008
19	Mike Flood	November 4, 2008
20	Brad Ashford	November 7, 2006
21	Ken Haar	November 4, 2008
22	Arnie Stuthman	November 7, 2006
23	Chris Langemeier	November 4, 2008
24	Greg L. Adams	November 7, 2006
25	Kathy Campbell	November 4, 2008
26	Amanda M. McGill	November 7, 2006
27	Colby Coash	November 4, 2008
28	Bill Avery	November 7, 2006
29	Tony Fulton	November 4, 2008
30	Norman Wallman	November 7, 2006
31	Rich Pahls	November 4, 2008
32	Russ Karpisek	November 7, 2006
33	Dennis Utter	November 4, 2008
34	Annette M. Dubas	November 7, 2006
35	Mike Gloor	November 4, 2008
36	John Wightman	November 7, 2006
37	Galen Hadley	November 4, 2008
38	Tom Carlson	November 7, 2006

39	Beau McCoy	November 4, 2008
40	Cap Dierks	November 7, 2006
41	Kate Sullivan	November 4, 2008
42	Thomas F. Hansen	November 7, 2006
43	Deb Fischer	November 4, 2008
44	Mark Christensen	November 7, 2006
45	Abbie Cornett	November 4, 2008
46	Danielle Conrad	November 7, 2006
47	Ken Schilz	November 4, 2008
48	John N. Harms	November 7, 2006
49	LeRoy J. Louden	November 4, 2008

MESSAGES FROM THE GOVERNOR

June 29, 2009

Mr. President, Speaker Flood
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed as the Chief Executive Officer for the Department of Health and Human Services:

Kerry T. Winterer, 12388 Rose Lane, Omaha, NE 68154

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate of appointment and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

July 6, 2009

Mr. President, Speaker Flood
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed

as the Director for the Department of Roads:

Monty W. Fredrickson, 7106 Beaver Creek Lane, Lincoln, NE 68516

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate of appointment and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

July 15, 2009

Mr. President, Speaker Flood
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed as the Director for the Department of Aeronautics:

Ronnie D. Mitchell, 306 Martin Dr. North, Bellevue, NE 68005

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate of appointment and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

July 21, 2009

Mr. President, Speaker Flood
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individuals are being appointed to the State Emergency Response Commission:

John Baroni, 1306 Earl Court, Plattsmouth, NE 68048

Kimberly Plouzek, 1417 County Road D, Dorchester, NE 68343

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background materials are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

July 23, 2009

Mr. President, Speaker Flood
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed as the Director of the Division of Developmental Disabilities of the Department of Health and Human Services:

Jodi Fenner, Dept. of Health and Human Services, P.O. Box 95026, Lincoln, NE 68509

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

July 23, 2009

Mr. President, Speaker Flood
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed as a member of the Boiler Safety Code Advisory Board:

Robert Kirkpatrick, 6315 Huntington Ave., Lincoln, NE 68507

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

July 23, 2009

Mr. President, Speaker Flood
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individuals are being reappointed to the Community Corrections Council:

Robert Lindemeier, 219 N. Bryan, North Platte, NE 69101
Joe Kelly, 5822 Fieldcrest Way, Lincoln, NE 68512

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

August 13, 2009

Mr. President, Speaker Flood
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed as Adjutant General for the State of Nebraska:

Col. Judd Lyons, 6405 Country Squire Lane, Omaha, NE 68152

The aforementioned appointee is respectfully submitted for your

consideration. Copies of the appointment certificate and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

August 28, 2009

Mr. President, Speaker Flood
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individuals are being appointed to the Nebraska Rural Health Advisory Commission:

Mark Goodman, 706 Pierce Street, Omaha, NE 68108
Shawn Kralik, 438 23rd, West Point, NE 68788
Suzanne Minarick Greenquist, 3811 X Street, Lincoln, NE 68503

Contingent upon your approval, the following individuals are being reappointed to the Nebraska Rural Health Advisory Commission:

Michael Sitorius, 8115 Jackson St., Omaha, NE 68114
Roger Wells, 1518 Jay Street, St. Paul, NE 68873
Rebecca Schroeder, 212 W 9th Street, Curtis, NE 69025

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background materials are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

September 4, 2009

Mr. President, Speaker Flood
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed as a member of the Motor Vehicle Industry Licensing Board:

Jeffrey Scherer, 150 Beemer Road, Beemer, NE 68716

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

September 4, 2009

Mr. President, Speaker Flood
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed as a member of the Boiler Safety Code Advisory Board:

Kurt Eberspacher, 4332 W. McKelvie Road, Lincoln, NE 68524

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

September 8, 2009

Mr. President, Speaker Flood
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individuals are being reappointed to the State Board of Health:

Dr. Edward Discoe, 1454 28th Avenue, Columbus, NE 68601
Dr. Russell Hopp, 5610 Farnam St., Omaha, NE 68132
Dr. Kenneth Kester, 7500 S. 91st Street, Lincoln, NE 68526
Dr. Gary Westerman, 2500 California Plaza, Omaha, NE 68178

Contingent upon your approval, the following individuals are being appointed to the State Board of Health:

Luisa Rounds, 5022 Decatur St., Omaha, NE 68104
Rich Robinson, 9912 Blue Water Circle, Lincoln, NE 68527

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background materials are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

September 9, 2009

Mr. President, Speaker Flood
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Coordinating Commission for Postsecondary Education:

William "Scott" Wilson, 7753 Hidden Valley Dr., Papillion, NE 68046

The aforementioned appointee is respectfully submitted for your consideration. Copies of the appointment certificate and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

September 25, 2009

Mr. President, Speaker Flood
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed as a member of the Commission for the Blind and Visually Impaired:

Michael Hansen, 5635 Lenox Avenue, Lincoln, NE 68510

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

September 28, 2009

Mr. President, Speaker Flood
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed as a member of the Crime Victim's Reparations Committee:

G. Randall "Rand" Hansen, 909 N. 96th St., #101, Omaha, NE 68114-2508

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

September 30, 2009

Mr. President, Speaker Flood
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individual is being reappointed as a member of the State Highway Commission:

Donna Wanitschke, 1611 Stagecoach Road, Grand Island, NE 68801

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

October 5, 2009

Mr. President, Speaker Flood
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed as the State Investment Officer:

Jeffrey W. States, NE Investment Council, 941 "O" Street, Suite 500, Lincoln, NE 68508

The aforementioned appointee is respectfully submitted for your consideration. A copy of the appointment letter from the Investment Council and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

October 5, 2009

Mr. President, Speaker Flood
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individuals are being appointed to the Environmental Quality Council:

Michelle Bucklin, 8092 Keystone Dr., Omaha, NE 68134
Dr. Ethel Williams, 10536 Spaulding Circle, Omaha, NE 68134
Lance Hedquist, 1615 First Avenue, South Sioux City, NE 68776

Contingent upon your approval, the following individuals are being reappointed to the Environmental Quality Council:

Rodney Gangwish, 52685 70th Road, Shelton, NE 68876
Mark Whitehead, 2537 Randolph St., Lincoln, NE 68510
Mark Czaplewski, 2207 Woodridge Place, Grand Island, NE 68801
Robert Hall, 957 North Beech, Wahoo, NE 68066
Alden Zuhlke, 52771 860 Road, Brunswick, NE 68720
Joe Citta Jr., P.O. Box 699, Columbus, NE 68602

The aforementioned appointees are respectfully submitted for your consideration. Copies of the appointment certificates and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

October 7, 2009

Mr. President, Speaker Flood
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individuals are being appointed to the Community Corrections Council:

Dallas Massey, 90379 28th Avenue, Scottsbluff, NE 69361
Travis Parker, 6101 S. 96th Street, Lincoln, NE 68526
Frank Peak, 5523 N. 34th St., Omaha, NE 68111

The aforementioned appointees are respectfully submitted for your consideration. Copies of the appointment certificates and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

October 7, 2009

Mr. President, Speaker Flood
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Nebraska Arts Council:

Stephanie Metz O'Keefe, 9838 Harney Parkway North, Omaha, NE 68114

Contingent upon your approval, the following individuals are being reappointed to the Nebraska Arts Council:

David Gardels, 110 North 54th Street, Omaha, NE 68132
Joanne Medlock, HC 14, Box 100, Valentine, NE 69201
Sandra Schroeder, 201 Bridge Road, Norfolk, NE 68701

The aforementioned appointees are respectfully submitted for your consideration. Copies of the appointment certificates and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

October 7, 2009

Mr. President, Speaker Flood
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individual is being reappointed to the Board of Educational Lands and Funds:

M. Jane Keller, 303 West Highway 20, Bassett, NE 68714

The aforementioned appointee is respectfully submitted for your consideration. A copy of the certificate of appointment and background information are included for your review.

Sincerely,

(Signed) Dave Heineman
Governor

Enclosures

October 7, 2009

Mr. President, Speaker Flood
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Nebraska Rural Health Advisory Commission:

Margaret Ann "Peggy" Rogers, 1111 West First Street, McCook, NE 69001

The aforementioned appointee is respectfully submitted for your consideration. A copy of the certificate of appointment and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

October 21, 2009

Mr. President, Speaker Flood and
Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Crime Victim's Reparations Committee:

Michael McLarney, 1103 Leavenworth Street, Omaha, NE 68102

The aforementioned appointee is respectfully submitted for your consideration. A copy of the certificate of appointment and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

October 21, 2009

Mr. President, Speaker Flood and
Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individual is being reappointed to the State Electrical Board:

Tom Ourada, 1130 East 13th Street, Crete, NE 68333

The aforementioned appointee is respectfully submitted for your consideration. A copy of the certificate of appointment and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

October 21, 2009

Mr. President, Speaker Flood and
Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individual is being reappointed to the Nebraska Oil and Gas Conservation Commission:

Thomas Sonntag, 1024 6th Avenue, Sidney, NE 69162

The aforementioned appointee is respectfully submitted for your consideration. A copy of the certificate of appointment and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

October 22, 2009

Mr. President, Speaker Flood and
Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individual is being reappointed to the Nebraska Investment Council:

John Dinkel, 2206 Koenigstein Ave., Norfolk, NE 68701

The aforementioned appointee is respectfully submitted for your consideration. A copy of the certificate of appointment and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

October 22, 2009

Mr. President, Speaker Flood
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individuals are being reappointed to the Nebraska Educational Telecommunications Commission:

Kenneth Bird, 7303 Western Avenue, Omaha, NE 68114
Phillip Dudley Jr., 1820 North Elm, Hastings, NE 68901
J. Richard Shoemaker, 611 Patterson, Cambridge, NE 69002

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background materials are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

October 26, 2009

Mr. President, Speaker Flood

and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individual is being appointed to the Nebraska Power Review Board:

Rick Morehouse, 3135 Primrose Drive, Scottsbluff, NE 69361

Contingent upon your approval, the following individual is being reappointed to the Nebraska Power Review Board:

Michael Siedschlag, 13511 Charles Circle, Omaha, NE 68154

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

EXECUTIVE BOARD REPORT

The Executive Board reported the following committee assignments made over the interim:

Senator Pirsch has been appointed to the Revenue Committee and no longer serves on the Government, Military and Veterans Affairs Committee and Senator Krist has been appointed to the General Affairs Committee, Urban Affairs Committee, and Government, Military and Veterans Affairs Committee.

Senator Utter has been appointed to fill the vacancy on the Legislative Performance Audit Committee.

Senator Council has been appointed to the State Council for Juvenile Interstate Compact (LB237, 2009).

ANNOUNCEMENT

The Children's Behavioral Health Oversight Committee elected Senator Campbell as Chairperson and Senator Dubas as Vice Chairperson.

REPORTS

The following reports were received by the Legislature:

Agriculture, Department of
Commercial Dog and Cat Operator Inspection Act Fiscal Report for 2008/2009
Arts Council, Nebraska
Nebraska Arts and Humanities Cash Fund Report
Attorney General, Nebraska
2008 Annual Report, For the People
Auditor of Public Accounts
Lottery, Nebraska, Audit Report
Nebraska Public Employees Retirement Systems - State and County Employees Retirement Plan for the year ended December 31, 2008
Revenue, Department of, Cigarette Tax Receipts, Attestation Report for the fiscal year ended June 30, 2009
Correctional Services, Department of
34th Annual Report and Statistical Summary
Certification of Inmate Population above Design Capacity in Nebraska's Correctional System
Criminal Justice, Commission on Law Enforcement and
Nebraska Crime Victim's Reparations Program Report for fiscal year 07/08
Economic Development, Department of
Nebraska Affordable Housing Trust Fund 2008 Annual Report
Proposed 2008 Annual Performance Evaluation Report for the Housing and Community Development Programs Consolidated Plan
Energy Office, Nebraska
Monthly Consensus Estimate of General Fund Receipts
Fire Marshal, State
Number of Volunteer Members Report
Fiscal Office, Legislative
State of Nebraska FY2009-10/FY2010-11 Biennial Report
Game and Parks Commission
Game Law Investigation Cash Fund Annual Report
Health and Human Services
Annual Report to the Legislature for the Women's Health Initiative
Division of Developmental Disabilities, Beatrice State Developmental Center Baseline Quarterly Reports
Investment Finance Authority, Nebraska (NIFA)
2006 Series A, B, C, D, E and F Community Development Loan Notes (City of Lincoln Program-2006) Reports
Clean Water State Revolving Fund Bonds Notice
Clean Water State Revolving Fund Revenue Bonds Series 2009B Notice
Clean Water State Revolving Fund Revenue Bonds Series 2009B Quarterly Report
Community Development Loan Notes (City of Lincoln Program - 2009) 2009 Multiple Series

Drinking Water State Revolving Fund Revenue Bonds Series 2008 A, Quarterly Report
Nebraska Investment Finance Authority Agricultural Loans Report for Fiscal Year 9/16/09 ending June 30, 2009
Single Family Housing Bonds and General Obligation Bonds Notice

Labor, Department of
Significant Modifications to Nebraska's Strategic State Plans for PY09

Natural Resources, Department of
Annual Report and Plan of Work for the Nebraska State Water Planning and Review Process
Water Resources Cash Fund Uses for the Previous Fiscal Year 2008-2009

Performance Audit, Legislative
2008-2009 Annual Report

Public Service Commission
2009 Annual Report on Telecommunications

Retirement Systems, Public Employees
County Employees' Retirement System Cash Balance Benefit Fund, Actuarial Valuation Results as of January 1, 2009 for County Fiscal Year Ending June 30, 2011
County Equal Retirement Benefit Fund, Actuarial Valuation Results as of January 1, 2009 for Fiscal Year Ending June 30, 2010
State Employees' Retirement System Cash Balance Benefit Fund, Actuarial Valuation Results as of January 1, 2009 for State Fiscal Year Ending June 30, 2011
State Equal Retirement Benefit Fund, Actuarial Valuation Results as of January 1, 2009 for State Fiscal Year Ending June 30, 2010

Revenue, Nebraska Department of
Monthly Consensus Estimate of General Fund Receipts
Nebraska Lottery 2009 Annual Report
Nebraska Tax Incentives Annual Report to the Nebraska Legislature

Roads, Nebraska Department of
Board of Public Roads Classifications and Standards Minutes for April and May 2009
State Highway Commission Quarterly Report
Traffic Crash Facts Annual Report

State Fair Board
Expenditures from State Fair Funds Account, July 1, 2008 through June 30, 2009

COMMUNICATION

Received a copy of House Joint Resolution 27 in accordance with Uniform Rule 49B from the state of Alaska relating to sovereign powers of the state.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1. Introduced by Speaker Flood, 19; at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2009, LB 35A, section 3, Laws 2009, LB 314, sections 21 and 41, Laws 2009, LB 315, sections 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 48, 50, 51, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 70, 71, 72, 74, 75, 77, 78, 79, 85, 90, 91, 92, 93, 94, 96, 97, 98, 99, 100, 101, 103, 104, 106, 107, 108, 110, 111, 112, 113, 114, 115, 118, 119, 120, 121, 122, 123, 124, 125, 127, 131 133, 134, 136, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 177, 178, 179, 181, 182, 183, 184, 185, 187, 188, 189, 190, 191, 192, 193, 195, 196, 196, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 218, 219, 220, 222, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, and 282, and Laws 2009, LB 545A, section 1; to define terms; to appropriate and reappropriate funds; to state intent; to change appropriations as prescribed; to change transfers; to provide for transfers; to harmonize provisions; to repeal the original sections; to outright repeal Laws 2009, LB 315, sections 80, 81, 82, 83, 84, 86, 87, 88, and 89; and to declare an emergency.

LEGISLATIVE BILL 2. Introduced by Speaker Flood, 19; at the request of the Governor.

A BILL FOR AN ACT relating to funds; to amend section 77-3,111, Reissue Revised Statutes of Nebraska, sections 71-5714 and 72-1001, Revised Statutes Cumulative Supplement, 2008, and sections 9-812 and 82-331, Revised Statutes Supplement, 2009; to provide for and eliminate certain fund transfers; to harmonize provisions; to repeal the original sections; to outright repeal sections 90-513 and 90-514, Revised Statutes Supplement, 2009; and to declare an emergency.

LEGISLATIVE BILL 3. Introduced by Speaker Flood, 19; at the request of the Governor.

A BILL FOR AN ACT relating to state funds; to amend sections 2-1222, 2-1503.01, 2-1577, 2-1587, 2-15,122, 2-1808, 2-2317, 2-2627, 2-3413, 2-3633, 2-3763, 2-3812, 2-4018, 3-126, 13-2704, 24-227.01, 24-229, 25-2921, 25-3002, 29-2259.02, 29-2262.07, 29-3921, 33-102, 35-1203, 37-345, 38-157, 46-1121, 46-1403, 50-437, 54-197, 54-635, 57-919,

66-739, 70-1020, 71-222.02, 71-4732, 72-1249.02, 72-2009, 76-549, 77-3,110, 77-4310.03, 77-5031, 79-810, 79-1320, 81-188.01, 81-201.05, 81-2,147.11, 81-2,162.27, 81-2,291, 81-528, 81-5,153, 81-8,110.07, 81-8,194, 81-1120.23, 81-1201.22, 81-1252, 81-1278, 81-1413.01, 81-1428, 81-15,121, 81-15,165, 81-15,180, 81-1607.01, 81-1634, 81-2004.01, 81-2004.05, 81-2105, 81-3524, 82-108.02, 82-316, 83-913.01, 84-321, 84-409, 84-414, 84-1227, 85-1419, 85-1803, 86-127, 86-312, 86-463, 88-545.01, 88-552, and 89-1,100, Reissue Revised Statutes of Nebraska, sections 48-1,116, 49-14,140, 50-114.05, 53-117.06, 53-304, 54-857, 54-2428, 55-131, 59-1608.04, 60-3,218, 61-210, 61-218, 66-4,100, 71-5661, 71-5714, 71-8612, 72-2211, 72-2501, 76-2226, and 77-5601, Revised Statutes Cumulative Supplement, 2008, and sections 1-111, 2-958.01, 2-5106, 47-632, 57-705, 60-2132, 66-1521, 66-1839, 77-1342, 81-885.15, 81-1201.21, 81-15,160, 81-3119, 81-3432, and 84-510, Revised Statutes Supplement, 2009; provide for transfers to the General Fund; to eliminate obsolete provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 4. Introduced by Speaker Flood, 19; at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the expenses incurred during the One Hundred First Legislature, First Special Session, 2009; and to declare an emergency.

LEGISLATIVE BILL 5. Introduced by Education Committee: Adams, 24, Chairperson; Avery, 28; Giese, 17; Haar, 21; Howard, 9; Sullivan, 41; Lautenbaugh, 18.

A BILL FOR AN ACT relating to state aid to schools; to amend sections 79-1005.01, 79-1007.15, 79-1007.19, and 79-1008.01, Reissue Revised Statutes of Nebraska, and sections 77-3446, 79-1001, 79-1003, 79-1007.11, 79-1007.23, and 79-1023, Revised Statutes Supplement, 2009; to redefine terms; to change and eliminate provisions relating to disbursement of income tax receipts, calculation of formula need, elementary site allowance, teacher education adjustment, and instructional time allowance and expenditure limits as prescribed; to provide for calculation of a teacher education allowance; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 6. Introduced by Carlson, 38.

A BILL FOR AN ACT relating to animals; to amend sections 28-1006, 28-1012, and 29-820, Reissue Revised Statutes of Nebraska, section 54-630, Revised Statutes Cumulative Supplement, 2008, and sections 54-627 and 54-628, Revised Statutes Supplement, 2009; to change inspection provisions of the Commercial Dog and Cat Operator Inspection Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 7. Introduced by Carlson, 38.

A BILL FOR AN ACT relating to agriculture; to amend section 2-2634, Reissue Revised Statutes of Nebraska; to change pesticide registration and renewal fees; to repeal the original section; and to declare an emergency.

RESOLUTION

LEGISLATIVE RESOLUTION 1. Introduced by Harms, 48; Louden, 49.

WHEREAS, the Scottsbluff girls' golf team won the 2009 Class B Girls' State Golf Tournament; and

WHEREAS, the Bearcats' win was their second straight Class B state title and their fourth title in the last seven years; and

WHEREAS, the Bearcats' win also capped off their second consecutive perfect season; 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 Scottsbluff girls' golf team on winning the 2009 Class B Girls' State Golf Tournament.

2. That a copy of this resolution be sent to the Bearcats and their coach, Mike Klein.

Laid over.

EASE

The Legislature was at ease from 3:19 p.m. until 3:33 p.m.

REFERENCE COMMITTEE REPORT

The Executive Board submits the following report:

LB/LR	Committee
LB1	Appropriations
LB2	Appropriations
LB3	Appropriations
LB4	General File
LB5	Education
LB6	Agriculture
LB7	Agriculture

(Signed) John Wightman, Chairperson
Executive Board

EASE

The Legislature was at ease from 3:34 p.m. until 3:53 p.m.

REFERENCE COMMITTEE REPORT

The Executive Board submits the following report:

Baroni, John - State Emergency Response Commission - Government, Military and Veterans Affairs
Bird, Kenneth - Nebraska Educational Telecommunications Commission - Education
Bucklin, Michelle - Environmental Quality Council - Natural Resources
Citta, Joe, Jr. - Environmental Quality Council - Natural Resources
Czaplewski, Mark - Environmental Quality Council - Natural Resources
Dinkel, John - Nebraska Investment Council - Nebraska Retirement Systems
Discoe, Edward - State Board of Health - Health and Human Services
Dudley, Phillip, Jr. - Nebraska Educational Telecommunications Commission - Education
Eberspacher, Kurt - Boiler Safety Code Advisory Board - Business and Labor
Fenner, Jodi, Director of the Division of Developmental Disabilities - Department of Health and Human Services - Health and Human Services
Fredrickson, Monty W., Director - Department of Roads - Transportation and Telecommunications
Gangwish, Rodney - Environmental Quality Council - Natural Resources
Gardels, David - Nebraska Arts Council - General Affairs
Goodman, Mark - Nebraska Rural Health Advisory Commission - Health and Human Services
Greenquist, Suzanne Minarick - Nebraska Rural Health Advisory Commission - Health and Human Services
Hall, Robert - Environmental Quality Council - Natural Resources
Hansen, G. Randall "Rand" - Crime Victim's Reparations Committee - Judiciary
Hansen, Michael - Commission for the Blind and Visually Impaired - Health and Human Services
Hedquist, Lance - Environmental Quality Council - Natural Resources
Hopp, Russell - State Board of Health - Health and Human Services
Keller, M. Jane - Board of Educational Lands and Funds - Education
Kelly, Joe - Community Corrections Council - Judiciary
Kester, Kenneth - State Board of Health - Health and Human Services
Kirkpatrick, Robert - Boiler Safety Code Advisory Board - Business and Labor
Kralik, Shawn - Nebraska Rural Health Advisory Commission - Health and Human Services
Lindemeier, Robert - Community Corrections Council - Judiciary
Lyons, Judd, Adjutant General - Military Department - Government, Military and Veterans Affairs
Massey, Dallas - Community Corrections Council - Judiciary

McLarney, Michael - Crime Victim's Reparations Committee - Judiciary
Medlock, Joanne - Nebraska Arts Council - General Affairs
Mitchell, Ronnie D., Director - Department of Aeronautics - Government, Military and Veterans Affairs
Morehouse, Rick - Nebraska Power Review Board - Natural Resources
O'Keefe, Stephanie Metz - Nebraska Arts Council - General Affairs
Ourada, Tom - State Electrical Board - General Affairs
Parker, Travis - Community Corrections Council - Judiciary
Peak, Frank - Community Corrections Council - Judiciary
Plouzek, Kimberly - State Emergency Response Commission - Government, Military and Veterans Affairs
Robinson, Rich - State Board of Health - Health and Human Services
Rogers, Margaret Ann "Peggy" - Nebraska Rural Health Advisory Commission - Health and Human Services
Rounds, Luisa - State Board of Health - Health and Human Services
Scherer, Jeffrey - Motor Vehicle Industry Licensing Board - Transportation and Telecommunications
Schroeder, Rebecca - Nebraska Rural Health Advisory Commission - Health and Human Services
Schroeder, Sandra - Nebraska Arts Council - General Affairs
Shoemaker, J. Richard - Nebraska Educational Telecommunications Commission - Education
Siedschlag, Michael - Nebraska Power Review Board - Natural Resources
Sitorius, Michael - Nebraska Rural Health Advisory Commission - Health and Human Services
Sonntag, Thomas - Nebraska Oil and Gas Conservation Commission - Natural Resources
States, Jeffrey W., State Investment Officer - Nebraska Investment Council - Nebraska Retirement Systems
Wanitschke, Donna - State Highway Commission - Transportation and Telecommunications
Wells, Roger - Nebraska Rural Health Advisory Commission - Health and Human Services
Westerman, Gary - State Board of Health - Health and Human Services
Whitehead, Mark - Environmental Quality Council - Natural Resources
Williams, Ethel - Environmental Quality Council - Natural Resources
Wilson, William "Scott" - Coordinating Commission for Postsecondary Education - Education
Winterer, Kerry T., Chief Executive Officer - Department of Health and Human Services - Health and Human Services
Zuhlke, Alden - Environmental Quality Council - Natural Resources

(Signed) John Wightman, Chairperson
Executive Board

NOTICE OF COMMITTEE HEARINGS

Business and Labor

Room 2102

Thursday, November 5, 2009 9:00 a.m.

Kurt Eberspacher - Boiler Safety Code Advisory Board
Robert Kirkpatrick - Boiler Safety Code Advisory Board

(Signed) Steve Lathrop, Chairperson

Education

Room 1525

Thursday, November 5, 2009 10:30 a.m.

M. Jane Keller - Board of Educational Lands and Funds
William "Scott" Wilson - Coordinating Commission for Postsecondary Education
Kenneth Bird - Nebraska Educational Telecommunications Commission
Phillip Dudley Jr. - Nebraska Educational Telecommunications Commission
J. Richard Shoemaker - Nebraska Educational Telecommunications Commission

(Signed) Greg Adams, Chairperson

General Affairs

Room 1510

Thursday, November 5, 2009 11:00 a.m.

Tom Ourada - State Electrical Board
David Gardels - Nebraska Arts Council
Joanne Medlock - Nebraska Arts Council
Stephanie Metz O'Keefe - Nebraska Arts Council
Sandra Schroeder - Nebraska Arts Council

(Signed) Russ Karpisek, Chairperson

Government, Military and Veterans Affairs

Room 1507

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

Judd Lyons - Military Department
Ronnie D. Mitchell - Department of Aeronautics
John Baroni - State Emergency Response Commission
Kimberly Plouzek - State Emergency Response Commission

(Signed) Bill Avery, Chairperson

Health and Human Services

Room 1510

Friday, November 6, 2009 9:30 a.m.

Jodi Fenner - Department of Health and Human Services
Kerry T. Winterer - Department of Health and Human Services

Friday, November 6, 2009 10:30 a.m.

Mark Goodman - Nebraska Rural Health Advisory Commission
Suzanne Minarick Greenquist - Nebraska Rural Health Advisory Commission
Shawn Kralik - Nebraska Rural Health Advisory Commission
Margaret Ann "Peggy" Rogers - Nebraska Rural Health Advisory Commission
Rebecca Schroeder - Nebraska Rural Health Advisory Commission
Michael Sitorius - Nebraska Rural Health Advisory Commission
Roger Wells - Nebraska Rural Health Advisory Commission

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

Michael Hansen - Commission for the Blind and Visually Impaired

Friday, November 6, 2009 1:30 p.m.

Edward Discoe - State Board of Health
Russell Hopp - State Board of Health
Kenneth Kester - State Board of Health
Rich Robinson - State Board of Health
Luisa Rounds - State Board of Health
Gary Westerman - State Board of Health

(Signed) Tim Gay, Chairperson

Judiciary

Room 1113

Friday, November 6, 2009 10:00 a.m.

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

(Signed) Brad Ashford, Chairperson

Natural Resources

Room 1507

Thursday, November 5, 2009 1:30 p.m.

Thomas Sonntag - Nebraska Oil and Gas Conservation Commission
Rick Morehouse - Nebraska Power Review Board
Michael Siedschlag - Nebraska Power Review Board
Michelle Bucklin - Environmental Quality Council
Joe Citta Jr. - Environmental Quality Council
Mark Czaplewski - Environmental Quality Council
Rodney Gangwish - Environmental Quality Council
Robert Hall - Environmental Quality Council
Lance Hedquist - Environmental Quality Council
Mark Whitehead - Environmental Quality Council
Ethel Williams - Environmental Quality Council
Alden Zuhlke - Environmental Quality Council

(Signed) Chris Langemeier, Chairperson

Nebraska Retirement Systems

Room 1525

Tuesday, November 10, 2009 12:15 p.m.

Jeffrey W. States - Nebraska Investment Council
John Dinkel - Nebraska Investment Council

Tuesday, November 17, 2009 12:15 p.m.

Presentation of annual actuarial reports to the Retirement Committee on the defined benefit plans

(Signed) Dave Pankonin, Chairperson

Transportation and Telecommunications

Room 1113

Friday, November 6, 2009 8:30 a.m.

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

(Signed) Deb Fischer, Chairperson

Appropriations

Room 1524

Thursday, November 5, 2009 1:30 p.m.

LB1
LB2
LB3

Agency 87 - Accountability and Disclosure Commission
Agency 7 - Governor
Agency 8 - Lieutenant Governor
Agency 5 - Supreme Court
Agency 9 - Secretary of State
Agency 10 - Auditor of Public Accounts
Agency 11 - Attorney General
Agency 12 - State Treasurer
Agency 14 - Public Service Commission
Agency 21 - State Fire Marshal
Agency 3 - Legislative Council
Agency 46 - Correctional Services, Department of
Agency 64 - State Patrol, Nebraska
Agency 78 - Nebraska Commission on Law Enforcement and Criminal Justice
Agency 94 - Public Advocacy, Commission on

Friday, November 6, 2009 9:15 a.m.

Agency 56 - Wheat Board, Nebraska
Agency 18 - Agriculture, Department of
Agency 29 - Natural Resources, Department of
Agency 39 - Brand Committee, Nebraska
Agency 52 - State Fair Board

Agency 60 - Ethanol Board, Nebraska
Agency 61 - Dairy Industry Development Board, Nebraska
Agency 17 - Aeronautics, Department of
Agency 27 - Roads, Department of
Agency 31 - Military Department
Agency 33 - Game and Parks Commission
Agency 53 - Real Property Appraiser Board

Friday, November 6, 2009 1:30 p.m.

Agency 23 - Labor, Department of
Agency 35 - Liquor Control Commission, Nebraska
Agency 62 - Land Surveyors, State Board of Examiners for
Agency 66 - Abstracters Board of Examiners
Agency 93 - Tax Equalization and Review Commission
Agency 41 - State Real Estate Commission
Agency 30 - Electrical Board, State
Agency 54 - Historical Society, Nebraska State
Agency 57 - Oil and Gas Conservation Commission, Nebraska
Agency 65 - Administrative Services, Department of
Agency 71 - Nebraska Energy Office
Agency 74 - Power Review Board, Nebraska
Agency 13 - Education, Department of

Monday, November 9, 2009 9:15 a.m.

Agency 47 - Educational Telecommunications Commission, Nebraska
Agency 51 - University of Nebraska System
Agency 75 - Investment Council, Nebraska
Agency 77 - Industrial Relations, Commission of
Agency 85 - Public Employees Retirement Board, Nebraska
Agency 19 - Banking, Department of
Agency 34 - Library Commission, Nebraska
Agency 48 - Coordinating Commission for Postsecondary Education
Agency 50 - Nebraska State College System
Agency 83 - Community College Aid

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

Agency 22 - Insurance, Department of
Agency 24 - Motor Vehicles, Department of
Agency 32 - Educational Lands And Funds, Board of
Agency 40 - Motor Vehicle Licensing Board, Nebraska
Agency 81 - Commission for the Blind and Visually Impaired
Agency 69 - Arts Council, Nebraska
Agency 72 - Economic Development, Department of
Agency 84 - Environmental Quality, Department of
Agency 86 - Dry Bean Commission
Agency 88 - Corn Development, Utilization and Marketing Board

Agency 92 - Grain Sorghum Board, Nebraska
Agency 28 - Veterans' Affairs, Department of
Agency 16 - Revenue, Department of
Agency 36 - Racing Commission, Nebraska State
Agency 58 - Board of Engineers and Architects
Agency 73 - Landscape Architects, State Board of
Agency 59 - Board of Geologists

Tuesday, November 10, 2009 9:15 a.m.

Agency 82 - Commission for the Deaf and Hard of Hearing
Agency 25 - Health and Human Services
Agency 45 - Barber Examiners, Board of
Agency 67 - Equal Opportunity Commission
Agency 68 - Mexican-American Commission
Agency 70 - Foster Care Review Board, State
Agency 76 - Indian Commission, Nebraska
Agency 15 - Parole, Nebraska Board of
Agency 37 - Workers' Compensation Court
Agency 63 - Public Accountancy, Nebraska Board of

(Signed) Lavon Heidemann, Chairperson

Agriculture

Room 1507

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

LB7
LB6

(Signed) Tom Carlson, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 2. Introduced by Flood, 19.

WHEREAS, the Norfolk Catholic High School boys' cross country team won the 2009 Class C Boys' State Cross Country Championship; and

WHEREAS, the win gave the Knights their fourth straight state title; and

WHEREAS, Jarren Heng was the all-class gold medalist for the second straight year, and he joined with team members Nicholas Knudson, Tyler Maguire, Cole Eisenmenger, Benjamin Uhing, and Jared Uhlir to win the title; 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 Norfolk Catholic High School boys' cross country team on winning the 2009 Class C Boys' State Cross Country Championship.

2. That a copy of this resolution be sent to the Knights and their coach, Doug Zoucha.

Laid over.

LEGISLATIVE RESOLUTION 3. Introduced by Flood, 19.

WHEREAS, the Norfolk High School girls' cross country team won the 2009 Class A Girls' State Cross Country Championship; and

WHEREAS, the win gave the Panthers their second straight state title; and

WHEREAS, Emilee Aschoff became the first girl in Norfolk High history to win an individual gold medal, and she joined with team members Melissa Parks, Emily Kumm, Lauren Albin, Kelsey Doht, Stephanie Parks, and Marissa Moore to win the title; 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 Norfolk High School girls' cross country team on winning the 2009 Class A Girls' State Cross Country Championship.

2. That a copy of this resolution be sent to the Panthers and their coach, Lyle Moeller.

Laid over.

ANNOUNCEMENT

Senator Adams announced the Education Committee will hold an executive session Thursday, November 5, 2009, at 1:30 p.m., in Room 1525.

ADJOURNMENT

At 4:01 p.m., on a motion by Speaker Flood, the Legislature adjourned until 10:00 a.m., Thursday, November 5, 2009.

Patrick J. O'Donnell
Clerk of the Legislature

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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

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THIRD DAY - NOVEMBER 6, 2009

LEGISLATIVE JOURNAL

ONE HUNDRED FIRST LEGISLATURE
FIRST SPECIAL SESSION

THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Friday, November 6, 2009

PRAYER

The prayer was offered by Senator Hansen.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Langemeier presiding.

The roll was called and all members were present except Senator Christensen who was excused; and Senator Cornett who was excused until she arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the second day was approved.

COMMITTEE REPORTS

Education

The Education 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.

M. Jane Keller - Board of Educational Lands and Funds

Aye: 6 Senators Adams, Ashford, Avery, Giese, Howard, Sullivan. Nay: 0. Absent: 2 Senators Cornett, Haar.

The Education 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.

Kenneth Bird - Nebraska Educational Telecommunications Commission
Phillip Dudley Jr. - Nebraska Educational Telecommunications Commission

J. Richard Shoemaker - Nebraska Educational Telecommunications Commission

Aye: 6 Senators Adams, Ashford, Avery, Giese, Howard, Sullivan. Nay: 0. Absent: 2 Senators Cornett, Haar.

The Education 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.

William "Scott" Wilson - Coordinating Commission for Postsecondary Education

Aye: 6 Senators Adams, Ashford, Avery, Giese, Howard, Sullivan. Nay: 0. Absent: 2 Senators Cornett, Haar.

(Signed) Greg Adams, Chairperson

Natural Resources

The Natural Resources 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.

Rick Morehouse - Nebraska Power Review Board
Michael Siedschlag - Nebraska Power Review Board

Aye: 6 Senators Carlson, Cook, Dubas, Langemeier, McCoy, Schilz. Nay: 0. Absent: 2 Senators Fischer, Haar.

The Natural Resources 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.

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

Aye: 6 Senators Carlson, Cook, Dubas, Langemeier, McCoy, Schilz. Nay: 0. Absent: 2 Senators Fischer, Haar.

The Natural Resources 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.

Thomas Sonntag - Nebraska Oil and Gas Conservation Commission

Aye: 6 Senators Carlson, Cook, Dubas, Langemeier, McCoy, Schilz. Nay: 0. Absent: 2 Senators Fischer, Haar.

(Signed) Chris Langemeier, Chairperson

Business and Labor

The Business and Labor 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.

Kurt Eberspacher - Boiler Safety Code Advisory Board
Robert Kirkpatrick - Boiler Safety Code Advisory Board

Aye: 7 Senators Carlson, Council, Lathrop, McGill, Schilz, Wallman, White. Nay: 0. Absent: 0.

(Signed) Steve Lathrop, Chairperson

NOTICE OF COMMITTEE HEARINGS

Agriculture

Room 1507

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

LB11

(Signed) Tom Carlson, Chairperson

Business and Labor

Room 2102

Monday, November 9, 2009 9:30 a.m.

LB8

(Signed) Steve Lathrop, Chairperson

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Section 8, LR4 was referred to the Reference Committee.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of November 5, 2009, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

American Communications Group, Inc.
Nebraska Film Association
Surgical Technologists, Association of
Angus, Mary E.
ARC of Nebraska (Withdrawn 10/26/2009)
Baker, R.J.
Elkhorn Valley Economic Development Council (Withdrawn 06/11/2009)
Benjamin, Melody
Cattlemen, Inc., Nebraska
Burson, Kathleen
PRIDE-Omaha, Inc. (Withdrawn 07/08/2009)
Ellis, Karen M.
Embarq Corp. (Withdrawn 08/07/2009)
Engle, Erin
State Farm Insurance Companies (Withdrawn 10/29/2009)
Grotrian, James
Omaha Chamber of Commerce, Greater (Withdrawn 10/29/2009)
Hack, Mace A.
Nature Conservancy, The
Jensen, Ronald L./Jensen Associates, Inc.
Liberty Healthcare Corporation (Withdrawn 10/30/2009)
Kelley and Jerram, P.C.
Metro Area Transit (Withdrawn 06/18/2009)
Omaha Airport Authority (Withdrawn 06/22/2009)
Kelley Governmental Relations, LLC
Metro Area Transit
Omaha Airport Authority
Kelley, Michael
Kelley Governmental Relations, LLC
Kelley, Sean
Kelley Governmental Relations, LLC
Kierstead, Roberta
Planned Parenthood of Nebraska & Council Bluffs (Withdrawn 05/15/2009)
Kruse, Larry D.
Glaxo Smith Kline (Withdrawn 08/28/2009)
Kutak Rock LLP
Recycle Rewards, Inc. (Withdrawn 07/13/2009)
Lamb, Amy
Occupational Therapy Association, Nebraska (Withdrawn 07/23/2009)
Lemon, Greg
Tax Research Council, Inc., Nebraska (Withdrawn 06/09/2009)
Lightner, Patricia

HSBC GR Corp. (Withdrawn 06/12/2009)
Maddali, Anita
Mexican American Legal Defense and Educational Fund (MALDEF) (Withdrawn 08/13/2009)
Marvin, Mike
Public Employees, AFSCME Local 61, Nebraska Association of (Withdrawn 10/30/2009)
Mauk, Daniel S.
Norfolk Area Chamber of Commerce (Withdrawn 05/29/2009)
McDonald, Vicki
Center For People In Need
Moul, Maxine
Endow Nebraska (Withdrawn 07/02/2009)
Pearce, Denise K.
City of Lincoln (Withdrawn 06/10/2009)
Prouty, Nathan Kent
Pharmaceutical Research and Manufacturers of America
Radcliffe, Walter H. of Radcliffe & Associates
ALLTEL Communications (Withdrawn 10/23/2009)
Ruth Mueller Robak LLC
Money Services Roundtable, The (Withdrawn 06/22/2009)
Schmit Industries, Inc.
Moylan, James (Withdrawn 06/23/2009)
Setzepfandt, Scott
HLR Service Corporation (Withdrawn 07/28/2009)

REPORTS

The following reports were received by the Legislature:

Parole, Board of
Annual Report
Treasurer, State
2008-2009 Mutual Finance Organization Report

BILLS ON FIRST READING

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

LEGISLATIVE BILL 13. Introduced by Pahls, 31.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701.02, Reissue Revised Statutes of Nebraska, section 77-2701.35, Revised Statutes Cumulative Supplement, 2008, and section 77-2701, Revised Statutes Supplement, 2009; to impose a state sales and use tax on certain transactions in calendar year 2010; to harmonize provisions; to provide and operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 14. Introduced by Louden, 49; Carlson, 38; Dubas, 34; Hansen, 42; Stuthman, 22; Sullivan, 41.

A BILL FOR AN ACT relating to brands; to amend section 54-197, Reissue Revised Statutes of Nebraska; to prohibit transfers and lapses from the Nebraska Brand Inspection and Theft Prevention Fund; to repeal the original section; and to declare an emergency.

RESOLUTIONS

LEGISLATIVE RESOLUTION 6. Introduced by Stuthman, 22.

WHEREAS, Joseph "Big Joe" Siedlik was raised in the ethnic neighborhoods of South Omaha, where his Polish roots influenced his interest in many kinds of polka music; and

WHEREAS, Big Joe's interest in polka music led him to Columbus, Nebraska, in 1965, where he broadcast the sounds of Polish, Czech, and German polkas over the radio waves on the Big Joe Polka Show and soon after was on the air across central and eastern Nebraska; and

WHEREAS, after twenty-five years of radio broadcasts, Big Joe moved to television, where to this day the Big Joe Polka Show is viewed by polka lovers of all ages; and

WHEREAS, Big Joe was recently given recognition by the Polka Lovers of America for his fifty-plus years of promoting polka music across America.

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

1. That the Legislature congratulates Joseph "Big Joe" Siedlik for his lifetime of achievement and thanks him for his contributions to and promotion of various ethnic cultures throughout the State of Nebraska.

2. That a copy of this resolution be sent to Joseph "Big Joe" Siedlik.

Laid over.

LEGISLATIVE RESOLUTION 7. Introduced by Campbell, 25.

WHEREAS, Joseph Beran, of Lincoln, 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, Joseph 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. For his Eagle Scout community service project, Joseph collected over sixty sacks of back-to-school supplies for neglected, abused, and low-income children in southeast Nebraska served by CEDARS Home for Children; and

WHEREAS, only five percent of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Joseph was awarded the rank of Eagle Scout on July 12, 2009, thereby joining 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 HUNDRED FIRST LEGISLATURE OF NEBRASKA, FIRST SPECIAL SESSION:

1. That the Legislature congratulates Joseph Beran on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Joseph Beran.

Laid over.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 15. Introduced by White, 8.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-4209, 77-4210, 77-4211, and 77-4212, Revised Statutes Cumulative Supplement, 2008, sections 90-510 and 90-511, Revised Statutes Supplement, 2009, and Laws 2009, LB 545A, section 1; to rename the Property Tax Credit Act and a fund; to change the property tax credit; to provide property tax relief; to change appropriations; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 16. Introduced by Haar, 21.

A BILL FOR AN ACT relating to economic development; to amend sections 2-5424, 81-12,105.01, and 81-12,128, Reissue Revised Statutes of Nebraska; to prohibit the lapse of certain funds; to prohibit reductions to General Funds; to repeal the original sections; and to declare an emergency.

COMMITTEE REPORTS

Transportation and Telecommunications

The Transportation and Telecommunications 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.

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

Aye: 7 Senators Campbell, Fischer, Gay, Hadley, Janssen, Louden, Stuthman. Nay: 0. Absent: 1 Senator Lautenbaugh.

(Signed) Deb Fischer, Chairperson

General Affairs

The General Affairs 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.

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

Aye: 8 Senators Coash, Cook, Dierks, Dubas, Karpisek, Krist, Price, Rogert. Nay: 0. Absent: 0.

The General Affairs 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.

Tom Ourada - State Electrical Board

Aye: 8 Senators Coash, Cook, Dierks, Dubas, Karpisek, Krist, Price, Rogert. Nay: 0. Absent: 0.

(Signed) Russ Karpisek, Chairperson

EASE

The Legislature was at ease from 9:21 a.m. until 10:04 a.m.

REFERENCE COMMITTEE REPORT

The Executive Board submits the following report:

LB/LR	**Committee**
LB13	Revenue
LB14	Agriculture
LB15	Revenue
LB16	Appropriations
LR4	Government, Military and Veterans Affairs

(Signed) John Wightman, Chairperson
Executive Board

NOTICE OF COMMITTEE HEARINGS

Agriculture

Room 1507

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

LB14

(Signed) Tom Carlson, Chairperson

Revenue

Room 1113

Monday, November 9, 2009 11:00 a.m.

LB13
LB15

(Signed) Abbie Cornett, Chairperson

UNANIMOUS CONSENT - Add Cointroducer

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

VISITORS

Visitor to the Chamber was Tyson Larson from O'Neill.

The Doctor of the Day was Dr. Randy Kohl from Firth.

ADJOURNMENT

At 10:04 a.m., on a motion by Senator Giese, the Legislature adjourned until 9:00 a.m., Monday, November 9, 2009.

Patrick J. O'Donnell
Clerk of the Legislature

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FOURTH DAY - NOVEMBER 9, 2009

LEGISLATIVE JOURNAL

ONE HUNDRED FIRST LEGISLATURE
FIRST SPECIAL SESSION

FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, November 9, 2009

PRAYER

The prayer was offered by Senator Wallman.

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 Senators Janssen and Pankonin who were excused; and Senator Ashford who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the third day was approved.

COMMITTEE REPORTS

Natural Resources

LEGISLATIVE BILL 12. Indefinitely postponed.

(Signed) Chris Langemeier, Chairperson

Health and Human Services

The Health and Human Services 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.

Jodi Fenner, Director of the Division of Developmental Disabilities - Department of Health and Human Services
Kerry T. Winterer, Chief Executive Officer - Department of Health and Human Services

Aye: 6 Senators Campbell, Gay, Gloor, Howard, Pankonin, Wallman. Nay: 0. Absent: 1 Senator Stuthman.

The Health and Human Services 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.

Michael Hansen - Commission for the Blind and Visually Impaired

Aye: 6 Senators Campbell, Gay, Gloor, Howard, Pankonin, Wallman. Nay: 0. Absent: 1 Senator Stuthman.

The Health and Human Services 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.

Russell Hopp - State Board of Health
Kenneth Kester - State Board of Health
Rich Robinson - State Board of Health
Gary Westerman - State Board of Health

Aye: 6 Senators Campbell, Gay, Gloor, Howard, Pankonin, Wallman. Nay: 0. Absent: 1 Senator Stuthman.

The Health and Human Services 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.

Margaret Ann "Peggy" Rogers - Nebraska Rural Health Advisory Commission
Rebecca Schroeder - Nebraska Rural Health Advisory Commission
Michael Sitorius - Nebraska Rural Health Advisory Commission
Roger Wells - Nebraska Rural Health Advisory Commission

Aye: 6 Senators Campbell, Gay, Gloor, Howard, Pankonin, Wallman. Nay: 0. Absent: 1 Senator Stuthman.

The Health and Human Services 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.

Mark Goodman - Nebraska Rural Health Advisory Commission
Suzanne Minarick Greenquist - Nebraska Rural Health Advisory Commission
Shawn Kralik - Nebraska Rural Health Advisory Commission

Aye: 5 Senators Campbell, Gay, Gloor, Pankonin, Wallman. Nay: 0. Absent: 1 Senator Stuthman. Present and not voting: 1 Senator Howard.

The Health and Human Services 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.

Edward Discoe - State Board of Health
Luisa Rounds - State Board of Health

Aye: 5 Senators Campbell, Gay, Gloor, Pankonin, Wallman. Nay: 0. Absent: 1 Senator Stuthman. Present and not voting: 1 Senator Howard.

(Signed) Tim Gay, Chairperson

Government, Military and Veterans Affairs

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

Aye: 7 Senators Avery, Giese, Karpisek, Krist, Pahls, Price, Sullivan. Nay: 0. Absent: 1 Senator Janssen.

The Government, Military and Veterans Affairs 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.

Judd Lyons, Adjutant General - Military Department

Aye: 7 Senators Avery, Giese, Karpisek, Krist, Pahls, Price, Sullivan. Nay: 0. Absent: 1 Senator Janssen.

The Government, Military and Veterans Affairs 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.

Ronnie D. Mitchell, Director - Department of Aeronautics

Aye: 7 Senators Avery, Giese, Karpisek, Krist, Pahls, Price, Sullivan. Nay: 0. Absent: 1 Senator Janssen.

The Government, Military and Veterans Affairs 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.

John Baroni - State Emergency Response Commission

Kimberly Plouzek - State Emergency Response Commission

Aye: 7 Senators Avery, Giese, Karpisek, Krist, Pahls, Price, Sullivan. Nay: 0. Absent: 1 Senator Janssen.

(Signed) Bill Avery, Chairperson

NOTICE OF COMMITTEE HEARINGS

Appropriations

Room 1524

Tuesday, November 10, 2009 1:30 p.m.

LB10
LB16

(Signed) Lavon Heidemann, Chairperson

Government, Military and Veterans Affairs

Room 1507

Tuesday, November 10, 2009 1:30 p.m.

LR4

(Signed) Bill Avery, Chairperson

ATTORNEY GENERAL'S OPINION

Opinion 090010

DATE: November 6, 2009

SUBJECT: LB 15 And The Scope Of The Governor's Call For The First Special Session Of The One-Hundred-First Nebraska Legislature

REQUESTED BY: Senator Tom White
Nebraska State Legislature

WRITTEN BY: Jon Bruning, Attorney General
Dale A. Comer, Assistant Attorney General

The One-Hundred-First Nebraska Legislature began its First Special Session on November 4, 2009. The Governor convened that special session, 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.

You have now introduced LB 15 in the special session, and you have requested our opinion as to whether that bill is within the scope of the Governor's call. Our response to your inquiry is set out below.

APPLICABLE LAW

We have discussed the law relating to the scope of a Governor's call for special sessions of the Legislature frequently in previous opinions. In 2002, we stated:

> Art. IV, § 8 of the Nebraska Constitution provides as follows:
>
> > The Governor may, on extraordinary occasions, convene the Legislature by proclamation, stating therein the purpose for which they are convened, and the Legislature shall enter upon no business except that for which they are called together.
>
> We have discussed this constitutional provision in numerous previous opinions, and we have noted that the final portion of art. IV, § 8 places an express limitation on the power of the Legislature to act during a special session. Op. Att'y Gen. No. 89069 (November 9, 1989). That limitation was described in *Arrow Club, Inc. v. Nebraska Liquor Control Commission*, 177 Neb. 686, 131 N.W.2d 134, 137 (1964):
>
> > It is well established that the Legislature while in special session can transact no business except that for which it was called together. The proclamation may state the purpose for which the Legislature is convened in broad, general terms or it may limit the

> consideration to a specified phase of a general subject. The Legislature is free to determine in what manner the purpose shall be accomplished, but it must confine itself to the matters submitted to it by the proclamation.

(Citations omitted). While the court in *Arrow Club* noted the express constitutional limitation on the power of the Legislature to act in a special session, it also stated:

> While the Legislature must confine itself to the matters submitted, it need not follow the views of the governor or legislate in any particular way. Within the special business or designated subjects submitted, the legislature cannot be restricted or dictated to by the governor. It is a free agent, and the governor, under the guise of definition, cannot direct or control its action. *The Legislature while in special session may enact legislation relating to, germane to, and having a natural connection with the purpose for which it was convened*. . . . The presumption is always in favor of the constitutionality of legislation, and an act should be held to be within the call if it can be done by any reasonable construction.

Id. at 689-90, 131 N.W.2d at 137 (Emphasis added).

Op. Att'y Gen. No. 02021 at 1-2 (August 13, 2002). More recently, in Op. Att'y Gen. No. 08008 (November 14, 2008), we also said:

> In *Jaksha v. State*, 222 Neb. 690, 696, 385 N.W.2d 922, 926 (1986), the supreme court quoted favorably from *Stickler v. Higgins*, 269 Ky. 260, 265, 106 S.W.2d 1008, 1011 (1937), to the effect that a Kentucky constitutional provision very similar to Neb. Const. art. IV, § 8 confers upon the Governor "the power and authority to limit. . . . the subjects that the Legislature might consider at [an] extraordinarily called session." The *Jaksha* court then went on to state:
>
> > We conclude that Neb. Const. art. IV, § 8, as part of the power of the executive branch of government, permits the Governor to determine when an extraordinary occasion exists, necessitating convention of a special session of the Nebraska Legislature. The subject matter restriction envisioned in Neb. Const. art. IV, § 8, empowers the Governor to set the boundaries of legislative action permissible at a special session of the Nebraska Legislature.
>
> 222 Neb. At 698, 385 N.W.2d at 927.
>
> It is important to note in this regard that, while the supreme court has stated that during a special session the Legislature may enact legislation "relating to, germane to, and having a natural connection with the purpose for which it was convened," *Arrow Club*, 177 Neb. at 690, 131 N.W.2d at 137, the court, in fact, has "adopted a narrow view of

> germaneness, limiting it to 'a specified phase of a general subject.' " Op. Att'y Gen. No. 01034 (Oct. 31, 2001) (quoting *Arrow Club*, 177 Neb. at 689, 131 N.W.2d at 137). As stated in Opinion No. 01034: "In light of the *Arrow Club* decision, it appears the Nebraska Supreme Court would take a restrictive view of what legislation is considered germane to a Governor's special session call."

Op. Att'y Gen. No. 08008 at 3-4 (November 14, 2008).

LB 15

LB 15 contains several parts. First of all, that legislation would amend various provisions of the Nebraska Property Tax Credit Act, Neb. Rev. Stat. §§ 77-4209 through 77-4212 (Cum. Supp. 2008). That Act generally provides for property tax relief for property taxes levied against all real property in the state by means of a property tax credit. The Act contemplates that General Fund monies (one hundred fifteen million dollars for tax year 2008) will be transferred to the Property Tax Credit Cash Fund for allocation to the counties to create a credit against the real property taxes which have been levied in each county. LB 15 would limit property tax relief for tax years after 2009 to property taxes levied against homesteads as they are defined in Neb. Rev. Stat. § 77-3502 (2003), i.e., certain residences, mobile homes and residential units, and it would change the form of property tax relief for those tax years from a tax credit to a homestead exemption. As a part of that process, LB 15 would replace the Property Tax Credit Act with a new Property Tax Relief Act, and the Property Tax Credit Cash Fund with a new Property Tax Relief Cash Fund. It would also establish a specific procedure for exempting a specified portion of the assessed value of all homesteads in the state from taxation.

The second portion of LB 15 would require the State Treasurer to make a number of specified transfers from the State's General Fund to the new Property Tax Relief Cash Fund. In part, those transfers would be accomplished by amending the language of existing statutes providing for transfers from the General Fund to the Property Tax *Credit* Cash Fund.

Finally, the last portion of LB 15 would amend 2009 Neb. Laws LB 545A, § 1 so as to reduce a number of General Fund appropriations for Program No. 158 – Education Aid. That Program is administered by the State Department of Education, and includes appropriations for a number funds and purposes including the Tax Equity and Educational Opportunities Fund (state aid to local schools), funds for early childhood education, funds for core services for educational service units, funds for adult basic education, and so forth.

ANALYSIS

We have carefully reviewed LB 15, and we believe that some portions of it are within the proposed call. Other portions are not.

The initial portion of LB 15 would make substantive changes in the Nebraska Property Tax Credit Act. Among other things, it would limit the scope of property tax relief to homesteads instead of all real property in the State, and it would change the form of property tax relief from a property tax credit to a homestead exemption. In contrast, the Governor's call focuses on 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. It seems to us that your proposed substantive changes to the property tax credit system have little to do with generating additional monies for the State's General Fund. As a result, those changes are not germane to and do not relate to the purpose for which the special session was convened. Moreover, those changes do not fit within any of the specific subjects set out in the Governor's Proclamation. For those reasons, we do not believe that the first portion of LB 15 is within the scope of the Governor's call.

For much the same reasons, we also do not believe that the second portion of LB 15 fits within the scope of the Governor's call. That portion of the bill would require various transfers from the General Fund into a new cash fund. While that process might appear to fit within the portion of the call which allows making transfers "to certain cash funds," the proposed transfers would occur to a cash fund created by legislation outside the call. Since the call does not allow the creation of the cash fund at issue, it seems to us that transfers to it are also outside the call. In addition, those transfers appear to be in contradiction of the general purpose of the call to gather monies *into* the General Fund.

The final portion of LB 15 would reduce a number of General Fund appropriations for state aid to schools. That portion of the bill appears to fall within the first and fifth subjects set out in the Governor's call. That is, they would "reduce or eliminate appropriations and reappropriations approved by the 101st Legislature," and they would effect a statutory modification "necessary to reduce [a] state aid appropriation." For those reasons, we conclude that those portions of LB 15 do fall within the scope of the Governor's call.

Sincerely,
JON BRUNING
Attorney General
(Signed) Dale A. Comer
Assistant Attorney General

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

RESOLUTION

LEGISLATIVE RESOLUTION 8. Introduced by Stuthman, 22.

WHEREAS, Amanda Soltero was named Miss Nebraska Teen USA for 2010; and

WHEREAS, Ms. Soltero, a seventeen-year-old senior at Columbus High School, took home the crown after competing against eleven other girls; and

WHEREAS, Ms. Soltero's win came in her first pageant competition, and she follows in the footsteps of her mother, Sharon, who was crowned Mrs. Nebraska for 2005; and

WHEREAS, the Legislature recognizes the 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 Amanda Soltero for being named Miss Nebraska Teen USA for 2010.
2. That a copy of this resolution be sent to Amanda Soltero.

Laid over.

ANNOUNCEMENT

The Chair announced November 8 was Senator Hansen's birthday.

The Chair announced today is Senator Cook's birthday.

MOTIONS - Approve Appointments

Senator Lathrop moved the adoption of the Business and Labor Committee report for the confirmation of the following appointment(s) found on page 45:

Boiler Safety Code Advisory Board
Kurt Eberspacher
Robert Kirkpatrick

Voting in the affirmative, 43:

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

Voting in the negative, 0.

Present and not voting, 3:

Giese	Heidemann	Nordquist

Excused and not voting, 3:

Ashford	Janssen	Pankonin

The appointments were confirmed with 43 ayes, 0 nays, 3 present and not voting, and 3 excused and not voting.

Senator Adams moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 43:

Board of Educational Lands and Funds

M. Jane Keller

Voting in the affirmative, 42:

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

Voting in the negative, 0.

Present and not voting, 4:

Giese	Heidemann	Nordquist	Wightman

Excused and not voting, 3:

Harms	Janssen	Pankonin

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

Senator Adams moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 43:

Nebraska Educational Telecommunications Commission

Kenneth Bird

Phillip Dudley Jr.

J. Richard Shoemaker

Voting in the affirmative, 39:

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

Voting in the negative, 0.

Present and not voting, 7:

Carlson	Hansen	Nelson	Wightman
Giese	Heidemann	Nordquist	

Excused and not voting, 3:

Harms	Janssen	Pankonin

The appointments were confirmed with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

Senator Adams moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 44:

Coordinating Commission for Postsecondary Education

William "Scott" Wilson

Voting in the affirmative, 39:

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

Voting in the negative, 0.

Present and not voting, 7:

Conrad	Hansen	Nelson	Wightman
Giese	Heidemann	Nordquist	

Excused and not voting, 3:

Harms Janssen Pankonin

The appointment was confirmed with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

UNANIMOUS CONSENT - Add Cointroducers

Senators Carlson, Cook, Dierks, Hadley, Karpisek, McGill, and Sullivan asked unanimous consent to add their names as cointroducers to LB16. No objections. So ordered.

ADJOURNMENT

At 9:19 a.m., on a motion by Senator Gay, the Legislature adjourned until 9:00 a.m., Tuesday, November 10, 2009.

Patrick J. O'Donnell
Clerk of the Legislature

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 *cancels* 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 reappropriations 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

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

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

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

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

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

printed on recycled paper

SIXTH DAY - NOVEMBER 12, 2009

LEGISLATIVE JOURNAL

ONE HUNDRED FIRST LEGISLATURE
FIRST SPECIAL SESSION

SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, November 12, 2009

PRAYER

The prayer was offered by Senator Harms.

ROLL CALL

Pursuant to adjournment, the Legislature met at 1:30 p.m., Speaker Flood presiding.

The roll was called and all members were present except Senators Cornett and Haar who were excused; and Senator Dierks who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifth day was approved.

COMMITTEE REPORTS

Education

LEGISLATIVE BILL 5. Placed on General File with amendment.
AM7

1. Strike section 9 and insert the following new section:

Sec. 9. Section 79-1007.23, Revised Statutes Supplement, 2009, is amended to read:

79-1007.23 For state aid calculated for school fiscal year 2009-10 and each school fiscal year thereafter:

(1) The department shall calculate an instructional time allowance for each district equal to the product of the formula students of such district multiplied by the instructional time factor for such district multiplied by eighty-five percent of the statewide average general fund operating expenditures per formula student;

(2) The instructional time factor shall equal the difference of the ratio of the district's average hours of instruction for each full-time student during the regular school year for the most recently available complete data year divided by:

(a) For state aid calculated for school fiscal year 2009-10, the comparison group average hours of instruction for each full-time student during the regular school year for the most recently available complete data year minus one; or (b) for state aid calculated for school fiscal year 2010-11 and each school fiscal year thereafter, the statewide average hours of instruction for each full-time student during the regular school year for the most recently available complete data year minus one, except that if the result is less than zero, the instructional time factor shall equal zero; ~~and~~

(3) ~~The~~ For school fiscal years 2009-10 and 2010-11, the comparison group average hours of instruction for each full-time student shall be an average of the averages for all school districts in the comparison group. The average hours of instruction shall be defined by the department and shall not include extracurricular activities outside of the regular school day or time designated for students to eat lunch. The statewide average hours of instruction for each full-time student shall be an average of the averages for all school districts; and ~~.~~

(4) For school fiscal year 2011-12 and each school fiscal year thereafter, the average hours of instruction shall be defined by the department and shall be based on scheduled time for courses and the number of students participating in such courses as reported to the department for the most recently available complete data year. Hours of instruction shall not include extracurricular activities outside of the regular school day or time designated for students to eat lunch. The statewide average hours of instruction for each student shall be an average of the averages for all school districts.

2. On page 3, line 12, strike "one-half" and insert "twenty-five hundredths".

3. On page 5, line 1, strike "year 2010-11" and insert "years 2010-11 through 2012-13"; strike beginning with "(f)" in line 11 through the underscored comma in line 20; and in line 20 strike "(g)" and insert "(f)".

4. On page 6, line 3; and page 25, lines 7 and 22, reinstate the stricken "instructional time" and after the reinstated "time" insert "allowance,".

5. On page 28, lines 21 and 22; page 29, line 1; and page 30, lines 5, 6, 13, and 16, after "elementary" insert "site".

6. On page 29, line 25, strike "grades offered in the elementary attendance site,", show as stricken, and insert "site grades,".

7. On page 30, lines 1 and 2, strike "grades offered in the elementary attendance site.", show as stricken, and insert "elementary site grades."; and in line 10 after "elementary" insert "site".

8. On page 36, line 11, strike "one-half" and insert "seventy-five hundredths".

(Signed) Greg Adams, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE RESOLUTION 4. Reported to the Legislature for further consideration.

(Signed) Bill Avery, Chairperson

Nebraska Retirement Systems

The Nebraska Retirement Systems 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.

John Dinkel - Nebraska Investment Council

Aye: 5 Senators Karpisek, Louden, Mello, Nordquist, Pankonin. Nay: 0. Absent: 1 Senator Heidemann.

The Nebraska Retirement Systems 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.

Jeffrey W. States, State Investment Officer - Nebraska Investment Council

Aye: 5 Senators Karpisek, Louden, Mello, Nordquist, Pankonin. Nay: 0. Absent: 1 Senator Heidemann.

(Signed) Dave Pankonin, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 11. Introduced by Hadley, 37.

WHEREAS, the University of Nebraska at Kearney volleyball team has had an exemplary regular season; and

WHEREAS, the Lopers finished the regular season undefeated in the Rocky Mountain Athletic Conference; and

WHEREAS, the Lopers are currently ranked third in the NCAA Division II polls; 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 University of Nebraska at Kearney volleyball team for its exemplary regular season.

2. That a copy of this resolution be sent to the Lopers and their head coach, Rick Squiers.

Laid over.

LEGISLATIVE RESOLUTION 12. Introduced by Hadley, 37.

WHEREAS, the University of Nebraska at Kearney football team has won the Rocky Mountain Athletic Conference title; and

WHEREAS, the Lopers have won ten games for the first time in school history; and

WHEREAS, the Lopers have made the NCAA Division II playoffs; 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 University of Nebraska at Kearney for a fantastic season.

2. That a copy of this resolution be sent to the Lopers and their head coach, Darrell Morris.

Laid over.

LEGISLATIVE RESOLUTION 13. Introduced by Sullivan, 41.

WHEREAS, Belinda Wright of Scotia, Nebraska, was named Miss Nebraska USA for 2010; and

WHEREAS, Ms. Wright, a senior Dean's List student at the University of Nebraska, took home the crown after competing with seventeen other women; and

WHEREAS, Ms. Wright will represent Nebraska at the Miss USA Pageant in Las Vegas in April 2010; and

WHEREAS, the Legislature recognizes the achievements of the citizens 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 Ms. Belinda Wright for being crowned Miss Nebraska USA for 2010.

2. That a copy of this resolution be sent to Ms. Belinda Wright.

Laid over.

ATTORNEY GENERAL'S OPINION

Opinion 09012

DATE: November 12, 2009

SUBJECT: Whether A Proposed Amendment To Neb. Rev. Stat. § 84-612 (Supp. 2009) Is Within The Scope Of The Governor's Call For The First Special Session Of The One-Hundred-First Nebraska Legislature.

REQUESTED BY: Senator Lavon Heidemann
Nebraska State Legislature

WRITTEN BY: Jon Bruning, Attorney General
Dale A. Comer, Assistant Attorney General

This is the third in a series of opinions we have prepared in connection with the scope of the Governor's call for the First Special Session of the One-Hundred-First Nebraska Legislature which began on November 4, 2009. See Op. Att'y Gen. No. 09011 (November 9, 2009) and Op. Att'y Gen. No. 090010 (November 6, 2009). This opinion pertains to proposed changes in Neb. Rev. Stat. § 84-612 (Supp. 2009), a statute which creates the State's Cash Reserve Fund.

GOVERNOR'S CALL

The Governor 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 we have done for previous opinions during this special session, we will refer you to our Op. Att'y Gen. No. 090010 (November 6, 2009), which contains an analysis of the applicable law relating to special sessions of the Legislature and the Governor's call.

ANALYSIS

Section 84-612 creates a fund within the state treasury to be known as the Cash Reserve Fund. That section also sets out a number of transfers to be made to various other state funds from the Cash Reserve Fund, including the following transfers to the Roads Operations Cash Fund:

> (14) On July 7, 2010, the State Treasurer shall transfer five million dollars from the Cash Reserve Fund to the Roads Operations Cash Fund. The Department of Roads shall use such funds to provide the required state match for federal funding made available to the state through congressional earmarks.
>
> (15) On July 7, 2011, the State Treasurer shall transfer five million dollars from the Cash Reserve Fund to the Roads Operations Cash Fund. The Department of Roads shall use such funds to provide the required state match for federal funding made available to the state through congressional earmarks.

In your opinion request, you cite the transfers to the Roads Operations Cash Fund noted above, and you state that:

> The Appropriations Committee is discussing an amendment to 84-612 to require the $10 million of transfers to be made from the Cash Reserve Fund to the General Fund during the current fiscal year and eliminating the reference as to the use of such funds.

You requested our opinion as to whether that "action would be within the Governor's call for the current special session."

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). It seems to us that the amendment to § 84-612 described above is clearly germane to and related to the purpose for the current special session. Moreover, such an amendment to § 84-612 appears to fall squarely within the third subject of the Governor's call, i.e, "to authorize, increase, or make certain transfers to the State General Fund or to certain cash funds." For those reasons, we believe that the amendment

described in your opinion request does fall within the scope of the Governor's call for the current special session of the Nebraska Legislature.

Sincerely,
JON BRUNING
Attorney General
(Signed) Dale A. Comer
Assistant Attorney General

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

05-163-20

ANNOUNCEMENT

The Chair announced today is Senator McCoy's birthday.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 1, 2, 3, and 5 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 1, 2, 3, and 5.

SENATOR LANGEMEIER PRESIDING

MOTIONS - Approve Appointments

Senator Gay moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 53:

Department of Health and Human Services
Jodi Fenner, Director of the Division of Developmental Disabilities
Kerry T. Winterer, Chief Executive Officer

Voting in the affirmative, 40:

Adams	Cook	Gloor	Lautenbaugh	Pirsch
Ashford	Council	Hadley	Louden	Price
Avery	Dubas	Hansen	McCoy	Rogert
Campbell	Fischer	Howard	McGill	Schilz
Carlson	Flood	Janssen	Nelson	Stuthman
Christensen	Fulton	Karpisek	Nordquist	Sullivan
Coash	Gay	Krist	Pahls	Utter
Conrad	Giese	Langemeier	Pankonin	Wallman

Voting in the negative, 0.

Present and not voting, 6:

Harms	Lathrop	White
Heidemann	Mello	Wightman

Excused and not voting, 3:

Cornett	Dierks	Haar

The appointments were confirmed with 40 ayes, 0 nays, 6 present and not voting, and 3 excused and not voting.

Senator Gay moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 54:

Commission for the Blind and Visually Impaired

Michael Hansen

Voting in the affirmative, 36:

Ashford	Fischer	Howard	Nelson	Stuthman
Avery	Flood	Janssen	Nordquist	Sullivan
Campbell	Fulton	Karpisek	Pahls	Utter
Carlson	Gay	Krist	Pankonin	Wallman
Christensen	Giese	Langemeier	Pirsch	
Conrad	Gloor	Lautenbaugh	Price	
Cook	Hadley	Louden	Rogert	
Council	Hansen	McCoy	Schilz	

Voting in the negative, 0.

Present and not voting, 10:

Adams	Dubas	Heidemann	McGill	White
Coash	Harms	Lathrop	Mello	Wightman

Excused and not voting, 3:

Cornett	Dierks	Haar

The appointment was confirmed with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

Senator Gay moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 54:

State Board of Health

Russell Hopp
Kenneth Kester
Rich Robinson
Gary Westerman

Voting in the affirmative, 35:

Adams	Council	Howard	Louden	Rogert
Ashford	Dubas	Janssen	McCoy	Schilz
Campbell	Fischer	Karpisek	Nelson	Stuthman
Carlson	Gay	Krist	Pahls	Sullivan
Christensen	Giese	Langemeier	Pankonin	Utter
Conrad	Gloor	Lathrop	Pirsch	Wallman
Cook	Hansen	Lautenbaugh	Price	White

Voting in the negative, 0.

Present and not voting, 10:

Avery	Flood	Harms	McGill	Nordquist
Coash	Hadley	Heidemann	Mello	Wightman

Excused and not voting, 4:

Cornett	Dierks	Fulton	Haar

The appointments were confirmed with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

Senator Gay moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 54:

Nebraska Rural Health Advisory Commission
Margaret Ann "Peggy" Rogers
Rebecca Schroeder
Michael Sitorius
Roger Wells

Voting in the affirmative, 35:

Adams	Council	Hadley	Lautenbaugh	Pirsch
Ashford	Dubas	Hansen	Louden	Price
Campbell	Fischer	Howard	McCoy	Rogert
Carlson	Flood	Janssen	Nelson	Schilz
Christensen	Gay	Karpisek	Nordquist	Sullivan
Conrad	Giese	Krist	Pahls	Wallman
Cook	Gloor	Langemeier	Pankonin	White

Voting in the negative, 0.

Present and not voting, 10:

Avery	Harms	Lathrop	Mello	Utter
Coash	Heidemann	McGill	Stuthman	Wightman

Excused and not voting, 4:

Cornett	Dierks	Fulton	Haar

The appointments were confirmed with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

Senator Gay moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 54:

Nebraska Rural Health Advisory Commission

Mark Goodman
Suzanne Minarick Greenquist
Shawn Kralik

Voting in the affirmative, 41:

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

Voting in the negative, 0.

Present and not voting, 4:

Hadley	Harms	Heidemann	Wightman

Excused and not voting, 4:

Cornett	Dierks	Fulton	Haar

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

Senator Gay moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 54:

State Board of Health
Edward Discoe
Luisa Rounds

Voting in the affirmative, 38:

Ashford	Council	Howard	McGill	Schilz
Avery	Fischer	Janssen	Mello	Stuthman
Campbell	Flood	Karpisek	Nelson	Sullivan
Carlson	Gay	Krist	Nordquist	Utter
Christensen	Giese	Langemeier	Pahls	Wallman
Coash	Gloor	Lautenbaugh	Pankonin	White
Conrad	Hadley	Louden	Pirsch	
Cook	Hansen	McCoy	Rogert	

Voting in the negative, 0.

Present and not voting, 7:

Adams	Harms	Lathrop	Wightman
Dubas	Heidemann	Price	

Excused and not voting, 4:

Cornett	Dierks	Fulton	Haar

The appointments were confirmed with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

ANNOUNCEMENT

The Chair announced November 11 was Senator Lautenbaugh's birthday.

MOTIONS - Approve Appointments

Senator Ashford moved the adoption of the Judiciary Committee report for the confirmation of the following appointment(s) found on page 65:
Community Corrections Council
Joe Kelly
Robert Lindemeier
Dallas Massey
Travis Parker
Frank Peak

Voting in the affirmative, 38:

Adams	Council	Janssen	Mello	Schilz
Ashford	Fischer	Karpisek	Nelson	Stuthman
Avery	Flood	Krist	Nordquist	Sullivan
Campbell	Gay	Langemeier	Pahls	Utter
Carlson	Giese	Lautenbaugh	Pankonin	Wallman
Christensen	Hadley	Louden	Pirsch	White
Conrad	Hansen	McCoy	Price	
Cook	Howard	McGill	Rogert	

Voting in the negative, 0.

Present and not voting, 7:

Coash	Gloor	Heidemann	Wightman
Dubas	Harms	Lathrop	

Excused and not voting, 4:

Cornett	Dierks	Fulton	Haar

The appointments were confirmed with 38 ayes, 0 nays, 7 present and not voting, and 4 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 66:

Crime Victim's Reparations Committee

G. Randall "Rand" Hansen

Michael McLarney

Voting in the affirmative, 41:

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

Voting in the negative, 0.

Present and not voting, 4:

Harms	Heidemann	Nordquist	Wightman

Excused and not voting, 4:

Cornett Dierks Fulton Haar

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

COMMITTEE REPORT
Business and Labor

LEGISLATIVE BILL 8. Placed on General File.

(Signed) Steve Lathrop, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 14. Introduced by Karpisek, 32.

WHEREAS, Austin Steven Seyfert, of Troop 101 in Wilber, 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, Austin 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. Austin earned thirty merit badges, and for his Eagle Scout community service project he made a number of improvements at his church, including putting up new railings for the safety of the elderly, renovating the church marquee, and landscaping the grounds; and

WHEREAS, Austin also served his troop in a variety of leadership roles, including senior patrol leader, assistant senior patrol leader, and scribe; and

WHEREAS, only five percent of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Austin, through his hard work and perseverance, has joined 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 HUNDRED FIRST LEGISLATURE OF NEBRASKA, FIRST SPECIAL SESSION:

1. That the Legislature congratulates Austin Steven Seyfert on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Austin Steven Seyfert.

Laid over.

LEGISLATIVE RESOLUTION 15. Introduced by Karpisek, 32.

WHEREAS, the Friend High School girls' softball team won the 2009 Class C State Softball Championship; and

WHEREAS, the Lady Bulldogs defeated Wayne High School 3-1 in the championship game; and

WHEREAS, the Lady Bulldogs and their coach achieved this exceptional accomplishment through their hard work, resolve, and team play; 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 Friend High School girls' softball team on winning the 2009 Class C State Softball Championship.

2. That a copy of this resolution be sent to the Lady Bulldogs and their coach, Mike Moore.

Laid over.

LEGISLATIVE RESOLUTION 16. Introduced by McCoy, 39.

WHEREAS, Father Stephen Plank, the chairman of the language department at Mount Michael Benedictine High School in Elkhorn, Nebraska, has been named Nebraska's Outstanding World Language Teacher for 2009; and

WHEREAS, the award is given to a world language educator who demonstrates creativity in teaching and who promotes the study of world language outside the classroom; and

WHEREAS, Father Plank was honored for the award at the Nebraska International Languages Association's fall conference and was recognized for his work with struggling French students and for his ability to instill students with a love of classic French cinema; and

WHEREAS, Father Plank has also been named Nebraska's French teacher of the year in 2007 and has been awarded the State Department of Education STAR Award for world languages.

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

1. That the Legislature congratulates Father Stephen Plank for being named Nebraska's Outstanding World Language Teacher for 2009.

2. That a copy of this resolution be sent to Father Stephen Plank.

Laid over.

UNANIMOUS CONSENT - Add Cointroducers

Senators Campbell, Giese, Lathrop, Pankonin, and White asked unanimous consent to add their names as cointroducers to LB16. No objections. So ordered.

VISITORS

Visitors to the Chamber were Chris Smith and Malcolm Williams from Omaha.

ADJOURNMENT

At 2:05 p.m., on a motion by Senator Coash, the Legislature adjourned until 9:00 a.m., Friday, November 13, 2009.

Patrick J. O'Donnell
Clerk of the Legislature

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SEVENTH DAY - NOVEMBER 13, 2009

LEGISLATIVE JOURNAL

ONE HUNDRED FIRST LEGISLATURE
FIRST SPECIAL SESSION

SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, November 13, 2009

PRAYER

The prayer was offered by Senator Gloor.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Langemeier presiding.

The roll was called and all members were present.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixth day was approved.

RESOLUTIONS

LEGISLATIVE RESOLUTION 17. Introduced by Howard, 9; Adams, 24; Ashford, 20; Avery, 28; Campbell, 25; Carlson, 38; Christensen, 44; Coash, 27; Conrad, 46; Cook, 13; Cornett, 45; Dierks, 40; Fischer, 43; Flood, 19; Fulton, 29; Gay, 14; Giese, 17; Gloor, 35; Haar, 21; Hadley, 37; Hansen, 42; Harms, 48; Heidemann, 1; Janssen, 15; Karpisek, 32; Krist, 10; Langemeier, 23; Lathrop, 12; Louden, 49; McCoy, 39; Nelson, 6; Nordquist, 7; Pahls, 31; Pankonin, 2; Pirsch, 4; Price, 3; Rogert, 16; Schilz, 47; Stuthman, 22; Sullivan, 41; Utter, 33; Wallman, 30.

WHEREAS, Mission of Mercy events across America have been providing free dental services for the underserved since 2000; and

WHEREAS, Nebraska held its first Mission of Mercy project in North Platte in 2005, and Mission of Mercy projects have provided patients with over four million seven hundred fifty thousand dollars in free dental care over the last five years; and

WHEREAS, the 2009 Nebraska Mission of Mercy project was held July 10-11 at Papillion-La Vista South High School, treating one thousand four hundred twenty-seven patients and providing over six hundred eight thousand dollars in dental services, where dentists, dental hygienists, dental

assistant staff, lab techs, and volunteers donated time over the two-day event; and

WHEREAS, Nebraska Mission of Mercy participants have honored the calling of their profession by providing care for the dental needs of low-income families.

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

1. That the Legislature congratulates Nebraska Mission of Mercy for its beneficent efforts in serving over six thousand dental patients in Nebraska.

2. That a copy of this resolution be sent to the Nebraska Dental Association.

Laid over.

LEGISLATIVE RESOLUTION 18. Introduced by Council, 11; Cook, 13.

WHEREAS, Wilda Chue Stephenson was born on December 19, 1922, in Omaha, Nebraska, to Chandler and Willard Chue; and

WHEREAS, Wilda Chue Stephenson followed her family tradition of valuing higher education; and

WHEREAS, Wilda Chue Stephenson earned her bachelor's degree in business education from the University of Nebraska-Lincoln, graduated from Creighton University with a master's degree in education, and received an honorary doctorate from Midland Lutheran College; and

WHEREAS, Wilda Chue Stephenson was an activist and an educator who worked to improve race relations and break down barriers in a tumultuous period of Omaha history; and

WHEREAS, during World War II, Wilda Chue Stephenson fought discrimination in Nebraska that barred people of color from being student teachers or teaching in public high schools; and

WHEREAS, in 1962, Wilda Chue Stephenson participated in a national Presbyterian summer teaching program in Monrovia, Liberia, and traveled to Shanghai, China, in 1980 to support the rededication of the first Presbyterian church to open after China's ten-year ban on churches; and

WHEREAS, Wilda Chue Stephenson maintained her dedication to public service and education throughout her life. She served as a board member of the National Council of Negro Women and vice moderator for issues of the Churchwide Coordinating Team of Presbyterian Women. A former teacher at Omaha's Central High School, she later served as director of the Goodrich Scholarship Program at the University of Nebraska at Omaha and chairwoman of the education committee for the Presbyterian Commission on Church and Race; and

WHEREAS, Wilda Chue Stephenson has been recognized by the University of Nebraska at Omaha's College of Public Affairs and Community Service, the National Black Caucus of the Presbyterian Church, the Urban League of Nebraska, the United Way, the University of Nebraska-Lincoln, Zeta Phi Beta Sorority, Inc., and the YWCA; and

WHEREAS, Wilda Chue Stephenson died on October 10, 2009.

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

1. That the Legislature expresses its deep and sincere appreciation of Wilda Chue Stephenson for her dedication and service to the people of Nebraska.

2. That the Legislature extends its condolences to the family of Wilda Chue Stephenson.

3. That a copy of this resolution be sent to the family of Wilda Chue Stephenson as a token of the high regard the people of Nebraska have for her and her achievements.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 5. Title read. Considered.

Committee AM7, found on page 83, was considered.

Senators McGill, Cook, Cornett, Dubas, Fulton, Giese, Haar, Lathrop, Rogert, Wallman, and White offered the following amendment to the committee amendment:

AM10

(Amendments to Standing Committee amendments, AM7)

1. On page 1, line 1, strike "section" and insert "sections".

2. On page 2, after line 21, insert the following new sections:

Sec. 12. Prior to reducing expenditures for classroom instruction to offset a reduction in state aid for school fiscal year 2010-11 below the amount authorized pursuant to the Tax Equity and Educational Opportunities Support Act as such act existed prior to the effective date of this act, school districts shall first reduce noninstructional expenditures. For purposes of sections 12 to 15 of this act, noninstructional expenditures includes, but is not limited to:

(1) Transportation of persons other than students;

(2) Administration;

(3) Noninstructional vacancies;

(4) Capital and equipment expenditures;

(5) Capital construction and renovation;

(6) Service contracts, including, but not limited to, legal and professional services; and

(7) Cash reserves.

Sec. 13. On or before July 1, 2010, each school district shall post on its web site or publish in a newspaper published or of general circulation in the county in which the administrative office of such school district is located a list of all proposed

reductions in the school district's budget necessary to comply with section 12 of this act. The list shall provide separate detail for reductions in instructional and noninstructional expenditures.

Sec. 14. The budget submitted to the Auditor of Public Accounts and the department pursuant to section 79-1024 for school fiscal year 2010-11 shall include an itemized list of the budget reductions made to comply with reductions in state aid pursuant to this legislative bill. The Auditor of Public Accounts shall post on its web site or publish in a newspaper of statewide circulation such itemized list for all school districts. The itemized list shall provide separate detail for instructional and noninstructional expenditures.

Sec. 15. For state aid to be distributed in school fiscal year 2011-12, a noninstructional priority adjustment shall be calculated and applied to any local system that decreased its instructional expenditures for school fiscal year 2010-11 as a result of a reduction in state aid pursuant to this legislative bill. To calculate the noninstructional priority adjustment, the department shall multiply the total of the itemized list of instructional expenditure reductions, as reported to the department and the Auditor of Public Accounts pursuant to section 14 of this act, by fifty percent. The noninstructional priority adjustment shall be added to the formula resources of the local system for the determination of equalization aid pursuant to section 79-1008.01. If the noninstructional priority adjustment is greater than or equal to the allocated income tax funds calculated pursuant to section 79-1005.01, the local system shall not receive allocated income tax funds. If the noninstructional priority adjustment is less than the allocated income tax funds calculated pursuant to section 79-1005.01, the local system shall receive allocated income tax funds in the amount of the difference between the allocated income tax funds calculated pursuant to section 79-1005.01 and the noninstructional priority adjustment. The department shall establish annual financial report codes and expedite reporting of the annual financial report to implement the noninstructional priority adjustment.

3. Insert the following new amendments:

3. On page 3, line 18; page 7, line 24; and page 35, line 16, strike "section 8" and insert "sections 8 and 12 to 15".

9. Renumber the remaining sections accordingly.

4. Renumber the remaining amendments accordingly.

Senator McGill withdrew the McGill et al. amendment.

SPEAKER FLOOD PRESIDING

SENATOR LANGEMEIER PRESIDING

The committee amendment was adopted with 43 ayes, 2 nays, 3 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 11 nays, and 1 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 19. Introduced by White, 8.

WHEREAS, Jacob David Campbell, of Troop 558, 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, Jacob 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. Jacob's community service project was a yearlong beautification program for his school, Morton Magnet Middle School, in cooperation with the principal, student council, and parent-teacher association; and

WHEREAS, only five percent of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Jacob was awarded the rank of Eagle Scout on September 9, 2009, thereby joining 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 HUNDRED FIRST LEGISLATURE OF NEBRASKA, FIRST SPECIAL SESSION:

1. That the Legislature congratulates Jacob David Campbell on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Jacob David Campbell.

Laid over.

VISITOR

Visitor to the Chamber was Emily Gonderinger from Omaha.

ADJOURNMENT

At 12:08 p.m., on a motion by Speaker Flood, the Legislature adjourned until 1:30 p.m., Monday, November 16, 2009.

Patrick J. O'Donnell
Clerk of the Legislature

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EIGHTH DAY - NOVEMBER 16, 2009

LEGISLATIVE JOURNAL

ONE HUNDRED FIRST LEGISLATURE
FIRST SPECIAL SESSION

EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, November 16, 2009

PRAYER

The prayer was offered by Senator Fischer.

ROLL CALL

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

The roll was called and all members were present except Senators Cook, Council, Janssen, and Stuthman who were excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventh day was approved.

COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 5. Placed on Select File with amendment.
ER8000

1. In the Education Committee amendment, AM7, on page 3, line 5, after "after" insert "the first occurrence of".

2. On page 7, line 24, strike the new matter; and in line 25 after "79-1022.02" insert "<u>and section 8 of this act</u>".

3. On page 24, line 22, after the second occurrence of "<u>adjustment</u>" insert an underscored comma.

(Signed) Jeremy Nordquist, Chairperson

MOTIONS - Approve Appointments

Senator Pankonin moved the adoption of the Nebraska Retirement Systems Committee report for the confirmation of the following appointment(s) found on page 85:

Nebraska Investment Council
John Dinkel

Voting in the affirmative, 42:

Adams	Fischer	Heidemann	McGill	Schilz
Avery	Flood	Howard	Mello	Sullivan
Campbell	Fulton	Karpisek	Nelson	Utter
Carlson	Gay	Krist	Nordquist	Wallman
Christensen	Giese	Langemeier	Pahls	White
Coash	Gloor	Lathrop	Pankonin	Wightman
Cornett	Haar	Lautenbaugh	Pirsch	
Dierks	Hadley	Louden	Price	
Dubas	Harms	McCoy	Rogert	

Voting in the negative, 0.

Present and not voting, 3:

Ashford	Conrad	Hansen

Excused and not voting, 4:

Cook	Council	Janssen	Stuthman

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

Senator Pankonin moved the adoption of the Nebraska Retirement Systems Committee report for the confirmation of the following appointment(s) found on page 85:

Nebraska Investment Council
Jeffrey W. States, State Investment Officer

Voting in the affirmative, 35:

Adams	Dierks	Hadley	Louden	Price
Avery	Fischer	Howard	McCoy	Rogert
Campbell	Flood	Karpisek	McGill	Schilz
Carlson	Gay	Krist	Mello	Sullivan
Christensen	Giese	Langemeier	Pahls	Utter
Coash	Gloor	Lathrop	Pankonin	Wallman
Cornett	Haar	Lautenbaugh	Pirsch	White

Voting in the negative, 0.

Present and not voting, 9:

Ashford	Dubas	Harms	Nelson	Wightman
Conrad	Hansen	Heidemann	Nordquist	

Excused and not voting, 5:

Cook	Council	Fulton	Janssen	Stuthman

The appointment was confirmed with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 4. Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

EASE

The Legislature was at ease from 1:51 p.m. until 2:29 p.m.

SENATOR PIRSCH PRESIDING

COMMITTEE REPORTS

Appropriations

LEGISLATIVE BILL 1. Placed on General File with amendment.
AM12 is available in the Bill Room.

LEGISLATIVE BILL 2. Placed on General File with amendment.
AM14 is available in the Bill Room.

LEGISLATIVE BILL 3. Placed on General File with amendment.
AM13 is available in the Bill Room.

(Signed) Lavon Heidemann, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 20. Introduced by Langemeier, 23.

WHEREAS, the Aquinas Monarchs volleyball team won the 2009 Class C-2 State Volleyball Championship; and

WHEREAS, the Monarchs defeated Sandy Creek 25-17, 25-17, 25-16 in the championship match; and

WHEREAS, the Monarchs displayed remarkable ability and teamwork throughout their exemplary season; 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 Aquinas Monarchs on winning the 2009 Class C-2 State Volleyball Championship.

2. That a copy of this resolution be sent to the Monarchs and their coach, Jody Pelan.

Laid over.

UNANIMOUS CONSENT - Add Cointroducer

Senator Dubas asked unanimous consent to add her name as cointroducer to LB16. No objections. So ordered.

VISITORS

Visitor to the Chamber was Kaylee Stutzman from Beaver Crossing.

ADJOURNMENT

At 2:30 p.m., on a motion by Speaker Flood, the Legislature adjourned until 1:30 p.m., Tuesday, November 17, 2009.

Patrick J. O'Donnell
Clerk of the Legislature

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[1]

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, <u>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.</u> 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.

[1]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, Louden, Mello, Nelson, Nordquist, Stuthman, and Wightman offered the following amendment to the committee amendment:
AM19

(Amendments to Standing Committee amendment, AM13)

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

SPEAKER FLOOD PRESIDING

Pending.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 6, 7, and 8 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 6, 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 ROGERT 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. Strike original sections 1 to 3 and insert the following new sections:

Section 1. There is hereby appropriated $72,631 from the General Fund for FY2009-10 to the Legislative Council, for Program 122, for expenses incurred during the One Hundred First Legislature, First Special Session, 2009.

Sec. 2. There is hereby appropriated $35,087 from the General Fund for FY2009-10 to the Legislative Council, for Program 123, for expenses incurred during the One Hundred First Legislature, First Special Session, 2009.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $18,349 for FY2009-10.

Sec. 3. There is hereby appropriated $2,933 from the General Fund for FY2009-10 to the Legislative Council, for Program 127, for expenses incurred during the One Hundred First Legislature, First Special Session, 2009.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not 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. Strike section 72.

2. On page 95, line 3, strike "81-1201.21,".

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, Louden, Mello, Nelson, Nordquist, Stuthman, and Wightman offered the following amendment to the committee amendment:
AM18
(Amendments to Standing Committee amendments, AM12)
1. On page 190, line 9, strike "5,000,000" and insert "3,400,000".
2. On page 191, line 16, strike "4,072,121" and insert "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. On page 91, line 27, after "Legislature" insert "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. Purpose: To correct a cash fund number and program total and reinstate a stricken earmark.

Amendment:

1. On page 17, strike line 21 and insert "CASH FUND est. 2,590,551 2,631,722"; and strike line 24 and insert "PROGRAM TOTAL 30,760,619 31,518,035"; and

2. On page 19, lines 6 through 11, reinstate the stricken matter.

2. Purpose: To correct a General Fund number and program total.

Amendment:

1. On page 20, strike line 5 and insert "GENERAL FUND 20,308,433 20,870,338"; and strike line 7 and insert "PROGRAM TOTAL 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. On page 1, strike beginning with "2-1222" in line 1 through line 14 and insert "2-1503.01, 2-1577, 2-1587, 2-15,122, 3-126, 13-2704, 24-205, 24-227.01, 24-229, 25-2921, 28-429, 29-2259.02, 29-2262.07, 29-3921, 33-102, 37-351, 38-157, 39-1390, 46-1121, 46-1403, 50-437, 57-919, 60-1409, 66-739, 70-1020, 71-222.02, 71-4732, 72-2009, 76-549, 77-3,110, 77-4310.03, 77-5031, 79-810, 79-1320, 81-188.01, 81-201.05, 81-2,147.11, 81-2,291, 81-528, 81-550, 81-5,153, 81-8,110.07, 81-8,194, 81-1120.23, 81-1201.22, 81-1278, 81-1413.01, 81-1428, 81-15,121, 81-15,165, 81-15,180, 81-1607.01, 81-1634, 81-2004.01, 81-2105, 81-3524, 82-108.02, 83-913.01, 84-409, 84-414, 84-1227, 85-1419, 85-1803, 86-127, 86-312, 86-463, 88-545.01, 88-552, and 89-1,100, Reissue Revised Statutes of Nebraska, sections 48-1,116, 49-14,140, 50-114.05, 53-117.06, 54-857, 54-2428, 55-131, 59-1608.04, 60-3,218, 61-210, 61-218, 71-5661, 71-5714, 71-8612, 72-2211, 72-2501, 76-2226, and 77-5601, Revised Statutes Cumulative Supplement, 2008, and sections 1-111, 2-5106, 47-632, 57-705, 60-2132, 66-1521, 66-1839, 77-1342, 81-885.15, 81-1201.21, 81-15,160, 81-3119, 81-3432, and 84-510, Revised Statutes Supplement, 2009; to provide for transfers to the General Fund; to authorize the Supreme Court to direct the use of certain funds; to provide for the investment of funds; to eliminate obsolete provisions; to repeal the original sections; and to declare an emergency.".

2. On page 2, strike lines 1 through 13.

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

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

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

1. In the Standing Committee amendments, AM12:

a. On page 1, line 7, strike the first "<u>July 1</u>" and insert "<u>June 30</u>";

b. On page 3, line 7, after "<u>may</u>" insert an underscored comma;

c. On page 4, line 13, strike the last comma; and

d. On page 20, line 21, after "<u>435</u>" insert an underscored

comma.

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

3. On page 2, strike lines 1 through 8; and in line 11 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

printed on recycled paper

TENTH DAY - NOVEMBER 18, 2009

LEGISLATIVE JOURNAL

ONE HUNDRED FIRST LEGISLATURE
FIRST SPECIAL SESSION

TENTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, November 18, 2009

PRAYER

The prayer was offered by Senator Wallman.

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 Senators Christensen, Council, Louden, and Pirsch who were excused; and Senator Ashford who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the ninth day was approved.

SELECT FILE

LEGISLATIVE BILL 3. ER8002, found on page 119, was adopted.

Senator Fischer renewed her amendment, AM24, found on page 117.

The Fischer amendment was adopted with 43 ayes, 0 nays, and 6 excused and not voting.

Senator Heidemann offered the following amendment:
AM28
(Amendments to Standing Committee amendments, AM13)
1. On page 6, line 18, after "Legislature" insert "through June 30, 2011".

The Heidemann amendment was adopted with 43 ayes, 0 nays, and 6 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 2. ER8001, found on page 119, was adopted.

Senator Heidemann offered the following amendment:
AM27

(Amendments to Standing Committee amendments, AM14)

Purpose: To increase a transfer from the Nebraska Capital Construction Fund to the General Fund by $3,574,466.

Amendment:

1. On page 7, line 24, strike "one million" and insert "four million five hundred seventy-four thousand four hundred sixty-six".

The Heidemann amendment was adopted with 43 ayes, 0 nays, and 6 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1. ER8003, found on page 119, was adopted.

Senator Heidemann renewed his amendment, AM20, found on page 118.

The Heidemann amendment was adopted with 43 ayes, 0 nays, and 6 excused and not voting.

Senator Heidemann offered the following amendment:
AM26

(Amendments to Standing Committee amendments, AM12)

1. Strike sections 12 and 14.

2. On page 5, strike line 25; and in line 26 strike "CONSTRUCTION" and insert "GENERAL".

3. Renumber the remaining sections and correct internal references and repealer accordingly.

The Heidemann amendment was adopted with 41 ayes, 0 nays, 2 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 9 and 10 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 9 and 10.

SENATOR LANGEMEIER PRESIDING

SELECT FILE

LEGISLATIVE BILL 4. Senator Flood renewed his amendment, AM22, found on page 116.

The Flood amendment was adopted with 41 ayes, 0 nays, 2 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 5. Placed on Final Reading.
ST9000
The following changes, required to be reported for publication in the Journal, have been made:
1. On page 31, line 5, "attendance" has been inserted after the second occurrence of "elementary".

(Signed) Jeremy Nordquist, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 24. Introduced by Pahls, 31.

WHEREAS, Nebraska was ranked first in the nation among states for:
(1) Financial happiness by the web site MainStreet.com in 2009; and
(2) Percentage of people ages sixteen to sixty-four who held a job in 2006, 2007, and 2008 by the United States Bureau of the Census; and
WHEREAS, Nebraska was ranked second best in the nation among states for:
(1) Fairness of litigation environment by the United States Chamber of Commerce in 2008 and the 2009 Competitiveness Redbook;
(2) Cattle and calves production by the United States Department of Agriculture and the Taxpayers Network in 2008;
(3) Total capacity of ethanol production by Ethanol Producer Magazine in 2007;
(4) Lowest state debt per capita at the end of 2006 by the United States Bureau of the Census and the Taxpayers Network;
(5) Lowest number of foreclosures and lowest unemployment rate by the web site MainStreet.com in 2009; and
(6) Most-improved total biomass electricity generated, most-improved total wind energy generated, percentage of total in-state electricity generation from wind, wind electricity generation per capita and per gross state product, and biomass electricity generation per capita and per gross state product by the National Renewable Energy Laboratory in 2008; and

WHEREAS, Nebraska was ranked third best in the nation among states for:

(1) Production of livestock and corn in 2006 by the United States Department of Agriculture and the Taxpayers Network;

(2) Liability and litigation systems in 2007 by the United States Chamber of Commerce and the Taxpayers Network;

(3) Employment among persons sixteen years of age and older by the United States Bureau of Labor Statistics in 2007;

(4) Lowest revenue per kilowatt hour from commercial and residential customers by Electric Power Monthly in 2008 and the 2009 Competitiveness Redbook;

(5) Lowest commercial electricity price in 2006 by the United States Department of Energy and the Taxpayers Network;

(6) Homeownership rates by the United States Bureau of the Census in 2007 and the 2009 Competitiveness Redbook; and

(7) Lowest state debt per capita in 2007 by the United States Bureau of the Census and the Tax Foundation; and

WHEREAS, Nebraska was ranked fourth best in the nation among states for:

(1) Best quality of life in 2008 by Business Facilities magazine;

(2) Lowest cost of doing business in 2007 by the Milken Institute and the 2009 Competitiveness Redbook;

(3) Jobs in 2008 by the web site CareerBuilder.com;

(4) Production of leading commodities in 2006 by the United States Department of Agriculture and the Taxpayers Network;

(5) Lowest residential electricity price in 2006 by the United States Department of Energy and the Taxpayers Network;

(6) Minority-owned business value and annual unemployment rate in 2009 by the Corporation for Enterprise Development; and

(7) Lowest mean travel time to work in 2005 by the United States Bureau of the Census; and

WHEREAS, Nebraska was ranked fifth best in the nation among states for:

(1) Best for business in 2009 by the web site Directorship.com;

(2) Production of soybeans and hogs in 2006 by the United States Department of Agriculture and the Taxpayers Network;

(3) Lowest industrial electricity price in 2006 by the United States Department of Energy and the Taxpayers Network;

(4) Lowest industrial rent as a cost of doing business in 2007 by the Milken Institute and the Taxpayers Network;

(5) Lowest residential natural gas price in 2006 by the United States Department of Energy and the Taxpayers Network;

(6) Best for education climate in 2008 by Business Facilities magazine;

(7) Highest ratio of spending on higher education compared to spending on corrections in 2007 by the Pew Center; and

(8) Lowest incarceration rate in 2006 by the United States Department of Justice and the Taxpayers Network; and

WHEREAS, Nebraska was ranked sixth best in the nation among states for:

(1) Most business friendly in 2009 by the web site CNBC.com;

(2) Lowest electrical cost for doing business in 2007 by the Milken Institute and the Taxpayers Network;

(3) Lowest median credit card debt in 2009 by the Corporation for Enterprise Development; and

(4) Wind energy potential in 2007 by the American Wind Energy Association; and

WHEREAS, Nebraska was ranked seventh best in the nation among states for:

(1) Best state economy in 2009 by the web site CNBC.com;

(2) Highest growth in real income in 2008 by the United States Bureau of the Census;

(3) Production of sugar beets in 2006 by the United States Department of Agriculture and the Taxpayers Network;

(4) Lowest state spending per capita in 2007 by the United States Bureau of the Census and the Tax Foundation;

(5) Lowest energy costs in 2009 by the Small Business and Entrepreneurship Council; and

(6) Lowest asset poverty rate and affordability of homes in 2009 by the Corporation for Enterprise Development; and

WHEREAS, Nebraska was ranked eighth best in the nation among states for:

(1) Crop production in 2006 by the United States Department of Agriculture and the Taxpayers Network;

(2) Net farm income per operator in 2006 by the United States Department of Agriculture and the Taxpayers Network;

(3) Research and development per capita by the academic sector in 2005 by the National Science Foundation and the 2009 Competitiveness Redbook;

(4) Lowest revenue per kilowatt hour from industrial customers in 2008 by the United States Department of Energy and the 2009 Competitiveness Redbook;

(5) Employee ownership of businesses and for housing cost burden for renters in 2009 by the Corporation for Enterprise Development;

(6) Interstate, freeway, and arterial condition rating in 2006 by the United States Department of Transportation and the Taxpayers Network;

(7) Total higher education enrollment in 2005 by the United States Department of Education, the United States Bureau of the Census, and the 2009 Competitiveness Redbook;

(8) Highest percentage of high school graduates in 2005 by the United States Bureau of the Census; and

(9) Lowest teen birth rate in 2006 by the Centers for Disease Control and Prevention and the Taxpayers Network; and

WHEREAS, Nebraska was ranked ninth best in the nation among states for:

(1) Production of wheat in 2006 by the United States Department of Agriculture and the Taxpayers Network;

(2) Lowest average combined premiums for auto insurance in 2005 by the National Association of Insurance Commissioners and the Taxpayers Network;

(3) Housing cost burden among homeowners in 2009 and for two-year college degrees in 2009 by the Corporation for Enterprise Development; and

(4) Lowest median monthly rental housing costs in 2006 by the United States Bureau of the Census and the Taxpayers Network; and

WHEREAS, Nebraska was ranked tenth best in the nation among states for:

(1) Best state for business in 2008 by Forbes magazine;

(2) Being pro-business by a Pollina Corporate Real Estate study in 2007 and 2009;

(3) Relative health in 2007 by the United Health Foundation and the Taxpayers Network;

(4) States receiving a 5-star on the state's healthcare cost quotient in 2007 by Expansion Management magazine; and

(5) High school degrees in 2009 and for lowest unbanked households in 2009 by the Corporation for Enterprise Development; and

WHEREAS, Nebraska was ranked eleventh best in the nation among states for:

(1) Lowest cost of living in 2009 by the web site CNBC.com;

(2) Lowest state and local debt per capita in 2006 by the United States Bureau of the Census and the Tax Foundation;

(3) Growth in per capita personal income in 2007 by the United States Department of Commerce and the 2009 Competitiveness Redbook;

(4) Lowest average mortgage closing costs in 2006 by the web site Bankrate.com and the Taxpayers Network;

(5) Smartest state in 2007 by Morgan Quitno Press and the Taxpayers Network;

(6) Higher education enrollment as percentage of population in public two-year schools in 2005 by the United States Department of Education and the 2009 Competitiveness Redbook; and

(7) Lowest extreme asset poverty rate in 2009 by the Corporation for Enterprise Development; and

WHEREAS, Nebraska was ranked twelfth best in the nation among states for:

(1) Top state for business in 2009 by the web site CNBC.com;

(2) Employment growth rate from May 2007 to May 2008 by the United States Bureau of Labor Statistics;

(3) Best unemployment insurance tax index in 2009 by the Tax Foundation;

(4) Growth in percent of nonagricultural employment in 2008 by the 2009 Competitiveness Redbook; and

(5) Head Start coverage in 2009 by the Corporation for Enterprise Development; and

WHEREAS, the Corporation for Enterprise Development gave Nebraska residents a grade of A for their financial assets and income in 2009; and

WHEREAS, the city of Omaha, Nebraska, ranks as:

(1) Having the most favorable tax structure for business among midsize cities in 2008 by KPMG International;

(2) The best city for relocating families in 2008 by Primacy Relocation and Worldwide ERC;

(3) Second best bargain market in 2008 by MSN Real Estate;

(4) Third best city for job seekers for salaries and jobs in 2009 by the web site SimplyHired.com;

(5) Third among cities nationally as best city to build personal wealth in 2008 by the web site Salary.com;

(6) Third best among medium-sized metropolitan cities nationally to launch a business in 2009 by Fortune Small Business and the web site CNNMoney.com;

(7) Third among top ten best cities in 2008 by Kiplinger's Personal Finance;

(8) Eighth among best cities for jobs in 2008 by Forbes;

(9) Ninth among cities nationally for highest concentration of employment in agricultural feedstock and chemicals in 2008 by Business Facilities magazine;

(10) Eleventh among cities nationally for best public schools in 2007 by Expansion Management;

(11) Fifteenth among cities nationally for most educated workforce in 2008 by Business Facilities magazine;

(12) Among the top twenty best places to raise a family in 2008 by the web site Today.msnbc.msn.com; and

(13) Thirty-fourth best among cities nationally as a place for business and careers in 2008 by Forbes; and

WHEREAS, the city of Lincoln, Nebraska, ranks as:

(1) First among cities in the country for job-hunters in 2009 by Manpower;

(2) Tenth best medium-sized metropolitan city nationally to launch a business in 2009 by Fortune Small Business and the web site CNNMoney.com; and

(3) Fifteenth best city to find a job in 2008 by the web site CareerBuilder.com; and

WHEREAS, the city of Papillion, Nebraska, was ranked third among small communities nationally of best places to live in 2009 by the web site CNNMoney.com; and

WHEREAS, the city of Fremont, Nebraska, was named the fifteenth most affordable city nationally in 2009 by the web site CNNMoney.com; and

WHEREAS, the city of Norfolk, Nebraska, was ranked ninety-eighth among small communities nationally of best places to live in 2009 by the web site CNNMoney.com; and

WHEREAS, the city of Columbus, Nebraska, was ranked ninety-ninth among small communities nationally of best places to live in 2009 by the web site CNNMoney.com; and

WHEREAS, the state must continue its efforts to maintain and improve its standing among other states in its economic opportunities in order to maintain the good life for its citizens.

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 Department of Economic Development and its affiliates, the Nebraska Chamber of Commerce and Industry and its affiliates, the Greater Omaha Chamber of Commerce and its affiliates, the Lincoln Chamber of Commerce and its affiliates, the Sarpy County Chamber of Commerce and its affiliates, the Fremont Area Chamber of Commerce and its affiliates, the Norfolk Area Chamber of Commerce and its affiliates, and the Columbus Area Chamber of Commerce and its affiliates for their diligence in working with the Legislature to keep Nebraska competitive and vibrant.

2. That a copy of this resolution be sent to the Director of Economic Development, the president of the Nebraska Chamber of Commerce and Industry, the president of the Greater Omaha Chamber of Commerce, the president of the Lincoln Chamber of Commerce, the president of the Sarpy County Chamber of Commerce, the president of the Fremont Area Chamber of Commerce, the president of the Norfolk Area Chamber of Commerce, and the president of the Columbus Area Chamber of Commerce.

Laid over.

UNANIMOUS CONSENT - Add Cointroducers

Senators Cornett and Mello asked unanimous consent to add their names as cointroducers to LR21. No objections. So ordered.

RECESS

At 9:27 a.m., on a motion by Senator Harms, the Legislature recessed until 11:45 a.m.

AFTER RECESS

The Legislature reconvened at 11:45 a.m., Speaker Flood presiding.

ROLL CALL

The roll was called and all members were present except Senators Ashford, Christensen, Council, Gloor, Lathrop, Louden, Mello, Pirsch, and Stuthman who were excused.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 1. Placed on Final Reading.
ST9002
The following changes, required to be reported for publication in the Journal, have been made:

1. In the E & R amendments, ER8003, on page 1, line 10, "12, 21, 35," has been struck and "21" inserted.

2. In the Standing Committee amendments, AM12:

a. On page 2, line 19, "119" has been struck and "117" inserted;

b. On page 98, line 3, the last comma has been struck and shown as stricken; and

c. On page 195, line 8, "12, 21, 35," has been struck and "21" inserted.

LEGISLATIVE BILL 2. Placed on Final Reading.

LEGISLATIVE BILL 3. Placed on Final Reading.
ST9001
The following changes, required to be reported for publication in the Journal, have been made:

1. In the Standing Committee amendments, AM13:

a. On page 46, line 13, "fund" has been struck and "Commission for the Deaf and Hard of Hearing Fund" inserted; and

b. On page 81, line 21, "fund" has been struck and "Carrier Enforcement Cash Fund" inserted.

LEGISLATIVE BILL 4. Placed on Final Reading.

(Signed) Jeremy Nordquist, Chairperson

ADJOURNMENT

At 11:49 a.m., on a motion by Senator Price, the Legislature adjourned until 1:30 p.m., Thursday, November 19, 2009.

Patrick J. O'Donnell
Clerk of the Legislature

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ELEVENTH DAY - NOVEMBER 19, 2009

LEGISLATIVE JOURNAL

ONE HUNDRED FIRST LEGISLATURE
FIRST SPECIAL SESSION

ELEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, November 19, 2009

PRAYER

The prayer was offered by Senator Utter.

ROLL CALL

Pursuant to adjournment, the Legislature met at 1:30 p.m., Speaker Flood presiding.

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

CORRECTIONS FOR THE JOURNAL

The Journal for the tenth day was approved.

RESOLUTIONS

LEGISLATIVE RESOLUTION 25. Introduced by Dubas, 34.

WHEREAS, Logan Simonson, of Palmer, 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, Logan 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; and

WHEREAS, only five percent of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Logan was awarded the rank of Eagle Scout on November 8, 2009, thereby joining 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 HUNDRED FIRST LEGISLATURE OF NEBRASKA, FIRST SPECIAL SESSION:

1. That the Legislature congratulates Logan Simonson on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Logan Simonson.

Laid over.

LEGISLATIVE RESOLUTION 26. Introduced by Dubas, 34.

WHEREAS, Riley Santin, of Palmer, 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, Riley 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; and

WHEREAS, only five percent of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Riley was awarded the rank of Eagle Scout on October 4, 2009, thereby joining 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 HUNDRED FIRST LEGISLATURE OF NEBRASKA, FIRST SPECIAL SESSION:

1. That the Legislature congratulates Riley Santin on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Riley Santin.

Laid over.

LEGISLATIVE RESOLUTION 27. Introduced by Dubas, 34.

WHEREAS, Nathan Doggett, of Palmer, 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, Nathan 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; and

WHEREAS, only five percent of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Nathan was awarded the rank of Eagle Scout on October 4, 2009, thereby joining 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 HUNDRED FIRST LEGISLATURE OF NEBRASKA, FIRST SPECIAL SESSION:

1. That the Legislature congratulates Nathan Doggett on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Nathan Doggett.

Laid over.

LEGISLATIVE RESOLUTION 28. Introduced by Dubas, 34.

WHEREAS, Jack Wardyn, of Palmer, 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, Jack 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; and

WHEREAS, only five percent of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Jack was awarded the rank of Eagle Scout on November 8, 2009, thereby joining 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 HUNDRED FIRST LEGISLATURE OF NEBRASKA, FIRST SPECIAL SESSION:

1. That the Legislature congratulates Jack Wardyn on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Jack Wardyn.

Laid over.

LEGISLATIVE RESOLUTION 29. Introduced by Dubas, 34.

WHEREAS, Michael McClellan, of Palmer, 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, Michael 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; and

WHEREAS, only five percent of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Michael was awarded the rank of Eagle Scout on November 8, 2009, thereby joining 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 HUNDRED FIRST LEGISLATURE OF NEBRASKA, FIRST SPECIAL SESSION:

1. That the Legislature congratulates Michael McClellan on achieving the rank of Eagle Scout.

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

Laid over.

LEGISLATIVE RESOLUTION 30. Introduced by Dubas, 34.

WHEREAS, Michael Happ, of Palmer, 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, Michael 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; and

WHEREAS, only five percent of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Michael was awarded the rank of Eagle Scout on November 8, 2009, thereby joining 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 HUNDRED FIRST LEGISLATURE OF NEBRASKA, FIRST SPECIAL SESSION:

1. That the Legislature congratulates Michael Happ on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Michael Happ.

Laid over.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 11, 12, 13, 14, 15, and 16 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 11, 12, 13, 14, 15, and 16.

MOTION - Chairperson of Urban Affairs

Senator Langemeier moved to proceed to the election of the Urban Affairs Committee chairperson, by secret ballot, in accordance with Rule 3, Sec. 8(a).

The motion prevailed.

Senator Price placed his name in nomination.

Senator McGill placed her name in nomination.

Senator Langemeier moved the nominations cease.

The motion prevailed.

The Chair appointed Senators McCoy, Rogert, and Adams as tellers.

Senator Price	21
Senator McGill	27
	48

Senator McGill was duly elected Chairperson of the Urban Affairs Committee.

RESOLUTION

LEGISLATIVE RESOLUTION 31. Introduced by Karpisek, 32.

WHEREAS, the Exeter-Milligan Timberwolves volleyball team won the 2009 Class D-1 State Volleyball Championship; and

WHEREAS, the Timberwolves defeated Howells 25-14, 25-22, 25-20 in the championship match to earn the school's first state volleyball title; and

WHEREAS, the Timberwolves displayed remarkable ability and teamwork throughout their outstanding season; 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 Exeter-Milligan Timberwolves volleyball team on winning the 2009 Class D-1 State Volleyball Championship.

2. That a copy of this resolution be sent to the Timberwolves and their coach, Darcy White.

Laid over.

VISITORS

Visitors to the Chamber were Michelle Vogel and Mike Walter from Washington, D.C.

ADJOURNMENT

At 1:52 p.m., on a motion by Senator Stuthman, the Legislature adjourned until 8:00 a.m., Friday, November 20, 2009.

Patrick J. O'Donnell
Clerk of the Legislature

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TWELFTH DAY - NOVEMBER 20, 2009

LEGISLATIVE JOURNAL

ONE HUNDRED FIRST LEGISLATURE
FIRST SPECIAL SESSION

TWELFTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, November 20, 2009

PRAYER

The prayer was offered by Senator Sullivan.

ROLL CALL

Pursuant to adjournment, the Legislature met at 8:00 a.m., Speaker Flood presiding.

The roll was called and all members were present except Senators Council and Mello who were excused; and Senators Karpisek and Price who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eleventh day was approved.

REPORTS

The following reports were received by the Legislature:

Correctional Services, Department of
Annual Report for the Work Ethic Camp
Economic Development, Department of
Proposed 2010-2014 Consolidated Plan and 2010 Annual Action Plan
Labor, Department of
Nebraska Workforce Investment Board, PY2008 Annual Report
Performance Audit, Legislative
Closing of the Lincoln Regional Center Community Transition Program
DED's Job Training Grant Program
Recent Decisions of the Commission of Industrial Relations
Power Review Board
Annual Report - 2009 Monitoring of "Conditions Certain" Issues
Roads, Nebraska Department of
2009 State Highway Needs Assessment

BILLS ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB3 with 43 ayes, 0 nays, 2 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 3. With Emergency Clause.

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

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Council Mello

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 2. With Emergency Clause.

A BILL FOR AN ACT relating to funds; to amend section 77-3,111, Reissue Revised Statutes of Nebraska, sections 71-5714 and 72-1001, Revised Statutes Cumulative Supplement, 2008, and sections 9-812 and 84-612, Revised Statutes Supplement, 2009; to provide for, change, and eliminate certain fund transfers; to provide for a lapse of certain funds to the General Fund; to harmonize provisions; to repeal the original sections; to outright repeal section 90-505, Revised Statutes Supplement, 2009; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Council Mello

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB1 with 46 ayes, 0 nays, 1 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2009, LB 313, section 7, Laws 2009, LB 314, sections 21 and 41, Laws 2009, LB 315, sections 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 35, 36, 37, 38, 40, 41, 42, 43, 44, 45, 46, 48, 50, 51, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 70, 71, 72, 74, 75, 77, 78, 79, 85, 90, 91, 92, 93, 94, 96, 97, 98, 99, 100, 101, 103, 104, 106, 107, 108, 110, 111, 112, 113, 114, 115, 118, 119, 120, 121, 122, 123, 124, 125, 127, 131, 133, 134, 136, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 157, 158, 159, 160, 162, 165, 166, 167, 170, 171, 172, 173, 174, 175, 177, 178, 179, 181, 182, 184, 185, 187, 188, 189, 190, 191, 192, 193, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 218, 219, 220, 222, 225, 226, 227, 228, 229, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 264, 265, 266, 267, 268, 269, 270, 271, 272, and 282, and Laws 2009, LB 545A, section 1; to define terms; to appropriate and reappropriate funds; to state intent; to change and eliminate appropriations as prescribed; to change transfers; to provide for transfers; to harmonize provisions; to repeal the original sections; to outright repeal Laws 2009, LB 315, sections 80, 81, 82, 83, 84, 86, 87, 88, and 89; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Council Mello

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB5 with 44 ayes, 0 nays, 3 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 5. With Emergency Clause.

A BILL FOR AN ACT relating to state aid to schools; to amend sections 79-1005.01, 79-1007.15, 79-1007.19, and 79-1008.01, Reissue Revised Statutes of Nebraska, and sections 77-3446, 79-1001, 79-1003, 79-1007.11, 79-1007.23, and 79-1023, Revised Statutes Supplement, 2009; to redefine terms; to change and eliminate provisions relating to disbursement of income tax receipts, calculation of formula need, elementary site allowance, teacher education adjustment, and instructional time allowance and expenditure limits as prescribed; to provide for calculation of a teacher education allowance; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 40:

Adams	Dierks	Haar	Langemeier	Price
Ashford	Dubas	Hadley	Lautenbaugh	Rogert
Avery	Fischer	Hansen	Louden	Schilz
Campbell	Flood	Harms	McCoy	Stuthman
Carlson	Fulton	Heidemann	Nelson	Sullivan
Christensen	Gay	Howard	Pahls	Utter
Coash	Giese	Janssen	Pankonin	Wallman
Cornett	Gloor	Krist	Pirsch	Wightman

Voting in the negative, 7:

Conrad	Karpisek	McGill	White
Cook	Lathrop	Nordquist	

Excused and not voting, 2:

Council	Mello

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 4. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the expenses incurred during the One Hundred First Legislature, First Special Session, 2009; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Council Mello

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 3, 2, 1, 5, and 4.

RESOLUTIONS

LEGISLATIVE RESOLUTION 17. Read. Considered.

LEGISLATIVE RESOLUTION 18. Read. Considered.

LEGISLATIVE RESOLUTION 19. Read. Considered.

LEGISLATIVE RESOLUTION 20. Read. Considered.

LEGISLATIVE RESOLUTION 21. Read. Considered.

LEGISLATIVE RESOLUTION 22. Read. Considered.

LEGISLATIVE RESOLUTION 23. Read. Considered.

LEGISLATIVE RESOLUTION 24. Read. Considered.

LEGISLATIVE RESOLUTION 25. Read. Considered.

LEGISLATIVE RESOLUTION 26. Read. Considered.

LEGISLATIVE RESOLUTION 27. Read. Considered.

LEGISLATIVE RESOLUTION 28. Read. Considered.

LEGISLATIVE RESOLUTION 29. Read. Considered.

LEGISLATIVE RESOLUTION 30. Read. Considered.

LEGISLATIVE RESOLUTION 31. Read. Considered.

LRs 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, and 31 were adopted with 44 ayes, 0 nays, 3 present and not voting, and 2 excused and not voting.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, and 31.

PRESENTED TO THE GOVERNOR

Presented to the Governor on November 20, 2009, at 8:32 a.m. were the following: LBs 3e, 2e, 1e, 5e, and 4e.

(Signed) Jamie Kruse
Clerk of the Legislature's Office

EXPLANATION OF VOTES

Had I been present, I would have voted "aye" on final passage of LBs 1, 2, 3, and 4 and "nay" on final passage of LB5.

(Signed) Heath Mello

VISITOR

Visitor to the Chamber was Chuck Karpf from Morrill.

RECESS

At 8:42 a.m., on a motion by Senator Gloor, the Legislature recessed until 2:00 p.m.

AFTER RECESS

The Legislature reconvened at 2:00 p.m., Senator Langemeier presiding.

ROLL CALL

The roll was called and all members were present except Senators Ashford, Council, Dierks, Mello, and Stuthman who were excused.

MESSAGE FROM THE GOVERNOR

November 20, 2009

Mr. President, Mr. Speaker, and
Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Members of the Legislature:

Earlier today, I received and signed LB 1e, LB 2e, LB 3e, LB 4e and LB 5e into law in order to resolve our state's $335 million revenue shortfall.

I want to commend the leadership of Senator Heidemann on the budget bills and Senator Adams on LB 5. Both of these senators have done outstanding jobs under difficult circumstances. I also want the record to reflect that we are addressing Nebraska's revenue shortfall by reducing spending, not by increasing taxes. The final bills that you presented to me also preserve the property tax credit and maintain a strong cash reserve fund to address possible future financial challenges.

I do, however, have three reservations about these bills. I hope the Legislature will reconsider these items in the upcoming 2010 session.

The final budget bills include an additional $2 million reduction from the Job Training Cash Fund which is the fund used to recruit businesses and bring jobs to Nebraska. With national unemployment rates rising and many states raising taxes, we are well-positioned to aggressively recruit businesses to our state. This fund is an important part of that effort.

Next, my recommendations to you reduced the Governor's office, most state agencies, the Legislature and the Nebraska Supreme Court budgets by 2.5% in Fiscal Year 2009-10 and by 5% in Fiscal Year 2010-11. In contrast to this recommendation, the Legislature has provided preferential treatment to the court system by only reducing its appropriation 1.5% in the current year and by 3% the following year.

The final item that draws concern is the Legislature's decision to restore $1 million to its own budget. The Legislature should not treat itself or the courts better than the rest of state government. The Legislature and the courts can manage their budgets in a manner similar to that expected of state agencies.

In whole, these bills reflect the shared sacrifice that was necessary to close this budget shortfall. I appreciate the willingness and cooperative spirit of those who worked productively to address this challenge.

Sincerely,
(Signed) Dave Heineman
Governor

MOTION - Approve Journal

Senator Pahls moved that the Journal for the Twelfth Day, as prepared by the Clerk of the Legislature, be approved.

The motion prevailed.

MOTION - Adjourn Sine Die

Senator Price moved that the One Hundred First Legislature, First Special Session of the Nebraska Legislature, having finished all business before it, now at 2:08 p.m., adjourn sine die.

The motion prevailed.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

CHRONOLOGY OF BILLS

ONE HUNDRED FIRST LEGISLATURE
FIRST SPECIAL SESSION
2009

LB1 Introduced by Speaker Flood, at the request of the Governor.

Nov. 04	Date of introduction	24
Nov. 04	Referred to Appropriations Committee	26
Nov. 04	Notice of hearing for November 05, 2009	32
Nov. 16	Placed on General File with AM12	107
Nov. 16	Appropriations AM12 filed	107
Nov. 17	Attorney General Opinion 09013 to Fischer	109
Nov. 17	Appropriations AM12 adopted	117
Nov. 17	Heidemann AM18 filed	117
Nov. 17	Heidemann AM18 adopted	117
Nov. 17	Advanced to Enrollment and Review Initial	117
Nov. 17	Heidemann AM20 filed	118
Nov. 17	Placed on Select File with ER8003	119
Nov. 17	Enrollment and Review ER8003 filed	119
Nov. 18	Enrollment and Review ER8003 adopted	122
Nov. 18	Heidemann AM20 adopted	122
Nov. 18	Heidemann AM26 filed	122
Nov. 18	Heidemann AM26 adopted	122
Nov. 18	Advanced to Enrollment and Review for Engrossment	122
Nov. 18	Placed on Final Reading with ST9002	129
Nov. 20	Dispensing of reading at large approved	140
Nov. 20	Passed on Final Reading with Emergency Clause 47-0-2	140
Nov. 20	President/Speaker signed	143
Nov. 20	Presented to Governor on November 20, 2009	144
Nov. 20	Mello explanation of vote	144
Nov. 20	Approved by Governor on November 20, 2009	144

LB2 Introduced by Speaker Flood, at the request of the Governor.

Nov. 04	Date of introduction	24
Nov. 04	Referred to Appropriations Committee	26
Nov. 04	Notice of hearing for November 05, 2009	32
Nov. 16	Placed on General File with AM14	107
Nov. 16	Appropriations AM14 filed	107
Nov. 17	Appropriations AM14 adopted	117
Nov. 17	Advanced to Enrollment and Review Initial	117
Nov. 17	Placed on Select File with ER8001	119
Nov. 17	Enrollment and Review ER8001 filed	119
Nov. 18	Enrollment and Review ER8001 adopted	122
Nov. 18	Heidemann AM27 filed	122
Nov. 18	Heidemann AM27 adopted	122
Nov. 18	Advanced to Enrollment and Review for Engrossment	122

Nov. 18	Placed on Final Reading	129
Nov. 20	Passed on Final Reading with Emergency Clause 47-0-2	139
Nov. 20	President/Speaker signed	143
Nov. 20	Presented to Governor on November 20, 2009	144
Nov. 20	Mello explanation of vote	144
Nov. 20	Approved by Governor on November 20, 2009	144

LB3 Introduced by Speaker Flood, at the request of the Governor.

Nov. 04	Date of introduction	24
Nov. 04	Referred to Appropriations Committee	26
Nov. 04	Notice of hearing for November 05, 2009	32
Nov. 16	Placed on General File with AM13	107
Nov. 16	Appropriations AM13 filed	107
Nov. 17	Attorney General Opinion 09013 to Fischer	109
Nov. 17	Appropriations AM13 pending	115
Nov. 17	Heidemann AM19 filed	115
Nov. 17	Heidemann AM19 pending	115
Nov. 17	Heidemann AM19 adopted	115
Nov. 17	Cook AM17 filed	116
Nov. 17	Cook AM17 lost	116
Nov. 17	Appropriations AM13 adopted	117
Nov. 17	Advanced to Enrollment and Review Initial	117
Nov. 17	Fischer AM24 filed	117
Nov. 17	Placed on Select File with ER8002	119
Nov. 17	Enrollment and Review ER8002 filed	119
Nov. 18	Enrollment and Review ER8002 adopted	121
Nov. 18	Fischer AM24 adopted	121
Nov. 18	Heidemann AM28 filed	121
Nov. 18	Heidemann AM28 adopted	121
Nov. 18	Advanced to Enrollment and Review for Engrossment	121
Nov. 18	Placed on Final Reading with ST9001	129
Nov. 20	Dispensing of reading at large approved	138
Nov. 20	Passed on Final Reading with Emergency Clause 47-0-2	138
Nov. 20	President/Speaker signed	143
Nov. 20	Presented to Governor on November 20, 2009	144
Nov. 20	Mello explanation of vote	144
Nov. 20	Approved by Governor on November 20, 2009	144

LB4 Introduced by Speaker Flood, at the request of the Governor.

Nov. 04	Date of introduction	25
Nov. 04	Placed on General File	26
Nov. 16	Advanced to Enrollment and Review Initial	107
Nov. 17	Placed on Select File	109
Nov. 17	Flood AM22 filed	116
Nov. 18	Flood AM22 adopted	123
Nov. 18	Advanced to Enrollment and Review for Engrossment	123
Nov. 18	Placed on Final Reading	129

Nov. 20	Passed on Final Reading with Emergency Clause 47-0-2	142
Nov. 20	President/Speaker signed	143
Nov. 20	Presented to Governor on November 20, 2009	144
Nov. 20	Mello explanation of vote	144
Nov. 20	Approved by Governor on November 20, 2009	144

LB5 Introduced by Education Committee, Adams, Avery, Giese, Haar, Howard, Sullivan, Lautenbaugh.

Nov. 04	Date of introduction	25
Nov. 04	Referred to Education Committee	26
Nov. 05	Notice of hearing for November 09, 2009	38
Nov. 12	Placed on General File with AM7	83
Nov. 12	Education AM7 filed	83
Nov. 13	Education AM7 adopted	101
Nov. 13	McGill AM10 filed	101
Nov. 13	McGill AM10 withdrawn	101
Nov. 13	Advanced to Enrollment and Review Initial	103
Nov. 16	Placed on Select File with ER8000	105
Nov. 16	Enrollment and Review ER8000 filed	105
Nov. 17	Enrollment and Review ER8000 adopted	118
Nov. 17	Advanced to Enrollment and Review for Engrossment	118
Nov. 18	Placed on Final Reading with ST9000	123
Nov. 20	Dispensing of reading at large approved	141
Nov. 20	Passed on Final Reading with Emergency Clause 40-7-2	141
Nov. 20	President/Speaker signed	143
Nov. 20	Presented to Governor on November 20, 2009	144
Nov. 20	Mello explanation of vote	144
Nov. 20	Approved by Governor on November 20, 2009	144

LB6 Introduced by Carlson.

Nov. 04	Date of introduction	25
Nov. 04	Referred to Agriculture Committee	26
Nov. 04	Notice of hearing for November 09, 2009	34
Nov. 10	Attorney General Opinion 09011 to Wightman	66
Nov. 10	Indefinitely postponed	80

LB7 Introduced by Carlson.

Nov. 04	Date of introduction	26
Nov. 04	Referred to Agriculture Committee	26
Nov. 04	Notice of hearing for November 09, 2009	34
Nov. 10	Attorney General Opinion 09011 to Wightman	66
Nov. 20	Indefinitely postponed pursuant to Rule 9, Sec. 8	

LB8 Introduced by Council, Cook, Haar.

Nov. 05	Date of introduction	38
Nov. 05	Referred to Business and Labor Committee	41
Nov. 06	Notice of hearing for November 09, 2009	45

Nov. 10	Attorney General Opinion 09011 to Wightman	66
Nov. 10	Cook name added	80
Nov. 10	Haar name added	80
Nov. 12	Placed on General File	95
Nov. 17	Passed over	118
Nov. 20	Indefinitely postponed pursuant to Rule 9, Sec. 8	

LB9 Introduced by Langemeier.

Nov. 05	Date of introduction	38
Nov. 05	Referred to Natural Resources Committee	41
Nov. 05	Notice of hearing for November 06, 2009	41
Nov. 10	Attorney General Opinion 09011 to Wightman	66
Nov. 20	Indefinitely postponed pursuant to Rule 9, Sec. 8	

LB10 Introduced by Coash.

Nov. 05	Date of introduction	38
Nov. 05	Referred to Appropriations Committee	41
Nov. 09	Notice of hearing for November 10, 2009	56
Nov. 20	Indefinitely postponed pursuant to Rule 9, Sec. 8	

LB11 Introduced by Dubas, Council, Dierks, Giese, Hansen, Karpisek, Louden, Mello, Price, Rogert, Schilz, Stuthman, Sullivan, Wallman, Christensen, Utter.

Nov. 05	Date of introduction	39
Nov. 05	Referred to Agriculture Committee	41
Nov. 06	Notice of hearing for November 09, 2009	45
Nov. 10	Attorney General Opinion 09011 to Wightman	66
Nov. 10	Placed on General File	80
Nov. 10	Christensen name added	80
Nov. 10	Utter name added	80
Nov. 17	Passed over	118
Nov. 20	Indefinitely postponed pursuant to Rule 9, Sec. 8	

LB12 Introduced by Stuthman.

Nov. 05	Date of introduction	39
Nov. 05	Referred to Natural Resources Committee	41
Nov. 05	Notice of hearing for November 06, 2009	41
Nov. 09	Indefinitely postponed	53

LB13 Introduced by Pahls.

Nov. 06	Date of introduction	47
Nov. 06	Referred to Revenue Committee	50
Nov. 06	Notice of hearing for November 09, 2009	51
Nov. 10	Indefinitely postponed	65
Nov. 10	Attorney General Opinion 09011 to Wightman	66

LB14 Introduced by Louden, Carlson, Dubas, Hansen, Stuthman, Sullivan, Giese, Christensen.

Nov. 06	Date of introduction	47
Nov. 06	Referred to Agriculture Committee	50
Nov. 06	Notice of hearing for November 09, 2009	51
Nov. 06	Giese name added	51
Nov. 10	Attorney General Opinion 09011 to Wightman	66
Nov. 10	Placed on General File	80
Nov. 10	Christensen name added	81
Nov. 17	Passed over	118
Nov. 20	Indefinitely postponed pursuant to Rule 9, Sec. 8	

LB15 Introduced by White.

Nov. 06	Date of introduction	49
Nov. 06	Referred to Revenue Committee	50
Nov. 06	Notice of hearing for November 09, 2009	51
Nov. 09	Attorney General Opinion 09010 to White	56
Nov. 10	Indefinitely postponed	65
Nov. 10	Attorney General Opinion 09011 to Wightman	66

LB16 Introduced by Haar, Carlson, Cook, Dierks, Hadley, Karpisek, McGill, Sullivan, Mello, Rogert, Wallman, Campbell, Giese, Lathrop, Pankonin, White, Dubas.

Nov. 06	Date of introduction	49
Nov. 06	Referred to Appropriations Committee	50
Nov. 09	Notice of hearing for November 10, 2009	56
Nov. 09	Carlson name added	64
Nov. 09	Cook name added	64
Nov. 09	Dierks name added	64
Nov. 09	Hadley name added	64
Nov. 09	Karpisek name added	64
Nov. 09	McGill name added	64
Nov. 09	Sullivan name added	64
Nov. 10	Attorney General Opinion 09011 to Wightman	66
Nov. 10	Mello name added	81
Nov. 10	Rogert name added	81
Nov. 10	Wallman name added	81
Nov. 12	Campbell name added	97
Nov. 12	Giese name added	97
Nov. 12	Lathrop name added	97
Nov. 12	Pankonin name added	97
Nov. 12	White name added	97
Nov. 16	Dubas name added	108
Nov. 20	Indefinitely postponed pursuant to Rule 9, Sec. 8	

CHRONOLOGY OF CONSTITUTIONAL AMENDMENTS AND RESOLUTIONS REFERRED TO COMMITTEE

ONE HUNDRED FIRST LEGISLATURE
FIRST SPECIAL SESSION
2009

LR4 Introduced by Avery.

Nov. 05	Date of introduction	39
Nov. 05	Laid over	39
Nov. 06	Referred to Reference Committee	45
Nov. 06	Referred to Government, Military and Veterans Affairs Committee	50
Nov. 09	Notice of hearing for November 10, 2009	56
Nov. 12	Reported to Legislature for further consideration	85
Nov. 20	Indefinitely postponed pursuant to Rule 9, Sec. 8	

INTRODUCERS OF BILLS AND RESOLUTIONS

ONE HUNDRED FIRST LEGISLATURE
FIRST SPECIAL SESSION
2009

Greg L. Adams

LB5	Change provisions relating to state aid to schools and expenditure limitations
LR17	Congratulate Nebraska Mission of Mercy for its efforts in serving over six thousand dental patients in Nebraska

Brad Ashford

LR9	Congratulate Michael Fryda for being named the 2010 Nebraska Teacher of the Year
LR17	Congratulate Nebraska Mission of Mercy for its efforts in serving over six thousand dental patients in Nebraska

Bill Avery

LB5	Change provisions relating to state aid to schools and expenditure limitations
LR4	Encourage state agencies to employ limited furloughs as a substitute for the elimination of state jobs to meet budgetary requirements
LR17	Congratulate Nebraska Mission of Mercy for its efforts in serving over six thousand dental patients in Nebraska

Kathy Campbell

LB16	Change provisions relating to funding for certain economic development programs
LR7	Congratulate Joseph Beran for achieving the rank of Eagle Scout
LR17	Congratulate Nebraska Mission of Mercy for its efforts in serving over six thousand dental patients in Nebraska

Tom Carlson

LB6	Change inspection provisions of the Commercial Dog and Cat Operator Inspection Act
LB7	Change agricultural pesticide registration and renewal fees
LB14	Prohibit transfers and lapses from the Nebraska Brand Inspection and Theft Prevention Fund
LB16	Change provisions relating to funding for certain economic development programs
LR17	Congratulate Nebraska Mission of Mercy for its efforts in serving over six thousand dental patients in Nebraska

Mark R. Christensen

LB11 Change provisions relating to commodity funds
LB14 Prohibit transfers and lapses from the Nebraska Brand Inspection and Theft Prevention Fund
LR17 Congratulate Nebraska Mission of Mercy for its efforts in serving over six thousand dental patients in Nebraska

Colby Coash

LB10 Reduce funding for surveyors of community-based facilities serving persons with developmental disabilities
LR17 Congratulate Nebraska Mission of Mercy for its efforts in serving over six thousand dental patients in Nebraska

Danielle Conrad

LR17 Congratulate Nebraska Mission of Mercy for its efforts in serving over six thousand dental patients in Nebraska

Tanya Cook

LB8 Prohibit transfers from the Job Training Cash Fund to the General Fund
LB16 Change provisions relating to funding for certain economic development programs
LR17 Congratulate Nebraska Mission of Mercy for its efforts in serving over six thousand dental patients in Nebraska
LR18 Extend sympathy to the family of Wilda Chue Stephenson

Abbie Cornett

LR17 Congratulate Nebraska Mission of Mercy for its efforts in serving over six thousand dental patients in Nebraska
LR21 Congratulate the Daniel J. Gross Catholic High School volleyball team for winning the 2009 Class B state championship

Brenda J. Council

LB8 Prohibit transfers from the Job Training Cash Fund to the General Fund
LB11 Change provisions relating to commodity funds
LR18 Extend sympathy to the family of Wilda Chue Stephenson

M. L. "Cap" Dierks

LB11 Change provisions relating to commodity funds
LB16 Change provisions relating to funding for certain economic development programs
LR17 Congratulate Nebraska Mission of Mercy for its efforts in serving over six thousand dental patients in Nebraska

Annette Dubas

LB11	Change provisions relating to commodity funds
LB14	Prohibit transfers and lapses from the Nebraska Brand Inspection and Theft Prevention Fund
LB16	Change provisions relating to funding for certain economic development programs
LR25	Congratulate Logan Simonson for earning the rank of Eagle Scout
LR26	Congratulate Riley Santin for earning the rank of Eagle Scout
LR27	Congratulate Nathan Doggett for earning the rank of Eagle Scout
LR28	Congratulate Jack Wardyn for earning the rank of Eagle Scout
LR29	Congratulate Michael McClellan for earning the rank of Eagle Scout
LR30	Congratulate Michael Happ for earning the rank of Eagle Scout

Deb Fischer

LR17	Congratulate Nebraska Mission of Mercy for its efforts in serving over six thousand dental patients in Nebraska

Mike Flood

LB1	Change appropriations relating to state government
LB2	Provide for and eliminate certain fund transfers
LB3	Authorize transfers by the Legislature to the General Fund from various funds
LB4	Appropriate funds for special session expenses
LR2	Congratulate the Norfolk Catholic High School boys' cross country team for winning the 2009 Class C state championship
LR3	Congratulate the Norfolk High School girls' cross country team for winning the 2009 Class A state championship
LR17	Congratulate Nebraska Mission of Mercy for its efforts in serving over six thousand dental patients in Nebraska

Tony Fulton

LR17	Congratulate Nebraska Mission of Mercy for its efforts in serving over six thousand dental patients in Nebraska

Tim Gay

LR17	Congratulate Nebraska Mission of Mercy for its efforts in serving over six thousand dental patients in Nebraska
LR21	Congratulate the Daniel J. Gross Catholic High School volleyball team for winning the 2009 Class B state championship

Bob Giese

LB5	Change provisions relating to state aid to schools and expenditure limitations
LB11	Change provisions relating to commodity funds
LB14	Prohibit transfers and lapses from the Nebraska Brand Inspection and Theft Prevention Fund
LB16	Change provisions relating to funding for certain economic development programs
LR17	Congratulate Nebraska Mission of Mercy for its efforts in serving over six thousand dental patients in Nebraska

Mike Gloor

LR17	Congratulate Nebraska Mission of Mercy for its efforts in serving over six thousand dental patients in Nebraska

Ken Haar

LB5	Change provisions relating to state aid to schools and expenditure limitations
LB8	Prohibit transfers from the Job Training Cash Fund to the General Fund
LB16	Change provisions relating to funding for certain economic development programs
LR17	Congratulate Nebraska Mission of Mercy for its efforts in serving over six thousand dental patients in Nebraska

Galen Hadley

LB16	Change provisions relating to funding for certain economic development programs
LR11	Congratulate the University of Nebraska at Kearney volleyball team for its exemplary regular season
LR12	Congratulate the University of Nebraska at Kearney football team for an outstanding season
LR17	Congratulate Nebraska Mission of Mercy for its efforts in serving over six thousand dental patients in Nebraska

Tom Hansen

LB11	Change provisions relating to commodity funds
LB14	Prohibit transfers and lapses from the Nebraska Brand Inspection and Theft Prevention Fund
LR17	Congratulate Nebraska Mission of Mercy for its efforts in serving over six thousand dental patients in Nebraska

John N. Harms

LR1	Congratulate the Scottsbluff girls' golf team for winning the 2009 Class B state championship
LR17	Congratulate Nebraska Mission of Mercy for its efforts in serving over six thousand dental patients in Nebraska

Lavon Heidemann

LR17	Congratulate Nebraska Mission of Mercy for its efforts in serving over six thousand dental patients in Nebraska

Gwen Howard

LB5	Change provisions relating to state aid to schools and expenditure limitations
LR17	Congratulate Nebraska Mission of Mercy for its efforts in serving over six thousand dental patients in Nebraska

Charlie Janssen

LR5	Extend sympathy to the family of former Senator Lowell C. Johnson
LR17	Congratulate Nebraska Mission of Mercy for its efforts in serving over six thousand dental patients in Nebraska

Russ Karpisek

LB11	Change provisions relating to commodity funds
LB16	Change provisions relating to funding for certain economic development programs
LR14	Congratulate Austin Steven Seyfert for earning the rank of Eagle Scout
LR15	Congratulate the Friend High School girls' softball team for winning the 2009 Class C state championship
LR17	Congratulate Nebraska Mission of Mercy for its efforts in serving over six thousand dental patients in Nebraska
LR31	Congratulate the Exeter-Milligan volleyball team for winning the 2009 Class D-1 state championship

Bob Krist

LR10	Recognize November 11, 2009, as Veterans Day
LR17	Congratulate Nebraska Mission of Mercy for its efforts in serving over six thousand dental patients in Nebraska

Chris Langemeier

LB9	Change provisions relating to the Water Resources Cash Fund
LR17	Congratulate Nebraska Mission of Mercy for its efforts in serving over six thousand dental patients in Nebraska
LR20	Congratulate the Aquinas High School volleyball team for winning the 2009 Class C-2 state championship

Steve Lathrop

LB16	Change provisions relating to funding for certain economic development programs
LR17	Congratulate Nebraska Mission of Mercy for its efforts in serving over six thousand dental patients in Nebraska

Scott Lautenbaugh

LB5 Change provisions relating to state aid to schools and expenditure limitations

LeRoy J. Louden

LB11 Change provisions relating to commodity funds
LB14 Prohibit transfers and lapses from the Nebraska Brand Inspection and Theft Prevention Fund
LR1 Congratulate the Scottsbluff girls' golf team for winning the 2009 Class B state championship
LR17 Congratulate Nebraska Mission of Mercy for its efforts in serving over six thousand dental patients in Nebraska

Beau McCoy

LR16 Congratulate Father Stephen Plank for being named Nebraska's Outstanding World Language Teacher for 2009
LR17 Congratulate Nebraska Mission of Mercy for its efforts in serving over six thousand dental patients in Nebraska

Amanda McGill

LB16 Change provisions relating to funding for certain economic development programs

Heath Mello

LB11 Change provisions relating to commodity funds
LB16 Change provisions relating to funding for certain economic development programs
LR21 Congratulate the Daniel J. Gross Catholic High School volleyball team for winning the 2009 Class B state championship

John E. Nelson

LR9 Congratulate Michael Fryda for being named the 2010 Nebraska Teacher of the Year
LR17 Congratulate Nebraska Mission of Mercy for its efforts in serving over six thousand dental patients in Nebraska

Jeremy J. Nordquist

LR17 Congratulate Nebraska Mission of Mercy for its efforts in serving over six thousand dental patients in Nebraska

Rich Pahls

LB13 Impose a sales tax on certain transactions in 2010
LR17 Congratulate Nebraska Mission of Mercy for its efforts in serving over six thousand dental patients in Nebraska
LR24 Congratulate the Department of Economic Development and its affiliates for their diligence in working with the Legislature to keep Nebraska competitive and vibrant

Dave Pankonin

LB16	Change provisions relating to funding for certain economic development programs
LR17	Congratulate Nebraska Mission of Mercy for its efforts in serving over six thousand dental patients in Nebraska

Pete Pirsch

LR17	Congratulate Nebraska Mission of Mercy for its efforts in serving over six thousand dental patients in Nebraska

Scott Price

LB11	Change provisions relating to commodity funds
LR17	Congratulate Nebraska Mission of Mercy for its efforts in serving over six thousand dental patients in Nebraska

Kent Rogert

LB11	Change provisions relating to commodity funds
LB16	Change provisions relating to funding for certain economic development programs
LR17	Congratulate Nebraska Mission of Mercy for its efforts in serving over six thousand dental patients in Nebraska

Ken Schilz

LB11	Change provisions relating to commodity funds
LR17	Congratulate Nebraska Mission of Mercy for its efforts in serving over six thousand dental patients in Nebraska

Arnie Stuthman

LB11	Change provisions relating to commodity funds
LB12	Change provisions relating to C-BED projects and a sales tax exemption
LB14	Prohibit transfers and lapses from the Nebraska Brand Inspection and Theft Prevention Fund
LR6	Congratulate Joseph "Big Joe" Siedlik for his lifetime of achievement and his contributions to and promotion of various ethnic cultures
LR8	Congratulate Amanda Soltero for being named Miss Nebraska Teen USA for 2010
LR17	Congratulate Nebraska Mission of Mercy for its efforts in serving over six thousand dental patients in Nebraska
LR22	Congratulate the Columbus Scotus Central Catholic High School volleyball team for winning the 2009 Class C-1 state championship

Kate Sullivan

LB5	Change provisions relating to state aid to schools and expenditure limitations
LB11	Change provisions relating to commodity funds
LB14	Prohibit transfers and lapses from the Nebraska Brand Inspection and Theft Prevention Fund
LB16	Change provisions relating to funding for certain economic development programs
LR13	Congratulate Ms. Belinda Wright for being crowned Miss Nebraska USA for 2010
LR17	Congratulate Nebraska Mission of Mercy for its efforts in serving over six thousand dental patients in Nebraska
LR23	Congratulate the Greeley-Wolbach volleyball team for winning the 2009 Class D-2 state championship

Dennis Utter

LB11	Change provisions relating to commodity funds
LR17	Congratulate Nebraska Mission of Mercy for its efforts in serving over six thousand dental patients in Nebraska

Norm Wallman

LB11	Change provisions relating to commodity funds
LB16	Change provisions relating to funding for certain economic development programs
LR17	Congratulate Nebraska Mission of Mercy for its efforts in serving over six thousand dental patients in Nebraska

Tom White

LB15	Change provisions relating to property tax relief and change school aid appropriations
LB16	Change provisions relating to funding for certain economic development programs
LR19	Congratulate Jacob David Campbell for earning the rank of Eagle Scout

Education

LB5	Change provisions relating to state aid to schools and expenditure limitations

BILLS AND RESOLUTIONS HEARD BY COMMITTEE

ONE HUNDRED FIRST LEGISLATURE FIRST SPECIAL SESSION 2009

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Chairperson - Tom Carlson

LB6	LB7	LB11	LB14		

Appropriations

Chairperson - Lavon Heidemann

LB1	LB2	LB3	LB10	LB16	

Business and Labor

Chairperson - Steve Lathrop

LB8					

Education

Chairperson - Greg L. Adams

LB5					

Government, Military and Veterans Affairs

Chairperson - Bill Avery

LR4					

Natural Resources

Chairperson - Chris Langemeier

LB9	LB12				

Revenue

Chairperson - Abbie Cornett

LB13	LB15				

SUMMARY OF LEGISLATION

ONE HUNDRED FIRST LEGISLATURE
FIRST SPECIAL SESSION
2009

The following table shows the final disposition

Length 12 days

Number of Bills Introduced: 16
Number of Resolutions Introduced: 31
Number of Bills to Become Law: 5

Approved by Governor (5): 1e 2e 3e 4e 5e

Indefinitely Postponed (12): 6 7 8 9 10 11 12 13 14 15 16 LR4

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ONE HUNDRED FIRST LEGISLATURE
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2009

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ONE HUNDRED FIRST LEGISLATURE
SECOND SESSION

2010

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LINCOLN, NEBRASKA

Compiled

Under the Authority of the Legislature

by

PATRICK J. O'DONNELL, CLERK

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37	Galen Hadley	Kearney	Professor Emeritus	Buffalo*, Kearney

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46	Danielle Conrad	Lincoln	Attorney	Lancaster*
47	Ken Schilz	Ogallala	Cattle Feeder/Farmer	Arthur, Banner, Cheyenne, Deuel, Garden, Keith, Kimball, Morrill
48	John N. Harms	Scottsbluff	Retired	Scotts Bluff*
49	LeRoy J. Louden	Ellsworth	Rancher	Box Butte, Cherry*, Dawes, Grant, Scotts Bluff*, Sheridan, Sioux

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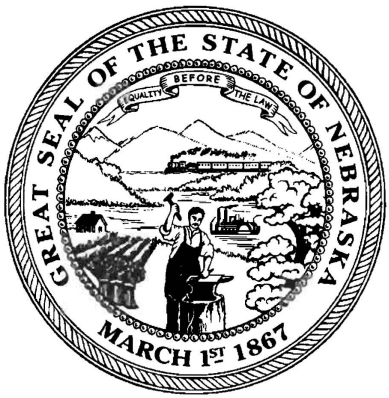
RULES

of the

NEBRASKA

UNICAMERAL

LEGISLATURE



One Hundred First Legislature
Second Session

RULES

of the

NEBRASKA

UNICAMERAL

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RULES OF THE NEBRASKA UNICAMERAL

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RULE 1 – OFFICERS AND EMPLOYEES

A. Election of Officers

Section 1. Officers to be Elected. (a) At the commencement of each regular session in odd-numbered years the Legislature shall nominate from the floor and elect by secret ballot the following officers:

Speaker
Chairperson of Committee on Committees
Chairperson of Executive Board
Vice Chairperson of Executive Board
6 Members of Executive Board (See footnote)

Before the ballot is taken each person so nominated may make a public statement to the Legislature indicating what the Legislature may expect from him or her in the area of the responsibility of such office. The officers so elected shall hold such office for a period of two years.

The Legislature elects two from Legislative Districts 1, 2, 15, 21 through 30, 32, 34, and 46; two from Legislative Districts 3 through 14, 18, 20, 31, 39, and 45; and two from Legislative Districts 16, 17, 19, 33, 35 through 38, 40 through 44, and 47 through 49. Speaker is member of Board; Chairperson of Appropriations is nonvoting member. RRS 50-401.01.

(b) In the event a vacancy occurs on the Executive Board, the following shall apply:

(i) The Vice Chairperson shall serve as acting Chairperson upon the resignation or death of the Chairperson until the commencing of the next regular session of the Legislature, at which time the Legislature shall nominate from the floor and elect by secret ballot a Chairperson of the Executive Board for the balance of the original term.

(ii) Upon the resignation or death of the Speaker, during the interim, said position shall remain vacant until the next regular session or special session the Legislature convenes, at which time a Speaker shall be nominated from the floor and elected by secret ballot for the balance of the original term.

Upon the resignation or death of the Speaker during the session, a Speaker shall immediately be nominated from the floor and elected by secret ballot for the balance of the term.

(iii) In the event there is a vacancy of the Vice Chairperson of the Executive Board during the interim, said vacancy shall be filled pursuant to Rule 3, Section 8(c) until the commencing of the next regular session of the Legislature at which time the Legislature shall nominate from the floor and elect by secret ballot a Vice Chairperson of the Executive Board for the balance of the original term.

(iv) During session, a vacancy among the remaining six members of the Executive Board shall be filled by a majority vote of all members of the respective caucus from which the vacancy occurred, subject to approval of

the Legislature. The individual so selected shall serve for the balance of the original term.

During the interim, a vacancy among the remaining six members of the Executive Board shall be filled by a majority vote of all members of the respective caucus from which the vacancy occurred, subject to approval of the Executive Board. The individual so selected shall serve for the balance of the original term.

Sec. 2. Officers to be Approved. In addition, the Legislature shall advise and consent to the recommendations of the Executive Board of the Legislative Council for the following officers:

Chief Clerk of the Legislature
Assistant Clerk of the Legislature
Sergeant at Arms

Officers and employees recommended by the Executive Board. RRS 50-111.

Sec. 3. Voting on and Removal of Officers. (a) A majority vote of the elected members shall be required for the election of all officers of the Legislature. All officers shall hold their office until a successor is chosen or they are removed.

(b) Any officer of the Legislature may be recalled upon a two-thirds majority vote of the members elected to the Legislature provided no such recall shall be voted on until five legislative days after the motion to do so is placed in the Journal. The vacancy thus created shall be filled by a majority vote of the members.

Sec. 4. Officer's Oath. Each permanent officer shall take an oath to support the constitution of the United States, and the constitution of the State of Nebraska, and to discharge faithfully the duties of his or her office according to the best of his or her ability.

B. Presiding Officer

Sec. 5. President of the Legislature. The Lieutenant Governor shall preside as President of the Legislature. The Speaker shall serve as acting President and preside when the Lieutenant Governor shall be absent, incapacitated, or shall be acting as Governor. All references herein made to the President shall be construed as meaning also the Speaker whenever he or she may preside.

Prohibited from presiding when acting as Governor. Const. Art. III, Sec. 10.
Duties and powers. RRS 50-113.

Sec. 6. Presiding Officer, Order in Designating. In the absence of both the Lieutenant Governor and the Speaker, the order of the presiding officer of the Legislature shall be as follows:

Chairperson of the Executive Board
Chairperson of Committee on Committees
Chairperson of Committee on Judiciary
Chairperson of Committee on Government, Military and Veterans Affairs
Chairperson of Committee on Appropriations
Chairperson of Committee on Revenue
Chairperson of Committee on Education
Chairperson of Committee on Banking, Commerce and Insurance
Chairperson of Committee on Natural Resources
Chairperson of Committee on Agriculture
Chairperson of Committee on Health and Human Services
Chairperson of Committee on General Affairs
Chairperson of Committee on Business and Labor
Chairperson of Committee on Urban Affairs
Chairperson of Committee on Transportation and Telecommunications

Sec. 7. Powers of Presiding Officer, Restrictions. All the powers herein conferred on the President shall be exercised by the presiding officer, except the authority to sign bills or resolutions passed by the Legislature.

Const. Art. III, Sec. 14.
Duties. RRS 50-113.

Sec. 8. Alternate Presiding Officers. The President may name any member to perform the duties of the presiding officer, but such delegation shall not extend beyond adjournment.

Sec. 9. Convening of Legislature, Quorum. The President shall take the chair each legislative day at the hour to which the Legislature shall have adjourned at the last sitting. He or she shall call the Legislature to order, and a quorum being present, shall proceed in the manner and order prescribed by these Rules. A majority of the members elected to the Legislature shall constitute a quorum.

Const. Art. III, Sec. 10.

Sec. 10. Absence of Quorum. If the President finds that a number less than a quorum is present, he or she shall so state, and a majority of the members present, if five in number, may compel the presence of all members subject to a call of the house.

Sec. 11. Order and Decorum. The President shall preserve order and decorum, and in case of disturbance or disorderly conduct in the galleries, or in the lobby, may cause the same to be cleared.

Consent to enter chamber. Rule 2, Section 3.

Sec. 12. Overrule Ruling of the Chair. The President may speak to a point of order in preference to members, and shall decide the questions or order, subject to a challenge to the Legislature by any member, on which challenge no member may speak more than once, unless by leave of the Legislature. No member may yield time to another member. In the event of a challenge to a ruling of the chair, the ruling shall be restated and the question shall be phrased: "Shall the Chair be overruled?" A majority of those present shall be required to overrule the chair.

Sec. 13. Signing of Bills and Resolutions. The President shall sign, in the presence of the Legislature, while the same is in session and capable of transacting business, all bills and resolutions passed by the Legislature. All writs, warrants, and subpoenas issued by order of the Legislature shall be under his or her hand and seal, and attested to by the Clerk.

Only Lieutenant Governor or Speaker may sign bills. Const. Art. III, Sec. 14.

Sec. 14. Lieutenant Governor Voting, When. The Lieutenant Governor, when presiding, shall vote only when the Legislature is equally divided.

Const. Art. III, Sec. 10.

C. Speaker

Sec. 15. Speaker, Presiding, Privilege. The Speaker shall preside over the Legislature at such times and circumstances as is above set forth. He or she shall be privileged to speak at any stage of proceedings at any time incident to the duties and responsibilities of his or her office.

Distribution of material by Clerk. Rule 2, Section 3g.
Excuse attendance at committee hearing. Rule 2, Section 4.
Power to refer bill back to committee. Rule 6, Section 3g.
Signing of bills. Const. Art. III, Sec. 14.

Sec. 16. Report Order of Bills. (a) The Speaker, with the approval of the Executive Board, shall report to the Legislature the order in which bills and resolutions shall be considered on General File. The Speaker's orders, as approved, are final unless changed by a three-fifths vote of the elected members of the Legislature. General appropriation bills shall be given precedence over all other bills.

(b) The Speaker may, when sound judgment would so dictate, postpone the scheduled reconvening of the Legislature for up to forty-eight hours when (1) an emergency exists due to adverse weather or other causes, or (2) a quorum cannot be assembled within one half hour after the time to which the Legislature was to have convened.

(c) The Speaker shall prepare a daily legislative agenda and shall make every effort possible to deliver the agenda to the members of the Legislature not less than one day prior to the day for which the agenda was prepared.

Sec. 17. Speaker's Major Proposals. The Speaker shall be authorized to: (a) Designate up to five bills, or resolutions proposing to amend the Constitution, as major proposals during each legislative session. Determinations made by the Speaker pursuant to this subsection shall be limited to bills or resolutions previously designated as a committee priority, senator priority, or a general appropriation bill and approved by a vote of two-thirds of the Executive Board.

(b) Require each committee to which a major proposal has been referred to:
(1) hold a public hearing by a date certain as agreed to by the Speaker and committee chairperson.
(2) take action, including voting to advance the measure with or without amendments to the full Legislature, voting to indefinitely postpone the measure, or taking a vote on the measure that does not result in the measure's advancement or indefinite postponement. Committee action as defined above must be taken by a date certain as determined by the Speaker and committee chairperson.

(c) Determine the scheduling of the proposal and the order of amendments and motions to be considered.

D. Clerk of the Legislature

Sec. 18. Duties, Journal, Report on Employees. (a) The Clerk of the Legislature shall attend sessions, call the roll, and keep journal of proceedings.

(b) The Clerk of the Legislature shall print no paper or document, except bills and the daily Journal, unless authorized by a majority vote of the elected members of the Legislature, or by the Executive Board.

Preprinting of bills. Rule 5, Section 3.

(c) The Clerk of the Legislature shall have general charge, except as may be provided by law or by rule, of such parts of the Capitol and its passages as are or may be set apart for the use of the Legislature and its officers and employees.

(d) No communications or letters shall be read by the Clerk of the Legislature unless authorized by the Speaker or the Executive Board Chairperson.

General duties. RRS 50-114.
Distribute material, when authorized. Rule 2, Section 3g.
Fiscal notes, attach to bills. Rule 5, Section 6d.

Sec. 19. Journal, Governor's Messages, Amendments. (a) The Clerk shall prepare a daily Journal of the proceedings of the Legislature, which shall be printed and placed each day upon the desks of the members, and the presiding officer shall call in the regular order of business for corrections thereof. After corrections, if any are made, the Journal shall stand approved without motion.

Order of business. Rule 7, Section 1b.

(b) The Clerk shall enter in the daily Journal messages of the Governor in full, titles of bills, every vote, including the yeas and nays, and a brief statement of the contents of each resolution, petition, memorial, communication, or other paper received from other states presented for the consideration of the Legislature.

Constitutional amendment, print in full. Const. Art. XVI, Sec. 1.

(c) The hour at which the Legislature adjourns shall be entered in the daily Journal.

(d) All amendments for which a vote is taken shall be entered in the daily Journal.

(e) All amendments and motions filed with the Clerk prior to the day a bill or resolution is considered shall be recorded in the daily Journal with the name of the introducer or introducers. The text of any amendment whose length is no more than ten pages shall be printed in the daily Journal. All amendments which are approximately ten pages or more shall be noted in the daily Journal as on file in the bill room or the Clerk's office.

(f) Additional copies of the daily Journal, to be mailed at the Clerk's direction, shall be supplied for the use of each member in such manner as shall be provided by the Legislature.

(g) The bound Journal of the session shall be prepared from the corrected daily Journal.

(h) A verbatim record of all debate and questions on all bills and resolutions, and amendments offered thereto, shall be made, transcribed, and preserved under the direction of the Clerk.

(i) A list of lobbyists who are registered shall be set forth in the Journal.

On registration of lobbyists. RRS 49-1480 through 49-1492.01.

(j) An acknowledgement shall be entered in the daily Journal that a member has filed a Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act, and that such statement is on file in the Clerk of the Legislature's Office.

Sec. 20. Assistant Clerk, Duties. The Assistant Clerk shall, in the absence of the Clerk, be authorized to exercise all the duties herein prescribed for the Clerk of the Legislature, including the signing of those papers which may require the signature of the Clerk of the Legislature.

RRS 50-115.

E. Other Offices

Sec. 21. Sergeant at Arms. (a) The Sergeant at Arms shall attend the Legislature during its sittings, to execute the commands of the Legislature from time to time, together with all such processes issued by authority thereof as shall be directed to him or her by the presiding officer, and shall enforce strictly the rules as they relate to privileges of the legislative chamber.

RRS 50-116.

(b) The Assistant Sergeant at Arms shall assist the Sergeant at Arms and in the absence of the latter, shall perform all of the duties herein prescribed for the Sergeant at Arms.

(c) Such other security guards as may be necessary shall be under the direction of the Speaker.

Compel attendance. Rule 2, Section 4.

Sec. 22. Opening Prayer. The Clerk's office shall arrange for prayer at the beginning of each day of the legislative session.

Sec. 23. Other Employees, Hiring of. The Executive Board of the Legislative Council shall hire all employees of the Legislature except those subject to the procedure in Rule 1, Section 2. The salaries of permanent employees shall be determined by the Executive Board subject to the limits of the appropriation bill.

RRS 50-112.

RULE 2 – RULES OF PROCEDURE

Section 1. Rules, Matters Not Covered. (a) At the commencement of each regular session, a motion shall be offered to adopt the rules of the preceding session as temporary rules. The motion to adopt temporary rules shall require a majority vote of the members. The temporary rules shall be in effect until such time as the permanent rules are adopted. The motion to adopt permanent rules and amendments to that motion shall require a majority vote of the elected members. In all matters not covered herein, the Legislature shall decide as to the procedure to be followed, the same to require the concurrence of a majority of the elected members.

(b) In the absence of a controlling rule to cover a specific situation and in the absence of controlling custom, usage, and/or precedent, the presiding officer may utilize Mason's Manual of Legislative Procedure as authority.

Overruling the chair. Rule 1, Section 12.
Presiding officer, duties. RRS 50-113.

Sec. 2. Rules, Suspension, Amendment. The rules may only be suspended by a three-fifths majority of the elected members by a machine vote, and such a motion shall not be amendable or divisible. The permanent rules may be amended by a three-fifths majority vote of the members elected; provided, any proposed amendment must first be referred to the Committee on Rules for consideration and report.

Sec. 3. Chamber, Guests, Distribution of Material. (a) The legislative chamber shall consist of the entire floor of the legislative chamber including the space under the balcony on either side adjacent thereto, or any other space designated by the Legislature or the Executive Board thereof.

(b) No person shall be admitted to the floor of the Legislature, as described in this rule, except the following:

(i) Members of the Legislature and their immediate families.
(ii) Officers and employees of the Legislature.
(iii) Reporters of regularly accredited newspapers and broadcasting stations.

(c) With the permission of the chair, members may invite guests to the legislative chamber to sit in those specially designated areas located in the rear of the chamber. When exercising this privilege, members should be sensitive to the matter under discussion on the floor and not have guests seated within the chamber who have a direct interest in the matter being discussed.

Any member may object to the presence of a guest within the chamber on the grounds that the guest has an interest in the matter being debated. If the

chair concurs with this judgment, the guest shall be asked to leave the chamber.

No registered lobbyist shall be admitted to the chamber.

(d) The Governor, state officers, former legislators, and other distinguished visitors may be admitted to the floor upon permission from the chair.

State officials appearing before committees. Rule 3, Section 15.

(e) No one shall be permitted to be seated beside members of the Legislature except members of their immediate families upon permission from the chair. When bills are being read on Final Reading, no one other than members of the Legislature shall be permitted on the floor of the Legislature, except for employees of the Clerk of the Legislature's office or as provided in Section 3(h) of this rule.

(f) No person, other than those hereinbefore excepted, shall be admitted to the members' cloak room or post office, unless accompanied by a member.

(g) No printed or written material of any nature may be placed on the desks of the members or distributed to them in the legislative chamber, unless such material clearly indicates on its face the person responsible for its distribution. The distribution must be approved by at least one member of the Legislature. The Speaker may authorize the Clerk to distribute material prepared by state agencies.

(h) Members shall remain in their seats during the final reading of a bill and until the vote thereon has been announced, except when excused by the President. During discussion of amendments or motions offered pursuant to Rule 6, Section 8, officers and employees of the Legislature shall be permitted on the floor of the Legislature and members may move about the legislative environs subject to a quorum call request by any member pursuant to Rule 7, Section 5. For purposes of this rule, legislative environs shall mean the Legislative Chamber, the Senate Lounge, and the hallway connecting those areas.

(i) No individual, other than a senator or officer of the Legislature, shall be allowed to address the Legislature except from the podium.

(j) The smoking of any tobacco product by any member or any other individual within the State Capitol is prohibited.

(k) The use of any mobile, portable, or wireless communication device that emits an audible signal, other than those authorized by the Legislative Council or used by licensed medical persons on duty, is prohibited in the Chamber while the Legislature is in session.

Sec. 4. Attendance at Sessions. (a) Every member shall be present within the legislative chamber during the meetings of the Legislature and shall

attend the regular meeting of the standing committee of which he or she is a member, unless excused by the Legislature, the Speaker, or the committee chairperson. Members who have been excused by the Legislature or the Speaker shall notify their committee chairperson that they will be absent.

(b) The presence of any member may be compelled, if necessary, by sending the Sergeant at Arms, or such other person or persons as the membership present may authorize, at the expense of such absent member, unless such excuse for nonattendance is made as the Legislature may judge sufficient, and in that case the expense shall be paid out of the contingent fund.

Sec. 5. Absent Members, Explanation of Vote. Members who are shown as excused and not voting may have inserted into the Journal how he or she would have voted had he or she been present.

Sec. 6. Expulsion of Members. No member shall be expelled except by a vote of two-thirds of all members elected to the Legislature, and no member shall be twice expelled for the same offense.

Const. Art. III, Sec. 10.

Sec. 7. Senator Desiring to Speak. (a) When a member desires to speak in debate or to deliver any matter to the Legislature, he or she shall rise from his or her seat and respectfully address himself or herself to "Mr. or Madame President." A member shall speak only when recognized and shall confine his or her remarks to the question before the Legislature.

(b) No member shall interrupt the business of the Legislature nor speak to another who has the floor, except when he or she may yield to a question. No guest will be introduced during the legislative session except dignitaries and such dignitaries shall only be introduced by the presiding officer, provided that the presiding officer can announce the presence of visiting groups or organizations at his or her discretion. Those individuals and groups not introduced may be inserted in the Journal by request. No member shall use profane or abusive language when speaking to or about another member.

Sec. 8. Transgression of Rules, Call Member to Order. If any member, in speaking or otherwise, transgresses the Rules of the Legislature, the presiding officer shall, or any member may, call such member to order, in which case he or she shall immediately sit down, unless permitted on motion of another member to explain, and the Legislature shall, if appealed to, decide the case without debate. If the decision be in favor of the member called to order, he or she shall be at liberty to proceed, but not otherwise, and if the case requires it, he or she shall be liable to censure or such punishment as the Legislature may deem proper.

Sec. 9. Words Excepted To. If a member is called to order for words spoken in debate, the member calling him or her to order shall indicate the

words excepted to, and they shall be taken down in writing at the Clerk's desk and read aloud to the Legislature, but he or she shall not be held to answer, nor be subject to the censure of the Legislature therefore, if further debate or other business shall have intervened.

Sec. 10. Time Limit on Speaking. The introducer of the matter pending may speak for ten minutes when he or she first presents the matter to the Legislature. Each member shall be allowed to speak up to three times for not more than five minutes on each occasion, upon any one question in deliberation during the legislative day, without leave of the Legislature, unless he or she be the introducer of the matter pending in which case he or she shall be permitted to close after every other member choosing to speak shall have spoken or after a motion to cease debate has prevailed. The introducer's close shall be included within the three opportunities permitted for speaking to an issue.

Sec. 11. Personal Privilege. Personal privilege shall be, first, those affecting the rights, dignity, and integrity of the Legislature collectively; and second, the rights, reputation, and conduct of members individually. They shall have precedence over all other questions except motions to adjourn. Personal privilege shall not be used to permit any discussion or debate pertaining to any measure pending before the Legislature. All questions of privilege shall be channeled through the presiding officer, who shall determine their order of consideration.

RULE 3 – COMMITTEES

Section 1. Committees in General. (a) Each committee of the Legislature is authorized to hold such hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Legislature, to require by subpoena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents, and to take such testimony, as it deems advisable. Each committee may make investigation into any matter within its jurisdiction, may report such hearings as may be had by it, and may present to the Legislature for its consideration any final reports and recommendations for action resulting from such investigations.

(b) A committee's subject-matter jurisdiction extends to all matters specified in the act creating the committee, or to all matters reasonably comprehended in the name of the committee. A committee's particular jurisdiction extends to any bill, resolution, or other measure referred to it by the Legislature, until final report of the measure has been made by the committee to the Legislature. A committee's particular jurisdiction shall also include review of the budgets of agencies, boards, and commissions reasonably encompassed in its subject-matter jurisdiction.

(c) No committee may exercise any of the above mentioned powers in a manner contrary to the Rules of the Legislature or in a manner which exceeds the scope of the act defining the purpose of the committee.

(d) A committee may adopt the Model Committee Rules (Appendix A to Rule 3) as the rules to be used in governing the committee's activities.

Model Committee Rules-Appendix A on file in the Clerk's office.

Sec. 2. Appointment of Committees. (a) At the commencement of each biennium, the Legislature shall elect a Committee on Committees to consist of thirteen members, one at large who shall be chairperson, and four from Districts Number 1, 2, 15, 21 through 30, 32, 34, and 46; four from Districts Number 3 through 14, 18, 20, 31, 39, and 45; and four from Districts Number 16, 17, 19, 33, 35 through 38, 40 through 44, and 47 through 49.

(b) Immediately following chairmanship and Committee on Committees membership elections, the Committee shall meet and, by a majority vote of all its members, submit to the Legislature a preliminary report of appointments to the remaining standing and select committees, each with the number of members as hereinafter set forth, unless otherwise provided for by rule or by statute. On the following day the Committee on Committees shall meet and, by a majority vote of all its members, submit to the Legislature a final report for its approval, appointments to the standing and select committees, each with a number of members as hereinafter set forth, unless otherwise provided for by rule or by statute. Once the final report is presented to the Legislature, no amendments shall be considered. If the Legislature, by majority of the elected members, fails to adopt the final

report of the Committee on Committees, such report shall be returned to the Committee for further action.

(c) The membership of all standing and select committees shall be appointed at the beginning of each session beginning in odd-numbered years and shall continue until the regular session in the next subsequent odd-numbered year.

(d) During session, all vacancies on standing or select committees created by the death or resignation of a member shall be filled by a majority vote of all members of the Committee on Committees unless otherwise provided for by rule or statute. A vacancy within the Committee on Committees shall be filled by a meeting of the caucus established pursuant to Rule 3, Section 2(a).

During the interim, all vacancies on standing or select committees created by the death or resignation of a member shall be filled by a majority vote of all members of the Executive Board.

Sec. 3. Standing Committees. (a) The standing committees of the Legislature shall be as follows:

Agriculture	8 members
Appropriations	9 members
Banking, Commerce and Insurance	8 members
Business and Labor	7 members
Education	8 members
General Affairs	8 members
Government, Military and Veterans Affairs	8 members
Health and Human Services	7 members
Judiciary	8 members
Natural Resources	8 members
Nebraska Retirement Systems	6 members
Revenue	8 members
Transportation and Telecommunications	8 members
Urban Affairs	7 members

(b) The Speaker shall not be a regular member of a standing committee.

Sec. 4. Select Committees. (a) The select committees of the Legislature shall be as follows:

Committee on Committees	13 members
Enrollment and Review	1 member
Reference	9 members
Rules	6 members

(b) The Speaker of the Legislature shall serve as one of the six members and shall be an ex officio member of the Rules Committee. Select committees shall be subject to the same procedural rules as standing committees insofar as they are applicable. In addition, the following provisions shall apply:

(c) Committee on Committees.

(i) The Committee on Committees shall have authority to call before it a committee chairperson and discuss the workload of said committee. It shall hear and dispose of all written complaints filed with said committee by a senator against any committee chairperson. The Committee on Committees shall conduct said hearing in accordance with its own rules.

(d) Enrollment and Review.

(i) The Chairperson of Enrollment and Review shall report bills which have been engrossed for Final Reading and passage. In the absence of the Chairperson, the Vice Chairperson of the Judiciary Committee shall assume the duties of the Chairperson of the Enrollment and Review Committee.

(ii) The bill drafting service shall have supervision of and provide legal services for the Enrollment and Review Committee.

(iii) The Chairperson of Enrollment and Review shall have authority, without being required to include the same specifically in his or her reports and recommendations to the Legislature, in accord with accepted usage:

(A) To correct the spelling of words, to correct erroneous division and hyphenation of words, to capitalize or decapitalize words, to convert masculine or feminine referents to neutral gender when appropriate, and to change numbers from words to figures or from figures to words, in new and independent acts, in the new matter of amendatory acts, in standing committee reports, and in General File, Select File, and specific amendments.

(B) To underscore or remove underscoring, as the case requires, in standing committee reports and in General File, Select File, and specific amendments.

(C) When an amendment to add the emergency clause, the severability clause, or provide an operative date is adopted on Select File which does not spell out the standard clause or section and make the necessary change in the title, the Chairperson of Enrollment and Review shall also have the authority to add to the engrossed bill the standard clause or section, assigning to it the appropriate section number, and make the necessary change in the title as a matter of course without including such action in his or her reports and recommendations to the Legislature or making any special record thereof.

(D) To add and/or delete names of introducers to reflect action on the bill while the bill remains in the possession of the Legislature at any stage of consideration.

(E) To reflect votes on Final Reading as they may occur pursuant to Rule 6, Section 10 and Rule 6, Section 15.

(e) Reference Committee.

(i) The Executive Board shall constitute the Reference Committee. The Reference Committee shall review each bill and resolution and either refer the matter to the appropriate committee or to General File. The appropriate committee is that committee which has subject-matter jurisdiction over the issue or which has traditionally handled the issue.

(ii) All nominations made to the Legislature by the Governor, requiring confirmation by the Legislature shall be referred to the appropriate standing committee and the same procedure shall be followed as governs the handling of other matters before standing committees, unless the Legislature shall otherwise direct by unanimous vote.

(iii) The Clerk of the Legislature's office shall be responsible for the collection of pertinent information on gubernatorial appointments. That information will be distributed to the appropriate standing committee prior to the time of the confirmation hearing. The Clerk's office shall be the "depository" for background information on the individual, a statement of financial interests if applicable, and other biographical information that the committee chair feels is appropriate for the committee to have before it during the confirmation process.

(iv) The committees to which a gubernatorial appointee has been referred for confirmation shall conduct a confirmation hearing. Each appointee shall be required to appear in person before the committee conducting the confirmation hearing. The appearance of the appointee may be waived for good cause as determined by the chair of the committee.

The committee shall prepare a report which approves, rejects, or makes no recommendation on the appointment. Said report shall be filed with the Clerk of the Legislature. The Legislature shall then have the opportunity to accept or reject the report of the committee.

If the Legislature fails to adopt a report to approve an appointment by a majority vote of the elected members, the appointment is thereby rejected.

If the report coming from the committee is to reject the appointment, and the Legislature fails to adopt the report by a majority vote of the elected members, then the appointment is thereby approved provided the report receives a majority vote in the negative.

In the event that the committee files a report making no recommendation on the appointment, the report shall be considered by the Legislature within five legislative days, and no later than the scheduled adjournment sine die of the current legislative session. The Legislature shall consider a motion to approve the appointment, which shall require a majority of the elected members for approval. If the Legislature fails to approve the motion, the appointment is thereby rejected.

In the event a motion on a report fails to receive either in the affirmative or negative a majority vote of the elected members, then such appointment shall be deemed rejected.

(v) Any appointment letter received by the Clerk of the Legislature during the last ten calendar days of any regular legislative session shall not be acted upon. Acknowledgment of receipt of the appointment shall be deferred until the next regular or special session of the Legislature.

(f) Rules Committee.

All proposed rules changes shall be set for public hearing within five legislative days after their referral to the committee. The hearing shall take place within fifteen legislative days after the referral, and the committee shall take final action on the proposal within ten legislative days after the hearing.

(g) Investigating Committees.

The Committee on Committees may appoint other select committees when authorized by the Legislature. No investigating committee of the Legislature shall be created except by resolution which shall set forth, with supporting statements, the reasons for and the purposes of the investigation, and no committee thus established shall function except during the interim between legislative sessions.

Sec. 5. Special Committees. (a) Special committees shall include all authorized committees other than standing and select committees. Unless otherwise specifically provided, special committees shall not have jurisdiction over legislative bills, but shall be subject to the same procedural rules as standing committees, insofar as they are applicable.

(b) The special committees authorized by statute as of January 9, 2008, are as follows:

Building Maintenance. RRS 81-185	6 members
Education Commission of the States. RRS 79-1504	3 members
Executive Board of the Legislative Council. RRS 50-401.01	9 members
Intergovernmental Cooperation. RRS 81-816	5 members
Legislative Performance Audit. RRS 50-1204	7 members
State-Tribal Relations. RRS 50-445	7 members

(c) The following special provisions shall be in force with regard to the following special committees:

(i) Intergovernmental Cooperation Committee.

In addition to the members of the Intergovernmental Cooperation Committee chosen in accordance with Section 81-816, the Executive Board may appoint temporary members to serve on such assignments as the chairperson shall direct.

(ii) The Executive Board is authorized to exercise jurisdiction over legislative bills and resolutions and hold hearings regarding such legislation when the issue presented by the legislative bill or resolution is one of general import to the Legislature and its operations as a whole. Such legislative hearings shall comply with the provisions in Rule 3, Sec. 14.

(iii) The Legislative Performance Audit Committee is authorized to hold hearings, at the committee's discretion, to receive testimony regarding topics it has selected for review. Such hearings shall comply with the provisions in Rule 3, Sec. 14. In order to protect confidential information pertaining to a potential or actual performance audit, the committee may, by a majority vote

of all its members, determine that a meeting in which confidential information will be discussed should not be open to the public, including members of the news media. Such meeting shall be reconvened in open session before any formal action may be taken.

Sec. 6. Redistricting Committee. (a) The Redistricting Committee of the Legislature shall be established as a special committee of the Legislature in January of each year ending in one. The committee is authorized to introduce and exercise jurisdiction over legislative bills and resolutions relating to redistricting and hold hearings regarding such legislation.

(b) The committee shall be comprised of nine members of the Legislature, three from each congressional district existing on January 1 of each year ending in zero. The Executive Board shall appoint the members of the committee in January of each year ending in one. No more than five members appointed to the committee shall be affiliated with the same political party. A vacancy on the committee shall be filled by the Executive Board as soon as possible after the vacancy occurs.

(c) At the first meeting of the committee, the members shall select from among themselves by majority vote one member to serve as chairperson of the committee and one member to serve as vice chairperson of the committee. The chair and vice chair shall not be a member of the same political party.

(d) The committee shall continue in existence until all bills containing redistricting plans for which the Legislature has responsibility are passed and signed by the Governor. In the event of a successful legal challenge to any part of a redistricting plan, the committee shall be reconstituted for purposes of reformulating the challenged redistricting plan.

(e) The committee shall receive staff support from the office of the director of Legislative Research.

(f) The committee shall, after reviewing previous redistricting guidelines used by the Legislature, adopt substantive and procedural guidelines that will guide the Legislature's redistricting process. During the legislative session of each year ending in one, the substantive guidelines adopted by the committee shall be presented to the Legislature for approval.

(g) The committee shall at the earliest feasible time make available to the public the substantive guidelines prepared by the committee.

(h) The committee shall introduce legislative bills pertaining to redistricting congressional districts and other districts during the legislative session of each year ending in one.

(i) Based upon the information received from the United States Department of Commerce, Bureau of the Census, the committee shall formulate redistricting plans for congressional districts and other districts. The statistics and redistricting plans shall be made available to the Legislature and the public.

(j) After the statistics and redistricting plans are made available to the Legislature and the public, the committee shall schedule and conduct, as expeditiously as reasonably possible, at least one public hearing in each congressional district for the purposes of soliciting input on the proposed redistricting plans. Video and other methods may be used in addition to the

procedures outlined for public hearings but not in substitution for such procedures.

(k) In addition to the above procedures, legislation introduced for the purpose of complying with the decennial redistricting process in years ending in one, shall follow the normal procedures for any legislation introduced in the Nebraska Legislature.

Sec. 7. Meeting Times. (a) After consultation with the Speaker, the Committee on Committees shall publish a schedule of standing committee meetings, in such manner as to avoid, as far as possible, conflicts in the assignment of members to committees. Standing committees shall meet at 1:30 p.m. on weekdays, unless otherwise approved by the Legislature, except for the Nebraska Retirement Systems Committee, which shall meet as called by the chairperson.

(b) A standing committee which decides not to hold meetings on the appointed day shall report that decision to the Clerk of the Legislature.

(c) Any legislative committee shall be subject to the call of its chairperson or to the call of a majority of its members, in accordance with the notice and procedural requirements set forth in its committee rules.

Sec. 8. Chairperson, Vice Chairperson. (a) The chairperson of each standing and select committee shall be selected by secret ballot on the floor of the Legislature.

(b) The chairperson of a special committee shall be selected in the manner provided by the act authorizing the committee, or if not specified, by the Executive Board.

(c) Each committee shall elect from its membership a vice chairperson to serve in the absence of the chairperson.

(d) The chairperson may, at his or her discretion, assume the title of chairman, chairwoman, or chair for legislative purposes.

Sec. 9. Committee Quorum. A majority of the members of a committee shall constitute a quorum. A quorum must be present for the transaction of any committee business except a public hearing.

Sec. 10. Quorum at Committee Hearings. A quorum of committee members should be maintained throughout all committee hearings.

Sec. 11. Conduct During Committee Hearings. (a) The use of any mobile, portable, or wireless communication device, other than those authorized by the Legislative Council or used by licensed medical persons on duty, is prohibited in legislative hearing rooms during a meeting of a legislative committee.

Sec. 12. Temporary Appointments. (a) When a member is unable to serve, the chairperson of the committee, after a majority vote of the remaining members, shall request that such vacancy be filled by the Committee on Committees.

(b) A temporary appointment may be made by the Chairperson of the Committee on Committees for only one day when requested by a chairperson of a standing committee which lacks a quorum. When a member is appointed from an eight-member committee, the consent of the member to be appointed shall first be obtained. The temporary appointee shall have the right to vote only on the bill or bills that actually have been heard by the appointee and provided that the vote is taken on such bills on the day the bill or bills are heard. When such appointment is made in case of an incapacitated member, such appointee shall cease to be a member of such committee upon the return of the incapacitated member for whom he or she was appointed.

Sec. 13. Consideration and Correlation of Bills and Resolutions. (a) Committees shall consider and report without unnecessary delay all bills and resolutions referred to them. Committees shall be authorized to combine and to correlate the provisions of different bills and resolutions referred to them and related to the subject-matter jurisdiction of the committee. Committees may, before taking final action on any bill or resolution, adopt amendments thereto, for the consideration of the Legislature.

(b) The chairperson of each committee shall set for hearing all bills and resolutions referred to the committee, except as provided for in Rule 1, Section 17.

Sec. 14. Public Hearing, Notice. Before taking final action on a bill, resolution, or gubernatorial appointment, a committee shall hold a public hearing thereon and shall give at least seven calendar days' notice, after the bill or pronouncement of the appointee shall have been printed, by publication in the Legislative Journal. No bill or resolution having been set for public hearing shall be withdrawn nor the hearing canceled within seven calendar days of the date set for said public hearing.

Sec. 15. State Officials Appearing Before Committees. State officials and department heads or their designees and state employees are encouraged to appear before any legislative committee to comment upon bills having an impact on the operations of the administrative agency or department for which they work.

Sec. 16. Executive Sessions and Closed Meetings. (a) Executive session shall mean any meeting or portion of a meeting which is closed to the general public, and the proceedings of which are not electronically recorded and transcribed, unless the committee so provides, but the records of which shall be available for public inspection. Executive sessions shall be open to

members of the news media who may report on action taken and on all discussions in executive session.

(b) Except as provided in Rule 3, Sec. 5(c)(iii), all other meetings of a committee shall be public unless the committee, by a majority vote of all of its members, determines that a meeting should not be open to the public, including members of the news media, in a particular instance, due to rare and extraordinary circumstances. The meeting shall be reconvened in open session before any formal action may be taken.

Sec. 17. Report of Bill to Legislature. (a) In reporting a bill to the Legislature, whether with or without amendments, a committee shall by vote of a majority of its members, recommend that the bill be placed on General File or that the bill be indefinitely postponed.

(b) A report on a bill or resolution must be made to the Legislature within eight calendar days after the committee has taken final action upon the particular measure. Final action shall mean an affirmative vote of a majority of the committee members to advance a bill to General File with or without committee amendments or an affirmative vote of a majority of the committee members to indefinitely postpone the bill. A committee may reconsider any final action prior to the committee making a report on the bill or resolution to the Legislature, provided the reconsideration takes place within eight calendar days of the final action.

(c) No bill shall be reported by the committee to be placed on General File unless the amendments, if any, are approved as to form and draftsmanship by the Bill Drafter.

Sec. 18. Indefinitely Postponed Bills. If the committee action on a bill be to postpone indefinitely, the bill shall stand indefinitely postponed; except that such bill may be placed on General File or referred back to the committee by a three-fifths vote of the elected members upon motion made within three legislative days after the committee makes its report to the Legislature, or by a two-thirds vote of the elected members upon motion made more than three legislative days after such committee report. Not more than one bill shall be raised from committee on any one motion. A motion to raise cannot be amended to include any other bill or subject matter. A motion to raise must be disposed of by the Legislature within five legislative days after the motion is available for consideration or it shall be deemed defeated.

Sec. 19. Committee Statement. (a) The chairperson of each committee with the assistance of the legislative staff shall, when reporting a bill, submit with such bill a committee statement which shall contain, but need not be limited to, the following information:

(1) the one-line title and number of the bill;
(2) a roll call vote of final committee action taken on the bill;

(3) the date of the public hearing on the bill;
(4) a list of all individuals testifying for and against the bill and any organization they represent;
(5) a summary of the bill's purpose and a description of all major provisions for change in the bill as written and as amended by the committee;
(6) if committee amendments are to be introduced, a copy of the amendments and an explanation thereof.

(b) A copy of the proposed statement shall be distributed to each committee member within five days after final action on the bill has been taken by the committee. A minority or concurring statement bearing the signature or signatures of its proponents and setting forth objections to the bill, to proposed amendments, or to the majority statement may be filed by its author(s) with the Clerk of the Legislature at any time prior to the first hearing of the bill on General File.

(c) A copy of the committee statement and any minority statements submitted shall be distributed to each senator after filing with the Clerk of the Legislature. Copies of such statements shall be made available to the public.

Sec. 20. Request From Committee, Bills Held. (a) Except for the general appropriation bills necessary for the support of the state government for the biennium, the Legislature may, by vote of a majority of the elected members, request a status report from any committee at any time after said committee shall have been in possession of a bill or resolution for twenty legislative days.

(b) Any senator may move that a bill be placed on General File twenty calendar days or more after the committee hearing, if the committee has not taken final action on the bill, and by a vote of a majority of the elected members, said bill shall be placed on General File. Final action taken by the committee following a motion filed pursuant to this subsection, and prior to when debate is initiated on the motion by the Legislature, shall take precedence over such motion. If, at the expiration of eight calendar days from the date final action was taken, the chairperson has not reported the bill, any senator may file with the Speaker a motion that the chairperson be compelled to submit a report. After determining that final action on the bill has been taken at least eight calendar days prior to the date the motion was submitted, the Speaker shall accept the motion and compel the chairperson to file the committee's report on the matter.

(c) Any time any member attempts to take a bill from committee to be placed on General File, the bill shall stand indefinitely postponed and shall not be subject to reconsideration if the motion fails to receive a majority vote of the members elected to the Legislature. The introducer of the bill must concur with any motion offered under this rule.

Sec. 21. Subpoena Procedure. It is within the inherent power of any legislative committee to gather information pursuant to its regular functions, and to conduct investigations of matters within its subject-matter jurisdiction.

A committee's power of subpoena should not be exercised unless the committee has determined that no other method of securing the desired information would be successful or practicable, and that the matter is of primary importance to the welfare of the State of Nebraska.

A committee of the Legislature conducting an investigation and gathering information, whether pursuant to legislative direction or pursuant to its regular functions of oversight and bill preparation, shall observe the following procedures in addition to regular committee procedures whenever subpoenas are issued:

(A) Issuance of Subpoenas.

(i) A committee may, by a majority vote of all of its members taken at a meeting properly called, issue a subpoena requiring a person to appear before the committee and be examined in reference to any matter within the scope of the inquiry or investigation being conducted by the committee, but only when the committee has received prior approval by a majority vote of the Executive Board to issue subpoenas in connection with the specific inquiry or investigation in question.

(ii) The committee may, in the same manner, issue a subpoena or subpoena duces tecum requiring any person to appear before the committee and bring with him or her any books, papers, or other documents pertinent thereto.

(iii) While the Legislature is in session, a committee deciding to issue subpoenas must promptly report each issuance to the Legislature. A record shall be made in the Journal reflecting the date the subpoena was issued, to whom it was issued, for what purpose it was issued, and the date on which testimony or production of documents is to take place. Under extraordinary circumstances, the identity of the person subpoenaed may be withheld from publication if necessary to protect the safety of an individual or the confidentiality of the matters to be heard.

(iv) A person subpoenaed to attend a hearing of a committee shall receive the same fees and allowances as a person subpoenaed to give testimony in an action pending in a court of record.

(B) Notice to Witnesses.

(i) Service of a subpoena requiring the attendance of a person at a hearing of a committee shall be made in the manner provided by law for the service of subpoenas in civil actions at least seven days prior to the date of the hearing unless a shorter period of time is authorized by a majority vote of all of the members of the committee in a particular instance when, in their opinion, the giving of seven days' notice is not practicable; but if a shorter period of time is authorized, the person subpoenaed shall be given reasonable notice of the hearing, consistent with the particular circumstances involved.

(ii) Any person who is served with a subpoena to attend a hearing of a committee shall also be served with a copy of the act defining the purpose of the committee, a copy of the rules under which the committee functions, a

general statement informing him or her of the subject matter of the committee's investigation or inquiry, and a notice that he or she may be accompanied at the hearing by counsel of his or her own choosing.

(C) Conduct of the Hearing.

(i) No committee which has issued a subpoena directing a witness to appear at a hearing shall question the witness unless a quorum is present throughout the questioning.

(ii) The hearing shall be public unless the committee, by a majority vote of all of its members, determines that a hearing should not be open to the public in a particular instance, due to rare and extraordinary circumstances consistent with Legislative Rule 3, Section 16(b) regarding closed meetings.

(iii) The chairperson of the committee shall preside at all hearings and shall conduct the examination of witnesses himself or herself or supervise the examination by other members of the committee. The committee may, by a majority vote of all its members, authorize the questioning of a witness by the committee's counsel or by special counsel.

(D) Right to Counsel and Submission of Questions.

(i) Every witness at the hearing may be accompanied by counsel of his or her own choosing, who may advise the witness of his or her rights, subject to reasonable limitations which the committee may prescribe to prevent obstruction of or interference with the orderly conduct of the hearing.

(ii) Any witness at the hearing, or a witness' counsel, may submit to the committee proposed questions to be asked of the witness or any other witness relevant to the matters upon which there has been any questioning or submission of evidence, and the committee shall ask such of the questions as it deems appropriate and relevant to the subject matter of the hearing.

(E) Testimony.

(i) The committee shall cause a verbatim record to be made of all proceedings in which testimony or other evidence is demanded or offered, which record shall include rulings of the chair, questions of the committee and its counsel, the testimony or responses of witnesses, sworn written statements submitted to the committee and read into the record, and such other matters as the committee or its chair may direct.

(ii) All testimony given or offered at the hearing shall be under oath or affirmation if the witness has been subpoenaed, and in other cases if a majority of the committee members present at the hearing so decide.

(iii) The presiding member at the hearing may direct a witness to answer any relevant question or furnish any relevant book, paper, or other document, the production of which has been required by subpoena duces tecum. Unless the direction is overruled by a majority vote of the committee members present, disobedience shall constitute a contempt.

(iv) A witness at the hearing or his or her counsel, with the consent of a majority of the committee's members present at the hearing, may file with the committee for incorporation into the record of the hearing sworn written statements relevant to the purpose, subject matter, and scope of the committee's investigation or inquiry.

(v) Testimony and other evidence given or offered at a hearing closed to the public shall not be made public unless authorized by a majority vote of all of the members of the committee, which authorization shall also specify

the form and manner in which the testimony or other evidence may be released.

(vi) A witness at a closed hearing, upon request and at his or her own expense, shall be furnished a transcript of his or her testimony at the hearing.

(F) Interested Persons.

(i) Any person whose name is mentioned or who is otherwise identified during the hearing and who, in the opinion of the committee, may be adversely affected thereby, may, upon his or her request or upon the request of any member of the committee, appear personally before the committee and testify in his or her own behalf, or, with the committee's consent, may file a sworn written statement of facts or other documentary evidence for incorporation into the record thereof.

(ii) Upon the consent of a majority of its members, a committee may invite any other person to appear at a hearing or submit a sworn written statement of facts or other documentary evidence for incorporation into the record thereof. No invitation to appear, and no request to appear, appearance, or submission of evidence shall limit in any way the committee's power of subpoena.

(iii) Any person who appears before a committee pursuant to this section shall have all the rights, privileges, and responsibilities of a witness provided to all other witnesses.

(G) Contempt.

A person shall be in contempt if he or she:

(i) Fails or refuses to appear in compliance with a subpoena or, having appeared, fails or refuses to testify under oath or affirmation;

(ii) Fails or refuses to answer any relevant question or fails or refuses to furnish any relevant book, paper, or other document subpoenaed by or on behalf of a committee; or

(iii) Commits any other act or offense against a committee which, if committed against the Legislature, would constitute a contempt.

The chairperson of a committee may apply to the Legislature or, during the interim, to the district court of any county to compel obedience by proceedings for contempt.

(H) Penalties.

(i) A person guilty of contempt under the provision of these rules shall be subject to punishment pursuant to RRS 50-105 and 50-106 during the session, or to RRS 50-407 when the Legislature is not in session.

(ii) If a committee fails in any material respect to comply with the requirements of these rules, any person subject to a subpoena or a subpoena duces tecum who is injured by such failure shall be relieved of any requirement to attend the hearing for which the subpoena was issued or, if present, to testify or produce evidence therein; and such failure shall be a complete defense in any proceeding against such person for contempt or other punishment.

(iii) Any member or employee of the Legislature, other than the witness concerned or his or her counsel who knowingly violates subsections of these rules concerning the publication of testimony taken at a closed hearing, shall be in contempt of the Legislature or, if a member of the Legislature, shall be

subject to sanction or suspension according to the statutes governing the Legislature. The Speaker on his or her own motion or on the application of any person claiming to have been injured or prejudiced by an unauthorized disclosure may institute proceedings for the determination of the issue and for the imposition of penalties provided herein. Nothing in this subsection shall limit any power which the Legislature may have to discipline a member or employee or to impose a penalty in the absence of action by a prosecuting officer or court.

(I) Limitation of Rules.

Nothing contained in this section shall be construed to limit or prohibit the acquisition of evidence or information by any committee by any lawful means not provided for herein.

RULE 4 – RESOLUTIONS

Section 1. Identification. A resolution shall be designated as Legislative Resolution ____. All resolutions shall be numbered consecutively for each Legislature. All resolutions shall be introduced and read by the Clerk upon introduction and shall be printed in the Legislative Journal. Individual members shall be limited to eight resolutions per session which result in the referring, scheduling, and conducting of a public hearing by a legislative committee. This limitation shall not apply to resolutions proposing an amendment to the Nebraska Constitution, resolutions proposing interim studies, or which are honorary in nature.

73-74 Attorney General Opinion No. 13--Resolutions must be printed and read before a vote is taken.

Sec. 2. When Considered as a Bill. Resolutions which propose amendments to the state constitution, propose the ratification or rejection of amendments to the federal Constitution, or memorialize the Congress with regard to amendments to the U.S. Constitution, shall be considered and adopted in the same manner as bills.

Const. Art. III, Sec. 14; Art. XVI, Sec. 1.
Cannot appropriate funds by resolution. Const. Art. III, Sec. 25.

Sec. 3. Study Resolutions: Introduction; Referral; Standing Committees; Select Committees; Results. (a) Any senator or committee may introduce resolutions proposing interim studies. The resolutions shall be submitted to the Clerk of the Legislature on a form prescribed by the Clerk, printed in the Journal, and referred to the Executive Board.

(b) Study resolutions may be introduced up to and including the 80th legislative day in odd-numbered years and the 50th legislative day in even-numbered years. However, each standing committee may introduce one additional study resolution prior to adjournment sine die. The Executive Board shall refer the study resolutions to the appropriate standing committees or to select interim committees created by it to conduct such studies.

(c) Study resolutions shall be prioritized by the chairperson of the committee to which they are referred, and a report on those priorities shall be filed with the Clerk, on a form prescribed by the Clerk, prior to adjournment sine die. Also, the chairperson of each committee may file with the Clerk, on a form prescribed by the Clerk, his or her committee's study plan for any study resolution referenced to such committee. Unless otherwise agreed to, staff to interim studies conducted by standing committees shall be headed by the respective committee counsels. Legislative aides whose senators serve on such standing committees and legislative aides of other interested senators may be invited by the respective committee counsels to participate as staff in the conduct of the interim studies. The provisions of this section shall in

no way limit the standing committees in their traditional prerogatives to conduct hearings and oversee matters and agencies that are within their subject-matter jurisdiction.

(d) The Executive Board may, on its own behalf, conduct interim studies or create select interim committees to do so. Before creating a select interim committee, the Board shall consider whether the subject matter proposed for study by such a committee lies within the jurisdiction of one or more standing committee. To the extent possible, the jurisdiction of a select interim committee created by the Board shall be limited to subject matters that do not lie wholly within the jurisdiction of one or another standing committee. Membership on a select interim committee shall, to the extent possible, include senators who are both interested in serving on such a committee and are from the standing committees that have the most direct concern with the subject matter proposed for study. Select interim committees shall meet no later than five legislative days prior to adjournment sine die to organize and to review study plans. Staff to select interim committees shall be drawn from the Legislature's division staffs (e.g., fiscal, research, bill drafting), be based upon a joint plan submitted to the Executive Board by the division directors, may include other interested legislative staff, and shall be coordinated by the Office of Legislative Audit and Research, and the chairpersons of the standing committees involved with the select interim committee.

(e) The Executive Board shall retain its traditional prerogatives to consider and refer study proposals arising from extraordinary circumstances after the deadlines established in this section.

(f) The chief sponsor of a study resolution, if not otherwise a member of the committee to which the resolution is referred, shall be an ex officio member of the committee during and only for the conduct of the study.

(g) On or before December 1 of each year, each standing and select interim committee shall file a report, on a form prescribed by the Clerk, with the Executive Board on the disposition of the study resolutions referred to them. These reports shall be printed in the Journal at the beginning of the next session of the Legislature.

(h) The results or final reports of studies conducted by standing committees may be prepared in a format of their choosing. Nine copies of each completed standing committee report shall be filed with the Legislative Reference Library. The results or final reports of studies conducted by select interim committees shall be prepared and published in a format prescribed by the Office of Legislative Audit and Research and copies of such studies will be indexed and filed with the Legislative Reference Library.

RRS 50-404.

Sec. 4. Enrollment and Review, Amended Resolutions. All resolutions, if amended, shall pass through the process of Enrollment and Review in the regular course of their consideration.

Sec. 5. Vote Required for Adoption. (a) All resolutions shall be adopted, individually or in groups as determined by the Speaker, by an affirmative vote of a majority of the members present and voting except for those specified in Section 2; provided, upon the request by any member prior to the commencement of the vote, a resolution shall require an affirmative vote of a majority of the elected members. Resolutions specified in Section 2 shall be considered and adopted in the same manner as bills.

(b) Any resolution which is congratulatory or ceremonial in nature or which expresses the condolences of the Legislature shall be presumed adopted if, after five calendar days, following its being listed once on the daily agenda with a notation that such resolution is eligible for adoption pursuant to this rule, no member has requested that the resolution be scheduled for debate on the Speaker's agenda.

Sec. 6. Resolutions, Lay Over Requirement. Resolutions shall not be considered on the same day as introduction.

Sec. 7. Engrossed Resolutions. Only those resolutions specified in Sections 2 and 3 of this rule shall be engrossed unless otherwise ordered by the Legislature or unless the Clerk determines the nature of the resolution is such that upon its adoption it must be engrossed to properly achieve the purpose for which it was presented. All resolutions which are engrossed shall be enrolled and signed by the Lieutenant Governor or Speaker and certified to by the Clerk as to the date of final passage.

Const. Art. III, Sec. 14.

Sec. 8. Reference to Committee. Resolutions other than those covered by Sections 2 and 3 of this rule shall upon the recommendation of the Speaker of the Legislature be referred to the Reference Committee for referencing to the appropriate committee.

Sec. 9. Reviving Resolution Killed by Committee. If the standing committee report on a resolution be to postpone indefinitely, the resolution shall stand indefinitely postponed; provided, that such resolution may be considered by the members of the Legislature if a majority vote of the elected members so direct, provided the motion is made within three legislative days after the committee makes its report to the Legislature. A motion to raise cannot be amended to include any other resolution or subject matter. The provisions of this section shall not apply to resolutions considered as bills pursuant to Rule 4, Section 2.

Sec. 10. Committee Statement. A committee, when reporting out a resolution, shall attach thereto a statement setting forth what is sought to be

accomplished and the committee vote. The statement shall be set out in full in the Journal.

RULE 5 – BILLS–GENERAL PROVISIONS

Section 1. Drafting of Bills. The Bill Drafter shall prepare all bills and amendments in proper form when requested by members of the Legislature, newly elected members of the Legislature, or heads of executive departments. No bills or major amendments shall be introduced or considered unless the same has been approved as to form and draftsmanship by the Bill Drafter. In order to shorten the length of sections, the Bill Drafter shall, in the drafting of new sections, make each paragraph a separate section except when to do so would be contrary to sound bill drafting practice. The Bill Drafter shall make available a continuing compilation of sections to which amendments are proposed so as to reduce unnecessary duplication of bills. This section index of bills drafted shall be available to all senators, newly elected senators, and other persons entitled to have bills drafted. After January 1 of each year no bill shall be drafted by the Bill Drafter unless requested or authorized by a member of the Legislature.

Sec. 2. Content and Form of Bills. (a) A bill shall be designated as Legislative Bill ____.

Style of bill. Const. Art. III, Sec. 13.

(b) No bill shall contain more than one subject and the same shall be clearly expressed in the title. No law shall be amended, unless the new act contains the section or sections as amended, and the section or sections so amended shall be repealed.

Const. Art. III, Sec. 14.

(c) An amendatory bill or constitutional provision shall be so prepared and printed as to show the new matter proposed, old matter to be retained, and old matter to be omitted from the statutes or constitution.

(d) Appropriations bills and "A" bills shall contain the following elements:
(1) the phrase "there is hereby appropriated";
(2) a specific fund type shall be identified and the fund shall be appropriated;
(3) the amount to be appropriated from such fund shall be identified;
(4) a specific budget program or a specific statement reflecting the purpose for expending such funds shall be identified; and
(5) the time period during which such funds shall be expended shall be identified.

RRS 49-804.

Sec. 3. Revisor Correctional Bills, Preprinting. (a) Preceding each legislative session, the Chairperson or any member of the Executive Board of the Legislative Council, or if the Executive Board so requests, the senator who, in the preceding session served as Chairperson of the Judiciary

Committee, shall sign as introducer the Revisor of Statutes' correctional bills. The Clerk of the Legislature shall number these bills consecutively beginning with number 1 and shall show the committee reference to be General File. The Clerk of the Legislature shall have these bills printed before the convening of the next regular session.

(b) In addition to causing to be printed the revisor bills, the Clerk shall number and cause to be printed all bills delivered to him or her by the Executive Board, provided said Board has referred said bills to a standing committee. No bill so printed shall be withdrawn until after the Legislature convenes.

Sec. 4. Introducers Signing Bills. (a) Members shall introduce only such bills as they are willing to endorse and support personally. The last name and district shall be used, unless an initial or name is necessary to identify the introducer. Any member may request to have his or her name added as cointroducer of a bill but only if the principal introducer has concurred, in writing, to that request.

(b) A standing committee or special committee may introduce a bill for any purpose, including at the request of another senator, provided said bill receives the endorsement of a majority of the committee members whose names shall be on the bill.

(c) No bill shall be introduced after the tenth legislative day of any session, except:

1. "A" bills, appropriation bills, and bills introduced at the request of the Governor may be introduced at any time;
2. A standing or special committee may request that the Legislature consider introduction of a bill. A vote of three-fifths of the elected members of the Legislature shall be required for such bill to be introduced, and a copy of the statement of intent for such bill must be placed on each member's desk before introduction of the bill is voted upon.
3. The Appropriations Committee may introduce bills enabling the appropriations recommendations contained in the annual report required by Rule 8, Sections 2 and 3. Such bills shall be introduced no later than the fifth legislative day following the presentation of the report as required by Rule 8, Section 3.

(d) Individual members shall not be limited as to bill introduction. Each committee shall be limited to 8 bills each session. Bills introduced as a result of an interim study of the Legislative Council shall be included within the limitations prescribed by this section. Special committees created as a result of an interim study resolution and as authorized by the Executive Board shall be considered as separate committees for purposes of the limitations prescribed by this section. Bills introduced under Rule 5, Section 3(a), Rule 5, Section 4(c)(3), and bills introduced at the request of the Governor will not be included in the limitation.

(e) The introducers of all bills must submit a statement of intent for each bill to the appropriate committee chairperson at least 24 hours prior to the bill's hearing. The statement of intent should discuss clearly and completely the purposes and effects of the bill.

Sec. 5. Scheduling of Bills, Priority Bills. (a) Each senator may designate one bill as a priority bill. Such priority bill need not be the designator's bill, but the principal introducer must concur with the designation as a priority bill and with the withdrawal of the designation once made.

(b) Each chairperson of those committees which are authorized to hold public hearings on bills may designate as priority bills two of the bills referenced to that committee and on which the committee has held a public hearing, but the principal introducer must concur with the designation as a priority bill and with the withdrawal of the designation once made.

(c) The Legislative Performance Audit Committee may designate as priority bills two bills resulting from a performance audit or involving the performance audit process, but the principal introducer must concur with the designation as a priority bill and with the withdrawal of the designation once made.

(d) The Speaker may designate up to 25 additional priority bills.

(e) Priority bill designations may be made at any time prior to the annual designation deadline which shall be set each year by the Speaker. The designation deadline shall be prior to the 45th legislative day in the ninety-day session and prior to the 30th legislative day in the sixty-day session.

(f) A senator or committee may withdraw a priority designation at any time, but will not be allowed to designate another bill as a priority bill in its place. The Speaker may withdraw a priority designation made by the Speaker.

(g) All committees shall schedule priority bills for public hearing ahead of all unscheduled, nonpriority bills unless the person or committee making the priority designation shall otherwise agree.

(h) All bills not designated as priority bills shall be heard on General File in the order in which they are reported to the floor by the committees, unless the introducer of the bill and the Speaker agree to delay the hearing of a particular bill. This provision shall not be construed to prevent the Speaker from placing bills reported out of committee with no dissenting votes on a consent calendar.

(i) Priority bills shall generally be considered ahead of all other bills at each stage of debate, except as provided for in Rule 1, Section 17. Priority bills requiring the expenditure of appropriated funds shall be held on Final Reading until such time as the annual appropriations bills have been passed. A priority bill which fails to advance after two votes on General File, or after one vote on Select File, shall return to nonpriority status.

(j) No priority bill designated under this rule shall have priority over appropriations bills.

Sec. 6. Consent Calendar. (a) The Speaker shall have the authority to place on consent calendar any bills advanced out of committee with no dissenting votes. The Speaker shall exercise sole discretion in determining both when to implement consent calendar and which bills complying with the requirements of this section shall be placed on it.

(b) A bill placed on consent calendar shall be announced on the agenda at least twenty-four hours prior to any action being taken regarding it on consent calendar.

(c) Any bill placed on consent calendar shall be removed at the written request of three or more senators. Such request must be filed with the Clerk prior to the expiration of fifteen minutes of debate, at that stage of consideration, on the bill to be removed.

(d) A bill on consent calendar shall be allotted fifteen minutes for introduction and debate. Upon either the completion of debate or the expiration of fifteen minutes, whichever comes first, a vote shall be taken to advance the bill. If there is a pending motion or amendment before the body when either the debate ends or the fifteen minutes expire, a vote shall be taken on the pending matter followed by an immediate vote to advance the bill. If the pending matter is an amendment to an amendment, following a vote on the amendment to the amendment, a vote shall be taken on the original amendment. If the original amendment has been divided, then the vote shall be on the original undivided amendment being considered.

Sec. 7. Fiscal Analyst. (a) A copy of every bill introduced shall be transmitted by the Clerk to the Legislative Fiscal Analyst. The Legislative Fiscal Analyst shall review each bill and make an estimate of the anticipated change in state, county, or municipal expenditures or revenue under the provisions of the bill. The Legislative Fiscal Analyst shall prepare a statement to be known as a fiscal note to be attached to each bill prior to its public hearing by a committee, or its first consideration on General File if the bill is referred directly to General File. The fiscal note shall set forth the fiscal impact of the bill and the governmental subdivision affected by the fiscal impact as determined by the Legislative Fiscal Analyst. No bill which has a fiscal impact shall be heard by a committee or considered on General File unless the fiscal note is attached.

(b) In determining the fiscal impact of any bill, the Legislative FiscalAnalyst shall request the appropriate department or other entity of state government or subdivision thereof, or appropriate association which will be affected by the bill, to prepare the fiscal note within five calendar days.

(c) The Legislative Fiscal Analyst shall review the fiscal note so prepared and shall also request a review of such fiscal note by the Budget Division of the Department of Administrative Services. The statement by the Budget Division of the Department of Administrative Services shall be attached to and become a part of the fiscal note. The Legislative Fiscal Analyst shall include in the fiscal note any exceptions to the conclusions of the department or other entity and of the Budget Division of the Department of Administrative Services.

(d) The fiscal note shall be delivered by the Legislative Fiscal Analyst to the Clerk at least twenty-four hours prior to the public hearing on the bill or, in the event the bill is referred directly to General File, twenty-four hours prior to the first consideration of the bill on General File. The Clerk shall present the fiscal note to the principal introducer. If extenuating circumstances prevent the Legislative Fiscal Analyst from meeting this deadline, he or she shall present to the principal introducer an unofficial summary of all available fiscal information on the bill by this deadline and deliver to the Clerk the fiscal note when it is available. The Clerk shall attach the fiscal note to the bill and to all copies prepared for members.

(e) When amendments to a bill are adopted by the Legislature and such amendments would change the fiscal impact of the bill, the appropriate changes shall be made in the fiscal note each time the bill is advanced to Enrollment and Review or upon the written request of a member of the Legislature.

(f) When any bill proposes adoption of a new program or change of an existing program either of which would require an appropriation to implement in the ensuing fiscal year, an appropriation bill for the purposes of funding the provisions of such bill shall be prepared from the information contained in the fiscal note. Such appropriation bill shall be prepared at the direction of the Chairperson of the Appropriations Committee. Such bill shall be placed on General File and considered as introduced by the introducer of the original bill or by the committee which offered the amendments creating the expenditure, and shall bear the number of the original bill with the letter "A" added, and shall accompany the original bill through all stages of the legislative process. All bills for which an "A" bill is prepared shall be bracketed on Final Reading until the "A" bill is advanced to Final Reading.

(g) The authorization bill shall first be considered and if it should be passed on Final Reading then the "A" bill shall be read and voted on for final passage.

(h) The fiscal note shall be factual in nature, as brief and concise as may be, and shall, if possible, provide a reliable estimate in dollars and, in addition, it shall include both the immediate effect and, if determinable or reasonably foreseeable, the long range effect of the measure. If, after investigation, it is determined that no dollar estimate is possible, the fiscal note shall contain a statement to that effect, setting forth the reasons why no dollar estimate can be given.

(i) No comment or opinion shall be included in the fiscal note with regard to the merits of the measure for which the note is prepared, however, technical or mechanical defects may be noted.

(j) The subject matter of bills submitted to boards, commissions, departments, agencies, or other entities of the state by the Fiscal Analyst shall be kept in strict confidence by said agencies and by the office of Fiscal Analyst together with the content of the fiscal note itself and no information relating thereto shall be divulged by any official or employee prior to its introduction in the Legislature.

(k) To implement the provisions of and assure compliance with Art. III, Sec. 22 of the Nebraska Constitution (deficiency appropriations), and Art. IV, Sec. 7 of the Nebraska Constitution (appropriations in excess of Governor's request), the Appropriations Committee shall advise the Legislature of the number of votes required to assure passage of the same.

For creation of position. RRS 50-418.
For duties of position. RRS 50-419.

Sec. 8. Governor's Budget Bill. The budget bill prepared by the Governor shall be shown as introduced by the Speaker of the Legislature at the request of the Governor.

Governor's budget message. Const. Art. IV, Sec. 7.

Sec. 9. Reading Title of Bills, Printing. Every bill and resolution shall be read by title when introduced, and a printed copy thereof provided for the use of each member. The bill and all amendments thereto shall be printed and presented before the vote is taken upon its final passage and shall be read at large unless three-fifths of all of the members elected to the Legislature vote not to read the bill and all amendments at large.

Const. Art. III, Sec. 14.

Sec. 10. Engrossment of Bills. All bills, before being advanced to Final Reading and passage, shall be engrossed, and copies thereof showing new and stricken matter shall be made available to members.

Sec. 11. Expenditure of Legislative Funds. Those expenditures on which the Legislature votes shall require the approval of the majority of the elected members.

Sec. 12. Withdrawal of Bills. No bill, having been introduced, may be withdrawn except upon motion of the first introducer with the consent of his or her cointroducers. Such motion, when made, shall not be considered prior to the next succeeding legislative day, and, for its adoption, shall require the affirmative vote of a majority of those voting upon the question.

Withdrawal of bills set for hearing. Rule 3, Section 14.

Sec. 13. Division of Bills, Prohibited. No bill shall be divided into two or more bills.

Sec. 14. Holding of Bills. Unless otherwise disposed of, all bills on which no final action has been taken by the time of adjournment of the regular session in odd-numbered years shall be held over for consideration at the regular session convening in even-numbered years.

Sec. 15. Public Retirement Plans and Actuarial Studies. (a) Commencing with the 1997 legislative session, any bill proposing a structural change which impacts the benefits or funding status provided under a public retirement plan, or any bill proposing the creation of a new public retirement plan, shall be introduced only during the first ten days of a 90 day session.

(b) No bill for which an actuarial study is necessary to determine the cost of such proposed changes shall be enacted until an actuarial study has been conducted and the results reported to the Legislature.

(c) (i) The Nebraska Retirement Systems Committee may introduce amendments to an appropriations bill to fund actuarial studies for only those retirement systems which are or would be administered by the state. If such amendments are enacted, the results of the actuarial studies shall be reported to the Legislature by November 15 of that calendar year.

(ii) Actuarial studies required for changes to other public systems under the jurisdiction of the Nebraska Retirement Systems Committee but not administered by the state shall not be funded by the state.

RULE 6 – BILLS–STAGES OF CONSIDERATION

Section 1. Introduction of Bills. Starting with regular sessions in odd-numbered years, bills shall be numbered consecutively starting with the number 1. Bills introduced in regular sessions in even-numbered years shall start with the number following the number of the last bill introduced in the preceding regular session of an odd-numbered year, (bills introduced in any special session shall start with the number 1) and shall be numbered consecutively as read by the Clerk. After introduction, bills requiring reference shall be delivered to the Reference Committee.

Sec. 2. Objection to Reference of Bills. (a) Any member may object to the reference of any bill or other proposition, and correction in case of error in reference may be made by the Legislature by unanimous consent, or by the vote of a majority of the elected members.

(b) Those bills and resolutions placed on General File by the Reference Committee will be bracketed for five calendar days, and if one senator requests a public hearing on one or more of these matters, they will then be referred to a committee. Bills on General File for which public hearings have not been requested will be handled as all bills on General File.

Sec. 3. General File. (a) The Clerk of the Legislature shall read the number and the title of the bill and the name of the principal introducer as it comes up for consideration on General File.

(b) Each section shall be open to amendment. Following the reading of the title of the bill, the introducer shall first be recognized for ten minutes to move to advance and explain the bill. The amendments, if any, recommended by standing committees, shall then be considered. The introducer's amendments, if any, shall be considered following the consideration of the standing committee amendments and any amendments thereto. Other amendments and motions permitted by these rules may then be offered and shall be considered after the introducer has explained the bill in the order in which they are filed with the Clerk, subject to the provisions of Rule 7, Section 3 and Rule 1, Section 17.

(c) Bills shall be listed and considered on General File in the order in which they shall be reported from the standing committees, except as modified by the Speaker; provided, that any bill that comes up for debate for a second time, with the introducer present, shall be placed by the Clerk at the bottom of General File if said introducer asked for further time, unless otherwise directed by the Speaker.

Speaker determine order of bills. Rule 1, Section 16.

(d) During consideration of bills on either General or Select File, any member may move that the bill be passed over once and if the motion is carried by a majority of those voting, the bill shall be passed over and shall retain its place on the file.

(e) At any stage of consideration of a bill, a motion to bracket or to bracket to a day certain or to unbracket shall, if made by the primary introducer of the bill, require a majority of those voting. If made by other than the primary introducer, there shall then be required a majority vote of the elected members. In any event, such motions shall alternatively be passed by unanimous consent of the body.

(f) In the event a motion to indefinitely postpone a bill is made before the bill is read on General File, such motion shall require the affirmative vote of a majority of the elected members. After a motion to indefinitely postpone a bill has been offered, and the introducer of the motion has made his or her opening remarks on the motion, the principal introducer of the bill shall immediately be permitted to speak for five minutes on such motion.

(g) In the event a bill has become substantially a new and different bill by reason of amendments having been adopted, the Speaker may refer said bill to the Reference Committee who must refer the said bill to a proper committee for a public hearing; provided, that a majority of the elected members may overrule the decision of the Speaker.

(h) If, in the opinion of the Speaker, the bill is in such form that it should properly be referred back to committee for further action, he or she may by order direct the same; provided, that a majority of the elected members may overrule the decision of the Speaker. Any motion to amend a bill or any motion to amend an amendment shall require a majority vote of the elected members, except amendments which are substantially the same as any bill indefinitely postponed shall require a three-fifths vote of the elected members, unless proposed as part of a committee amendment.

(i) Any bill failing to receive 25 votes to be advanced to Enrollment and Review Initial after three attempts shall be indefinitely postponed.

The following votes shall be required to adopt the following motions affecting bills on General File:

MEM--Majority of Elected Members
MTV--Majority of Those Voting

GENERAL FILE

		Rule-Sec.
On introduction of bill		
Withdraw bill	MTV	5-12
On consideration of bill on General File		
Move to pass over	MTV	6-3d
Move to change order	3/5	1-16
Move to indefinitely postpone before bill is read	MEM	6-3f
Move to indefinitely postpone after bill is read	MTV	
Move to advance to E & R for review	MEM	6-4
Move to return to committee	MEM	
Move to reconsider		
within one legislative day thereafter	MEM	7-7a
if after one legislative day, by suspension of the rules only	3/5	7-7a
Move to amend	MEM	6-3h
Move to amend the amendment	MEM	6-3h
Move to withdraw bill by first introducer	MTV	5-12

Sec. 4. Enrollment and Review. Bills when advanced to Enrollment and Review shall be reviewed for recommendations relative to arrangement, phraseology, and correlation. Advancement to Enrollment and Review from General File for such purpose shall require a majority of the elected members.

Sec. 5. Select File. When the Legislature considers bills on Select File, any of the following motions shall be in order.

(a) A motion to approve or reject any or all of the changes recommended by the Chairperson of Enrollment and Review.

(b) A motion to adopt an amendment to a bill or an amendment to an amendment which shall require a majority vote of the elected members, except amendments which are substantially the same as any bill indefinitely postponed shall require a three-fifths vote of the elected members.

(c) A motion to recommit to the proper standing committee.

(d) A motion to postpone indefinitely. After a motion to indefinitely postpone a bill has been offered, and the introducer of the motion has made his or her opening remarks on the motion, the principal introducer of the bill shall immediately be permitted to speak for five minutes on such motion.

(e) Motions made pursuant to subsections b, c, and d hereof may be adopted only upon the affirmative vote of a majority of the elected members.

(f) Amendments recommended by Enrollment and Review shall not be read by the Clerk except upon the request of a member of the Legislature.

(g) Notwithstanding any other provision contained in this section, if the Enrollment and Review Committee returns a bill to Select File from engrossment, then only the specific Enrollment and Review Committee amendments may be considered.

(h) Any bill failing to receive 25 votes to be advanced to Enrollment and Review Final after two attempts shall be indefinitely postponed.

The following votes shall be required to adopt the following motions affecting bills on Select File:

MEM--Majority of Elected Members
MTV--Majority of Those Voting

SELECT FILE

		Rule-Sec.
Motion to advance to E & R for engrossing if machine vote requested	MEM	2-1
Motion to adopt E & R amendment	MTV	6-5a
Motion to amend	MEM	6-5b
Motion to recommit to a standing committee	MEM	6-5c
Motion to indefinitely postpone	MEM	6-5d
On bill returned from E & R for engrossing & Final Reading		
Motion to return for specific amendment	MEM	6-6
Motion to adopt specific amendment	MEM	6-6

Sec. 6. Return to Select File. (a) On a motion to return a bill to Select File for a specific amendment, a majority of the elected members must concur. No other amendment shall be considered when the bill is so returned. Such amendment when considered may be adopted by a majority vote of the elected members, except an amendment which is substantially the same as any bill indefinitely postponed shall require a three-fifths vote of the elected members.

(b) A point of order to determine the germaneness of a specific amendment may be considered during a motion to return a bill to Select File for specific amendment.

Sec. 7. Final Reading. No bill shall be voted on for final passage until:

(a) After five legislative days following the introduction of the bill.

(b) One legislative day after its reference to Final Reading.

(c) Printed copies of the bill in its final form, as amended, shall have been available to members and on their desks for at least one legislative day.

Const. Art. III, Sec. 14.

Sec. 8. Final Reading, Motions. (a) On Final Reading the bill shall be read at large with all amendments thereto before the vote is taken, unless three-fifths of all of the members elected to the Legislature vote to dispense with the at large reading under this section. The Speaker shall designate on the published agenda which bills will be considered for a vote without an at large reading. This vote shall be taken on each bill individually without amendment, motion, or debate. If the Legislature confirms the Speaker's designation, the title of the bill will be read, and the final vote will be taken with voting being held open for three minutes. If the motion on any bill fails to receive the support of three-fifths of the elected members of the Legislature, then such bill and all amendments thereto will be read at large prior to the vote being taken.

(b) At any time before the roll call shall have begun on Final Reading of the bill, it shall be in order to move:

(1) To recommit the bill to Enrollment and Review to correct an error and for reengrossment.

(2) To recommit the bill to the proper standing committee, with or without instructions.

(3) To recommit the bill to Select File for specific amendment, which amendment may be adopted by a vote of a majority of the elected members.

(4) Any bill returned to Select File for a specific amendment, may if the amendment is rejected, be readvanced to Final Reading without going through Enrollment and Review. A motion to so advance shall require the concurrence of a majority of the elected members.

Members to remain in their seat. Rule 2, Section 3h.
No one to be seated beside member during Final Reading. Rule 2, Section 3e.

RULE 6

The following votes shall be required to adopt the following motions affecting bills on Final Reading:

MEM--Majority of Elected Members
MTV--Majority of Those Voting

FINAL READING

		Rule-Sec.
To return to standing committee	MEM	6-8
To return to E & R to correct an error	MEM	6-8
To return to Select File for specific amendment	MEM	6-6
To pass on Final Reading With emergency clause attached	MEM 2/3	6-9 6-10
Creation of state office *Const. Art. IV, Sec. 27*	2/3	
Motion to reconsider when failed on Final Reading when failed with emergency clause	 3/5 2/3	 7-7 7-7
Override Governor's veto	3/5	6-11
"A" bills considered		5-7

Sec. 9. Question on Final Reading. The question after the Final Reading of a bill shall be: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'" If the emergency clause is contained in the bill, the words "with the emergency clause attached" shall be added to the question.

Majority of elected members required. Const. Art. III, Sec. 13.

Sec. 10. Emergency Clause, Votes Required. When a bill containing the emergency clause does not receive the required two-thirds constitutional majority on Final Reading, then the emergency clause shall be considered stricken, and the bill without the emergency clause shall be pending on Final Reading, and the question then shall be, "Shall the bill pass with the emergency clause stricken?"

Const. Art. III, Sec. 27.

Sec. 11. Governor's Veto, Further Legislative Action. (a) Upon the day of receipt of a message from the Governor announcing his or her veto of a bill, or on any of the next five legislative days in the same annual session, any member may move that the bill so vetoed be taken up for passage in the form presented to the Governor. The Legislature shall decide upon the motion no later than five legislative days, in the same annual session, after receipt of the message from the Governor announcing his or her veto of the bill, whereupon the question shall be, "Shall the bill pass notwithstanding the objections of the Governor?" No bill vetoed by the Governor shall be taken up by the Legislature for any purpose other than passage of the bill

notwithstanding the objections of the Governor or for override of a line-item veto.

Three-fifths vote of the elected members required to pass bill over Governor's veto. Const. Art. IV, Sec. 15. See also Art. IV, Sec. 7.

The Governor may disapprove any item or items of appropriation contained in bills passed by the Legislature, and the item or items so disapproved shall be stricken therefrom, unless repassed in the manner prescribed in case of disapproval of bills.

Const. Art. IV, Sec. 15.

(b) On the sixth legislative day following the receipt of a veto message, or within five calendar days following the sine die adjournment of a legislative session, the Clerk shall transmit to the Secretary of State all vetoed bills and line-item vetoed bills wherein no motion to override has been offered, or upon which a motion to override has been unsuccessful.

Sec. 12. Bills, Passed Over Governor's Veto. Should the Legislature pass a bill over the objections of the Governor by the necessary constitutional majority, it shall so certify and deposit the same with the Secretary of State.

RRS 84-503.

Sec. 13. Certificates. Whenever the Legislature shall override a line-item veto, on any bill as provided for in Article IV, Section 15, the Clerk of the Legislature shall cause to be placed on such bill a certificate in content and form as provided for in RRS 84-503 and shall list the items so overridden by section, page, and line.

In addition to such certificate, the Clerk of the Legislature shall note on each line, when the Legislature votes to override, a stamp reading "line-item veto overridden" and place thereon the date and his or her initials.

Sec. 14. Appropriations Bills, Procedure After Veto. (a) Whenever the Governor shall have vetoed more than one item in an appropriation bill, the Appropriations Committee shall review said veto and the Chairperson of the Appropriations Committee shall report within one legislative day to the Legislature on its fiscal implications, and affect on operations. If the Appropriations Committee by majority vote decides to recommend to the Legislature an override of the veto on any portion of such an appropriation bill, the Chairperson of the Appropriations Committee or his/her designee shall first be permitted an opportunity to move that the entire bill become law notwithstanding the line-item veto therein.

(b) If such motion fails or is not offered, the Chairperson of the Appropriations Committee or his/her designee shall then introduce motions to override selected portions of the vetoed bill.

(c) Any member of the Legislature may then offer a motion to override the veto of the bill or any portion thereof if the Appropriations Committee by majority action decides not to recommend overriding the veto of the bill or the veto of that portion of the bill.

(d) It shall require 30 votes of the elected members to amend a veto override motion that includes another line-item veto.

Sec. 15. Constitutional Amendments, Votes Required. When the submitting of a proposed constitutional amendment at a special election does not receive the required four-fifths constitutional majority, then the special election language of the resolution/bill shall be stricken, and the question shall be, "Shall the resolution/bill pass for the submission of such proposed constitutional amendment at the next general election?"

Amendments proposed by the Legislature; failure to receive required vote of members for special election; place on Final Reading. RRS 49-236.

RULE 7 – PROCEEDINGS AND MOTION

(A) Order of Business

Section 1. Meeting Time, Restrictions. (a) The Legislature shall meet annually at 10:00 a.m. on the first Wednesday after the first Monday in January of each year and thereafter on each legislative day at 9:00 a.m., unless otherwise ordered by a majority vote of its members present and voting thereon. The Legislature shall remain in session until it shall adjourn sine die, but in no event shall it remain in session for longer than ninety (90) legislative days in odd-numbered years or sixty (60) legislative days in even-numbered years. This limitation may be suspended by a four-fifths vote of the elected senators. Each day the Legislature convenes shall be considered a legislative day.

Const. Art. III, Sec. 10.

(b) The order of business of the Legislature shall be as follows, except as otherwise provided by the Speaker.

a. Prayer by the Chaplain
b. Roll call
c. Call for correction of the Journal
d. Petitions and memorials
e. Notice of committee hearings and reports
f. Bills on Final Reading
g. Resolutions
h. Introduction of bills and reading by title
i. Consideration of bills on Select File
j. Motions to reconsider
k. Motions to advance bills from committee
l. Other pending motions
m. Unfinished business, including messages on President's desk
n. Consideration of bills on General File
o. Miscellaneous business

(c) Messages from the Governor may be received at any stage of the proceedings.

(d) Upon call for the introduction of bills, any member or any standing or special committee may introduce one or more bills.

Introduction of bills. Rule 6, Section 1.

(B) Voting Machine

Sec. 2. Voting, Electric Roll Call. (a) All votes shall be taken viva voca unless otherwise provided for herein. Questions shall be distinctly put in this form, to wit: "Those who are in favor of the question say 'aye'; those who are opposed to the question say 'nay.' "

(b) If a machine vote is called for or if the presiding officer is in doubt, he or she shall cause the result to be obtained by means of the electric roll call system, and in such event shall accept only machine tallied votes except that voice votes shall be accepted on a motion before the house while the house is under call. The presiding officer may vote by voice. Only the totals shall be printed in the Journal. Once having voted aye or nay, senators may call in a change to not voting prior to the locking of the voting board.

(c) Upon the final passage of a bill, or of a resolution if the same required the same consideration as a bill, the vote shall be by yeas and nays, and the electric roll call system shall be used. Voice votes shall be accepted on Final Reading.

(d) Whenever the "ayes" and "nays" are taken by machine vote, no member shall be permitted to vote after the decision is announced by the presiding officer or the Clerk. Votes not registered on the electric roll call system shall not be counted for or against a proposition. In announcing such vote, the Clerk shall announce the ayes, the nays, those present and not voting, those absent and not voting, and those excused and not voting, and on any action to advance or amend bills, these totals shall be set forth in the Journal. Voice votes shall be accepted on roll call or record votes. All roll call votes of the comprised membership shall be taken in alphabetical order starting with the first name that begins with the letter "A" or the letter closest to "A," except that any member may request a roll call vote in reverse alphabetical order unless the introducer of the motion under consideration objects. A roll call in reverse alphabetical order shall start with the member's name that begins with "Z" or the letter closest to "Z."

(e) Only senators physically in the legislative chamber may vote.

(C) Motions

Sec. 3. Motion, in Writing, Withdrawal. (a) A motion shall be either stated by the presiding officer or read by the Clerk before a vote is taken. All motions shall be submitted in writing if requested by the presiding officer or any senator.

Once motions are stated they may be withdrawn or modified by the mover before a decision, amendment, or ordering of a vote has been made. A motion to reconsider may be withdrawn only with unanimous consent or a majority vote of the elected members.

When a question is under debate, no motion shall be considered except one of the following, which motions shall take precedence in the order stated.

a. To recess
b. To adjourn
c. For cloture
d. To reconsider
e. For the previous question
f. To postpone to a time certain
g. To recommit to a committee
h. To amend
i. To postpone indefinitely

Such motions shall have precedence in the order in which they are arranged except as provided for in Rule 1, Section 17. Motions to postpone indefinitely and amend do not yield to each other.

When any of the following motions shall be made, any action on such motion shall be delayed at least one legislative day and the motion shall be printed in the Legislative Journal:

a. Motion to postpone indefinitely on General File or Select File, unless the introducer(s) of the bill, or the committee chairperson in the case of committee bills, request(s) that the motion to postpone indefinitely be considered immediately without the one day delay.
b. Motion to place on General File pursuant to Rule 3, Section 20(b).
c. Motion to place bills on General File, notwithstanding the action of a standing committee.

(b) When a motion or other proposition is under consideration, a motion to amend and a motion to amend that amendment shall be in order.

(c) Amendments to the title shall be made by the Enrollment and Review Committee.

(d) No motion, proposition, or subject, different from that under consideration, shall be admitted under color of amendment. Any amendment that is not germane is out of order. Germane amendments relate only to details of the specific subject of the bill and must be in a natural and logical sequence to the subject matter of the original proposal. A nongermane amendment includes one that relates to a substantially different subject.

(e) Any member may call for the division of a question, which shall be divided if it comprehends propositions in substance so distinct that, one being taken away, a substantive proposition shall remain for the decision of the Legislature. Once a division is ordered by the presiding officer, each component shall be treated as a separate and distinct proposition. For purposes of germaneness, even if a question is germane prior to a request for division, each and every other component or proposition of the divided

question will be subject to germaneness rulings. Once a vote or change has occurred on any of the divisible questions, the remaining divided sections may not be withdrawn without a majority of those voting or without unanimous consent. A motion to strike out and insert shall be deemed indivisible, but a motion to strike out being lost, shall not preclude an amendment or a motion to strike out or insert. Such call for division shall not be allowed when considering motions under Rule 6, Section 6.

(f) When motions are made for reference of the same subject to a select committee and to a standing committee, the question on reference to the standing committee shall be considered first.

Sec. 4. Shall the Debate Cease. The previous question shall be in this form, "Shall the debate now close?"

The previous question shall be made only in the normal course of speaking order and shall be in order when demanded by five or more members, and must be sustained by the vote of a majority of the elected members, and until decided shall, except as provided in this section of this rule, preclude further debate and all amendments and motions, except one motion to adjourn. The presiding officer may rule the previous question out of order if in the presiding officer's opinion a full and fair debate has not been afforded, due to the complexity of the subject matter. The ruling of the presiding officer shall be subject to overrule in accordance with Rule 1, Section 12 of these rules.

On a previous question there shall be no debate. All incidental questions of order, arising after a motion is made for a previous question, and pending such motion, shall be decided, whether on appeal or otherwise, without debate.

When the previous question shall have been ordered on a proposition under debate, the mover, proponent, or introducer of such proposition shall be given the right to close the debate thereon.

Sec. 5. Call of the House. (a) A call of the house may be made by any member in the manner following: "I move for a call of the house." The presiding officer shall direct that the board be cleared and the members shall then vote on placing themselves under call. If a majority of the senators present and voting, vote in favor of such a motion, then the Legislature shall be deemed to be under call. Each member present shall indicate his or her presence upon the electric roll call system and shall remain in his or her seat during the call. After the Clerk shall note the names of the absentees, proceedings under the call may be suspended at any time by a majority vote of the members then present, and when so suspended shall not again be ordered on the proposition pending, except by a majority vote of the members elected. The President may declare a motion to place the house under call out of order if all of the absentees were to vote on one side of the

question and if their combined vote would be insufficient to change a result of the vote.

(b) When a member is recognized to close on a motion and requests a call of the house, the time spent waiting for the members to record their presence shall be counted against the member's closing time.

Lieutenant Governor votes only when Legislature equally divided. Rule 1, Section 14.
Voice vote while house under call. Rule 7, Section 2b.

Sec. 6. Postpone to Time Certain. No motion to postpone to a time certain, to commit, or to postpone indefinitely being decided, shall again be allowed on the same day at the same stage of the bill or proposition.

Sec. 7. Reconsideration. (a) When a question has been decided, it shall be in order for any member voting with the prevailing side, or not voting, to move for a reconsideration thereof. A motion to reconsider must be made on the same day the original question was decided or on the next legislative day, except when it be to reconsider the vote on a bill which lacked the constitutional majority on Final Reading. In such case, it must be made on the same day the original question was decided or on one of the next three legislative days. A motion to reconsider must be disposed of by the Legislature within five legislative days after making the same or it shall be deemed defeated. If the Legislature shall refuse to reconsider, or upon reconsideration shall affirm its first decision, no further motion to reconsider shall be in order unless by unanimous consent.

Motion to reconsider cannot be withdrawn without leave. Rule 7, Section 3.

(b) Every motion to reconsider shall take preference over all other questions, except a motion to recess, to adjourn, or for cloture.

(c) For its adoption, a motion to reconsider shall require the vote of a majority of the elected members, except:

i Where such motion be to reconsider the vote on a bill which lacked the constitutional majority on a Final Reading, then a three-fifths vote shall be required for adoption.

ii Where such motion be to reconsider the vote on a bill which lacked the constitutional majority on a Final Reading with the emergency clause attached, but which received the constitutional majority with the emergency clause stricken and the purpose of the motion is to again add the emergency clause, then a two-thirds vote of the elected members shall be required for adoption.

iii Where such motion be to reconsider the vote on a motion to pass a bill notwithstanding the objections of the Governor or for override

of a line-item veto, then a three-fifths vote shall be required for adoption.

iv Where such motion be to reconsider the vote on a motion to suspend the rules, then a three-fifths vote shall be required for adoption.

(d) For a bill on General File, no motion to reconsider shall be in order until the bill has failed to advance three times; for a bill on Select File, no motion to reconsider shall be in order until the bill has failed to advance two times; for a bill passed on Final Reading, no motion to reconsider shall be in order except by the introducer of the bill, for technical or clarifying amendments.

(e) Whenever a bill is returned from the Governor for further action pursuant to the Legislature's request for such return, motions for reconsideration necessarily incident to opening a bill for further action shall be admitted regardless of the time limitation otherwise imposed by this rule.

Sec. 8. Strike the Enacting Clause. A motion to strike the enacting clause, if adopted, is equivalent to rejection of the bill. It shall not have precedence over a motion to amend nor a motion to indefinitely postpone.

Sec. 9. Motions to Adjourn or Recess. A motion to adjourn shall be in order, except:

a. While a member is speaking.
b. When a motion to adjourn or recess has just been defeated.
c. After the Final Reading of a bill and during roll call thereon.

A motion to adjourn to a time certain shall have precedence over a motion to adjourn. A motion to recess shall take precedence over either of such motions. Successive motions to adjourn or recess are never in order for dilatory purposes.

When a motion to adjourn or recess has been made, the Speaker shall be privileged to speak to the motion prior to any vote on such motion. A motion to adjourn or recess is not debatable.

A motion to adjourn or recess shall be adopted if approved by a majority of members voting.

Sec. 10. Cloture. At any stage of consideration the principal introducer of the bill under consideration, a cointroducer with the consent of the principal introducer, or the chairperson of the committee, if the bill is introduced by that committee, may move for cloture to the presiding officer; however, the presiding officer may rule such motion for cloture out of order if, in the presiding officer's opinion, a full and fair debate has not been afforded. Such ruling by the presiding officer shall not be subject to challenge. Whenever a motion for cloture is offered, the presiding officer shall immediately recognize such introducer or chairperson and shall then order debate on the

pending amendment or motion to cease. A vote on the cloture motion shall be taken immediately. A two-thirds majority of the elected members shall be required for the cloture motion to be successful. A motion for cloture shall be in order except while a member is speaking, and a motion for cloture is not debatable. If the motion for cloture is successful, a vote on the pending matter shall be taken immediately, without debate. If the pending matter is an amendment to an amendment, following a vote on the amendment to the amendment, a vote shall be taken on the original amendment. If the original amendment has been divided, then the vote shall be on the original undivided amendment being considered. Finally, a vote on the advancement of the bill shall be taken.

A motion for cloture shall have precedence over all other motions except a motion to recess or adjourn.

A motion for cloture which fails for lack of sufficient votes shall result in the debate on the bill ending for the day. When the Speaker chooses to resume debate on the bill, successive motions for cloture shall not be in order until two additional hours of debate on the bill has occurred. If the presiding officer rejects a motion for cloture on a bill due to lack of full and fair debate, successive motions for cloture on the bill may be offered at any time.

Sec. 11. Motions and Amendments for Dilatory Purposes. Motions and amendments shall not be filed for dilatory purposes. If more than two amendments and/or motions are offered to a bill or resolution, the principal introducer of the bill or resolution may raise a point of order stating that he or she believes the amendments and/or motions are being used for dilatory purposes. If, in the opinion of the Speaker, the motions and/or amendments are not dilatory, debate on the pending measure shall continue. If the Speaker has reason to believe that one or more of the amendments and/or motions are dilatory, the Speaker shall consult with the principal introducer of the original bill or resolution and the principal introducers of the amendment and/or motions in an attempt to reach an accord as to which amendments and/or motions should be considered by the Legislature. For that purpose, the Speaker may temporarily remove the entire bill or resolution from the agenda. After consultation, the Speaker shall forthwith decide which, if any, amendments and/or motions are dilatory and shall rule such amendments and/or motions out of order. A motion to overrule the chair on any decision made pursuant to this section is not in order except that a ruling of the chair may be challenged by an introducer of amendments and/or motions ruled to be dilatory in which instance the challenge shall be to all amendments and/or motions included in the Speaker's ruling. The consultation and the Speaker's ruling subsequent to consultation provided for in this section, shall in no case result in a bill or resolution being removed from the agenda for more than the current legislative day. Any amendment and/or motion ruled out of order by the Speaker shall not in any form, version, or substance be in order if again offered by any member at

the same stage of debate. A motion to overrule the chair after a ruling is out of order.

RULE 8 – APPROPRIATIONS PROCESS

Section 1. Purpose. The purpose of this rule is to provide a procedure for the Legislature to develop appropriations for all state agencies, boards, and commissions. Such procedure shall consider the need to (1) continue the services and financial assistance provided by state agencies and programs, (2) restrict the growth in state appropriations, and (3) provide for the efficient and effective use of state revenue by utilizing standing committee subject-matter expertise in the review of agency, board, and commission budget requests.

Sec. 2. Appropriations Committee Report. The Legislature's Appropriations Committee, by majority vote of its members, shall annually prepare a report summarizing the preliminary total General Fund appropriation recommendations for each year of the following biennium. Such report shall include information based upon the committee's initial review of (1) state agency, board, and commission budget requests, (2) the Governor's budget, (3) the estimated revenue receipts for each year of the following biennium, (4) General Fund reserve requirements, (5) express obligations, (6) legislation that would be required to enable recommended appropriations, and (7) economic conditions affecting the State of Nebraska.

Sec. 3. Report, When Required. The report required in Section 2 of this rule shall be printed in the Legislative Journal and presented to each member of the Legislature by the Chairperson of the Appropriations Committee between twenty and thirty legislative days after the Governor presents his or her budget during sessions in odd-numbered years and between fifteen and twenty legislative days after the Governor's budget presentation during session in even-numbered years.

Sec. 4. Standing Committee Appropriations Review. (a) Each standing committee may hold a budget request review hearing on the agency, board, and commission budgets reasonably encompassed in its subject-matter jurisdiction. Any such review hearing shall not be held until the Appropriations Committee has held its public hearing on that agency, board, or commission. The chairperson of the standing committee shall coordinate the scheduling of such hearings with the Chairperson of the Appropriations Committee. The standing committee shall obtain a determination from the Executive Board that the budget to be reviewed is within its subject-matter jurisdiction. The standing committee may recommend to the Legislature amendments to proposed appropriations.

(b) Standing committee amendments, if any, must be filed by the sixth legislative day following the placement of appropriations bills on General File. Standing committee amendments shall be printed in the Journal and shall be considered by the Legislature no sooner than the eighth legislative day following the placement of the appropriations bills on General File. Standing committee amendments shall be considered by the Legislature after Appropriations Committee amendments but before all other

amendments. Standing committee amendments shall be considered in the order of filing.

(c) The Appropriations Committee shall make available to the appropriate standing committee all currently available information at its disposal.

Sec. 5. Bills, Held on Final Reading. The report of the Appropriations Committee shall include a recommended dollar amount of the General Fund biennium appropriation which shall be allocated for the funding of "A" bills, bills that result in the net reduction of revenue to the General Fund, tax expenditure bills, and amendments to the appropriations bills as reported to General File by the Appropriations Committee. During a 90 day session, all "A" bills which, when considered with their companion bill, appropriate general funds resulting in a net loss; all bills resulting in the reduction of revenue to the General Fund; and all tax expenditure bills shall not be read on Final Reading until the appropriations bills are passed by the Legislature. Provided the Appropriations Committee shall place appropriations bills on General File no later than the 70th legislative day in a 90 day session and the 40th legislative day in a 60 day session. If this deadline is not met, the Legislature shall consider the appropriations bills as introduced by the Governor. During a 60 day session, all "A" bills which, when considered with their companion bill, appropriate general funds resulting in a net loss; all bills resulting in the reduction of revenue to the General Fund; all tax expenditure bills; and all appropriations bills shall not be read on Final Reading prior to the 45th legislative day. The appropriations bills shall be passed no later than the 80th legislative day in a 90 day session and the 50th legislative day in a 60 day session. The appropriations provided for in an "A" bill shall be for not less than two fiscal years.

Sec. 6. Bill, Setting Tax Rates. The Legislature's tax rate bill shall be passed no later than the 85th legislative day in a 90 day session and the 55th legislative day in a 60 day session.

Sec. 7. Financial Status Report. Beginning with the legislative day following the reporting of the appropriations bills to General File, there shall be attached to the daily agenda of the Legislature a General Fund Financial Status, prepared by the Legislative Fiscal Analyst under the supervision of the Chair of the Appropriations Committee. The Financial Status shall include current estimates of beginning funds available, plus estimated revenue, less the Appropriations Committee recommended budget and express obligations for the biennial period under consideration, to arrive at the calculated variance from the minimum reserve for the General Fund as specified by law. The Financial Status shall also include a listing of other legislation on Select File and Final Reading, and Speaker's Major Proposals on General File that would deduct from or add to General Funds available above the minimum reserve requirement, should the bills pass.

In addition to data for the budget period under consideration, the Financial Status shall include data for the ensuing two years following the biennial

budget period. Such data shall consist of projections of available balances, annual net receipts, and annual expenditures, based on the assessment of the Legislative Fiscal Analyst of the provisions of current law as it may relate to projected revenues and expenditures. Prior to attaching the first Financial Status to the agenda, the data and the assumptions for the ensuing years beyond the budget biennium and methods for arriving at estimates shall be reviewed by the Chair and the Vice Chair of the Appropriations and Revenue committees and shall be approved by a majority of the membership of each such committee. Upon mutual agreement by the Chairs of the Appropriations Committee and Revenue Committee, the projections may be reconsidered pursuant to the provisions of this section.

RULE 9 – SPECIAL SESSIONS

Section 1. Purpose. The purpose of this rule is to establish special procedures for the Legislature to utilize during a special session. This rule recognizes the necessity of the Legislature to address the business for which it is called together in an expeditious and fair fashion and provides that certain legislative procedures established for regular sessions shall not unduly burden the activities of the Legislature during a special session.

Sec. 2. Convening of the Legislature. Pursuant to the directive contained in the proclamation issued by the Governor, either upon the concurrence of two-thirds of the members of the Legislature according to the procedure established by Section 50-125 or upon the call of the Governor under the authority of Article IV, Section 8, of the Nebraska Constitution, the Legislature shall convene in special session. The first item of business shall be the introduction of bills and resolutions, both of which shall be numbered consecutively beginning with the number one. Bills and resolutions offered by the Speaker at the request of the Governor or offered pursuant to the statement filed with the Secretary of State and agreed to by two-thirds of the members of the Legislature shall be introduced ahead of all other proposals. After introduction, all bills and resolutions shall be handled in the manner provided in this rule. Bills shall be introduced only during the first three days of the session. Resolutions which are not considered and adopted in the same manner as bills may be introduced at any time during the session.

Sec. 3. Resolution Considered as a Bill. Resolutions which propose amendments to the state constitution, propose the ratification or rejection of amendments to the federal Constitution, or memorialize the Congress with regard to amendments to the U.S. Constitution, shall be considered and adopted in the same manner as bills.

Sec. 4. Committee Hearings. Within one legislative day following the introduction of bills and resolutions, or pronouncement of a gubernatorial appointment, the Reference Committee shall review each bill, resolution, and gubernatorial appointment and refer the matter to the appropriate standing committee. The committee to which the bill, resolution, or gubernatorial appointment is referred shall provide as much public notice of the time and place of the hearing on the matter as is reasonable under the circumstances by publication in the Legislative Journal, but in no case shall the hearing be more than five calendar days after the date the bill, resolution, or gubernatorial appointment has been referred to the committee.

Sec. 5. Report of Bill or Resolution to Legislature. The committee to which a bill or resolution has been referred shall make a report on the bill or resolution to the Legislature within twenty-four hours after the committee has taken final action on the matter. If, at the expiration of twenty-four hours from the time final action was taken, the chairperson has not reported the bill or resolution, any senator may file with the Speaker a motion that the chairperson be compelled to submit a report. After determining that final

action on the bill or resolution has been taken at least twenty-four hours prior to the time the motion was submitted, the Speaker shall accept the motion and compel the chairperson to file the committee's report on the matter.

Sec. 6. Indefinitely Postponed Bills and Resolutions. If the committee action on a bill or resolution is to postpone indefinitely, the bill shall stand indefinitely postponed, except that such bill or resolution may be placed on General File or referred back to the committee by a majority vote of the elected members. Not more than one bill or resolution shall be raised from committee on any one motion. A motion to raise shall not be amended to include any other bill, resolution, or subject matter. A motion to raise must be disposed of by the Legislature within three legislative days after the motion is available for consideration or it shall be deemed defeated.

Sec. 7. Bills and Resolutions Held by Committee. If the committee has not taken final action on a bill or resolution within two legislative days after the committee hearing, any senator may move that the bill or resolution be placed on General File. If a majority of the elected members vote in favor of the motion, the bill shall be placed on General File.

Sec. 8. Pending Proposals Indefinitely Postponed. At the conclusion of a special session, all bills and resolutions which have not been enacted shall stand indefinitely postponed and shall not carry over to the next legislative session.

Sec. 9. Rules Controlling When Conflict Exists. When a conflict exists between the provisions of this rule and other provisions of the Rules of the Nebraska Legislature, the provisions of this rule shall apply.

RULE 10 – ELECTION CONTESTS AND QUALIFICATIONS CHALLENGES

Section 1. Election Contests and Qualifications Challenges. (a) An election contest shall place in issue only the validity of the results of an election of a member to the Unicameral Legislature. An election contest shall only determine which candidate was properly elected to the Legislature and shall be seated.

(b) A qualifications challenge shall place in issue only the qualifications of a person elected as a member of the Legislature under the Constitution. A qualifications challenge shall only determine whether a person elected to the Legislature is qualified to hold or retain the seat.

(c) Election contests and qualifications challenges shall be brought and conducted as provided in these rules.

(d) Each election contest and qualifications challenge filed with the Clerk shall be referred by the Clerk to the Reference Committee, who in turn shall refer the matter to a specially created committee to consider such contest or challenge. The committee shall consist of an odd number of members, shall have a minimum of five members and shall consist of members appointed by the Executive Board. The chairperson of such committee shall be appointed by the Executive Board.

(e) The special committee may adopt rules to govern election contests and qualifications challenges, provided that such committee rules must be consistent with these rules, must be filed with the Clerk within twenty-four hours of adoption, and must be made available to all parties and to the public.

Sec. 2. Initiating Election Contests. (a) Election contests may be brought only by an unsuccessful candidate.

(b) Election contests may be brought only by the procedures and within the time limits established by the Nebraska statutes. Notice of intention to contest shall be served on the person certified as elected to the Legislature from the representative district within the time limits established by law.

(c) Within forty days following the general election contested, each contestant shall file with the Clerk of the Legislature a petition of election contest and shall serve such petition on the purported winner. A petition of election contest shall allege the contestant's qualifications to bring the contest and to serve as a member of the Legislature, that he/she alleges that a mistake, violation of election laws, or fraud was committed in specified precincts in the counting, return, or canvass of the votes, or that some other specified irregularity occurred in the conduct of the election in specified precincts. A petition of election contest shall contain a prayer specifying the relief requested and the precincts in which a recount or other inquiry is

desired. A petition of election contest shall be verified by affidavit swearing to the belief that the allegations are true, and shall be accompanied by proof of service on all respondents.

(d) A petition of contest may not be amended to cure a defect under the statutory requirements. A petition of election contest, if filed and served subsequent to the notice of intention to contest, may not raise points not expressed in the notice.

Sec. 3. Initiating Qualifications Challenges. (a) Qualifications challenges may be brought only by an unsuccessful candidate.

(b) Qualifications challenges must be brought within forty days following the general election contested.

(c) A qualifications challenge shall be brought by filing a petition of qualifications challenge with the Clerk, and by serving a copy of the petition on the purported winner. The petition must be accompanied by proof of personal service upon the respondent member and must be verified by affidavit swearing to the truth of the allegations or based upon information and belief. A petition of qualifications challenge shall set forth the grounds on which the respondent member is alleged to be constitutionally unqualified, the qualifications of the petitioner to bring the challenge, and a prayer for relief.

Sec. 4. Contests and Challenges - Due Process. (a) Election contests and qualifications challenges shall be heard and determined as expeditiously as possible under adversary procedures wherein each party to the proceedings has a reasonable opportunity to present his claim, any defense and arguments, and to respond to those of his opponents. All parties may be represented by counsel.

(b) Election contests and qualifications challenges shall be heard and determined in accordance with the applicable provisions of the Nebraska statutes, the Nebraska Constitution, and the United States Constitution. Judicial decisions which bear on a point of law in a contest or challenge shall be admissible in the arguments of the parties and the deliberations and decisions of the committee. Judicial decisions applicable to a point of law or to a fact situation to the committee shall be given weight as precedent.

(c) The committee shall give notice of all rules, timetables, or deadlines adopted by the committee. Notice under this subsection shall be in writing and shall be given either personally with receipt, or by certified mail (return receipt requested) addressed to the party at his or her place of residence and to his or her attorney of record at his or her office if so requested by the party.

Sec. 5. Committee Proceedings and Powers in Contests and Challenges. (a) All proceedings of the committee concerning election contests and

qualifications challenges may be recorded and transcribed. Copies of the transcript shall be made available to the members of the committee and to the parties.

(b) The committee may dismiss an election contest or qualifications challenge, or may determine to proceed to a recount or other inquiry. The committee may limit the issues to be determined in a contest or challenge, except that where a recount is conducted in an election contest, any precinct timely requested by any party to be recounted shall be recounted by the committee.

(c) In conducting inquiries, investigations and recounts in election contests and qualifications challenges, the committee shall have the power to compel the attendance of witnesses and the production of books, papers, ballots, documents and records, by subpoena signed by the chairperson of the committee as provided by Rule 3, Section 21. In conducting proceedings in election contests and qualifications challenges, the committee may utilize the legislative powers to gather information as provided by Rule 3, Section 21.

(d) The committee may allow any person authorized to take depositions of any necessary witnesses, as may be permitted by law. In recounting the ballots in any election contest, however, no person other than a member of the committee or officer of the Legislature shall handle any ballots, tally sheets, or other election materials without the consent of the committee. The responsibility for the actual recounting of ballots may not be delegated.

(e) The committee shall maintain a record of proceedings in every election contest and qualifications challenge. Such record shall include all notices and pleadings, roll call votes, all reports and dissents, and all documents which were admitted into the proceeding. The committee shall file the record with the Clerk of the Legislature upon the adoption of its final report. The record shall then be available for examination in the Clerk's office.

(f) With the approval of the Executive Board, the committee may employ staff assistants to include clerks, court reporters, professional staff, and other personnel as deemed necessary.

Sec. 6. Adoption of Reports in Contests and Challenges. (a) All final decisions of the committee regarding an election contest or qualification challenge shall be reported in writing to the Legislature, and approved by a majority of the members of the committee. Reports shall include a specific recommendation to the Legislature as to the disposition of the contest or challenge.

(b) Any member of the committee may file a dissent from a report of the committee, a minority report, or a special concurrence with the majority report or with any minority report.

(c) Reports of the committee shall be filed with the Clerk of the Legislature, printed and placed on the members' desks, along with any dissents, minority reports, or special concurrences. The report shall be listed on the agenda under the heading "Report of Election Contest" or "Report of Qualifications Challenge." The report as filed with the Clerk, shall not be considered for two legislative days prior to any consideration by the Legislature.

(d) The Legislature shall adopt the majority report or a minority report in an election contest or qualifications challenge or shall refuse to adopt any report filed and rerefer the contest or challenge to the committee for further proceedings or for a modified report. Reports as filed by the committee are not amendable. If the Legislature fails to adopt a report, the matter shall automatically be rereferred to committee for further consideration.

(e) Each party to a contest or challenge may file with the Clerk of the Legislature within 15 days of the filing of the final report a detailed statement of attorney's fees and expenses incurred by said party in connection with the case. The committee shall make recommendations to the Legislature concerning reimbursement of attorney's fees and the expenses of the parties. Such recommendation shall not exceed a sum that is reasonable, just, and proper.

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CARRYOVER

LEGISLATION

Bill Titles, Resolutions, and
Subject and Section Indexes
Introduced in the
One Hundred First Legislature, First Session, 2009,
and Pending Before the
One Hundred First Legislature, Second Session, 2010

January 6, 2010

STATUS OF CARRYOVER

BILLS

AND

RESOLUTIONS

Introduced in the
One Hundred First Legislature, First Session, 2009
and pending before the
One Hundred First Legislature, Second Session, 2010

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TITLES TO BILLS

LEGISLATIVE BILL 4. Introduced by Christensen, 44.

A BILL FOR AN ACT relating to jury compensation; to amend section 33-138, Reissue Revised Statutes of Nebraska; to change the rate of jury compensation to minimum wage; and to repeal the original section.

LEGISLATIVE BILL 6. Introduced by Christensen, 44.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-4,124, Revised Statutes Cumulative Supplement, 2008; to authorize school permitholders to drive motor vehicles to work; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 12. Introduced by Langemeier, 23; Giese, 17.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Natural Resources.

LEGISLATIVE BILL 13. Introduced by White, 8; Mello, 5.

A BILL FOR AN ACT relating to the Property Tax Credit Act; to amend sections 77-4209, 77-4210, 77-4211, and 77-4212, Revised Statutes Cumulative Supplement, 2008; to rename the act; to change the property tax credit; to provide property tax relief; to create a fund; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 14. Introduced by White, 8.

A BILL FOR AN ACT relating to energy conservation; to provide energy conservation standards for certain state buildings; and to provide duties for certain state agencies.

LEGISLATIVE BILL 15. Introduced by White, 8.

A BILL FOR AN ACT relating to the Sex Offender Registration Act; to amend section 29-4006, Reissue Revised Statutes of Nebraska; to require driver's license and Internet address information as part of the registration information; and to repeal the original section.

LEGISLATIVE BILL 17. Introduced by White, 8; Mello, 5; Nordquist, 7; McCoy, 39.

A BILL FOR AN ACT relating to veterans; to provide for a waiver of tuition for combat-injured and disabled veterans.

LEGISLATIVE BILL 19. Introduced by Christensen, 44.

A BILL FOR AN ACT relating to marriage licenses; to amend section 33-110, Reissue Revised Statutes of Nebraska, and section 71-614, Revised Statutes

Cumulative Supplement, 2008; to change provisions relating to fees for marriage licenses as prescribed; to provide requirements for optional marriage education; to provide duties for county clerks; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 21. Introduced by Harms, 48.

A BILL FOR AN ACT relating to the Nebraska Scholarship Act; to amend sections 9-812, 9-836.01, 71-5715, 85-1412, 85-1901, 85-1902, 85-1907, 85-1908, 85-1911, 85-1912, 85-1913, 85-1914, 85-1915, 85-1917, 85-1918, 85-1919, and 85-1920, Reissue Revised Statutes of Nebraska; to rename the act and the Nebraska Scholarship Fund; to change provisions relating to student eligibility; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 25. Introduced by Friend, 10.

A BILL FOR AN ACT relating to children; to amend sections 68-908, 68-911, 68-1202, 71-401, 71-403, and 71-415, Revised Statutes Cumulative Supplement, 2008; to include children's day health services in assistance provided under the Medical Assistance Act and the social services program; to require rules and regulations; to define a term; to require licensure of children's day health services; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 26. Introduced by Friend, 10.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 14-557, 15-725, 15-733, 15-735, 15-821, 15-822, 16-708.01, 77-208, 77-209, 77-1322, and 77-1917.01, Reissue Revised Statutes of Nebraska; to change priority of special assessment liens; and to repeal the original sections.

LEGISLATIVE BILL 33. Introduced by Fulton, 29.

A BILL FOR AN ACT relating to zoning; to amend section 23-174.01, Reissue Revised Statutes of Nebraska; to provide for the transfer of development rights as prescribed; and to repeal the original section.

LEGISLATIVE BILL 34. Introduced by Ashford, 20.

A BILL FOR AN ACT relating to employment; to adopt the Nebraska Fair and Legal Employment Act; to provide contracting duties for the state and political subdivisions; and to provide penalties.

LEGISLATIVE BILL 37. Introduced by Flood, 19.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Board of Regents of the University of Nebraska.

LEGISLATIVE BILL 38. Introduced by Flood, 19; Howard, 9.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-309, 28-929, 28-930, 28-931, 28-931.01, 28-932, and 28-933, Reissue Revised Statutes of Nebraska; to change provisions relating to assault, assault on an officer, and offenses by a confined person; and to repeal the original sections.

LEGISLATIVE BILL 40. Introduced by Flood, 19.

A BILL FOR AN ACT relating to civil procedure; to amend sections 25-1144 and 27-1201, Reissue Revised Statutes of Nebraska; to correct internal references to certain statutory provisions; and to repeal the original sections.

LEGISLATIVE BILL 41. Introduced by Flood, 19.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-4004, Reissue Revised Statutes of Nebraska; to clarify references to the county sheriff; and to repeal the original section.

LEGISLATIVE BILL 42. Introduced by Flood, 19.

A BILL FOR AN ACT relating to natural resources; to amend section 46-1011, Revised Statutes Cumulative Supplement, 2008; to change provisions relating to rural water districts; and to repeal the original section.

LEGISLATIVE BILL 43. Introduced by Flood, 19.

A BILL FOR AN ACT relating to natural resources; to eliminate a fund that terminated; and to outright repeal section 61-217, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 44. Introduced by Flood, 19.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1624 and 77-5903, Revised Statutes Cumulative Supplement, 2008; to eliminate an obsolete reference; to correct a definition; and to repeal the original sections.

LEGISLATIVE BILL 45. Introduced by Flood, 19.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-5601, Revised Statutes Cumulative Supplement, 2008; to eliminate references to a fund that terminated; and to repeal the original section.

LEGISLATIVE BILL 46. Introduced by Wightman, 36.

A BILL FOR AN ACT relating to decedents' estates; to amend sections 30-2485 and 30-2487, Reissue Revised Statutes of Nebraska; to provide for costs and expenses of administration of estates; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 57. Introduced by Louden, 49; Carlson, 38; Christensen, 44; Fischer, 43; Harms, 48; Heidemann, 1; Stuthman, 22; Sullivan, 41; Wallman, 30.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2708.01, Reissue Revised Statutes of Nebraska, and section 77-2704.36, Revised Statutes Cumulative Supplement, 2008; to exempt repairs and parts for agricultural machinery or equipment from sales and use tax; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 58. Introduced by Louden, 49; Carlson, 38; Harms, 48; Howard, 9; Wallman, 30.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701 and 77-2701.04, Revised Statutes Cumulative Supplement, 2008; to provide a sales and use tax exemption for heating oil and propane used for residential heating purposes; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 65. Introduced by Dubas, 34; Carlson, 38; Dierks, 40; Fischer, 43; Karpisek, 32; Rogert, 16; Schilz, 47; Stuthman, 22; Wallman, 30.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2708.01, Reissue Revised Statutes of Nebraska, and section 77-2704.36, Revised Statutes Cumulative Supplement, 2008; to exempt repair or replacement parts for commercial agricultural machinery and equipment from sales and use tax; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 66. Introduced by Rogert, 16; Friend, 10.

A BILL FOR AN ACT relating to Nebraska Political Accountability and Disclosure Act; to amend sections 49-1415, 49-1471, 49-1472, and 49-1490, Reissue Revised Statutes of Nebraska, and sections 49-1446.03 and 49-1447, Revised Statutes Cumulative Supplement, 2008; to change the limit on certain contributions and gifts; and to repeal the original sections.

LEGISLATIVE BILL 67. Introduced by Friend, 10; Fulton, 29.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2715.07 and 77-2734.03, Revised Statutes Cumulative Supplement, 2008; to adopt the Elementary and Secondary Education Opportunity Act; to harmonize provisions; to provide an operative date; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 68. Introduced by Wallman, 30; Adams, 24; Avery, 28; Cornett, 45; Harms, 48; Karpisek, 32; Lathrop, 12; Louden, 49; Stuthman, 22; Coash, 27.

A BILL FOR AN ACT relating to developmental disabilities; to amend section 83-1201, Reissue Revised Statutes of Nebraska; to provide procedures for

closure of certain facilities; to harmonize provisions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 69. Introduced by Cornett, 45; Avery, 28; Gay, 14; Karpisek, 32; Price, 3; Wallman, 30; Mello, 5; Nordquist, 7.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Cumulative Supplement, 2008; to exclude military retirement benefits from income taxation; and to repeal the original section.

LEGISLATIVE BILL 70. Introduced by Cornett, 45; Avery, 28; Gay, 14; Karpisek, 32; Price, 3; Wallman, 30; Mello, 5; Nordquist, 7.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Cumulative Supplement, 2008; to exclude military retirement benefits from income taxation; and to repeal the original section.

LEGISLATIVE BILL 72. Introduced by Cornett, 45; Avery, 28; Dubas, 34.

A BILL FOR AN ACT relating to education; to provide for policy guidelines for management of students and children with life-threatening allergies; and to provide duties for the State Department of Education, the Department of Health and Human Services, schools, and early childhood education programs.

LEGISLATIVE BILL 72A. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 72, One Hundred First Legislature, First Session, 2009.

LEGISLATIVE BILL 73. Introduced by Cornett, 45; Avery, 28; Karpisek, 32.

A BILL FOR AN ACT relating to education; to ratify the Interstate Compact on Educational Opportunity for Military Children on behalf of the State of Nebraska with any other state legally joining thereon; to create the State Council on Educational Opportunity for Military Children and the positions of compact commissioner and military family education liaison within the Department of Veterans' Affairs as prescribed.

LEGISLATIVE BILL 73A. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 73, One Hundred First Legislature, First Session, 2009.

LEGISLATIVE BILL 78. Introduced by Gay, 14.

A BILL FOR AN ACT relating to the Victim's Compensation Fund; to amend sections 81-1835 and 83-183, Reissue Revised Statutes of Nebraska; to provide for a percentage of wages earned by inmates in a work release program to be

deposited in the fund as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 79. Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to child support; to amend section 43-512.15, Reissue Revised Statutes of Nebraska; to change provisions relating to when a child support order modification complaint is to be filed; and to repeal the original section.

LEGISLATIVE BILL 82. Introduced by Howard, 9; Dierks, 40; Harms, 48; Nantkes, 46.

A BILL FOR AN ACT relating to the Nebraska Juvenile Code; to amend section 43-285, Reissue Revised Statutes of Nebraska; to require notification of change in case managers as prescribed; and to repeal the original section.

LEGISLATIVE BILL 83. Introduced by McGill, 26.

A BILL FOR AN ACT relating to protection orders; to amend section 42-924, Reissue Revised Statutes of Nebraska; to provide for the care of and protect from harm domestic animals as prescribed; and to repeal the original section.

LEGISLATIVE BILL 86. Introduced by Wallman, 30.

A BILL FOR AN ACT relating to the Nebraska Capitol Commission; to amend section 81-1108.38, Reissue Revised Statutes of Nebraska; to change provisions relating to the Capitol Landscape Restoration Master Plan; to provide duties for the commission; and to repeal the original section.

LEGISLATIVE BILL 88. Introduced by Pahls, 31.

A BILL FOR AN ACT relating to banking; to amend section 8-113, Reissue Revised Statutes of Nebraska; to change provisions relating to the unauthorized use of the word bank; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 96. Introduced by Heidemann, 1.

A BILL FOR AN ACT relating to the State Energy Office Cash Fund; to eliminate obsolete provisions; and to outright repeal section 81-1623, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 106. Introduced by Harms, 48.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,268, Reissue Revised Statutes of Nebraska; to eliminate the requirements that occupant protection system laws be enforced as a secondary action; to outright section 60-6,271, Reissue Revised Statutes of Nebraska; and to repeal the original section.

LEGISLATIVE BILL 107. Introduced by Haar, 21.

A BILL FOR AN ACT relating to labor; to require an employer to provide employee a reason for termination as prescribed; and to provide a duty for the Revisor of Statutes.

LEGISLATIVE BILL 109. Introduced by Rogert, 16.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-471, 60-501, 60-520, 60-547, 60-6,357, 60-6,358, 60-6,359, 60-6,360, and 60-6,361, Reissue Revised Statutes of Nebraska, and sections 60-462, 60-463, 60-6,355, and 60-6,356, Revised Statutes Cumulative Supplement, 2008; to authorize the operation of low-speed vehicles on highways as prescribed; to require certain equipment for such vehicles; to prohibit certain modifications; to provide for an exemption; to provide accident reporting as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 112. Introduced by Heidemann, 1.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Cumulative Supplement, 2008; to exclude certain health education loan repayments from income taxation as prescribed; and to repeal the original section.

LEGISLATIVE BILL 114. Introduced by Louden, 49.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-601, Revised Statutes Cumulative Supplement, 2008; to provide for operation of minitrucks on certain highways as prescribed; to provide penalties; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 115. Introduced by Louden, 49.

A BILL FOR AN ACT relating to the State Veteran Cemetery System; to amend section 12-1301, Reissue Revised Statutes of Nebraska; to eliminate the Nebraska Veterans Cemetery Advisory Board; and to repeal the original section.

LEGISLATIVE BILL 118. Introduced by Wightman, 36.

A BILL FOR AN ACT relating to decedents' estates; to amend sections 30-24,125 and 30-24,129, Reissue Revised Statutes of Nebraska; to change provisions relating to collection of personal property by affidavit and succession to real property by affidavit; and to repeal the original sections.

LEGISLATIVE BILL 124. Introduced by Hansen, 42; McCoy, 39; Nordquist, 7; Pahls, 31.

A BILL FOR AN ACT relating to the Job Training Cash Fund; to amend section 81-1201.21, Reissue Revised Statutes of Nebraska; to extend deadlines for transfers to the Cash Reserve Fund; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 125. Introduced by Avery, 28; Nantkes, 46.

A BILL FOR AN ACT relating to elections; to amend sections 32-101, 32-107, 32-108, 32-114, 32-115, 32-221, 32-302, 32-306, 32-307, 32-308, 32-310, 32-311.01, 32-314, 32-321, 32-325, 32-807, 32-813, 32-816, 32-901, 32-902, 32-904, 32-906, 32-907, 32-910, 32-912, 32-913, 32-914, 32-915, 32-916, 32-917, 32-918, 32-919, 32-920, 32-921, 32-922, 32-923, 32-925, 32-927, 32-929, 32-933, 32-934, 32-935, 32-936, 32-937, 32-938, 32-940, 32-941, 32-945, 32-952, 32-1001, 32-1002, 32-1041, 32-1302, 32-1307, 32-1403, 32-1502, 32-1503, 32-1504, 32-1508, 32-1512, 32-1519, 32-1528, 32-1530, 32-1531, and 32-1532, Reissue Revised Statutes of Nebraska; to provide for voter registration on election day as prescribed; to change provisions relating to registration and voting; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 126. Introduced by Avery, 28.

A BILL FOR AN ACT relating to constitutional officers; to amend sections 49-1401 and 49-1463.01, Revised Statutes Cumulative Supplement, 2008; to require financial disclosure reports; to provide a late filing fee; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 130. Introduced by Dubas, 34; Harms, 48.

A BILL FOR AN ACT relating to agriculture; to create the Farm to School Program Task Force; to provide duties and for termination; and to declare an emergency.

LEGISLATIVE BILL 139. Introduced by Avery, 28; Howard, 9.

A BILL FOR AN ACT relating to the Commission on Mexican-Americans; to amend sections 81-8,262, 81-8,265, 81-8,270, and 81-8,271.01, Reissue Revised Statutes of Nebraska; to rename the commission and a fund; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 140. Introduced by Avery, 28; Nantkes, 46; Nordquist, 7.

A BILL FOR AN ACT relating to state funds; to amend sections 72-1260 and 84-1309.01, Reissue Revised Statutes of Nebraska; to provide duties and responsibilities relating to public funds invested in Sudan-related companies; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 141. Introduced by Rogert, 16; Avery, 28; Coash, 27; Fulton, 29; Pankonin, 2; McCoy, 39.

A BILL FOR AN ACT relating to veterans; to adopt the Brain Injury Act.

LEGISLATIVE BILL 146. Introduced by Howard, 9; Wightman, 36.

A BILL FOR AN ACT relating to pharmacy; to amend sections 38-2801, 38-2802, and 38-2850, Reissue Revised Statutes of Nebraska, and sections 71-401, 71-403, and 71-425, Revised Statutes Cumulative Supplement, 2008; to provide for simulated pharmacies; to define and redefine terms; to provide for special licensure; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 147. Introduced by Pirsch, 4; Nordquist, 7.

A BILL FOR AN ACT relating to change of name; to amend sections 25-21,271, 28-718, and 29-4004, Reissue Revised Statutes of Nebraska; to provide name-change court orders to update the central register of child protection cases and the central registry of sex offenders; and to repeal the original sections.

LEGISLATIVE BILL 148. Introduced by Pirsch, 4; Howard, 9; Nordquist, 7.

A BILL FOR AN ACT relating to motor vehicle homicide; to amend sections 28-306 and 28-394, Reissue Revised Statutes of Nebraska; to change penalty provisions; and to repeal the original sections.

LEGISLATIVE BILL 149. Introduced by Pankonin, 2; McCoy, 39; Nelson, 6; Pirsch, 4.

A BILL FOR AN ACT relating to insurance; to require coverage for prosthetics; and to define a term.

LEGISLATIVE BILL 153. Introduced by Lautenbaugh, 18; Schilz, 47; Flood, 19; Louden, 49; Hansen, 42; Sullivan, 41; Coash, 27.

A BILL FOR AN ACT relating to recreation; to amend sections 37-729, 37-730, 37-731, 37-732, 37-733, 37-734, 37-735, and 37-736, Reissue Revised Statutes of Nebraska; to name the Tourism Liability Act; to define and redefine terms; to change provisions relating to owner liability for recreation and tourism activities; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 159. Introduced by Gay, 14; Cornett, 45.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.07, Revised Statutes Cumulative Supplement, 2008; to allow an income tax credit for certain long-term care insurance policy premiums; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 159A. Introduced by Gay, 14.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 159, One Hundred First Legislature, First Session, 2009.

LEGISLATIVE BILL 169. Introduced by Hadley, 37; Gloor, 35; Wallman, 30.

A BILL FOR AN ACT relating to appropriations; to state intent relating to appropriations to the Department of Health and Human Services for the medical assistance program.

LEGISLATIVE BILL 174. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to cities of the metropolitan class; to amend section 14-109, Reissue Revised Statutes of Nebraska; to change provisions relating to vehicle registration and fees as prescribed; and to repeal the original section.

LEGISLATIVE BILL 176. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to insurance; to prohibit the use of credit information and discriminatory practices as prescribed; to define terms; to eliminate the Model Act Regarding Use of Credit Information in Personal Insurance; to provide an operative date; and to outright repeal sections 44-7701, 44-7702, 44-7703, 44-7704, 44-7705, 44-7706, 44-7707, 44-7708, 44-7709, 44-7710, 44-7711, and 44-7712, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 178. Introduced by Lathrop, 12; Wallman, 30.

A BILL FOR AN ACT relating to appropriations; to state intent relating to appropriations to the Department of Health and Human Services for developmental disability aid.

LEGISLATIVE BILL 181. Introduced by Fischer, 43.

A BILL FOR AN ACT relating to the Nebraska Telecommunications Regulation Act; to amend section 86-101, Reissue Revised Statutes of Nebraska; to provide requirements for wire-crossing agreements between railroad carriers and telecommunications carriers as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 182. Introduced by Pankonin, 2.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Economic Development.

LEGISLATIVE BILL 183. Introduced by Fischer, 43.

A BILL FOR AN ACT relating to the Nebraska Telecommunications Regulation Act; to amend section 86-101, Reissue Revised Statutes of Nebraska; to provide requirements for the sale of an exchange by a telecommunications company; to provide powers and duties for the Public Service Commission; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 190. Introduced by Avery, 28; Giese, 17; Karpisek, 32; Pirsch, 4.

A BILL FOR AN ACT relating to the DNA Identification Information Act; to amend sections 29-4102, 29-4103, and 29-4106, Reissue Revised Statutes of Nebraska; to provide for the collection of DNA samples from individuals convicted of felony offenses; to provide for applicability; and to repeal the original sections.

LEGISLATIVE BILL 191. Introduced by Fulton, 29; Avery, 28; Coash, 27; Karpisek, 32; McCoy, 39; Rogert, 16; Schilz, 47.

A BILL FOR AN ACT relating to small businesses; to provide for the waiver of a fine or penalty for an information collection requirement as prescribed.

LEGISLATIVE BILL 193. Introduced by Nantkes, 46.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2602.04, Revised Statutes Cumulative Supplement, 2008; to change a restriction on use of cigarette tax proceeds; and to repeal the original section.

LEGISLATIVE BILL 194. Introduced by Nantkes, 46.

A BILL FOR AN ACT relating to workers' compensation; to amend sections 48-138, 48-139, 48-140, and 48-141, Reissue Revised Statutes of Nebraska; to change provisions relating to lump-sum settlements; and to repeal the original sections.

LEGISLATIVE BILL 197. Introduced by Fulton, 29.

A BILL FOR AN ACT relating to the Nebraska educational savings plan trust; to amend sections 85-1803 and 85-1807, Reissue Revised Statutes of Nebraska; to create a fund and provide for its use; to authorize fund transfers, and to repeal the original sections.

LEGISLATIVE BILL 200. Introduced by Janssen, 15; Stuthman, 22; Nantkes, 46; Rogert, 16; Giese, 17.

A BILL FOR AN ACT relating to motorcycles; to amend section 60-6,279, Reissue Revised Statutes of Nebraska; to change helmet provisions; to require eye protection; and to repeal the original section.

LEGISLATIVE BILL 205. Introduced by Nordquist, 7; Lathrop, 12; Mello, 5; Nelson, 6; Pirsch, 4.

A BILL FOR AN ACT relating to retirement; to amend sections 14-567, 15-1017, 16-1017, 16-1037, and 19-3501, Reissue Revised Statutes of Nebraska; to require educational and ethics training for board members of certain retirement systems as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 210. Introduced by Langemeier, 23.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-27,137.02, Revised Statutes Cumulative Supplement, 2008; to change

provisions relating to aid to natural resources districts; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 212. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-5001, 77-5005, and 77-5016, Revised Statutes Cumulative Supplement, 2008; to authorize hearings by a single commissioner of the Tax Equalization and Review Commission; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 213. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-5001, 77-5004, 77-5005, 77-5013, 77-5017, 77-5022, and 77-5024.01, Revised Statutes Cumulative Supplement, 2008; to change provisions relating to the Tax Equalization and Review Commission; to authorize intervention in actions before the commission; to provide operative dates; and to repeal the original sections.

LEGISLATIVE BILL 214. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to nail technology; to amend section 38-1035, Reissue Revised Statutes of Nebraska; to redefine nail technology; and to repeal the original section.

LEGISLATIVE BILL 216. Introduced by Wallman, 30.

A BILL FOR AN ACT relating to civil liability; to eliminate motor vehicle and aircraft guest statutes; to harmonize provisions; and to outright repeal sections 3-129.01, 25-21,237, and 25-21,238, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 217. Introduced by Louden, 49; Karpisek, 32; Schilz, 47; Stuthman, 22.

A BILL FOR AN ACT relating to railroad rights-of-way; to amend section 70-306, Reissue Revised Statutes of Nebraska; to provide requirements for electrical entities placing wires across rights-of-way as prescribed; to provide powers and duties; to define a term; and to repeal the original section.

LEGISLATIVE BILL 223. Introduced by Nantkes, 46.

A BILL FOR AN ACT relating to swimming pools; to amend sections 71-4301 and 71-4307, Reissue Revised Statutes of Nebraska, and sections 71-4305 and 71-4306, Revised Statutes Cumulative Supplement, 2008; to classify swimming pools; to provide certified operator requirements; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 226. Introduced by Rogert, 16; Friend, 10.

A BILL FOR AN ACT relating to the age of majority; to amend sections 9-230.01, 9-241.06, 9-241.08, 9-255.06, 9-255.09, 9-334, 9-345, 9-430, 9-633, 9-826, 20-403, 21-1724, 21-1750, 21-1781, 23-1824, 25-1601, 25-1628, 25-21,271, 28-319, 28-319.01, 28-320.01, 28-457, 28-833, 29-401, 29-2270, 29-4016, 30-2209, 30-2326, 30-2329, 30-2412, 30-2603, 30-3402, 30-3502, 32-602, 38-129, 38-165, 38-1060, 38-10,165, 38-10,171, 38-1221, 38-1612, 38-1710, 38-2421, 38-2885, 38-2890, 38-3122, 42-371.01, 43-104.09, 43-117, 43-245, 43-247, 43-289, 43-290, 43-294, 43-2,113, 43-412, 43-504, 43-2101, 43-2404.02, 43-2922, 43-3703, 43-3709, 43-3902, 43-3910, 44-5238, 48-122.01, 48-124, 71-20,120, 71-4808, 79-267, 79-296, 81-885.13, 81-1916, 81-1917, 81-1936, 81-2026, and 81-2036, Reissue Revised Statutes of Nebraska, and sections 49-801, 64-101, 68-1724, 71-629, 71-812, 71-1903, 71-6039.01, 71-6502, 71-6726, 76-2228.01, 76-2229.01, 76-2230, 76-2231.01, and 76-2232, Revised Statutes Cumulative Supplement, 2008; to change the age of majority from nineteen to eighteen years of age and certain age requirements as prescribed; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 229. Introduced by Fischer, 43.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend sections 60-487, 60-4,114, and 60-4,121, Reissue Revised Statutes of Nebraska, and sections 60-462, 60-479, 60-479.01, 60-484, 60-4,120, 60-4,122, 60-4,144, and 60-4,181, Revised Statutes Cumulative Supplement, 2008; to adopt certain federal regulations; to provide powers and duties for the Department of Motor Vehicles regarding the design, production, issuance, and renewal of and payment for operators' licenses and state identification cards; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 230. Introduced by Stuthman, 22.

A BILL FOR AN ACT relating to nurse practitioners; to amend sections 38-206, 38-2301, 38-2315, and 38-2322, Reissue Revised Statutes of Nebraska; to eliminate a requirement for integrated practice agreements; to eliminate a definition; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 38-2310 and 38-2323, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 234. Introduced by Adams, 24.

A BILL FOR AN ACT relating to sales and use taxes; to amend section 77-2704.13, Reissue Revised Statutes of Nebraska; to change provisions relating to a sales and use tax exemption; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 235. Introduced by Adams, 24; Howard, 9.

A BILL FOR AN ACT relating to school lands; to provide powers to the Board of Educational Lands and Funds.

LEGISLATIVE BILL 236. Introduced by Lathrop, 12; Cornett, 45; Harms, 48; Stuthman, 22; Wallman, 30.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Health and Human Services.

LEGISLATIVE BILL 240. Introduced by Pahls, 31.

A BILL FOR AN ACT relating to schools; to require a minimum level of expenditures for direct classroom instruction; and to provide a duty for the Revisor of Statutes.

LEGISLATIVE BILL 242. Introduced by Karpisek, 32; Wallman, 30.

A BILL FOR AN ACT relating to the Nebraska State Patrol Retirement Act; to amend section 81-2025, Reissue Revised Statutes of Nebraska; to change the mandatory retirement age to sixty-five years of age; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 243. Introduced by Nantkes, 46.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-121, Revised Statutes Cumulative Supplement, 2008; to provide for annual adjustments for total disability income benefits; and to repeal the original section.

LEGISLATIVE BILL 244. Introduced by Coash, 27.

A BILL FOR AN ACT relating to controlled substances; to amend sections 28-405, 28-448, and 28-454, Reissue Revised Statutes of Nebraska; to change a schedule as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 245. Introduced by Dubas, 34.

A BILL FOR AN ACT relating to railroads; to amend sections 74-1310 and 74-1323, Reissue Revised Statutes of Nebraska, and section 75-109.01, Revised Statutes Cumulative Supplement, 2008; to provide a penalty and procedure for unlawful obstruction of railroad crossings; to change and provide powers and duties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 247. Introduced by Dubas, 34.

A BILL FOR AN ACT relating to health and human services; to state findings; to define a term; to require accreditation of the Division of Children and Family Services as provided; to require a plan; and to provide for appropriation of funds.

LEGISLATIVE BILL 248. Introduced by Dubas, 34; Cornett, 45.

A BILL FOR AN ACT relating to relating to income tax; to amend section 77-2715.07, Revised Statutes Cumulative Supplement, 2008; to change provisions relating to income tax credits; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 252. Introduced by Cornett, 45; Cook, 13; Lautenbaugh, 18.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-101, 28-1006, 28-1007, and 28-1019, Reissue Revised Statutes of Nebraska; to prohibit the possession of animal fighting paraphernalia; to provide a penalty; to provide for seizure of property; to provide for applicability; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 253. Introduced by Ashford, 20.

A BILL FOR AN ACT relating to children; to amend sections 23-1201, 24-313, 24-519, 25-1901, 25-2728, 25-2908, 28-377, 28-718, 28-719, 28-720, 28-720.01, 28-721, 28-722, 28-723, 28-724, 28-725, 28-726, 28-727, 28-728, 28-729, 28-730, 28-731, 28-732, 29-401, 29-1816, 29-1926, 29-2246, 29-2252.01, 29-2258, 29-2260, 29-2260.01, 29-3918, 29-4304, 30-2614, 42-364, 42-371, 43-101, 43-104, 43-104.08, 43-104.11, 43-106.01, 43-107, 43-296, 43-2,108, 43-2,109, 43-2,110, 43-2,113, 43-2,125, 43-413, 43-512, 43-512.03, 43-903, 43-1002, 43-1230, 43-1303, 43-1304, 43-1307, 43-1308, 43-1309, 43-1310, 43-1314.01, 43-1314.02, 43-1321, 43-2922, 43-2932, 43-2939, 43-3502, 43-3709, 43-3710, 71-3404, 71-3407, 79-215, 81-3126, 83-108.04, and 83-170, Reissue Revised Statutes of Nebraska, and sections 71-448, 71-1919, 71-6039, 71-6039.01, 71-6039.03, 71-6039.05, 71-6502, and 71-6906, Revised Statutes Cumulative Supplement, 2008; to transfer or repeal provisions of the Nebraska Juvenile Code and adopt a new Nebraska Juvenile Code; to change and eliminate child abuse reporting and registry provisions; to provide child relinquishment provisions; to change and eliminate provisions of and rename the Foster Care Review Act; to harmonize provisions; to provide a duty for the Revisor of Statutes; to provide an operative date; to repeal the original sections; and to outright repeal sections 28-710, 28-711, 28-713, 28-713.01, 28-714, 28-715, 28-716, 28-717, 28-733, 43-245, 43-246, 43-247, 43-247.01, 43-248, 43-248.01, 43-249, 43-250, 43-251, 43-251.01, 43-252, 43-253, 43-254, 43-254.01, 43-254.02, 43-255, 43-256, 43-257, 43-258, 43-259, 43-260, 43-260.01, 43-260.02, 43-260.03, 43-260.04, 43-260.05, 43-260.06, 43-260.07, 43-262, 43-263, 43-264, 43-265, 43-266, 43-267, 43-268, 43-269, 43-270, 43-271, 43-272, 43-272.01, 43-272.02, 43-273, 43-274, 43-275, 43-276, 43-277, 43-278, 43-279, 43-279.01, 43-280, 43-281, 43-282, 43-283, 43-283.01, 43-284, 43-284.01, 43-284.02, 43-285, 43-286, 43-287.01, 43-287.02, 43-287.03, 43-287.04, 43-287.05, 43-287.06, 43-288, 43-289, 43-290, 43-291, 43-292, 43-292.01, 43-292.02, 43-292.03, 43-293, 43-294, 43-295, 43-297, 43-298, 43-299, 43-2,100, 43-2,101, 43-2,102, 43-2,103, 43-2,104, 43-2,105, 43-2,106, 43-2,106.01, 43-2,106.02, 43-2,106.03, 43-2,107, 43-2,123.01, 43-2,128, 43-2,129, 43-408, 43-903, 43-905, 43-1301, 43-1301.01, 43-1311, 43-1312, 43-1313, 43-1314, 43-1315, 43-1316, and 43-1318, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 254. Introduced by Dubas, 34; Rogert, 16.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-2622, 2-2626, and 2-2646, Reissue Revised Statutes of Nebraska; to require Nebraska aerial pesticide business licenses for aerial pesticide application; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 255. Introduced by Harms, 48; Howard, 9.

A BILL FOR AN ACT relating to school buses; to amend sections 79-601 and 79-609, Reissue Revised Statutes of Nebraska; to require lap-shoulder belts as prescribed; to require instruction regarding use of certain belts; to require the use of certain belts; to state intent regarding liability; and to repeal the original sections.

LEGISLATIVE BILL 256. Introduced by Harms, 48.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Game and Parks Commission; and to declare an emergency.

LEGISLATIVE BILL 257. Introduced by Harms, 48.

A BILL FOR AN ACT relating to public schools; to repeal the Seamless Delivery System Pilot Project; and to outright repeal sections 79-11,136, 79-11,137, 79-11,138, 79-11,139, 79-11,140, and 79-11,141, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 258. Introduced by Harms, 48.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-180.05, Reissue Revised Statutes of Nebraska, and section 53-101, Revised Statutes Cumulative Supplement, 2008; to change and provide penalties for minors in possession of alcoholic liquor; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 261. Introduced by Rogert, 16; McGill, 26.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend section 60-4,111.01, Reissue Revised Statutes of Nebraska; to provide for use of machine-readable information encoded on an operator's license or a state identification card; to provide penalties; and to repeal the original section.

LEGISLATIVE BILL 262. Introduced by Rogert, 16; Nordquist, 7.

A BILL FOR AN ACT relating to alcoholic liquor sales; to amend sections 9-647 and 53-179, Reissue Revised Statutes of Nebraska; to change provisions relating to time for sales of alcoholic liquor and conduct of lotteries under the Nebraska County and City Lottery Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 265. Introduced by Giese, 17.

A BILL FOR AN ACT relating to the Sexual Predator Residency Restriction Act; to amend sections 29-4016 and 29-4017, Reissue Revised Statutes of Nebraska; to authorize certain residency restrictions near parks; and to repeal the original sections.

LEGISLATIVE BILL 266. Introduced by Karpisek, 32; Fischer, 43.

A BILL FOR AN ACT relating to gaming; to amend sections 2-1201, 2-1201.01, 2-1202, 2-1203, 2-1203.01, 2-1204, 2-1205, 2-1206, 2-1209, 2-1213, and 2-1219, Reissue Revised Statutes of Nebraska; to adopt the Racetrack Gaming Act; to provide for regulation of racetrack gaming; to create funds; to provide civil penalties; to change provisions relating to the State Racing Commission and horseracing; to harmonize provisions; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 267. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to state employees; to prohibit mandatory overtime for certain employees as prescribed.

LEGISLATIVE BILL 268. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to the Child Care Licensing Act; to amend section 71-1908, Revised Statutes Cumulative Supplement, 2008; to require liability insurance as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 269. Introduced by Heidemann, 1.

A BILL FOR AN ACT relating to state funds; to amend sections 71-7608, 71-7611, and 71-8805, Revised Statutes Cumulative Supplement, 2008; to change and provide for transfers of funds; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 276. Introduced by Nordquist, 7; Ashford, 20; Cornett, 45; Giese, 17; McGill, 26; Mello, 5; Nantkes, 46; Howard, 9.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-101 and 28-519, Reissue Revised Statutes of Nebraska; to change provisions and penalties relating to criminal mischief; to prohibit defacement as prescribed; to provide penalties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 279. Introduced by Avery, 28; Cornett, 45; Price, 3; Rogert, 16.

A BILL FOR AN ACT relating to land-use planning; to amend sections 14-407, 15-1103, and 19-923, Reissue Revised Statutes of Nebraska; to require notification of military installations regarding development of real property; and to repeal the original sections.

LEGISLATIVE BILL 280. Introduced by Avery, 28; Cornett, 45; Price, 3; Rogert, 16.

A BILL FOR AN ACT relating to military bases; to create the Commission on Military Affairs; and to provide for membership, terms, expenses, and powers and duties.

LEGISLATIVE BILL 280A. Introduced by Avery, 28.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 280, One Hundred First Legislature, First Session, 2009.

LEGISLATIVE BILL 281. Introduced by Mello, 5; Cornett, 45.

A BILL FOR AN ACT relating to educational service units; to amend sections 32-515, 79-1212, 79-1217, and 79-1217.01, Reissue Revised Statutes of Nebraska; to change provisions relating to membership on certain reorganized boards as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 284. Introduced by Fulton, 29; Friend, 10; Hansen, 42; McCoy, 39; Schilz, 47.

A BILL FOR AN ACT relating to the Sexual Predator Residency Restriction Act; to amend sections 29-4015, 29-4016, and 29-4017, Reissue Revised Statutes of Nebraska; to rename the act; to authorize certain employment restrictions; and to repeal the original sections.

LEGISLATIVE BILL 289. Introduced by Christensen, 44.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Game and Parks Commission; and to declare an emergency.

LEGISLATIVE BILL 291. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to the Developmental Disabilities Services Act; to amend sections 83-1209 and 83-1226, Reissue Revised Statutes of Nebraska; to provide duties regarding ensuring the maximum quality of services; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 295. Introduced by Campbell, 25.

A BILL FOR AN ACT relating to the register of deeds; to amend sections 23-1503.01 and 23-1510, Reissue Revised Statutes of Nebraska; to provide and change requirements for instruments to be recorded in the office of the register of deeds; to provide a fee; to provide for applicability; and to repeal the original sections.

LEGISLATIVE BILL 297. Introduced by Dubas, 34.

A BILL FOR AN ACT relating to finance; to adopt the Nebraska Beginning Farmer and Small Business Linked Deposit Loan Act; and to provide an operative date.

LEGISLATIVE BILL 298. Introduced by Harms, 48.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Economic Development.

LEGISLATIVE BILL 304. Introduced by Council, 11; Cook, 13.

A BILL FOR AN ACT relating to the Political Subdivisions Tort Claims Act; to amend sections 13-919 and 13-920, Reissue Revised Statutes of Nebraska; to change limitation of action provisions; and to repeal the original sections.

LEGISLATIVE BILL 306. Introduced by Council, 11; Nantkes, 46; Cook, 13; Coash, 27.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 23-3406, 24-1106, 25-1140.09, 28-104, 28-105, 28-303, 29-1602, 29-1603, 29-1822, 29-2004, 29-2005, 29-2006, 29-2020, 29-2027, 29-2204, 29-2261, 29-2282, 29-2407, 29-2801, 29-3205, 29-3920, 29-3922, 29-3928, 29-3929, 29-3930, 55-480, 83-1,110.02, and 83-4,143, Reissue Revised Statutes of Nebraska; to change a penalty from death to life imprisonment without possibility of parole as prescribed; to eliminate capital punishment provisions; to provide for retroactive applicability of such penalty change; to change provisions relating to restitution; to harmonize provisions; to repeal the original sections; and to outright repeal sections 24-1105, 28-105.01, 29-2519, 29-2520, 29-2521, 29-2521.01, 29-2521.02, 29-2521.03, 29-2521.04, 29-2521.05, 29-2522, 29-2523, 29-2524, 29-2524.01, 29-2524.02, 29-2525, 29-2527, 29-2528, 29-2532, 29-2533, 29-2534, 29-2535, 29-2536, 29-2537, 29-2538, 29-2539, 29-2540, 29-2541, 29-2542, 29-2543, 29-2544, 29-2545, 29-2546, 29-2811, 83-1,105.01, and 83-1,132, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 307. Introduced by Council, 11; Haar, 21; Nantkes, 46; Campbell, 25.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-101 and 28-105, Reissue Revised Statutes of Nebraska; to change sentencing requirements with respect to certain minors; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 308. Introduced by Heidemann, 1.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 13-2809, 35-508, 35-509, 35-514.02, 35-517, and 77-3443, Reissue Revised Statutes of Nebraska, and sections 77-3442 and 77-3444, Revised Statutes Cumulative Supplement, 2008; to change levy provisions for rural and suburban fire protection districts; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 310. Introduced by Haar, 21; Avery, 28.

A BILL FOR AN ACT relating to deaf and hard of hearing persons; to amend sections 20-150, 20-151, 20-153, and 20-156, Reissue Revised Statutes of Nebraska; to state intent; to define and redefine terms; to require places of public accommodation to appoint licensed interpreters; to require video remote interpreting companies to use licensed interpreters; to change and provide penalties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 317. Introduced by Speaker Flood, 19; at the request of the Governor.

A BILL FOR AN ACT relating to the Cash Reserve Fund; to amend section 84-612, Reissue Revised Statutes of Nebraska; to provide for transfers; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 319. Introduced by Speaker Flood, 19; at the request of the Governor.

A BILL FOR AN ACT relating to infants; to amend section 43-536, Reissue Revised Statutes of Nebraska; to change provisions relating to child care reimbursement; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 321. Introduced by Avery, 28.

A BILL FOR AN ACT relating to state government; to amend section 81-1302, Reissue Revised Statutes of Nebraska; to provide for state employees to participate in qualified mentoring programs; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 324. Introduced by Nelson, 6.

A BILL FOR AN ACT relating to elections; to amend sections 32-904 and 32-1524, Reissue Revised Statutes of Nebraska; to provide for designation of voting entrances; to change restrictions on electioneering, circulating petitions, or soliciting near polling places; and to repeal the original sections.

LEGISLATIVE BILL 325. Introduced by Nelson, 6.

A BILL FOR AN ACT relating to elections; to amend sections 32-228, 32-235, 32-314, 32-325, 32-328, 32-329, 32-607, 32-914, 32-914.02, 32-915, 32-929, and 32-930, Reissue Revised Statutes of Nebraska; to change provisions relating to notification of election workers, clerical errors on the precinct list of registered voters, updates of registration records due to change of address, provisional ballots, and challenges to voters; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 330. Introduced by Transportation and Telecommunications Committee: Fischer, 43, Chairperson; Campbell, 25; Hadley, 37; Lautenbaugh, 18; Louden, 49; Stuthman, 22.

A BILL FOR AN ACT relating to the Public Service Commission; to amend sections 86-141, 86-442, 86-443, 86-457, and 86-459, Reissue Revised Statutes of Nebraska, and section 75-134, Revised Statutes Cumulative Supplement, 2008; to change provisions relating to orders of the commission and telecommunications companies not subject to regulation; to change duties for wireless carriers and define a term under the Enhanced Wireless 911 Services Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 332. Introduced by Ashford, 20.

A BILL FOR AN ACT relating to courts; to amend sections 23-1205, 25-2405, 25-2721, 29-437, 30-2429.01, 30-2436, 43-103, 43-1314.02, 43-3001, and 43-3713, Reissue Revised Statutes of Nebraska; to provide an exception to the interpreter oath as prescribed; to change provisions relating to acting county attorneys, trial by jury, probate of wills, adoption hearings, caregiver information, information regarding children in state custody, and court appointed special advocate volunteers; and to repeal the original sections.

LEGISLATIVE BILL 333. Introduced by Ashford, 20.

A BILL FOR AN ACT relating to courts; to amend sections 33-107.03 and 33-154, Reissue Revised Statutes of Nebraska; to create a fund; to increase and provide for court fees; and to repeal the original sections.

LEGISLATIVE BILL 334. Introduced by Giese, 17; Avery, 28; Hadley, 37; Janssen, 15; Louden, 49; Pankonin, 2; Schilz, 47; Stuthman, 22; Flood, 19.

A BILL FOR AN ACT relating to highways and roads; to amend sections 39-1302 and 39-1365.01, Reissue Revised Statutes of Nebraska; to designate the state expressway system; to change provisions relating to highway planning; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 337. Introduced by Friend, 10.

A BILL FOR AN ACT relating to the Nebraska educational savings plan trust; to amend section 85-1805, Reissue Revised Statutes of Nebraska; to change restrictions on advertising or promotional materials; and to repeal the original section.

LEGISLATIVE BILL 341. Introduced by Cook, 13.

A BILL FOR AN ACT relating to tuberculosis detection and prevention; to amend sections 38-2315, 38-2850, and 71-3604, Reissue Revised Statutes of Nebraska, and sections 71-3601, 71-3602, and 71-3614, Revised Statutes Cumulative Supplement, 2008; to change provisions relating to distribution of medications through public health agencies; to define a term; to change provisions relating to orders, violations, hearings, and payment of costs; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 344. Introduced by Ashford, 20.

A BILL FOR AN ACT relating to legal services; to amend sections 25-3007 and 25-3008, Reissue Revised Statutes of Nebraska; to change administration of the Civil Legal Services Program; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 349. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to the Election Act; to amend sections 32-101, 32-1301, 32-1302, 32-1303, 32-1304, 32-1306, and 32-1308, Reissue Revised Statutes of Nebraska; to change provisions relating to recall; to require notification as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 350. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to industrial areas; to amend sections 13-1111, 13-1112, 13-1113, 13-1114, 13-1115, 13-1116, 13-1117, 13-1118, 13-1119, 13-1120, and 13-1121, Reissue Revised Statutes of Nebraska; to change provisions relating to real estate tracts and the designation of industrial areas as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 351. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to limited liability companies; to amend section 21-2601, Reissue Revised Statutes of Nebraska; to provide for charging orders against a member's transferable interest; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 352. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to civil procedure; to amend sections 25-505.01, 25-506.01, and 25-507.01, Reissue Revised Statutes of Nebraska; to change provisions relating to service of summons; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 353. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to civil procedure; to amend section 34-301, Reissue Revised Statutes of Nebraska; to change pleading provisions in an action for disputed corners and boundaries; and to repeal the original section.

LEGISLATIVE BILL 357. Introduced by Hadley, 37.

A BILL FOR AN ACT relating to cigarette tax; to amend section 77-2608, Reissue Revised Statutes of Nebraska; to change the commission allowed to wholesale dealers; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 359. Introduced by Nelson, 6.

A BILL FOR AN ACT relating to the Nebraska Cultural Preservation Endowment Fund; to amend section 82-331, Reissue Revised Statutes of Nebraska; to restate legislative intent; to change provisions relating to fund transfers; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 362. Introduced by Avery, 28.

A BILL FOR AN ACT relating to elections; to amend section 32-607, Reissue Revised Statutes of Nebraska; to change requirements for candidate filing forms; and to repeal the original section.

LEGISLATIVE BILL 363. Introduced by Avery, 28.

A BILL FOR AN ACT relating to political committees; to amend section 49-1446.02, Revised Statutes Cumulative Supplement, 2008; to prohibit certain expenditures; and to repeal the original section.

LEGISLATIVE BILL 364. Introduced by Pankonin, 2.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 79-1003 and 79-1028.01, Reissue Revised Statutes of Nebraska; to permit exceeding expenditure limits for voluntary termination payments as prescribed; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 365. Introduced by Pankonin, 2.

A BILL FOR AN ACT relating to the Judges Retirement Act; to amend section 24-710, Reissue Revised Statutes of Nebraska; to change retirement annuity provisions; and to repeal the original section.

LEGISLATIVE BILL 366. Introduced by Pankonin, 2.

A BILL FOR AN ACT relating to the State Employees Retirement Act; to amend section 84-1308, Reissue Revised Statutes of Nebraska; to increase the mandatory contribution rate; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 369. Introduced by Nantkes, 46.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the Every Woman Matters Program.

LEGISLATIVE BILL 370. Introduced by Nantkes, 46.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-911, Revised Statutes Cumulative Supplement, 2008; to require the Department of Health and Human Services to apply for a medicaid waiver to provide coverage for family planning services as prescribed.

LEGISLATIVE BILL 373. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to emergency response personnel; to amend sections 18-1723 and 35-1001, Reissue Revised Statutes of Nebraska; to change provisions relating to death or disability presumptions for a firefighter or police officer and death or disability prima facie evidence requirements for a firefighter or firefighter-paramedic; and to repeal the original sections.

LEGISLATIVE BILL 378. Introduced by Gloor, 35; Howard, 9.

A BILL FOR AN ACT relating to medical clinical trials; to require coverage of routine patient care costs by certain insurance policies and benefit plans.

LEGISLATIVE BILL 381. Introduced by Rogert, 16; Nordquist, 7; Mello, 5.

A BILL FOR AN ACT relating to political subdivisions; to amend sections 10-615, 32-404, 77-1917.01, and 77-3443, Reissue Revised Statutes of Nebraska, and section 77-3442, Revised Statutes Cumulative Supplement, 2008; to adopt the Community Improvement District Act and the Transportation Development District Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 382. Introduced by Rogert, 16.

A BILL FOR AN ACT relating to elections; to amend sections 32-101, 32-107, 32-108, 32-114, 32-115, 32-302, 32-306, 32-307, 32-308, 32-310, 32-311.01, 32-314, 32-321, 32-325, 32-813, 32-816, 32-901, 32-902, 32-904, 32-906, 32-907, 32-910, 32-912, 32-913, 32-914, 32-915, 32-916, 32-917, 32-918, 32-919, 32-920, 32-921, 32-922, 32-923, 32-925, 32-927, 32-929, 32-933, 32-934, 32-935, 32-936, 32-937, 32-938, 32-940, 32-941, 32-945, 32-952, 32-1001, 32-1002, 32-1041, 32-1302, 32-1307, 32-1403, 32-1502, 32-1503, 32-1504, 32-1508, 32-1512, 32-1519, 32-1528, 32-1530, 32-1531, and 32-1532, Reissue Revised Statutes of Nebraska; to provide for voter registration on election day as prescribed; to change provisions relating to registration and voting; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 383. Introduced by Pahls, 31.

A BILL FOR AN ACT relating to the Uniform Controlled Substances Act; to amend section 28-401.01, Reissue Revised Statutes of Nebraska; to provide for limited immunity from prosecution as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 388. Introduced by Langemeier, 23.

A BILL FOR AN ACT relating to public power districts; to amend section 70-624, Reissue Revised Statutes of Nebraska; to change provisions relating to compensation approval as prescribed; and to repeal the original section.

LEGISLATIVE BILL 391. Introduced by Adams, 24.

A BILL FOR AN ACT relating to education; to amend sections 13-503, 79-1041, 79-1073, 79-1073.01, and 79-2104, Reissue Revised Statutes of

Nebraska; to change the manner of distribution of property tax revenue within learning communities; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 393. Introduced by Adams, 24.

A BILL FOR AN ACT relating to educational service units; to amend sections 79-1246 and 84-1411, Reissue Revised Statutes of Nebraska; to change provisions relating to the agenda for meetings of the Educational Service Unit Coordinating Council; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 395. Introduced by Fulton, 29.

A BILL FOR AN ACT relating to health; to amend section 81-664, Reissue Revised Statutes of Nebraska; to adopt the Stroke Registry Act; to redefine a term; and to repeal the original section.

LEGISLATIVE BILL 397. Introduced by Nordquist, 7; McCoy, 39.

A BILL FOR AN ACT relating to postsecondary education; to amend sections 9-812, 9-836.01, 71-5715, and 85-1412, Reissue Revised Statutes of Nebraska; to adopt the State Scholarship Award Program Act and the Scholarship Assistance Program Act; to change provisions relating to applications under the Nebraska Scholarship Act; to provide for transfer of funds; to eliminate the Nebraska Scholarship Act; to harmonize provisions; to provide operative dates; to repeal the original sections; and to outright repeal sections 85-1901, 85-1902, 85-1903, 85-1904, 85-1905, 85-1906, 85-1907, 85-1908, 85-1909, 85-1910, 85-1911, 85-1912, 85-1913, 85-1914, 85-1915, 85-1916, 85-1917, 85-1918, 85-1919, and 85-1920, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 399. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to the Nebraska Scholarship Act; to amend sections 85-502, 85-1903, 85-1906, 85-1907, and 85-1909, Reissue Revised Statutes of Nebraska; to change provisions relating to residency; to redefine terms; and to repeal the original sections.

LEGISLATIVE BILL 401. Introduced by Friend, 10; McCoy, 39; Pankonin, 2.

A BILL FOR AN ACT relating to highways and roads; to amend sections 39-1110, 39-2201, 39-2203, 39-2212, 39-2213, 39-2215, 39-2215.01, 39-2222, and 39-2223, Reissue Revised Statutes of Nebraska, and sections 66-4,100 and 66-4,144, Revised Statutes Cumulative Supplement, 2008; to adopt the High Priority Surface Transportation Development Act and the Surface Transportation Revolving Fund Act; to authorize issuance of highway bonds; to change highway funding provisions; to create funds; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 405. Introduced by Cornett, 45; Campbell, 25; Carlson, 38; Coash, 27; Cook, 13; Friend, 10; Fulton, 29; Gay, 14; Giese, 17; Gloor, 35;

Haar, 21; Hadley, 37; Karpisek, 32; Mello, 5; Nordquist, 7; Pankonin, 2; Rogert, 16; Wallman, 30; Wightman, 36; Christensen, 44; Council, 11; Hansen, 42; Harms, 48; Janssen, 15; Lathrop, 12; McGill, 26; Nelson, 6; Schilz, 47; Stuthman, 22; Sullivan, 41.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701, 77-27,228, 77-27,229, 77-27,230, 77-27,231, 77-27,232, 77-27,233, and 77-27,234, Revised Statutes Cumulative Supplement, 2008; to change provisions relating to income tax credits for planned gifts; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 405A. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 405, One Hundred First Legislature, First Session, 2009.

LEGISLATIVE BILL 406. Introduced by Fulton, 29; Campbell, 25; Dierks, 40; Friend, 10; Haar, 21; Harms, 48; McCoy, 39; Mello, 5; Nelson, 6; Nordquist, 7; Stuthman, 22; Wallman, 30.

A BILL FOR AN ACT relating to hospitals; to amend section 71-2048.01, Reissue Revised Statutes of Nebraska; to permit certified nurse midwives to have clinical privileges; and to repeal the original section.

LEGISLATIVE BILL 409. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to offenses against animals; to amend sections 28-906, 28-1008, 28-1009, and 28-1013, Reissue Revised Statutes of Nebraska; to provide violations and penalties for offenses against arson dogs; to define and redefine terms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 410. Introduced by Karpisek, 32; Council, 11; Nordquist, 7; Wallman, 30.

A BILL FOR AN ACT relating to elections; to amend sections 32-1119 and 32-1121, Reissue Revised Statutes of Nebraska; to change provisions relating to recounts; and to repeal the original sections.

LEGISLATIVE BILL 411. Introduced by Giese, 17.

A BILL FOR AN ACT relating to the State Electrical Act; to amend section 81-2104, Reissue Revised Statutes of Nebraska; to update the reference to the National Electrical Code; and to repeal the original section.

LEGISLATIVE BILL 413. Introduced by Ashford, 20; Nordquist, 7; Janssen, 15.

A BILL FOR AN ACT relating to postsecondary education; to adopt the College Choice Grant Program Act; and to provide an operative date.

LEGISLATIVE BILL 416. Introduced by Fulton, 29; Friend, 10; Hadley, 37; Hansen, 42; Pahls, 31.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 18-1736, 18-1737, 60-501, 60-1903, 60-1908, and 81-2005, Reissue Revised Statutes of Nebraska, and sections 60-163, 60-180, 60-308, 60-366, 60-373, 60-376, 60-378, 60-380, 60-383, 60-392, 60-395, 60-396, 60-397, 60-398, 60-399, 60-3,100, 60-3,101, 60-3,102, 60-3,105, 60-3,106, 60-3,107, 60-3,108, 60-3,109, 60-3,113, 60-3,114, 60-3,119, 60-3,120, 60-3,121, 60-3,122, 60-3,122.02, 60-3,123, 60-3,124, 60-3,125, 60-3,126, 60-3,128, 60-3,130, 60-3,130.01, 60-3,130.02, 60-3,130.05, 60-3,134, 60-3,135, 60-3,145, 60-3,146, 60-3,147, 60-3,149, 60-3,150, 60-3,151, 60-3,157, 60-3,167, 60-3,175, 60-3,183, 60-3,205, 60-653, 60-683, 60-6,197.01, 60-1306, 60-1901, 60-1902, and 66-1406.02, Revised Statutes Cumulative Supplement, 2008; to provide for one license plate and In Transit decal per vehicle; to change provisions relating to license plates; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 417. Introduced by Friend, 10.

A BILL FOR AN ACT relating to the Optometry Practice Act; to amend sections 38-2604, 38-2605, 38-2608, 38-2610, 38-2613, 38-2614, 38-2615, and 38-2617, Reissue Revised Statutes of Nebraska; to redefine terms; to change provisions relating to scope of practice, licensure, certification, and standard of care; and to repeal the original sections.

LEGISLATIVE BILL 418. Introduced by Price, 3; Cornett, 45.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-5023, Revised Statutes Cumulative Supplement, 2008; to require valuation changes among counties included in learning communities; and to repeal the original section.

LEGISLATIVE BILL 419. Introduced by Hadley, 37.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-5905, Revised Statutes Cumulative Supplement, 2008; to eliminate the adjusted limit on tax credits under the Nebraska Advantage Microenterprise Tax Credit Act; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 420. Introduced by Hadley, 37; Christensen, 44; Gay, 14.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704.12, Revised Statutes Cumulative Supplement, 2008; to change provisions relating to sales and use tax exemptions for certain nonprofit entities; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 421. Introduced by Nordquist, 7.

A BILL FOR AN ACT relating to the Compressed Fuel Tax Act; to amend section 66-6,100, Revised Statutes Cumulative Supplement, 2008; to suspend collection of fuel tax on compressed natural gas from July 1, 2009, to January 1, 2015; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 423. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to children; to amend sections 42-364, 43-2922, 43-2923, and 43-2929, Reissue Revised Statutes of Nebraska; to change provisions relating to the determination of child custody and provisions of the Parenting Act; and to repeal the original sections.

LEGISLATIVE BILL 426. Introduced by Pankonin, 2.

A BILL FOR AN ACT relating to cities of the first class; to amend sections 16-1001, 16-1002, 16-1003, 16-1004, 16-1005, 16-1006, 16-1007, 16-1009, 16-1010, 16-1013, 16-1014, 16-1015, 16-1016, 16-1017, 16-1019, 18-1221, and 18-1723, Reissue Revised Statutes of Nebraska, and section 77-3442, Revised Statutes Cumulative Supplement, 2008; to name the Police Officers Retirement Act and to change provisions relating to participation, vesting, employee and employer contributions, and tax levies; to eliminate obsolete provisions; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 427. Introduced by Pankonin, 2.

A BILL FOR AN ACT relating to retirement; to amend sections 23-2301, 84-1503, and 84-1511, Reissue Revised Statutes of Nebraska, and section 77-3442, Revised Statutes Cumulative Supplement, 2008; to adopt the County Law Enforcement Officer Retirement Act; to provide duties for the Public Employees Retirement Board; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 428. Introduced by Christensen, 44.

A BILL FOR AN ACT relating to deposit and investment of public funds; to amend sections 2-4214, 14-556, 15-847, 15-849, 16-713, 16-715, 16-716, 17-607, 17-720, 30-3209, 77-2305, 77-2318, 77-2326.04, 77-2340, 77-2344, 77-2345, 77-2352, 77-2355, 77-2362, 77-2375, 77-2385, 77-2388, 77-2389, 77-2395, 77-2398, 77-23,100, 77-23,101, 77-23,102, and 77-23,105, Reissue Revised Statutes of Nebraska, and sections 77-2365.01, 77-2365.02, and 77-2387, Revised Statutes Cumulative Supplement, 2008; to authorize the deposit of public funds in credit unions as prescribed; to clarify Federal Deposit Insurance Corporation and National Credit Union Administration coverage; to harmonize provisions; to provide a duty for the Revisor of Statutes; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 431. Introduced by McGill, 26.

A BILL FOR AN ACT relating to the Delayed Deposit Services Licensing Act; to amend section 45-921, Reissue Revised Statutes of Nebraska, and sections 45-901, 45-906, 45-915, 45-919, 45-925, and 45-927, Revised Statutes Cumulative Supplement, 2008; to provide for certain prohibited acts; to provide fees; to provide penalties; to create a data base; to provide powers and duties for the Director of Banking and Finance; to change provisions relating to fines; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 433. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to courts; to amend sections 24-312 and 24-517, Reissue Revised Statutes of Nebraska; to change provisions relating to interchange of judges and court jurisdiction; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 435. Introduced by Janssen, 15; Gay, 14.

A BILL FOR AN ACT relating to the Public Service Commission; to amend sections 71-1559 and 71-4604.01, Revised Statutes Cumulative Supplement, 2008; to eliminate limitations on certain fees; to create and eliminate funds; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 437. Introduced by Haar, 21; Dubas, 34; Nordquist, 7.

A BILL FOR AN ACT relating to energy; to create the Wind Energy Development Zone Task Force; to provide powers and duties for the task force; and to provide a termination date.

LEGISLATIVE BILL 438. Introduced by Fischer, 43; Carlson, 38; Christensen, 44; Dierks, 40; Flood, 19; Hadley, 37; Hansen, 42; Lautenbaugh, 18; McCoy, 39; Pankonin, 2; Rogert, 16; Schilz, 47; Sullivan, 41; Utter, 33; Wightman, 36; Coash, 27; Giese, 17; Stuthman, 22.

A BILL FOR AN ACT relating to water; to amend section 46-2,115, Reissue Revised Statutes of Nebraska, and section 46-290, Revised Statutes Cumulative Supplement, 2008; to prohibit instream appropriations in fully appropriated or overappropriated areas; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 439. Introduced by Fischer, 43.

A BILL FOR AN ACT relating to energy; to adopt the Home Energy Alternatives Act.

LEGISLATIVE BILL 442. Introduced by Council, 11.

A BILL FOR AN ACT relating to housing; to amend sections 20-331, 20-335, 20-340, and 20-343, Reissue Revised Statutes of Nebraska; to provide for injunctive relief, procedural changes, and for filing of a petition for relief by the

commission under the Nebraska Fair Housing Act; and to repeal the original sections.

LEGISLATIVE BILL 443. Introduced by Christensen, 44.

A BILL FOR AN ACT relating to adult businesses and sexually oriented businesses; to provide for the regulation of such businesses; to state intent; to define terms; to provide penalties; and to provide severability.

LEGISLATIVE BILL 444. Introduced by Christensen, 44.

A BILL FOR AN ACT relating to escort agencies; to adopt the Escort Services Accountability and Licensing Act; and to provide an operative date.

LEGISLATIVE BILL 448. Introduced by Campbell, 25.

A BILL FOR AN ACT relating to vaccinations; to require the Department of Health and Human Services to establish a pilot program as prescribed; and to provide for rules and regulations.

LEGISLATIVE BILL 452. Introduced by Avery, 28.

A BILL FOR AN ACT relating to health care; to adopt the Advance Directives Identification Act.

LEGISLATIVE BILL 453. Introduced by Rogert, 16.

A BILL FOR AN ACT relating to workers' compensation; to amend section 48-106, Revised Statutes Cumulative Supplement, 2008; to change provisions relating to notice of excepted occupations; and to repeal the original section.

LEGISLATIVE BILL 454. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to the Nebraska Health Care Cash Fund; to amend section 71-7611, Revised Statutes Cumulative Supplement, 2008; to change provisions governing use of the fund; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 455. Introduced by Nordquist, 7; Dubas, 34; Haar, 21; Lathrop, 12; Mello, 5; Schilz, 47; Janssen, 15.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701, 77-2701.04, and 77-27,235, Revised Statutes Cumulative Supplement, 2008; to provide a renewable energy sales tax credit for certain electricity generators; to provide a sales and use tax exemption for certain purchases of renewable energy equipment; to define terms; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 457. Introduced by Friend, 10; Fulton, 29; McCoy, 39.

A BILL FOR AN ACT relating to certified nurse midwives; to amend sections 38-206, 38-603, 38-611, and 38-613, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to scope of practice, authorized activities, and practice agreements; to harmonize provisions; to repeal the original sections; and to outright repeal sections 38-608, 38-609, 38-610, and 38-614, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 459. Introduced by Harms, 48.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the Stay in the Game Program.

LEGISLATIVE BILL 465. Introduced by Christensen, 44.

A BILL FOR AN ACT relating to educational service units; to amend sections 79-1218 and 84-1411, Reissue Revised Statutes of Nebraska; to provide for videoconferencing and telephone conferences of board meetings; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 468. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Health and Human Services.

LEGISLATIVE BILL 470. Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to cities of the metropolitan class; to amend sections 14-109, 15-202, 15-203, 16-205, and 17-525, Reissue Revised Statutes of Nebraska; to establish a limit on certain occupation taxes; and to repeal the original sections.

LEGISLATIVE BILL 473. Introduced by Louden, 49; Christensen, 44; Dierks, 40; Lathrop, 12; Stuthman, 22.

A BILL FOR AN ACT relating to schools; to amend sections 77-3443, 79-1001, 79-1003, 79-1007.13, 79-1073.01, 79-10,120, and 79-2111, Reissue Revised Statutes of Nebraska, and sections 77-3442 and 77-3444, Revised Statutes Cumulative Supplement, 2008; to adopt the Nebraska Elementary Attendance Region Act; to provide for tax levies as prescribed; to provide for Nebraska elementary attendance region aid under the Tax Equity and Educational Opportunities Support Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 475. Introduced by Stuthman, 22.

A BILL FOR AN ACT relating to county comptrollers; to amend sections 23-131, 23-135, 23-906, and 23-1302, Reissue Revised Statutes of Nebraska; to eliminate the position of county comptroller; to harmonize provisions; to repeal the original sections; and to outright repeal sections 23-1401, 23-1402, 23-1403, 23-1404, 23-1405, and 23-1407, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 478. Introduced by Rogert, 16.

A BILL FOR AN ACT relating to alcoholic liquor; to amend sections 37-301 and 53-186, Reissue Revised Statutes of Nebraska; to provide for sale and consumption of alcoholic liquor on property owned or operated by the Game and Parks Commission; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 481. Introduced by Haar, 21; Christensen, 44; Dierks, 40; Friend, 10; Fulton, 29; Harms, 48; McCoy, 39; Nordquist, 7; Wallman, 30.

A BILL FOR AN ACT relating to certified nurse midwives; to amend section 38-613, Reissue Revised Statutes of Nebraska; to eliminate the restriction on attending home deliveries; and to repeal the original section.

LEGISLATIVE BILL 482. Introduced by Langemeier, 23.

A BILL FOR AN ACT relating to the Nebraska Ground Water Management and Protection Act; to amend section 46-731, Reissue Revised Statutes of Nebraska, and sections 46-713 and 46-714, Revised Statutes Cumulative Supplement, 2008; to eliminate obsolete language; to change provisions relating to meetings; and to repeal the original sections.

LEGISLATIVE BILL 486. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to government; to require certain governmental entities to identify themselves as such in their official name.

LEGISLATIVE BILL 489. Introduced by Sullivan, 41; Dubas, 34; Flood, 19; Gloor, 35; Hadley, 37; Karpisek, 32; Rogert, 16; Stuthman, 22; Wallman, 30; Pankonin, 2; Howard, 9.

A BILL FOR AN ACT relating to health care; to adopt the Area Health Education Centers Act; and to provide a termination date.

LEGISLATIVE BILL 489A. Introduced by Sullivan, 41.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 489, One Hundred First Legislature, First Session, 2009.

LEGISLATIVE BILL 490. Introduced by Giese, 17.

A BILL FOR AN ACT relating to the Game Law; to amend section 37-407, Reissue Revised Statutes of Nebraska; to change provisions relating to nonresident permits; and to repeal the original section.

LEGISLATIVE BILL 491. Introduced by Haar, 21.

A BILL FOR AN ACT relating to energy; to provide for home energy efficiency loans; to create a fund; to define terms; and to provide duties for the State Energy Office.

LEGISLATIVE BILL 492. Introduced by Haar, 21.

A BILL FOR AN ACT relating to appropriations; to state intent relating to funding for certain positions at the University of Nebraska-Lincoln as prescribed; and to declare an emergency.

LEGISLATIVE BILL 493. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to insurance; to require coverage for cochlear implants as prescribed.

LEGISLATIVE BILL 496. Introduced by Fulton, 29; Coash, 27; Lathrop, 12.

A BILL FOR AN ACT relating to traffic enforcement; to amend sections 18-1729 and 60-680, Reissue Revised Statutes of Nebraska, and sections 60-4,182, 60-601, and 60-605, Revised Statutes Cumulative Supplement, 2008; to authorize enforcement of traffic control signal violations by an automated traffic enforcement system as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 499. Introduced by Dubas, 34; Sullivan, 41; Haar, 21.

A BILL FOR AN ACT relating to civil rights; to allow breast-feeding as prescribed.

LEGISLATIVE BILL 502. Introduced by Langemeier, 23.

A BILL FOR AN ACT relating to the Petroleum Release Remedial Action Act; to amend sections 66-1532, Revised Statutes Cumulative Supplement, 2008; to authorize a credit for owners of new tanks required to have private insurance; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 504. Introduced by Langemeier, 23.

A BILL FOR AN ACT relating to environmental protection; to amend sections 81-1505 and 81-1506, Reissue Revised Statutes of Nebraska; to provide for permits for discharge of dredged or fill material; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 506. Introduced by Pirsch, 4; Howard, 9.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-697, 60-698, and 60-6,198, Revised Statutes Cumulative Supplement, 2008; to change provisions relating to the duty to stop in the event of an accident and driving under the influence of alcohol or drugs; and to repeal the original sections.

LEGISLATIVE BILL 507. Introduced by Pirsch, 4; Howard, 9; McCoy, 39.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-323, Reissue Revised Statutes of Nebraska; to change provisions and penalties regarding domestic assault in the third degree; and to repeal the original section.

LEGISLATIVE BILL 508. Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Reissue Revised Statutes of Nebraska; to prohibit certain gang-related initiations; and to repeal the original section.

LEGISLATIVE BILL 509. Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to campaign finance; to amend section 32-1603, Reissue Revised Statutes of Nebraska, and section 49-1455, Revised Statutes Cumulative Supplement, 2008; to redefine election period; and to repeal the original sections.

LEGISLATIVE BILL 510. Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to crime victims; to amend sections 81-1835, 81-1845, and 83-183, Reissue Revised Statutes of Nebraska; to prescribe a defendant surcharge for funding; to provide for certain wages earned by inmates in a work release program and defendant surcharges to be deposited in the Victim's Compensation Fund as prescribed; to create and provide for defendant surcharges to be deposited in the Nebraska Crime Victim Fund and distributed as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 512. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to airport zoning; to amend sections 3-303 and 3-304, Reissue Revised Statutes of Nebraska; to change provisions relating to the regulation of airport hazards; to prescribe duties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 513. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to vehicular pursuit; to amend sections 13-911 and 81-8,215.01, Reissue Revised Statutes of Nebraska; to eliminate subrogation and contribution rights for property damages; and to repeal the original sections.

LEGISLATIVE BILL 516. Introduced by Hansen, 42.

A BILL FOR AN ACT relating to the Nebraska State Fairgrounds; to amend section 2-112, Revised Statutes Cumulative Supplement, 2008; to require compensation to certain structures located on the Nebraska State Fairgrounds in Lancaster County; and to repeal the original section.

LEGISLATIVE BILL 518. Introduced by McGill, 26.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-101, 28-105, 28-111, 28-201, 28-302, 28-303, 28-304, 28-305, 28-306, 28-915, 28-915.01, 28-916.01, 28-1213, 28-1214, 28-1219, 28-1223, 28-1224, 28-1227, 28-1229, 28-1231, 28-1233, 28-1234, 28-1235, 28-1236, 28-1237, 28-1238, 28-1239, 28-1239.01, 28-1241, 29-119, 29-1306, 29-1603, 29-2004, 29-2027, 29-2221, 29-2261, 29-2519, 29-2520, 29-2521, 29-2524, 29-4103, 43-283.01, 43-286, 81-1850, 83-961, and 84-205, Reissue Revised Statutes of Nebraska; to change and eliminate provisions and procedures relating to homicide; to change provisions relating to life imprisonment, use of explosives, sentence enhancement, criminal attempt, perjury and false statements; to provide for applicability; to harmonize provisions; to repeal the original sections; and to outright repeal section 29-1512, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 519. Introduced by McGill, 26.

A BILL FOR AN ACT relating to appropriations; to state intent relating to behavioral health care services; to define terms; to provide for rate increases for payments to behavioral health providers; to create and provide duties for the Provider Reimbursement Rate Commission; and to declare an emergency.

LEGISLATIVE BILL 520. Introduced by Hadley, 37; Giese, 17; Wallman, 30; Harms, 48.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701 and 77-2715.07, Revised Statutes Cumulative Supplement, 2008; to allow an income tax credit for perpetual conservation easement donations as prescribed; to provide an operative date; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 522. Introduced by Urban Affairs Committee: Friend, 10, Chairperson; Coash, 27; Lathrop, 12; McGill, 26; Rogert, 16; White, 8.

A BILL FOR AN ACT relating to volunteer fire and rescue departments; to amend section 35-901, Reissue Revised Statutes of Nebraska; to change provisions relating to the use of funds, fees, and charges; and to repeal the original section.

LEGISLATIVE BILL 523. Introduced by Urban Affairs Committee: Friend, 10, Chairperson; Coash, 27; Lathrop, 12; McGill, 26; Rogert, 16; White, 8.

A BILL FOR AN ACT relating to volunteer fire and rescue departments; to amend section 35-901, Reissue Revised Statutes of Nebraska; to change provisions regarding the volunteer department trust fund; and to repeal the original section.

LEGISLATIVE BILL 525. Introduced by Friend, 10.

A BILL FOR AN ACT relating to cities and villages; to amend sections 13-315, 18-2705, 18-2709, and 18-2717, Reissue Revised Statutes of Nebraska; to change provisions relating to tax levies and economic development programs; and to repeal the original sections.

LEGISLATIVE BILL 526. Introduced by Friend, 10.

A BILL FOR AN ACT relating to cities and villages; to amend sections 13-1111, 13-1115, 13-1116, 13-1117, 13-1118, 13-1120, 16-117, and 17-405.01, Reissue Revised Statutes of Nebraska; to provide requirements for land annexation by cities of the first and second class and villages; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 527. Introduced by Fulton, 29.

A BILL FOR AN ACT relating to state-owned motor vehicles; to amend section 81-1025, Reissue Revised Statutes of Nebraska; to require the installation and use of automatic vehicle location system devices in such vehicles; and to repeal the original section.

LEGISLATIVE BILL 529. Introduced by Pahls, 31.

A BILL FOR AN ACT relating to the Uniform Commercial Code; to amend section 9-531, Uniform Commercial Code, Revised Statutes Cumulative Supplement, 2008; to transfer ownership of certain computer equipment from the Secretary of State to the county clerks as prescribed; and to repeal the original section.

LEGISLATIVE BILL 535. Introduced by Stuthman, 22.

A BILL FOR AN ACT relating to natural resources; to amend sections 2-1504, 2-3229, 2-3234, and 2-3254.07, Reissue Revised Statutes of Nebraska; to change membership of the Nebraska Natural Resources Commission; to change provisions relating to natural resources districts' programs, projects, powers, and duties; and to repeal the original sections.

LEGISLATIVE BILL 541. Introduced by Campbell, 25.

A BILL FOR AN ACT relating to the medical assistance program; to amend section 68-912, Revised Statutes Cumulative Supplement, 2008; to exempt certain adult dental services from limitations as prescribed; and to repeal the original section.

LEGISLATIVE BILL 542. Introduced by Campbell, 25.

A BILL FOR AN ACT relating to dental assistants; to amend sections 38-1135 and 38-1136, Reissue Revised Statutes of Nebraska; to provide for rules and regulations regarding education, preparation, and training; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 544. Introduced by Giese, 17.

A BILL FOR AN ACT relating to the Election Act; to amend section 32-101, Reissue Revised Statutes of Nebraska; to require the Secretary of State to publish guidelines for election workers; and to repeal the original section.

LEGISLATIVE BILL 544A. Introduced by Giese, 17.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 544, One Hundred First Legislature, First Session, 2009.

LEGISLATIVE BILL 546. Introduced by Adams, 24.

A BILL FOR AN ACT relating to school funding; to amend sections 9-812, 9-836.01, 79-1011, and 79-1012, Reissue Revised Statutes of Nebraska; to change provisions relating to reorganization incentives; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 550. Introduced by Avery, 28.

A BILL FOR AN ACT relating to the Military Code; to amend sections 55-101, 55-120, 55-125, 55-126, and 55-135, Reissue Revised Statutes of Nebraska; to change provisions relating to Military Department personnel; to provide peace officer powers and duties to National Guard members; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 552. Introduced by White, 8.

A BILL FOR AN ACT relating to construction; to amend section 81-2407, Reissue Revised Statutes of Nebraska; to adopt the Nebraska Construction Prompt Pay Act; to harmonize provisions; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 553. Introduced by White, 8.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1502, 77-1507, 77-1507.01, 77-1510, 77-3506.02, 77-5007, 77-5013, and 77-5015, Revised Statutes Cumulative Supplement, 2008; to change real property valuation protest procedures in counties with more than one hundred thousand inhabitants; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 554. Introduced by White, 8.

A BILL FOR AN ACT relating to labor and employment; to prohibit certain employers from requiring use of paid leave under certain circumstances; and to provide a penalty.

LEGISLATIVE BILL 556. Introduced by White, 8.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-118.01, Revised Statutes Cumulative Supplement, 2008; to change provisions relating to third-party claims; and to repeal the original section.

LEGISLATIVE BILL 557. Introduced by Nantkes, 46.

A BILL FOR AN ACT relating to labor; to amend section 48-219, Reissue Revised Statutes of Nebraska; to provide for a fair share representation contribution by employees who are not members of certain labor organizations for representation provided by the labor organization; to eliminate provisions; to harmonize provisions; to repeal the original section; and to outright repeal sections 48-217 and 48-218, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 559. Introduced by Gloor, 35.

A BILL FOR AN ACT relating to the Convention Center Facility Financing Assistance Act; to amend sections 13-2601, 13-2604, 13-2605, and 13-2706, Reissue Revised Statutes of Nebraska, and sections 13-2603 and 13-2610, Revised Statutes Cumulative Supplement, 2008; to provide and change provisions relating to terms, state assistance, financing, and grant applications; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 563. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to labor; to adopt the Contractor Employee Classification Act.

LEGISLATIVE BILL 564. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to the Contractor Registration Act; to amend sections 48-2101 and 48-2105, Reissue Revised Statutes of Nebraska, and section 48-2104, Revised Statutes Cumulative Supplement, 2008; to require licensure as prescribed; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 565. Introduced by Louden, 49; Haar, 21; Schilz, 47; Wallman, 30.

A BILL FOR AN ACT relating to natural resources; to adopt the Woody Biomass Energy Act.

LEGISLATIVE BILL 567. Introduced by Dubas, 34; Haar, 21; Mello, 5; Schilz, 47.

A BILL FOR AN ACT relating to the State Energy Office; to amend sections 81-1602, 81-1603, and 81-1607, Reissue Revised Statutes of Nebraska; to change provisions relating to the State Energy Office and the Director of the State Energy Office; to provide powers and duties for the State Energy Office; to define a term; and to repeal the original sections.

LEGISLATIVE BILL 569. Introduced by Dubas, 34; Haar, 21.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the State Energy Office for a grant program for school wind projects.

LEGISLATIVE BILL 571. Introduced by Pahls, 31.

A BILL FOR AN ACT relating to consumer protection; to adopt the Guaranteed Asset Protection Waiver Act; and to provide severability.

LEGISLATIVE BILL 572. Introduced by Heidemann, 1.

A BILL FOR AN ACT relating to the Nebraska Tobacco Settlement Trust Fund; to amend section 71-7608, Revised Statutes Cumulative Supplement, 2008; to change provisions governing use of certain revenue; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 573. Introduced by Nordquist, 7.

A BILL FOR AN ACT relating to the Conveyance Safety Act; to amend sections 48-2503, 48-2507, 48-2508, and 48-2512, Revised Statutes Cumulative Supplement, 2008; to change Conveyance Advisory Committee membership provisions; to change applicability of the act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 574. Introduced by Rogert, 16.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend sections 49-1469, 49-1469.05, 49-1469.08, and 49-1479.02, Revised Statutes Cumulative Supplement, 2008; to eliminate a reporting requirement; to provide for a report of expenditures as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 575. Introduced by Rogert, 16.

A BILL FOR AN ACT relating to initiative and referendum petitions; to amend sections 32-1404, 32-1412, and 84-205, Reissue Revised Statutes of Nebraska; to change provisions relating to investigation and prosecution of violations relating to signers and circulators of petitions and to placing measures on the ballot; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 576. Introduced by Rogert, 16.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-186, Reissue Revised Statutes of Nebraska; to provide for consumption and sale of liquor on real property in the state park system; and to repeal the original section.

LEGISLATIVE BILL 579. Introduced by Cornett, 45; Lathrop, 12.

A BILL FOR AN ACT relating to labor; to amend sections 48-602 and 48-648, Revised Statutes Cumulative Supplement, 2008; to adopt the Professional Employer Organization Registration Act; to harmonize unemployment benefit provisions; to provide an operative date; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 580. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-5016, Revised Statutes Cumulative Supplement, 2008; to change a standard of review by the Tax Equalization and Review Commission; and to repeal the original section.

LEGISLATIVE BILL 581. Introduced by Carlson, 38.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-958, 2-10,117, 2-2634, 2-5106, and 81-201.05, Reissue Revised Statutes of Nebraska, and section 2-958.01, Revised Statutes Cumulative Supplement, 2008; to change disposition of Pesticide Act registration fees and disposition of funds collected from sales of the Weeds of the Great Plains book; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 582. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to agriculture; to create the Nebraska Invasive Species Council; to state intent, define terms, and provide powers and duties.

LEGISLATIVE BILL 583. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701.02, 77-2704.24, 79-1001, and 85-1517, Reissue Revised Statutes of Nebraska, and sections 77-2701, 77-2701.16, 77-2703.01, 77-2715.07, and 77-3442, Revised Statutes Cumulative Supplement, 2008; to change the sales tax rate; to impose sales tax on services except medical; to impose sales tax on food and provide an income tax credit; to eliminate local option sales taxes; to eliminate property tax authority of community college areas; to provide state funding for school employees, school transportation, and community colleges; to create a fund for property tax relief; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 13-319, 13-322, 13-323, 13-324, 13-325, 13-326, 13-2813, 13-2814, 13-2815, 13-2816, 77-27,142, 77-27,142.01, 77-27,142.02, 77-27,142.03, 77-27,142.04, 77-27,142.05, 77-27,145, 77-27,146, 77-27,147, and 77-27,148, Reissue Revised Statutes of Nebraska, and sections 77-27,143 and 77-27,144, Revised Statutes Cumulative Supplement, 2008.

LEGISLATIVE BILL 584. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to ethanol; to adopt the Agricultural Commodities Protection Act.

LEGISLATIVE BILL 585. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to agriculture; to adopt the Bovine Trichomoniasis Control Act; and to provide a penalty.

LEGISLATIVE BILL 589. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to child custody; to amend sections 42-364 and 43-2929, Reissue Revised Statutes of Nebraska; to designate both parents as

joint custodians unless there is proof otherwise; and to repeal the original sections.

LEGISLATIVE BILL 590. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to the Disabled Persons and Family Support Act; to amend sections 68-1502, 68-1504, 68-1505, 68-1506, 68-1508, 68-1510, 68-1511, 68-1512, 68-1513, 68-1515, 68-1516, 68-1518, and 68-1519, Reissue Revised Statutes of Nebraska, and sections 68-1503 and 68-1509, Revised Statutes Cumulative Supplement, 2008; to provide financial compensation for care given by families at home and special food and medical needs as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 591. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to public power; to amend section 70-1014, Reissue Revised Statutes of Nebraska; to change provisions relating to approval of applications for electric generation facilities; and to repeal the original section.

LEGISLATIVE BILL 592. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to the Rural Health Systems and Professional Incentive Act; to amend section 71-5653, Revised Statutes Cumulative Supplement, 2008; to redefine a term; and to repeal the original section.

LEGISLATIVE BILL 593. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to agriculture; to amend sections 21-2602, 67-409, 76-1520, 76-1521, 76-1523, and 76-1524, Reissue Revised Statutes of Nebraska, and section 77-5203, Revised Statutes Cumulative Supplement, 2008; to state intent; to define terms; to restrict entity ownership of agricultural land and farm or ranch operations; to harmonize provisions; to provide for severability; and to repeal the original sections.

LEGISLATIVE BILL 594. Introduced by Dierks, 40; McCoy, 39.

A BILL FOR AN ACT relating to abortion; to adopt the Women's Health Protection Act; and to provide severability.

LEGISLATIVE BILL 595. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to motor vehicle accidents; to amend section 60-6,102, Reissue Revised Statutes of Nebraska; to change coroner's examination provisions; to define drugs; and to repeal the original section.

LEGISLATIVE BILL 596. Introduced by Ashford, 20.

A BILL FOR AN ACT relating to fees; to amend section 33-107.01, Reissue Revised Statutes of Nebraska; to change a legal services fee; and to repeal the original section.

LEGISLATIVE BILL 597. Introduced by Ashford, 20.

A BILL FOR AN ACT relating to learning communities; to amend section 79-769, Reissue Revised Statutes of Nebraska; to change provisions relating to collaborative focus programs, focus schools, or magnet schools; and to repeal the original section.

LEGISLATIVE BILL 600. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to pool halls; to amend section 28-1422, Reissue Revised Statutes of Nebraska, and sections 53-101 and 53-103, Revised Statutes Cumulative Supplement, 2008; to provide for an exemption for pool halls as prescribed; to define a term; to provide duties for pool hall owners; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 605. Introduced by Howard, 9; Dierks, 40.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-131.01, 53-135, and 53-149, Reissue Revised Statutes of Nebraska, and sections 53-101 and 53-132, Revised Statutes Cumulative Supplement, 2008; to change provisions relating to license application and renewal requirements, denial of license applications, transfer of licenses, and storage of alcoholic liquor; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 608. Introduced by Mello, 5; Giese, 17.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Supreme Court for salary increases for county court employees; and to declare an emergency.

LEGISLATIVE BILL 609. Introduced by Mello, 5; Avery, 28; Campbell, 25; McGill, 26; Nordquist, 7; Sullivan, 41.

A BILL FOR AN ACT relating to child care; to amend section 68-1206, Revised Statutes Cumulative Supplement, 2008; to state intent; to define a term; to provide duties for the Department of Health and Human Services relating to contracts with providers; to change eligibility for a subsidy as prescribed; to harmonize provisions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 610. Introduced by Mello, 5; Campbell, 25; Howard, 9.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-912, Revised Statutes Cumulative Supplement, 2008; to change provisions relating to limitations on services for persons with disabilities; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 612. Introduced by Avery, 28; McGill, 26.

A BILL FOR AN ACT relating to school retirement; to amend sections 79-958 and 79-9,113, Reissue Revised Statutes of Nebraska; to prohibit school districts from reimbursing or paying employer retirement contributions as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 615. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to cities and counties; to amend sections 18-2601, 18-2602, 18-2603, 18-2604, 18-2605, 18-2606, 18-2607, 18-2608, 18-2609, 23-2901, 23-2902, 23-2903, 23-2904, 23-2905, 23-2906, 23-2907, 23-2908, 23-2909, 23-2911, 31-763, 31-764, 31-765, and 31-766, Reissue Revised Statutes of Nebraska, and sections 77-2602 and 77-27,137.01, Revised Statutes Cumulative Supplement, 2008; to adopt the Family Entertainment and Sports Attraction Act; to rename the Municipal Infrastructure Redevelopment Fund Act; to expand the act to include counties; to rename a fund; to change and eliminate provisions relating to cigarette tax distributions for purposes of county and municipal infrastructure funding; to provide and change provisions relating to purpose, building uses, districts, petitions, hearings, notice, boundaries, boards of trustees, taxes, warrants, and annexation regarding county community buildings; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal section 77-2602.04, Revised Statutes Cumulative Supplement, 2008; and to declare an emergency.

LEGISLATIVE BILL 619. Introduced by Howard, 9.

A BILL FOR AN ACT relating to the Nebraska Mental Health Commitment Act; to amend sections 71-906 and 71-915, Revised Statutes Cumulative Supplement, 2008; to redefine a term; to change provisions relating to membership on mental health boards; and to repeal the original sections.

LEGISLATIVE BILL 621. Introduced by Wightman, 36.

A BILL FOR AN ACT relating to massage therapy; to amend section 38-1708, Reissue Revised Statutes of Nebraska; to provide an exemption from licensure; and to repeal the original section.

LEGISLATIVE BILL 622. Introduced by Nordquist, 7.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-125, Revised Statutes Cumulative Supplement, 2008; to provide time limits and penalties for late payment of medical payments; and to repeal the original section.

LEGISLATIVE BILL 624. Introduced by Haar, 21.

A BILL FOR AN ACT relating to energy; to provide for energy efficiency loans for public buildings; to create a fund; to define terms; and to provide duties for the State Energy Office.

LEGISLATIVE BILL 625. Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Reissue Revised Statutes of Nebraska; to prohibit the intentional exposure to another of a life-threatening communicable disease; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 633. Introduced by Mello, 5; Howard, 9; Nordquist, 7; Cook, 13.

A BILL FOR AN ACT relating to community development; to create the Neighborhood Development Act; to create a fund; to provide powers and duties; and to provide a termination date.

LEGISLATIVE BILL 633A. Introduced by Mello, 5.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 633, One Hundred First Legislature, First Session, 2009.

LEGISLATIVE BILL 635. Introduced by Mello, 5.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend section 49-1472, Reissue Revised Statutes of Nebraska, and sections 49-1446, 49-1446.01, 49-1455, and 49-1478.01, Revised Statutes Cumulative Supplement, 2008; to change provisions relating to reports to be filed by political party committees; and to repeal the original sections.

LEGISLATIVE BILL 636. Introduced by Mello, 5; Lathrop, 12; Lautenbaugh, 18; McCoy, 39; Nordquist, 7; Rogert, 16.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Economic Development; and to declare an emergency.

LEGISLATIVE BILL 637. Introduced by Mello, 5.

A BILL FOR AN ACT relating to insurance; to require disclosure of information by health carriers providing group health benefit plan coverages as prescribed; and to provide a duty for the Revisor of Statutes.

LEGISLATIVE BILL 638. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to political accountability and disclosure; to amend sections 28-915.01, 49-1415, 49-1456, 49-1457, 49-1459, 49-1461, 49-1465, 49-1470, 49-14,122, 49-14,129, and 49-14,141, Reissue Revised Statutes of Nebraska, and sections 49-1401, 49-1446, 49-1446.04, 49-1447, 49-1455, 49-1458, 49-1463, 49-1463.01, 49-1467, 49-1469, 49-1478, 49-1478.01, 49-1479.01, 49-1479.02, 49-14,123, 49-14,124, 49-14,124.01, 49-14,124.02, 49-14,125, 49-14,126, 49-14,133, and 49-14,140, Revised Statutes Cumulative Supplement, 2008; to change provisions relating to filing campaign statements and reports; to repeal the Campaign Finance Limitation Act; to harmonize provisions; to repeal the original sections; and to outright repeal sections 32-1601, 32-1602, 32-1603, 32-1604, 32-1604.01, 32-1605,

32-1606, 32-1606.01, 32-1607, 32-1608, 32-1608.01 32-1608.02, 32-1608.03, 32-1609, 32-1610, 32-1611, 32-1612, 32-1613, and 77-27,119.04, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 639. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to public meetings; to amend section 84-1411, Reissue Revised Statutes of Nebraska; to change provisions relating to telephone conferencing; and to repeal the original section.

LEGISLATIVE BILL 641. Introduced by Schilz, 47.

A BILL FOR AN ACT relating to agriculture; to create a production incentive for renewable diesel; and to create a fund.

LEGISLATIVE BILL 643. Introduced by Schilz, 47.

A BILL FOR AN ACT relating to electric lines; to amend section 70-311, Reissue Revised Statutes of Nebraska; to extend the distance and time requirements relating to notice of certain road construction; to provide notice requirements for natural resource districts for certain road construction; and to repeal the original section.

LEGISLATIVE BILL 644. Introduced by Mello, 5; Haar, 21.

A BILL FOR AN ACT relating to recycling; to amend sections 81-1504.01 and 81-15,160, Reissue Revised Statutes of Nebraska; to adopt the Electronics Recycling Act; to provide fees; to provide for a report regarding and grants from the Waste Reduction and Recycling Incentive Fund; to delete obsolete provisions; to harmonize provisions; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 645. Introduced by Mello, 5; Haar, 21.

A BILL FOR AN ACT relating to public contracts for services; to amend sections 73-501, 73-502, 73-504, 73-506, 73-507, and 81-154.01, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to certain contracts for services; to harmonize provisions; to repeal the original sections; and to outright repeal sections 73-301, 73-302, 73-303, 73-304, 73-305, 73-306, 73-307, and 73-509, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 646. Introduced by Christensen, 44; Carlson, 38; Hansen, 42; Schilz, 47; Wallman, 30; Giese, 17; McCoy, 39.

A BILL FOR AN ACT relating to agriculture; to amend section 81-12,128, Reissue Revised Statutes of Nebraska, and section 54-2426, Revised Statutes Cumulative Supplement, 2008; to adopt the Livestock Growth Act; to provide for funding and funding intent; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 648. Introduced by Christensen, 44.

A BILL FOR AN ACT relating to highway planning; to state intent relating to funding for a study.

LEGISLATIVE BILL 650. Introduced by Christensen, 44.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-471, 60-501, 60-520, 60-547, and 60-638, Reissue Revised Statutes of Nebraska, and sections 60-101, 60-102, 60-136, 60-301, 60-339, 60-4,126, 60-601, and 60-605, Revised Statutes Cumulative Supplement, 2008; to authorize the operation of minitrucks on public highways as prescribed; to define terms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 651. Introduced by Christensen, 44.

A BILL FOR AN ACT relating to water resources; to amend section 2-3226.04, Reissue Revised Statutes of Nebraska, and sections 2-3225, 2-3226.05, 2-3226.08, and 2-3226.09, Revised Statutes Cumulative Supplement, 2008; to adopt the Water Resources Revolving Loan Fund Act; to change provisions relating to use of property tax and occupation tax proceeds and river-flow enhancement bond proceeds as prescribed; to provide duties for natural resources districts; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 652. Introduced by Christensen, 44.

A BILL FOR AN ACT relating to the Enhanced Wireless 911 Services Act; to amend sections 86-442, 86-443, 86-461, 86-462, 86-464, 86-465, and 86-466, Reissue Revised Statutes of Nebraska; to change the membership and duties of the Enhanced Wireless 911 Advisory Board; to change provisions relating to service agreements and compensation of costs; to change duties of the Public Service Commission; to define terms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 656. Introduced by Harms, 48; Avery, 28; Haar, 21; Ashford, 20.

A BILL FOR AN ACT relating to health care; to adopt the Health Care Accessibility and Affordability Act; and to provide a termination date.

LEGISLATIVE BILL 657. Introduced by Harms, 48.

A BILL FOR AN ACT relating to the Microenterprise Development Act; to amend sections 81-1276, 81-1295, 81-1296, 81-1297, 81-1298, 81-1299, 81-12,102, 81-12,104, and 84-612, Reissue Revised Statutes of Nebraska; to change provisions relating to surety bond support, purposes, the Microenterprise Partnership Program, grants, and the annual report under the act; to eliminate provisions relating to findings, purposes, terms, grants, contracts, and rules and regulations under the act; to eliminate the Microenterprise Development Cash Fund; to eliminate provisions relating to Cash Reserve transfers; to harmonize provisions; to repeal the original sections; and to outright repeal sections 81-12,100, 81-12,101, 81-12,103, 81-12,105, and 81-12,105.01, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 659. Introduced by Fulton, 29.

A BILL FOR AN ACT relating to community corrections; to state intent; to provide for data collection on individuals released from incarceration as prescribed; to provide for funding; and to declare an emergency.

LEGISLATIVE BILL 660. Introduced by Fulton, 29; Harms, 48; McCoy, 39.

A BILL FOR AN ACT relating to government auditing; to amend sections 84-305 and 84-311, Reissue Revised Statutes of Nebraska, and sections 50-1213, 50-1214, 50-1215, and 77-2711, Revised Statutes Cumulative Supplement, 2008; to change provisions relating to access to information by the Legislative Performance Audit Section and Auditor of Public Accounts; to change and provide penalties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 661. Introduced by Gay, 14.

A BILL FOR AN ACT relating to the Medicaid Prescription Drug Act; to amend section 68-954, Revised Statutes Cumulative Supplement, 2008; to change provisions relating to a preferred drug list; and to repeal the original section.

LEGISLATIVE BILL 662. Introduced by Janssen, 15; Pirsch, 4.

A BILL FOR AN ACT relating to the Election Act; to amend sections 32-616, 32-617, 32-623, 32-627, and 32-710, Reissue Revised Statutes of Nebraska; to change provisions relating to nomination for office; and to repeal the original sections.

LEGISLATIVE BILL 663. Introduced by Janssen, 15.

A BILL FOR AN ACT relating to electricity; to amend sections 70-1012 and 70-1012.01, Reissue Revised Statutes of Nebraska; to adopt the Net Metering Act; to exempt certain utilities from a requirement for approval by the Nebraska Power Review Board; and to repeal the original sections.

LEGISLATIVE BILL 664. Introduced by Janssen, 15.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-186, Reissue Revised Statutes of Nebraska; to change provisions relating to licenses to sell alcoholic liquor on public property; and to repeal the original section.

LEGISLATIVE BILL 666. Introduced by Langemeier, 23; Fischer, 43; Carlson, 38; Christensen, 44; Dierks, 40; Hadley, 37; Hansen, 42; Lautenbaugh, 18; McCoy, 39; Pankonin, 2; Price, 3; Rogert, 16; Schilz, 47; Utter, 33; Wightman, 36; Giese, 17; Stuthman, 22.

A BILL FOR AN ACT relating to the Niobrara Council; to amend sections 19-902, 23-114, 23-373, 72-2004.01, 72-2007, 72-2008, and 76-2,112, Reissue

Revised Statutes of Nebraska; to change and eliminate intent and powers and duties of the council; to change membership; to harmonize provisions; to repeal the original sections; to outright repeal sections 72-2005, 72-2010, 72-2011, and 72-2012, Reissue Revised Statutes of Nebraska; and to declare an emergency.

LEGISLATIVE BILL 667. Introduced by Sullivan, 41; Carlson, 38; Dubas, 34; Louden, 49.

A BILL FOR AN ACT relating to fences; to amend section 34-102, Reissue Revised Statutes of Nebraska; to state intent; to change provisions relating to division fences; and to repeal the original section.

LEGISLATIVE BILL 669. Introduced by Coash, 27; Campbell, 25; Pankonin, 2.

A BILL FOR AN ACT relating to courts; to amend sections 24-301.02, 24-503, and 43-2,119, Reissue Revised Statutes of Nebraska; to change the number of district court, county court, and separate juvenile court judges; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 669A. Introduced by Ashford, 20; Coash, 27.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 669, One Hundred First Legislature, First Session, 2009; to provide an operative date; and to declare an emergency.

LEGISLATIVE BILL 674. Introduced by Nantkes, 46.

A BILL FOR AN ACT relating to the University of Nebraska; to provide powers and duties for the Board of Regents of the University of Nebraska; to provide confidentiality for certain audit reports, files, and working papers; to define terms; and to provide a penalty.

LEGISLATIVE BILL 676. Introduced by Fulton, 29; Mello, 5; Nordquist, 7; Pirsch, 4; Janssen, 15.

A BILL FOR AN ACT relating to abortion; to amend sections 28-326, 28-327, 28-327.01, 28-327.03, and 28-327.04, Reissue Revised Statutes of Nebraska; to provide for additional voluntary and informed consents from the pregnant woman; to define terms; to harmonize provisions; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 678. Introduced by Haar, 21.

A BILL FOR AN ACT relating to the Open Meetings Act; to amend section 84-1413, Reissue Revised Statutes of Nebraska; to define a term; to change provisions relating to minutes of meetings; and to repeal the original section.

LEGISLATIVE BILL 680. Introduced by Appropriations Committee: Heidemann, 1, Chairperson; Fulton, 29; Hansen, 42; Harms, 48; Mello, 5; Nantkes, 46; Nelson, 6; Nordquist, 7; Wightman, 36.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to carry out the federal American Recovery and Reinvestment Act of 2009; to provide an operative date; and to declare an emergency.

RESOLUTIONS

LEGISLATIVE RESOLUTION 6CA. Introduced by Karpisek, 32; Fischer, 43.

THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2010 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 24:

III-24 (1) Except as provided in this section, the Legislature shall not authorize any game of chance or any lottery or gift enterprise when the consideration for a chance to participate involves the payment of money for the purchase of property, services, or a chance or admission ticket or requires an expenditure of substantial effort or time.

(2) The Legislature may authorize and regulate a state lottery pursuant to subsection (3) of this section and other lotteries, raffles, and gift enterprises which are intended solely as business promotions or the proceeds of which are to be used solely for charitable or community betterment purposes without profit to the promoter of such lotteries, raffles, or gift enterprises.

(3)(a) The Legislature may establish a lottery to be operated and regulated by the State of Nebraska. The proceeds of the lottery shall be appropriated by the Legislature for the costs of establishing and maintaining the lottery and for the following purposes, as directed by the Legislature:

(i) The first five hundred thousand dollars after the payment of prizes and operating expenses shall be transferred to the Compulsive Gamblers Assistance Fund;

(ii) Forty-four and one-half percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the Nebraska Environmental Trust Fund to be used as provided in the Nebraska Environmental Trust Act;

(iii) Forty-four and one-half percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be used for education as the Legislature may direct;

(iv) Ten percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the Nebraska State Fair Board if the most populous city within the county in which the fair is located provides matching funds equivalent to ten percent of the funds available for transfer. Such matching funds may be obtained from the city and any other private or public entity, except that no portion of such matching funds shall be provided by the state. If the Nebraska State Fair ceases operations, ten percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the General Fund; and

(v) One percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the Compulsive Gamblers Assistance Fund.

(b) No lottery game shall be conducted as part of the lottery unless the type of game has been approved by a majority of the members of the Legislature.

(4) Nothing in this section shall be construed to prohibit (a) the enactment of laws providing for the licensing and regulation of wagering on the results of horseraces, wherever run, either within or outside of the state, by the parimutuel method, when such wagering is conducted by licensees within a licensed racetrack enclosure or (b) the enactment of laws providing for the licensing and regulation of bingo games conducted by nonprofit associations which have been in existence for a period of five years immediately preceding the application for license, except that bingo games cannot be conducted by agents or lessees of such associations on a percentage basis.

(5)(a) Racetrack gaming limited to a total of three thousand five hundred gaming devices, allocated to no more than seven racetrack facilities licensed to conduct such gaming, shall be permitted subject to prior approval or rejection by the governing body of the political subdivision within which the racetrack is located. The licensing, administration, regulation, and financial monitoring of racetrack facilities conducting racetrack gaming and the allocation of gaming devices among racetracks conducting racetrack gaming shall be the duty and responsibility of the State Racing Commission.

(b) For purposes of this subsection:

(i) Gross gaming revenue means all cash or other consideration utilized to play player-activated electronic or video gaming devices operated at a racetrack facility, less all cash or other consideration paid out to winning players as prizes;

(ii) Racetrack facility means a licensed racetrack which conducts wagering by the parimutuel method on thoroughbred horseracing; and

(iii) Racetrack gaming means games of chance played for money, credit, or any representation of value using player-activated electronic or video gaming devices at a racetrack facility.

(c) Racetrack facilities shall remit gross gaming revenue to the commission for credit to the Gaming Revenue Cash Fund. The Legislature shall appropriate the Gaming Revenue Cash Fund for the following purposes, and the fund shall be allocated by the commission as follows:

(i) Forty percent shall be allocated to the State Treasurer. The State Treasurer shall credit such money to the Highway Trust Fund;

(ii) Two percent shall be allocated to the Gaming Administration Cash Fund, which fund shall be used solely for administrative expenses incurred by the commission in the performance of its responsibilities in regard to racetrack gaming;

(iii) Thirty-nine percent shall be allocated to the racetrack gaming licensees for establishing, equipping, operating, and maintaining their respective racetrack gaming operations and for accounting and security expenses, including the licensees' payment of obligations to contractors who provide some or all of those services;

(iv) One percent shall be allocated to the State Treasurer. The State Treasurer shall credit such money to the Compulsive Gamblers Assistance Fund or, if it ceases to operate, to a comparable gamblers assistance fund established under state authority;

(v) Four percent shall be allocated to the political subdivisions which approve racetrack gaming within their jurisdictions;

(vi) Ten percent shall be allocated to racetrack facilities for the sole purpose of supplementing purses at live thoroughbred races;

(vii) Two percent shall be allocated to entities approved by the commission for the development and improvement of the thoroughbred breeding industry in Nebraska; and

(viii) Two percent shall be allocated to entities approved by the commission for the development and improvement of the following equine activities in Nebraska: The quarterhorse industry; large-animal veterinary medicine; and equine therapy.

(d) Amounts remaining at the end of a biennium in the Gaming Revenue Cash Fund or the Gaming Administration Cash Fund shall be reappropriated for the uses described in this subsection.

(e) The commission shall require at least annual auditing by one or more independent auditors approved by the commission of all expenditures by each distributee to ensure that the funds are used only for the purposes described in this subsection and in a manner consistent with the rules and regulations of the commission.

(f) Nothing in this Constitution shall be construed to prohibit the Legislature from enacting legislation to facilitate the implementation of this subsection.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to permit racetrack gaming limited to a total of three thousand five hundred gaming devices at thoroughbred racetrack facilities, to provide for licensing, administration, regulation, and financial monitoring of racetrack gaming by the State Racing Commission, and to allocate gaming revenue.

For

Against.

LEGISLATIVE RESOLUTION 9. Introduced by Fulton, 29.

WHEREAS, the State of Nebraska holds an interest in preventing illegal immigration and securing the public health, safety, and welfare against terrorism and criminal activity; and

WHEREAS, protection of the public health, safety, and welfare is most effectively accomplished by the utilization of federal, state, and local law enforcement resources; and

WHEREAS, section 287(g) of the federal Illegal Immigration Reform and Immigrant Responsibility Act of 1996 authorizes the United States Secretary of Homeland Security to enter into agreements with municipal, county, and state law enforcement agencies granting designated officers the authority to perform immigration law enforcement functions, pursuant to a memorandum of agreement; and

WHEREAS, the memorandum of agreement allows municipal, county, and state law enforcement officers to receive the appropriate training in immigration law enforcement from U.S. Immigration and Customs Enforcement officers; and

WHEREAS, memoranda of agreement with other municipal, county, and state law enforcement agencies have improved immigration law enforcement in several states.

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

1. That the Legislature encourages all municipal, county, and state law enforcement agencies in Nebraska to respectively enter into memoranda of agreement, authorized by section 287(g) of the federal Illegal Immigration Reform and Immigrant Responsibility Act of 1996, with the United States Department of Homeland Security to perform immigration law enforcement functions.

2. That a copy of this resolution be delivered to all municipal, county, and state law enforcement agencies in the State of Nebraska.

LEGISLATIVE RESOLUTION 26. Introduced by Lautenbaugh, 18; Carlson, 38; Christensen, 44; Dubas, 34; Fulton, 29; McCoy, 39; Price, 3; Schilz, 47.

WHEREAS, Barack Obama, President of the United States, has promised that one of the top priorities of his new administration is to sign into law the "Freedom of Choice Act", not yet introduced to the 111th Congress, but previously introduced to the 110th Congress as H.R.1964 and S.1173, which purports to classify abortion as a "fundamental right", equal in stature to the right to free speech and the right to vote - rights that, unlike abortion, are specifically enumerated in the United States Constitution; and

WHEREAS, the federal "Freedom of Choice Act" would invalidate any "statute, ordinance, regulation, administrative order, decision, policy, practice, or other action" of any federal, state, or local government or governmental official (or any person acting under government authority) that would "deny or interfere with a woman's right to choose" abortion, or that would "discriminate against the exercise of the right . . . in the regulation or provision of benefits, facilities, services, or information"; and

WHEREAS, the federal "Freedom of Choice Act" would nullify any federal or state law "enacted, adopted, or implemented before, on, or after the date of its enactment" and would effectively prevent the State of Nebraska from enacting similar protective measures in the future; and

WHEREAS, the federal "Freedom of Choice Act" would invalidate more than five hundred fifty federal and state abortion-related laws, laws supported by the majority of the American public; and

WHEREAS, the federal "Freedom of Choice Act" would specifically invalidate the following common-sense, protective laws properly enacted by the State of Nebraska: Sections 28-325 to 28-345, Reissue Revised Statutes of Nebraska; and

WHEREAS, the federal "Freedom of Choice Act" will not make abortion safe or rare, but will instead actively promote and subsidize abortion with state and federal tax dollars and do noting to ensure its safety; and

WHEREAS, the federal "Freedom of Choice Act" will protect and promote the abortion industry, sacrifice women and their health to a radical political ideology of unregulated abortion-on-demand, and silence the voices of everyday Americans who want to engage in a meaningful public discussion and debate over the availability, safety, and even desirability of abortion.

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

1. That the Legislature strongly opposes the federal "Freedom of Choice Act" and urges Congress to summarily reject it.

2. That the Legislature strongly opposes the federal "Freedom of Choice Act" because it seeks to circumvent the states' general legislative authority as guaranteed under the Tenth Amendment to the United States Constitution.

3. That the Legislature strongly opposes the federal "Freedom of Choice Act" because it seeks to undermine the right and responsibility of the states and the people to debate, vote on, and determine abortion policy.

4. That the Legislature strongly opposes the federal "Freedom of Choice Act" because the protection of women's health through state regulations on abortion is a compelling state interest that should not be nullified by Congress.

5. That the Legislature strongly opposes the federal "Freedom of Choice Act" because its enactment would nullify sections 28-325 to 28-345, Reissue Revised Statutes of Nebraska, laws that the Legislature and the people of Nebraska strongly support.

6. That the Secretary of State of Nebraska transmit a copy of this resolution to the Governor of Nebraska, President of the United States, President of the United States Senate, and Speaker of the United States House of Representatives.

LEGISLATIVE RESOLUTION 223. Introduced by Council, 11.

WHEREAS, the State of Nebraska recognizes its immigrant history of hard-working families coming to our state to make a better life for themselves; and

WHEREAS, immigrants have always been an important part of the social and economic fabric of the State of Nebraska; and

WHEREAS, in recent years new immigrants are once again coming to the State of Nebraska, helping to boost our population and revitalize our communities; and

WHEREAS, the economic and other contributions of these newcomers to our state are significant and include paying taxes and contributing to our schools, churches, neighborhoods, and communities; and

WHEREAS, our federal immigration system is broken, leaving local communities and the state to grapple with the consequences. This broken system has also led to lost opportunities; and

WHEREAS, our federal immigration system should uphold our basic values of family, economic opportunity, and fairness; and

WHEREAS, by restoring order to our federal immigration system, such reform will make our nation more secure, help to meet our labor needs, and uphold our basic values as a nation; and

WHEREAS, the need for rational and humane immigration reform is recognized by businesses, educators, faith communities, labor groups, state and local elected officials, and other leaders and sectors in the State of Nebraska; and

WHEREAS, the State of Nebraska recognizes that there is now a movement and a real possibility to enact meaningful immigration reform at the federal level.

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

1. That the Legislature urges the members of Nebraska's congressional delegation to work to pass rational and humane immigration reform which simultaneously addresses the following:

a. The situation of undocumented workers currently in the United States;

b. The future flow of undocumented workers into the United States;

c. The need for tailored, targeted, and effective enforcement that respects the human and legal rights of all involved;

d. Support for the successful integration of newcomers into the communities where they settle; and

e. The need to ensure full due process rights for all.

2. That the Legislature further urges the members of Nebraska's congressional delegation to ensure that any immigration reform conform with the following principles:

a. Provide a meaningful path to citizenship for undocumented workers currently in the United States and for future workers and close family members;

b. Protect workers, both immigrant and American-born, from exploitation;

c. Reunite families;

d. Restore the rule of law and enhance security; and

e. Promote citizenship and civic participation.

3. That a copy of this resolution be sent to the President of the United States, the President Pro Tempore of the United States Senate, the Speaker of the United States House of Representatives, and each member of Nebraska's congressional delegation.

FIRST DAY - JANUARY 6, 2010

LEGISLATIVE JOURNAL

ONE HUNDRED FIRST LEGISLATURE
SECOND SESSION

FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 6, 2010

PRAYER

The prayer was offered by Senator Wightman.

PRESENTATION OF COLORS

Presentation of Colors by the Nebraska Army and Air National Guard.

ROLL CALL

Pursuant to the provisions of Article III, Section 10 of the Constitution of Nebraska, the One Hundred First Legislature, Second Session of the Legislature of Nebraska, assembled in the George W. Norris Legislative Chamber of the State Capitol at the hour of 10:00 a.m., on Wednesday, January 6, 2010, and was called to order by President Sheehy.

The roll was called and the following members were present:

Adams, Greg L.
Ashford, Brad
Avery, Bill
Campbell, Kathy
Carlson, Tom
Christensen, Mark
Coash, Colby
Conrad, Danielle
Cook, Tanya
Cornett, Abbie
Council, Brenda J.
Dierks, Cap
Dubas, Annette M.
Fischer, Deb
Flood, Mike
Fulton, Tony
Gay, Tim
Giese, Robert J.
Gloor, Mike
Haar, Ken
Hadley, Galen
Hansen, Thomas F.
Harms, John N.
Heidemann, Lavon L.
Howard, Gwen
Janssen, Charlie
Karpisek, Russ
Krist, Bob
Langemeier, Chris
Lathrop, Steve
Lautenbaugh, Scott
Louden, LeRoy J.
McCoy, Beau
McGill, Amanda M.
Mello, Heath
Nelson, John E.
Nordquist, Jeremy
Pahls, Rich
Pankonin, Dave
Pirsch, Pete
Price, Scott
Rogert, Kent
Schilz, Ken
Stuthman, Arnie
Sullivan, Kate
Utter, Dennis
Wallman, Norman
White, Tom
Wightman, John

MOTION - Adopt Temporary Rules

Senator Lautenbaugh moved that the rules, as now in our possession, be adopted until such time as the permanent rules are adopted pursuant to Rule 2, Section 1; provided that the temporary rules shall not continue after the tenth legislative day.

The motion prevailed.

CERTIFICATE

State of Nebraska

United States of America,)
) ss. Secretary of State
State of Nebraska)

I, John A. Gale, Secretary of State of the State of Nebraska do hereby certify that the attached is a true and correct copy of the Official Roster of members of the Nebraska Unicameral Legislature elected or appointed to serve in the One Hundred First Legislature, Second Session, 2010.

Further, I hereby certify that the members so listed on the Official Roster attached hereto are the duly elected or appointed members of the Unicameral Legislature in the State of Nebraska for the One Hundred First Legislature, Second Session, 2010.

Finally, I hereby certify that all election returns, abstracts, canvass and appointment records with reference to said members are on file in the office of the Secretary of State and are a matter of public record.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this Fourth day of January in the year of our Lord, two thousand and ten.

(SEAL) John A. Gale, Secretary of State

DISTRICT/NAME		ELECTED
1	Lavon L. Heidemann	November 4, 2008
2	Dave Pankonin	November 7, 2006
3	Scott Price	November 4, 2008
4	Pete Pirsch	November 7, 2006
5	Heath Mello	November 4, 2008
6	John E. Nelson	November 7, 2006
7	Jeremiah Nordquist	November 4, 2008
8	Tom White	November 7, 2006
9	Gwen Howard	November 4, 2008

10	Bob Krist	Appointed September 11, 2009
11	Brenda J. Council	November 4, 2008
12	Steve Lathrop	November 7, 2006
13	Tanya Cook	November 4, 2008
14	Tim Gay	November 7, 2006
15	Charlie Janssen	November 4, 2008
16	Kent Rogert	November 7, 2006
17	Robert J. Giese	November 4, 2008
18	Scott Lautenbaugh	(2 year term) November 4, 2008
19	Mike Flood	November 4, 2008
20	Brad Ashford	November 7, 2006
21	Ken Haar	November 4, 2008
22	Arnie Stuthman	November 7, 2006
23	Chris Langemeier	November 4, 2008
24	Greg L. Adams	November 7, 2006
25	Kathy Campbell	November 4, 2008
26	Amanda M. McGill	November 7, 2006
27	Colby Coash	November 4, 2008
28	Bill Avery	November 7, 2006
29	Tony Fulton	November 4, 2008
30	Norman Wallman	November 7, 2006
31	Rich Pahls	November 4, 2008
32	Russ Karpisek	November 7, 2006
33	Dennis Utter	November 4, 2008
34	Annette M. Dubas	November 7, 2006
35	Mike Gloor	November 4, 2008
36	John Wightman	November 7, 2006
37	Galen Hadley	November 4, 2008
38	Tom Carlson	November 7, 2006
39	Beau McCoy	November 4, 2008
40	Cap Dierks	November 7, 2006
41	Kate Sullivan	November 4, 2008
42	Thomas F. Hansen	November 7, 2006
43	Deb Fischer	November 4, 2008
44	Mark Christensen	November 7, 2006
45	Abbie Cornett	November 4, 2008
46	Danielle Conrad (Nantkes)	November 7, 2006
47	Ken Schilz	November 4, 2008
48	John N. Harms	November 7, 2006
49	LeRoy J. Louden	November 4, 2008

MESSAGES FROM THE GOVERNOR

November 23, 2009

Mr. President, Speaker Flood and
Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Nebraska Oil and Gas Conservation Commission:

Perry Van Newkirk, 3716 Longhorn Road, Kimball, NE 69145

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

November 23, 2009

Mr. President, Speaker Flood
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individual is being appointed to the Game and Parks Commission:

Norris Marshall, 186 W Road, Kearney, NE 68845

Contingent upon your approval, the following individual is being reappointed to the Game and Parks Commission:

Jerrod Burke, 220 Crook Avenue, Curtis, NE 69025

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

December 9, 2009

Mr. President, Speaker Flood and
Members of the Legislature

State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the State Electrical Board:

Michael Hiatt, 1045 Main Street, Rising City, NE 68658

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

December 9, 2009

Mr. President, Speaker Flood and
Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individual is being reappointed to the Tax Equalization and Review Commission:

Robert W. Hotz, 8117 Imperial Circle, Lincoln, NE 68506

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

December 10, 2009

Mr. President, Speaker Flood and
Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Board of Educational Lands and Funds:

Martin Demuth, 1107 Lockview Dr., Hastings, NE 68901

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

December 11, 2009

Mr. President, Speaker Flood
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individuals are being reappointed to the Commission for the Blind and Visually Impaired:

Nancy Oltman, 518 N. Bellevue, Hastings, NE 68901
Darrell Walla, 13322 Trendwood, Omaha, NE 68144

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

December 17, 2009

Mr. President, Speaker Flood and
Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the State Emergency Response Commission:

Reynold McMeen, 1924 Westridge, Broken Bow, NE 68822

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

December 22, 2009

Mr. President, Speaker Flood and
Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individuals are being reappointed to the Nebraska State Fair Board:

Sallie Atkins, 83975 Atkins Road, Halsey, NE 69142
Linda Lovgren, 809 N. 96th St., Omaha, NE 68114

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

COMMUNICATION

Pursuant to 84-104.05 R.R.S. of Nebraska Governor Dave Heineman issued a proclamation declaring January 5, 2010, as George W. Norris Day.

UNANIMOUS CONSENT - Add Cointroducers

Senator Krist asked unanimous consent to add his name as cointroducer to LB67. No objections. So ordered.

Senator Howard asked unanimous consent to add her name as cointroducer to LB25. No objections. So ordered.

REPORTS

The following reports were received by the Legislature:

Children's Behavioral Health Oversight Committee
2009 Report
Coordinating Commission for Postsecondary Education
LB340 Community College Study
LB340 Community College Study Executive Summary
Economic Development, Department of
Annual Job Training Cash Fund Report (Customized Job Training Program)
Local Civic, Cultural, and Convention Center Financing Fund Annual Report
Environmental Quality, Department of
2009 Annual Report
Fiscal Office, Legislative
Monthly Consensus Estimate of General Fund Receipts
Health and Human Services, Department of
2009 Nebraska Health Care Funding Act Report
FY 2009 Disabled Persons and Family Support Program
Annual Report Pursuant to LB603 - Children's Behavioral Health Support Act
Medicaid Reform Annual Report
Supplemental Nutrition Assistance Program Benefits (formerly Food Stamp Program)
Investment Council
Northern Ireland Reporting Requirements Report
Retirement Systems, Public Employees
Judges' Retirement Systems 2009 Forty-third Actuarial Report for State Fiscal Year Ending June 30, 2011 and System Plan Year Beginning July 1, 2009
School Retirement System 2009 Fifty-sixth Actuarial Report for State Fiscal Year Ending June 30, 2011 and System Plan Year Beginning July 1, 2009
State Patrol Retirement System 2009 Fifty-third Actuarial Report for State Fiscal Year Ending June 30, 2011 and System Plan Year Beginning July 1, 2009
Revenue, Nebraska Department of
Monthly Consensus Estimate of General Fund Receipts
Rural Development Commission
Annual Report
Southeast Community College
Financial Condition of the Center, Funding Received from Nonstate Sources, Training Conducted, and Testing and Evaluation Services

Provided
University of Nebraska
Business Plan for the Innovation Campus
Master Plan for the Innovation Campus
Workers' Compensation Court
67th Annual Report, Fiscal Year 2009

BILLS ON FIRST READING

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

LEGISLATIVE BILL 682. Introduced by Executive Board: Wightman, 36, Chairperson.

A BILL FOR AN ACT relating to the Department of Natural Resources; to eliminate a terminated fund; and to outright repeal section 61-217, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 683. Introduced by Executive Board: Wightman, 36, Chairperson.

A BILL FOR AN ACT relating to the Department of Natural Resources; to eliminate an obsolete intent provision; and to outright repeal section 61-219, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 684. Introduced by Executive Board: Wightman, 36, Chairperson.

A BILL FOR AN ACT relating to social security; to amend sections 68-601, 68-602, 68-603, 68-604, 68-605, 68-608, 68-610, 68-620, 68-621, 68-622, and 68-631, Reissue Revised Statutes of Nebraska; to eliminate two terminated funds; to harmonize provisions; to repeal the original sections; and to outright repeal sections 68-612 and 68-613, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 685. Introduced by Wightman, 36.

A BILL FOR AN ACT relating to the Legislature; to amend section 50-401.01, Revised Statutes Cumulative Supplement, 2008; to change membership provisions relating to the Executive Board of the Legislative Council; and to repeal the original section.

LEGISLATIVE BILL 686. Introduced by Wightman, 36.

A BILL FOR AN ACT relating to registers of deeds; to amend sections 25-529, 25-531, 25-2154, 33-109, 52-1004, and 77-3903, Reissue Revised Statutes of Nebraska, and section 60-169, Revised Statutes Cumulative Supplement, 2008; to change and eliminate fees received by clerks and registers of deeds; to harmonize provisions; to provide an operative date; to

repeal the original sections; and to outright repeal section 33-112, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 687. Introduced by Wightman, 36.

A BILL FOR AN ACT relating to decedents' estates; to amend sections 30-2322, 30-2323, and 30-2325, Reissue Revised Statutes of Nebraska; to change the amount of the homestead allowance, exempt property, and family allowance; and to repeal the original sections.

LEGISLATIVE BILL 688. Introduced by Wightman, 36.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-1903, 60-1903.01, 60-1904, 60-1905, 60-1906, 60-1907, 60-1908, 60-1909, 60-1910, and 60-1911, Reissue Revised Statutes of Nebraska, section 60-1902, Revised Statutes Cumulative Supplement, 2008, and sections 60-166 and 60-1901, Revised Statutes Supplement, 2009; to change and provide provisions relating to abandoned vehicles and vessels; to define terms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 689. Introduced by Langemeier, 23.

A BILL FOR AN ACT relating to the ethanol excise tax; to amend sections 66-1345, 66-1345.01, and 66-1345.02, Reissue Revised Statutes of Nebraska, and section 61-218, Revised Statutes Cumulative Supplement, 2008, as amended by section 39, Legislative Bill 3, One Hundred First Legislature, First Special Session, 2009; to change provisions relating to remittance of excise tax; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 690. Introduced by Langemeier, 23.

A BILL FOR AN ACT relating to trade names; to amend sections 87-214 and 87-219, Reissue Revised Statutes of Nebraska; to change deadline provisions relating to trade name publication filings; and to repeal the original sections.

LEGISLATIVE BILL 691. Introduced by Langemeier, 23.

A BILL FOR AN ACT relating to the Nebraska Real Estate License Act; to amend section 81-885.03, Reissue Revised Statutes of Nebraska, and sections 81-885.10, 81-885.25, and 81-885.29, Revised Statutes Supplement, 2009; to provide for jurisdiction and the issuance of cease and desist orders as prescribed; to provide for fines; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 692. Introduced by Price, 3.

A BILL FOR AN ACT relating to revenue and taxation; to amend section

77-1311.03, Reissue Revised Statutes of Nebraska; to change a duty of county assessors; and to repeal the original section.

LEGISLATIVE BILL 693. Introduced by Price, 3.

A BILL FOR AN ACT relating to insurance; to amend sections 44-114, 44-134, 44-135, 44-152, 44-162, 44-304, 44-319.06, 44-710.08, 44-2710, 44-4850, and 44-6203, Reissue Revised Statutes of Nebraska, and section 44-2132, Revised Statutes Cumulative Supplement, 2008; to provide for interstate agreements to authorize foreign insurers to offer sickness and accident insurance as prescribed; to state intent; to provide powers and duties for the Director of Insurance and the Attorney General; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 694. Introduced by Price, 3.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Supplement, 2009; to provide restrictions for sexual predators; to define terms; to provide penalties; and harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 695. Introduced by Price, 3.

A BILL FOR AN ACT relating to Small Claims Court; to amend section 25-2802, Reissue Revised Statutes of Nebraska; to change the jurisdictional amount; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 696. Introduced by Pahls, 31.

A BILL FOR AN ACT relating to the Integrated Solid Waste Management Act; to amend section 13-2042, Reissue Revised Statutes of Nebraska, and section 13-2042.01, Revised Statutes Supplement, 2009; to change provisions relating to disposal fees; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 697. Introduced by Pahls, 31.

A BILL FOR AN ACT relating to schools; to amend section 79-609, Reissue Revised Statutes of Nebraska; to prohibit use of interactive wireless communication devices by school bus drivers as prescribed; and to repeal the original section.

LEGISLATIVE BILL 698. Introduced by Louden, 49.

A BILL FOR AN ACT relating revenue and taxation; to amend sections 77-908 and 77-912, Reissue Revised Statutes of Nebraska, and sections 44-32,180 and 44-4726, Revised Statutes Cumulative Supplement, 2008; to eliminate certain insurance premium tax provisions; to harmonize

provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 699. Introduced by McCoy, 39.

A BILL FOR AN ACT relating to arrests; to amend sections 28-1473 and 28-1474, Reissue Revised Statutes of Nebraska, and sections 37-1201 and 60-601, Revised Statutes Supplement, 2009; to require information obtained pursuant to arrest for any felony or for flying, boating, or driving under the influence be forwarded to federal immigration authorities as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 700. Introduced by McCoy, 39.

A BILL FOR AN ACT relating to public safety; to require residential construction or remodeling work to be supervised or performed by a person certified as prescribed in order to obtain a building permit; and to define a term.

LEGISLATIVE BILL 701. Introduced by Hadley, 37.

A BILL FOR AN ACT relating to the ICF/MR Reimbursement Protection Act; to amend section 68-1804, Reissue Revised Statutes of Nebraska; to change provisions relating to allocation of a fund; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 702. Introduced by Gloor, 35.

A BILL FOR AN ACT relating to medical records; to amend section 71-8403, Reissue Revised Statutes of Nebraska; to change provisions relating to requests for access to medical records; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 703. Introduced by Wightman, 36.

A BILL FOR AN ACT relating to powers of attorney; to amend sections 30-2664 and 49-1501, Reissue Revised Statutes of Nebraska; to change provisions relating to the Uniform Durable Power of Attorney Act, the Nebraska Short Form Act, and general powers of attorney; and to repeal the original sections.

LEGISLATIVE BILL 704. Introduced by Haar, 21; Stuthman, 22.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-27,235, Reissue Revised Statutes of Nebraska; to change a renewable energy tax credit; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 705. Introduced by Haar, 21.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-3,124, Revised Statutes Supplement, 2009; to provide for issuance of disabled veteran license plates as prescribed; and to repeal the original section.

LEGISLATIVE BILL 706. Introduced by Haar, 21.

A BILL FOR AN ACT relating to hearing interpreters; to amend section 20-156, Reissue Revised Statutes of Nebraska; to change provisions relating to fees; and to repeal the original section.

LEGISLATIVE BILL 707. Introduced by Haar, 21.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-311.08, Reissue Revised Statutes of Nebraska; to change provisions and penalties relating to unlawful intrusion; and to repeal the original section.

LEGISLATIVE BILL 708. Introduced by Stuthman, 22.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-202.03 and 77-202.09, Reissue Revised Statutes of Nebraska; to change certain date provisions relating to property tax exemptions as prescribed; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 709. Introduced by White, 8.

A BILL FOR AN ACT relating to rules and regulations; to adopt the Small Business Regulatory Flexibility Act.

LEGISLATIVE BILL 710. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to the Chiropractic Practice Act; to amend sections 38-801 and 38-802, Reissue Revised Statutes of Nebraska; to define terms; to prohibit certain activities as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 711. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to unified school systems; to amend section 79-4,108, Reissue Revised Statutes of Nebraska; to change provisions relating to interlocal agreements; and to repeal the original section.

LEGISLATIVE BILL 712. Introduced by Rogert, 16.

A BILL FOR AN ACT relating to the Disposition of Personal Property Landlord and Tenant Act; to amend sections 69-2304 and 69-2308, Reissue Revised Statutes of Nebraska; to change provisions relating to the disposition of personal property; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 713. Introduced by Gloor, 35; Adams, 24.

A BILL FOR AN ACT relating to schools; to amend sections 79-248, 79-249, and 79-250, Reissue Revised Statutes of Nebraska; to change provisions relating to health inspections; and to repeal the original sections.

LEGISLATIVE BILL 714. Introduced by Avery, 28.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend section 49-1474.01, Reissue Revised Statutes of Nebraska; to change requirements for disclaimers on political material; and to repeal the original section.

LEGISLATIVE BILL 715. Introduced by Avery, 28.

A BILL FOR AN ACT relating to the Nebraska State Capitol Environs District; to amend section 90-304, Reissue Revised Statutes of Nebraska; to authorize projects in a specified portion of the district by the State of Nebraska, the city of Lincoln, or the county of Lancaster as prescribed; and to repeal the original section.

LEGISLATIVE BILL 716. Introduced by Avery, 28.

A BILL FOR AN ACT relating to community colleges; to amend sections 32-603, 32-604, and 85-1512, Reissue Revised Statutes of Nebraska; to change provisions relating to the community college boards of governors for community college areas; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 717. Introduced by Avery, 28.

A BILL FOR AN ACT relating to the Legislature; to amend section 49-1499, Revised Statutes Cumulative Supplement, 2008; to require statements of potential conflicts of interest to be placed in the Legislative Journal; and to repeal the original section.

LEGISLATIVE BILL 718. Introduced by Avery, 28.

A BILL FOR AN ACT relating to petitions; to amend sections 32-628, 32-630, 32-1303, and 32-1304, Reissue Revised Statutes of Nebraska; to change requirements for petitions and petition circulators; and to repeal the original sections.

LEGISLATIVE BILL 719. Introduced by Avery, 28.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,232, Revised Statutes Cumulative Supplement, 2008; to change provisions relating to the use of a rotating or flashing amber light on

a motor vehicle; and to repeal the original section.

LEGISLATIVE BILL 720. Introduced by Avery, 28.

A BILL FOR AN ACT relating to consumer protection; to provide requirements for and prohibit certain practices by customer loyalty or incentive programs.

LEGISLATIVE BILL 721. Introduced by Avery, 28.

A BILL FOR AN ACT relating to the State Building Administrator; to amend section 81-1108.12, Reissue Revised Statutes of Nebraska; to change qualifications provisions as prescribed; and to repeal the original section.

LEGISLATIVE BILL 722. Introduced by Avery, 28.

A BILL FOR AN ACT relating to state government; to amend sections 11-201, 72-815, and 81-1017, Reissue Revised Statutes of Nebraska; to change a bonding requirement; to change a provision relating to sale of state real property; to eliminate an exception relating to state-owned motor vehicles; and to repeal the original sections.

LEGISLATIVE BILL 723. Introduced by Fischer, 43.

A BILL FOR AN ACT relating to the Telecommunications Relay System Act; to amend section 86-313, Reissue Revised Statutes of Nebraska; to change surcharge remittance requirements; and to repeal the original section.

LEGISLATIVE BILL 724. Introduced by Coash, 27.

A BILL FOR AN ACT relating to the Nebraska Visitors Development Act; to amend sections 81-1252 and 81-1261, Reissue Revised Statutes of Nebraska; to provide for use of tax proceeds for tourism promotion; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 725. Introduced by Fischer, 43.

A BILL FOR AN ACT relating to motor carriers; to amend sections 75-362 and 75-363, Reissue Revised Statutes of Nebraska; to define fertilizer and agricultural chemical application and distribution equipment and to change the applicability of certain adopted federal rules; and to repeal the original sections.

LEGISLATIVE BILL 726. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to the Alzheimer's Special Care Disclosure Act; to amend section 71-516.04, Reissue Revised Statutes of Nebraska; to provide requirements for staff training as prescribed; and to repeal the

original section.

LEGISLATIVE BILL 727. Introduced by Coash, 27; Ashford, 20; Lathrop, 12.

A BILL FOR AN ACT relating to courts; to amend section 24-730, Reissue Revised Statutes of Nebraska; to change provisions relating to compensation of retired judges for temporary duty; and to repeal the original section.

LEGISLATIVE BILL 728. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to offenses against children; to amend section 29-119, Reissue Revised Statutes of Nebraska; to adopt the Exploited Children's Civil Remedy Act; to redefine a term with respect to plea agreements; and to repeal the original section.

LEGISLATIVE BILL 729. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to elevators; to amend section 81-405, Reissue Revised Statutes of Nebraska; to repeal the Conveyance Safety Act; to harmonize provisions; to repeal the original section; and to outright repeal sections 48-2501, 48-2502, 48-2503, 48-2504, 48-2506, 48-2507, 48-2508, 48-2509, 48-2510, 48-2511, 48-2512, 48-2512.01, 48-2513, 48-2514, 48-2515, 48-2516, 48-2517, 48-2518, 48-2519, 48-2520, 48-2521, 48-2522, 48-2523, 48-2524, 48-2525, 48-2526, 48-2527, 48-2528, 48-2529, 48-2530, 48-2531, 48-2532, and 48-2533, Revised Statutes Cumulative Supplement, 2008.

LEGISLATIVE BILL 730. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to limited liability companies; to amend section 21-2654, Revised Statutes Supplement, 2009; to change provisions relating to charging orders; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 731. Introduced by Utter, 33.

A BILL FOR AN ACT relating to the Noxious Weed Control Act; to amend sections 2-954, 2-955, and 2-959, Reissue Revised Statutes of Nebraska; to change provisions relating to noxious weed control funds; and to repeal the original sections.

LEGISLATIVE BILL 732. Introduced by Utter, 33.

A BILL FOR AN ACT relating to real property; to amend sections 25-1326, 25-1327, 25-2144, and 77-1912, Reissue Revised Statutes of Nebraska; to change provisions relating to certain forced sales; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 733. Introduced by Gay, 14.

A BILL FOR AN ACT relating to local public health departments; to amend section 77-2704.15, Reissue Revised Statutes of Nebraska, and section 13-903, Revised Statutes Supplement, 2009; to include such departments under the Political Subdivisions Tort Claims Act and provide a sales tax exemption; and to repeal the original sections.

LEGISLATIVE BILL 734. Introduced by Gay, 14.

A BILL FOR AN ACT relating to utility service; to amend sections 70-1603 and 70-1605, Reissue Revised Statutes of Nebraska; to change provisions relating to notice of discontinuation; and to repeal the original sections.

LEGISLATIVE BILL 735. Introduced by Gay, 14.

A BILL FOR AN ACT relating to telecommunications; to adopt the Kelsey Smith Act.

LEGISLATIVE BILL 736. Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to real property; to provide for liens for assessments and fines by homeowners' associations as prescribed; and to declare an emergency.

LEGISLATIVE BILL 737. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to state administrative departments; to amend section 81-1316, Reissue Revised Statutes of Nebraska; to provide an exemption from the State Personnel System for certain employees; and to repeal the original section.

LEGISLATIVE BILL 738. Introduced by McCoy, 39.

A BILL FOR AN ACT relating to the Nebraska Trust Deeds Act; to amend section 76-1004, Reissue Revised Statutes of Nebraska; to change provisions relating to the substitution of trustee; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 739. Introduced by Fischer, 43.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to eliminate provisions relating to driver training schools; and to outright repeal sections 60-4,176, 60-4,177, 60-4,178, and 60-4,179, Reissue Revised Statutes of Nebraska, and sections 60-4,173, 60-4,174, and 60-4,175, Revised Statutes Cumulative Supplement, 2008.

LEGISLATIVE BILL 740. Introduced by Agriculture Committee: Carlson, 38, Chairperson; Council, 11; Dierks, 40; Karpisek, 32; Price, 3;

Schilz, 47; Wallman, 30; Louden, 49.

A BILL FOR AN ACT relating to agriculture; to amend sections 81-201.05, 81-2,147.11, 81-2,291, and 89-1,100, Reissue Revised Statutes of Nebraska, as amended by sections 62, 63, 64, and 101, respectively, Legislative Bill 3, One Hundred First Legislature, First Special Session, 2009, section 54-857, Revised Statutes Cumulative Supplement, 2008, as amended by section 29, Legislative Bill 3, One Hundred First Legislature, First Special Session, 2009, and section 2-5106, Revised Statutes Supplement, 2009, as amended by section 6, Legislative Bill 3, One Hundred First Legislature, First Special Session, 2009; to eliminate transfer provisions from certain funds; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 741. Introduced by Avery, 28; Louden, 49; Pirsch, 4.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend section 79-1003, Revised Statutes Supplement, 2009, as amended by section 3, Legislative Bill 5, One Hundred First Legislature, First Special Session, 2009; to exclude lobbying expenses from the definition of general fund operating expenditures; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 742. Introduced by McCoy, 39.

A BILL FOR AN ACT relating to government; to provide requirements for settlement agreements; to provide that settlement agreements are public records; to prohibit confidentiality and nondisclosure clauses and provisions; and to define terms.

LEGISLATIVE BILL 743. Introduced by Fischer, 43.

A BILL FOR AN ACT relating to the Game and Parks Commission; to authorize the commission to convey certain real estate for park purposes; to prescribe conditions; to outright repeal section 90-215, Reissue Revised Statutes of Nebraska; and to declare an emergency.

LEGISLATIVE BILL 744. Introduced by Giese, 17.

A BILL FOR AN ACT relating to the State Electrical Board; to amend section 81-2104, Reissue Revised Statutes of Nebraska; to provide authority to adopt the National Electrical Code by rules and regulations instead of statute; and to repeal the original section.

LEGISLATIVE BILL 745. Introduced by Avery, 28.

A BILL FOR AN ACT relating to the Nebraska Scholarship Act; to amend section 85-1906, Reissue Revised Statutes of Nebraska; to redefine a term; and to repeal the original section.

LEGISLATIVE BILL 746. Introduced by Giese, 17; Council, 11; Mello, 5; Nordquist, 7; White, 8.

A BILL FOR AN ACT relating to civil rights; to amend sections 20-504 and 20-506, Reissue Revised Statutes of Nebraska; to change provisions relating to racial profiling; and to repeal the original sections.

LEGISLATIVE BILL 747. Introduced by Louden, 49; Carlson, 38; Christensen, 44; Dubas, 34; Fischer, 43; Fulton, 29; Haar, 21; Harms, 48; Langemeier, 23; Mello, 5; Schilz, 47; Wallman, 30.

A BILL FOR AN ACT relating to the Game Law; to amend sections 37-202 and 37-559, Reissue Revised Statutes of Nebraska, and section 37-201, Revised Statutes Supplement, 2009; to define predator; to provide for killing depredating or aggressive mountain lions; to provide for a permit; to provide powers and duties for the Game and Parks Commission; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 748. Introduced by Louden, 49; Avery, 28; Carlson, 38; Dubas, 34; Haar, 21; Stuthman, 22; Wallman, 30.

A BILL FOR AN ACT relating to food establishments; to amend section 81-2,245.01, Reissue Revised Statutes of Nebraska; to change provisions relating to an exemption; and to repeal the original section.

LEGISLATIVE BILL 749. Introduced by Louden, 49; Avery, 28; Carlson, 38; Haar, 21; Wallman, 30.

A BILL FOR AN ACT relating to roads; to amend section 39-1390, Reissue Revised Statutes of Nebraska, as amended by section 20, Legislative Bill 3, One Hundred First Legislature, First Special Session, 2009; to designate certain roads as state recreation roads; and to repeal the original section.

LEGISLATIVE BILL 750. Introduced by Adams, 24.

A BILL FOR AN ACT relating to schools; to amend section 79-1018.01, Reissue Revised Statutes of Nebraska, and section 79-1003, Revised Statutes Supplement, 2009, as amended by section 3, Legislative Bill 5, One Hundred First Legislature, First Special Session, 2009; to provide for gifts of real property to the Board of Educational Lands and Funds; to redefine terms; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 751. Introduced by Pahls, 31.

A BILL FOR AN ACT relating to secured transactions; to amend section 9-506, Uniform Commercial Code, Revised Statutes Supplement, 2009; to change provisions relating to the effects of errors and omissions in financing

statements; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 752. Introduced by Pahls, 31.

A BILL FOR AN ACT relating to trust companies; to amend section 8-210, Revised Statutes Supplement, 2009; to change provisions relating to pledged securities; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 753. Introduced by Christensen, 44; Avery, 28; Hansen, 42; Krist, 10.

A BILL FOR AN ACT relating to the Nebraska State Patrol; to amend section 81-2001, Reissue Revised Statutes of Nebraska; to change the qualifications of the Superintendent of Law Enforcement and Public Safety; to define a term; and to repeal the original section.

LEGISLATIVE BILL 754. Introduced by Giese, 17; Ashford, 20; Haar, 21.

A BILL FOR AN ACT relating to special education; to adopt the Blind Persons Literacy Rights and Education Act.

LEGISLATIVE BILL 755. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to natural resources; to require certain oil or natural gas pipeline companies to hold landowners harmless, meet certain requirements, and pay and distribute an annual pipeline fee as prescribed; to provide for severability; and to declare an emergency.

LEGISLATIVE BILL 756. Introduced by Wightman, 36.

A BILL FOR AN ACT relating to decedents' estates; to amend sections 30-2352, 30-2354, and 76-902, Reissue Revised Statutes of Nebraska; to adopt the Nebraska Uniform Real Property Transfer on Death Act; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 757. Introduced by Wightman, 36.

A BILL FOR AN ACT relating to certificates of title; to amend section 30-2715, Reissue Revised Statutes of Nebraska; to provide for the transfer of motor vehicles on the death of the owner by designation on a certificate of title; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 758. Introduced by Wightman, 36.

A BILL FOR AN ACT relating to decedents' estates; to amend sections 30-2201, 30-2476, and 30-3839, Reissue Revised Statutes of Nebraska; to provide for and change provisions relating to the doctrines of cy pres and

deviation; to change provisions relating to the powers of personal representatives; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 759. Introduced by Wightman, 36.

A BILL FOR AN ACT relating to the Nebraska Professional Corporation Act; to amend section 21-2212, Reissue Revised Statutes of Nebraska; to provide for the dissolution, winding up, and liquidation of certain professional corporations; and to repeal the original section.

LEGISLATIVE BILL 760. Introduced by Wightman, 36.

A BILL FOR AN ACT relating to the Uniform Principal and Income Act; to amend section 30-3119.01, Reissue Revised Statutes of Nebraska; to change provisions relating to total return trusts; and to repeal the original section.

LEGISLATIVE BILL 761. Introduced by Fischer, 43.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend section 60-4,129, Reissue Revised Statutes of Nebraska; to change provisions relating to employment driving permits; and to repeal the original section.

LEGISLATIVE BILL 762. Introduced by Pahls, 31.

A BILL FOR AN ACT relating to banks and banking; to amend section 8-113, Revised Statutes Supplement, 2009; to change provisions relating to the unauthorized use of the word bank; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 763. Introduced by Mello, 5; Coash, 27; Cornett, 45; Flood, 19; Lautenbaugh, 18; McGill, 26; Rogert, 16.

A BILL FOR AN ACT relating to asbestos-related liabilities; to adopt the Successor Asbestos-Related Liability Act.

LEGISLATIVE BILL 764. Introduced by Fischer, 43.

A BILL FOR AN ACT relating to the Nebraska Ground Water Management and Protection Act; to amend section 46-717, Reissue Revised Statutes of Nebraska, and section 46-715, Revised Statutes Supplement, 2009; to change provisions relating to integrated management plans; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 765. Introduced by Fulton, 29.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-1101 and 28-1107, Reissue Revised Statutes of Nebraska; to change provisions related to gambling; and to repeal the original sections.

RESOLUTIONS

LEGISLATIVE RESOLUTION 270. Introduced by Mello, 5.

WHEREAS, upon her death in 2003, Joan Kroc left $1.5 billion to the Salvation Army to build state-of-the-art community centers across the United States to foster hope and opportunity; and

WHEREAS, part of these funds was utilized in conjunction with strong community support from Heritage Services to build the Ray and Joan Kroc Corps Community Center, located at 2825 Y Street in Omaha, Nebraska; and

WHEREAS, when this center officially opens on January 8, 2010, it will be one of six Salvation Army Ray and Joan Kroc Corps Community Centers currently operating across the country; and

WHEREAS, the Ray and Joan Kroc Corps Community Centers have spent years building new community partnerships with neighborhoods, businesses, and community organizations to help strengthen families and individuals; and

WHEREAS, the Ray and Joan Kroc Corps Community Center in south Omaha will be a point of pride for the south Omaha community; and

WHEREAS, the Salvation Army has a long history of serving both the greater Omaha community and the State of Nebraska; and

WHEREAS, the Legislature recognizes the important work of charitable organizations like the Salvation Army.

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

1. That the Legislature congratulates the Salvation Army on the opening of the new Ray and Joan Kroc Corps Community Center in Omaha.

2. That a copy of this resolution be sent to the Ray and Joan Kroc Corps Community Center in Omaha and its administrators, Majors Herb and Yaneth Fuqua.

Laid over.

LEGISLATIVE RESOLUTION 271CA. Introduced by Pirsch, 4.

THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 2010 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article VIII, section 2:

VIII-2 Notwithstanding Article I, section 16, Article III, section 18, or Article VIII, section 1 or 4, of this Constitution or any other provision of this Constitution to the contrary: (1) The property of the state and its governmental subdivisions shall constitute a separate class of property and shall be exempt from taxation to the extent such property is used by the state

or governmental subdivision for public purposes authorized to the state or governmental subdivision by this Constitution or the Legislature. To the extent such property is not used for the authorized public purposes, the Legislature may classify such property, exempt such classes, and impose or authorize some or all of such property to be subject to property taxes or payments in lieu of property taxes except as provided by law; (2) the Legislature by general law may classify and exempt from taxation property owned by and used exclusively for agricultural and horticultural societies and property owned and used exclusively for educational, religious, charitable, or cemetery purposes, when such property is not owned or used for financial gain or profit to either the owner or user; (3) household goods and personal effects, as defined by law, may be exempted from taxation in whole or in part, as may be provided by general law, and the Legislature may prescribe a formula for the determination of value of household goods and personal effects; (4) the Legislature by general law may provide that the increased value of land by reason of shade or ornamental trees planted along the highway shall not be taken into account in the assessment of such land; (5) the Legislature, by general law and upon any terms, conditions, and restrictions it prescribes, may provide that the increased value of real property resulting from improvements designed primarily for energy conservation may be exempt from taxation; (6) the value of a home substantially contributed by the United States Department of Veterans Affairs for a paraplegic veteran or multiple amputee shall be exempt from taxation during the life of such veteran or until the death or remarriage of his or her surviving spouse; (7) the Legislature may exempt from an intangible property tax life insurance and life insurance annuity contracts and any payment connected therewith and any right to pension or retirement payments; (8) the Legislature may exempt inventory from taxation; (9) the Legislature may define and classify personal property in such manner as it sees fit, whether by type, use, user, or owner, and may exempt any such class or classes of property from taxation if such exemption is reasonable or may exempt all personal property from taxation; (10) no property shall be exempt from taxation except as permitted by or as provided in this Constitution; (11) the Legislature may by general law provide that a portion of the value of any residence actually occupied as a homestead by any classification of owners as determined by the Legislature shall be exempt from taxation; ~~and~~ (12) the Legislature may by general law, and upon any terms, conditions, and restrictions it prescribes, provide that the increased value of real property resulting from improvements designed primarily for the purpose of renovating, rehabilitating, or preserving historically significant real property may be, in whole or in part, exempt from taxation; and (13) the Legislature may by general law, and upon any terms, conditions, and restrictions it prescribes, provide that the increased value of real property resulting from construction of improvements for the purpose of renovating, rehabilitating, remodeling, improving, or increasing the size of a homeowner's residence on such real property be, in whole or in part, exempt from taxation for a period of six years.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to permit the Legislature to exempt from taxation for a period of six years the increased value of real property resulting from construction of improvements to a homeowner's residence.

For

Against.

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 272. Introduced by Giese, 17.

WHEREAS, the Ponca Indians won the 2009 Class C-2 State Football Championship, the first state football title in school history; and

WHEREAS, coach Joe Kvidera led his team, the Ponca Indians, to a perfect undefeated season of 13-0, the school's first undefeated season since 1962; and

WHEREAS, the Ponca Indians beat Hartington Cedar Catholic 14-13 for a thrilling overtime victory in the championship game; and

WHEREAS, the Ponca Indians were led by running back Jared Curry, who ran for ninety yards and a touchdown during the championship game and finished the season with over two thousand three hundred rushing yards and thirty-eight rushing touchdowns; and

WHEREAS, Ponca's defense was as impressive as its offense, forcing three turnovers during the championship game and stopping a two-point conversion attempt in overtime to seal the victory; and

WHEREAS, the Ponca Indians have exemplified teamwork, sportsmanship, discipline, and determination; 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, SECOND SESSION:

1. That the Legislature congratulates the Ponca Indians on winning the 2009 Class C-2 State Football Championship.

2. That a copy of this resolution be sent to the Ponca Indians and their head coach, Joe Kvidera.

Laid over.

LEGISLATIVE RESOLUTION 273. Introduced by Howard, 9.

WHEREAS, the Ecumenical Patriarchate, located in Istanbul, Turkey, is the sacred see that presides in a spirit of brotherhood over a communion of self-governing churches in the Orthodox Christian world; and

WHEREAS, the see is led by Ecumenical Patriarch Bartholomew, who is the 270th in the line of direct succession going back to the Apostle Andrew

and holds titular primacy as primus inter pares, meaning "first among equals," in the community of Orthodox churches worldwide; and

WHEREAS, the Lausanne Treaty of 1923 defines the relationship of the Ecumenical Patriarchate to the Turkish state, which continues to systematically violate the provisions of the treaty; and

WHEREAS, in 1997 the Congress of the United States awarded Ecumenical Patriarch Bartholomew the Congressional Gold Medal; and

WHEREAS, the Orthodox Christian Church, in existence for nearly two thousand years, numbers approximately three hundred million members worldwide with more than two million members in the United States; and

WHEREAS, Orthodox Christian communities have existed in the State of Nebraska for over one hundred years, some of whom are part of the Greek Orthodox Archdiocese, which maintains a direct ecclesiastical connection to the Ecumenical Patriarchate; and

WHEREAS, since 1453 the continuing presence of the Ecumenical Patriarchate in Turkey has been a living testament to the religious coexistence of Christians and Muslims; and

WHEREAS, this religious coexistence is in jeopardy because the Turkish government refuses to recognize the rights and religious freedoms of the Ecumenical Patriarchate, which is considered a minority religion by the Turkish government; and

WHEREAS, from the millions of Orthodox Christians living in Turkey at the turn of the twentieth century, and due to the continued policies of minority discrimination, a form of "ethnic cleansing," during this period by the Turkish government, there remain less than three thousand of the Ecumenical Patriarch's flock in Turkey today; and

WHEREAS, the Turkish government has failed to honor its agreement to reopen the Theological School on the island of Halki (Heybeliada), which the Turkish government closed in 1971, thus impeding the religious education of Orthodox Christian clergy; and

WHEREAS, the Turkish government has confiscated nearly ninety-four percent of the properties of the Ecumenical Patriarchate and has placed a forty-two percent tax retroactive to 1999 on the Baloukli Hospital and Home for the Aged, a charity hospital run by the Ecumenical Patriarchate; and

WHEREAS, the European Union, a group of nations with a common goal of promoting peace and the well-being of its peoples, which has defined membership criteria including stability of democratic institutions and adherence to the rule of law, began accession negotiations with Turkey on October 3, 2005; and

WHEREAS, the Turkish government's current treatment of the Ecumenical Patriarchate is inconsistent with the membership conditions and goals of the European Union; and

WHEREAS, Orthodox Christians in the State of Nebraska and throughout the United States stand to lose their spiritual leader because of the continued actions of the Turkish government.

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

1. That the Legislature, in solidarity with other states that have adopted similar resolutions, urge the United States in its relations with the Turkish government to encourage the Turkish government to do the following:

a. Uphold and safeguard religious and human rights without compromise;

b. Cease its discrimination of the Ecumenical Patriarchate;

c. Grant the Ecumenical Patriarch appropriate international recognition, ecclesiastical succession, and the right to train clergy of all nationalities; and

d. Respect the property rights and human rights of the Ecumenical Patriarchate.

2. That copies of this resolution be sent to the President of the United States, the Secretary of State of the United States, and the Nebraska congressional delegation.

Laid over.

LEGISLATIVE RESOLUTION 274. Introduced by Howard, 9.

WHEREAS, each year social workers across the country celebrate their profession during March; and

WHEREAS, National Professional Social Work Month is observed in the month of March and this year's theme, Social Workers Inspire Community Action, focuses on how the expertise and dedication of social workers influence communities and institutions; and

WHEREAS, part of the message of National Professional Social Work Month for 2010 is to recognize the individual and global impact that social workers have throughout their careers; and

WHEREAS, the National Association of Social Workers (NASW) has set goals for National Professional Social Work Month, which are to recruit more social workers, expand the public perception of the breadth and depth of social work, reach out to national and local media to promote the importance of social work services and social work professionals to society, and promote a theme that builds pride among social workers; and

WHEREAS, in March, the NASW will team up with social work programs and schools in an effort to encourage more people to pursue social work degrees; and

WHEREAS, it is also the goal of the NASW to use National Professional Social Work Month to recognize social work professionals that have contributed to their communities by creating projects that improve the lives of their fellow citizens; and

WHEREAS, social work is relevant to the successful functioning of American society and necessary to the well-being of Nebraska.

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

1. That the Legislature recognizes March 2010 as Professional Social Work Month in Nebraska.

2. That during March 2010 communities are encouraged to participate in activities designed to increase public awareness about the contributions of professionals in the field of social work.

Laid over.

UNANIMOUS CONSENT - Add Cointroducer

Senator Wallman asked unanimous consent to add his name as cointroducer to LB710. No objections. So ordered.

ANNOUNCEMENT

Senator McGill announced the Urban Affairs Committee will meet immediately following adjournment under the north balcony.

VISITOR

The Doctor of the Day was Dr. Ron Klutman from Columbus.

ADJOURNMENT

At 11:11 a.m., on a motion by Senator Gloor, the Legislature adjourned until 10:00 a.m., Thursday, January 7, 2010.

Patrick J. O'Donnell
Clerk of the Legislature

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SECOND DAY - JANUARY 7, 2010

LEGISLATIVE JOURNAL

ONE HUNDRED FIRST LEGISLATURE
SECOND SESSION

SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 7, 2010

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 Howard and Janssen who were excused; and Senator Pirsch who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the first day was approved.

ANNOUNCEMENT

The Government, Military and Veterans Affairs Committee elected Senator Price as Vice Chairperson.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Section 8, LR273 was referred to the Reference Committee.

2009 INTERIM REPORT
ON THE DISPOSITION OF
INTERIM STUDY RESOLUTIONS

Agriculture

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
42	Study to identify means to stimulate farm to school programs	X		
103	Examine duties of riparian landowners for invasive vegetation removal		X	
104	Examine policy considerations in development of grain indemnity funds		X	
112	Examine Nebraska Law of Division Fences		X	
130	Review Nebraska Pure Food Act in relation to home based food businesses			X
218	Examine means of promoting export of Nebraska agricultural products			X
228	Examine means to support and stimulate organic agricultural production			X
229	Study impact of federal and state actions eliminating horse slaughter as a disposal option for equines		X	
240	Examine means to encourage responsible livestock development through community partnerships		X	

Appropriations

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
155*	Behavioral Health Provider Rates			X
157*	Health Care Funding Act		X	
176	Tourism Event Marketing		X	
178*	Nebraska Scholarship Act		X	
209*	HHS Service Delivery			X
224	Budget Reform Task Force			X(1)

* Jointly referenced
(1) Initial Report being prepared

Banking, Commerce and Insurance

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
220	Regulation of the business of insurance			X
129	Restrict use of the word bank		X	
145	UCC relating to secured transactions		X	
132	Payment of insurance proceeds to a city or village		X	
114	Delayed Deposit Services Licensing Act			X
188	Use of credit information for insurance purposes			X
146	Enact Uniform Limited Partnership Act		X	
147	Revise Uniform Limited Liability Company Act		X	
208	Economic development tools			X
217	Entrepreneurship and private funding programs			X

Business and Labor

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
144	Commission on Industrial Relations		X	
185	Employee Misclassification		X	
123	Workplace safety			X
186	Workers' compensation insurance premiums			X
231	Job creation in disadvantaged rural communities			X

Education

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
116	Interim study to examine issues relating to early childhood education and kindergarten eligibility		X	

117	Interim study to determine the positive and negative outcomes that could result from aligning the school fiscal year with the state fiscal year			X
118	Interim study to examine issues under the jurisdiction of the Education Committee			X
121	Interim study to examine the structure, authority, and mission of the Nebraska School Activities Association			X
131	Interim study to examine school accountability	X		
149	Interim study to examine how school finance data is reported to the public and what type of information would assist the Legislature in evaluating the cost effectiveness of state aid for K-12 education	X		
153	Interim study to examine whether Nebraska should repeal statutes that allow persons not lawfully present in the United States to pay resident tuition at Nebraska postsecondary educational institutions			X
*165	Interim study to examine issues relating to the adoption of a corporate and individual income tax credit scholarship program			X
**167	Interim study to examine the issue of homeless youth in Nebraska			X
172	Interim study to analyze the education and training available that could lead to careers in high-demand industries in Nebraska			X
175	Interim study to examine ways to increase financial literacy in Nebraska through financial literacy education classes			X
***178	Interim study to examine the need-based financial aid program that was created by the Legislature relating to higher education			X

180	Interim study to examine the role of educational service units within learning communities			X
206	Interim study to examine issues relating to learning communities			X
219	Interim study to determine ways the state can play a role in reducing truancies among Nebraska's K-12 students			X
262	Interim study to examine issues relating to postsecondary education			X

* - Joint study with the Revenue Committee
** - Joint study with the Health and Human Services Committee
*** - Joint study with the Appropriations Committee

Executive Board

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
96	Interim study to examine the responsiveness of state agencies when they are requested to provide information to the Legislature		X	

General Affairs

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
196	Interim study to determine whether the Nebraska Liquor Control Act should be updated with respect to retail licenses		X	
197	Interim study to review matters under the jurisdiction of the General Affairs Committee			X
199	Interim study to examine the situation in Whiteclay, Nebraska, regarding the sale of alcohol and its secondary effects	X		
230	Interim study to examine matchup or lineup video gaming devices that award monetary prizes	X		
238	Interim study to examine the proliferation of retail liquor licenses			X

Government, Military and Veterans Affairs

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
163	Interim study to examine issues which fall under the jurisdiction of the Nebraska Accountability and Disclosure Commission	X		
119	Interim study to examine the initiative and referendum process and how petitions are circulated		X	
127	Interim study to examine the issue of election day registration		X	
126	Interim study to examine issues under the jurisdiction of the Government, Military and Veterans Affairs Committee		X	
82	Interim study to examine issues relating to the Grand Island Veterans' Home		X	
162	Interim study to examine the competitive bidding statutes for the purchase of machinery and equipment		X	
151	Interim study to consider and recommend funding strategies for the improvement of the Centennial Mall area of the Nebraska State Capitol Environs District	X		

Health and Human Services

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
158	Interim study to conduct research and provide recommendations for reform of Nebraska's health care delivery system and health care financing system (Select Committee)		X	
156	Interim study to identify the statutory powers and duties of the Department of Health and Human Services and to prioritize the programs and services administered by the department		X	

157	Interim study to review, assess, and provide recommendations relating to the implementation of the Nebraska Health Care Funding Act (w/Appropriations)		X	
150	Interim study to examine the Department of Health and Human Services' plan to contract for delivery of medicaid services using an at-risk capitated managed care model		X	
209	Interim study to examine the implications of requiring communities to partner with the state in the delivery of health and human services previously provided by state employees		X	
227	Interim study to conduct research and make recommendations relating to peer support for mental health consumers		X	
159	Interim study to examine the future need for health care workers in Nebraska		X	
160	Interim study to review and provide recommendations relating to the statewide telehealth network		X	
155	Interim study to provide recommendations and examine issues relating to rates paid by the state to providers of publicly-funded behavioral health services (w/Appropriations)		X	
136	Interim study to examine the public psychiatric rehabilitation in secure settings that is available to chronically and severely impaired mentally ill persons residing in Nebraska		X	
164	Interim study to examine the federal Fostering Connections to Success and Increasing Adoptions Act of 2008 and its implementation in Nebraska		X	
234	Interim study to review current statutes and regulations related to community-based developmental disability service providers		X	

179	Interim study to examine the requirements and conditions of the state's contract with Magellan Behavioral Health Services		X	
168	Interim study to examine the factors contributing to childhood obesity		X	
167	Interim study to examine the issue of homeless youth in Nebraska (w/Education)		X	
174	Interim study to examine ways to provide low-income families with access to high quality child care		X	
148	Interim study to evaluate the State of Nebraska's wellness program and provide policy options		X	
194	Interim study to examine unintended pregnancies and sexually transmitted diseases		X	

Judiciary

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
109	Interim study to examine the issue of juvenile overcrowding in youth detention centers		X	
113	Interim study to examine whether Nebraska should update provisions of the Nebraska Criminal Code relating to the degrees and types of homicides that may be charged under Nebraska law			X
138	Interim study to examine issues under the jurisdiction of the Judiciary Committee		X	
183	Interim study to examine creating a specialized magistrate for the state's largest courts			X
184	Interim study to examine the process by which the Division of Children and Family Services of the Dept. of Health and Human Services places Nebraska citizens on the central register of child protection cases		X	

189	Interim study to examine Nebraska's court-appointed special advocate programs			X
191	Interim study to examine Nebraska's laws regarding a persons' right in their home to defend another person's life by reasonable force and to review the Castle Doctrine laws		X	
225	Interim study to examine the actions other states and organizations have taken to strengthen marriage and reduce divorce through policy change and marriage education			X
226	Interim study to examine medical malpractice liability		X	
233	Interim study to examine judicial resources and the allocation of judicial resources		X	
236	Interim study to examine in vitro fertilization			X
237	Interim study to evaluate the period of time juveniles are involved in the Nebraska juvenile court system			X
239	Interim study to assess the effectiveness of existing community corrections programs			X

Natural Resources Committee

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
83	Interim study relating to expanded development of wind energy in Nebraska	X		
128	Interim study to examine issues relating to the laws of Nebraska governing the management and use of Nebraska surface water and ground water	X		
235	Interim study to examine water issues		X	
181	Interim study to examine the feasibility and benefits of restructuring the natural resources districts	X		

124	Interim study to examine the use of eminent domain by natural resources districts for the taking of private land for development or management of recreational trails or corridors	X		
122	Interim study to examine the feasibility of making the Game and Parks Commission a code agency			X
115	Interim study to review issues under the jurisdiction of the Natural Resources Committee			X
101	Interim study to examine issues relating to the impact of additional well development on water use by domestic wells in areas of the state where ground water supplies are limited		X	
193	Interim study to examine the impact of LB436 which established a statewide net metering policy	X		
195	Interim study to examine energy efficiency		X	
221	Interim study to determine ways the State of Nebraska could promote energy conservation in commercial buildings and residential properties		X	
222	Interim study to examine granting the Department of Environmental Quality the statutory authority to file and collect environmental liens on property			X

Nebraska Retirement Systems

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
120	Examine the history and structure of salary and retirement packages available to Nebraska public school employees	X		
133	Study retirement issues related to military leave and persons returning to employment following military leave		X	

134	Examine the public employees retirement systems administered by the Public Employees Retirement Board		X	
135	Study pension benefits offered to professional firefighters in cities of the first class			X
137	Determine whether a reserve is necessary for the defined benefit retirement plans prior to the Legislature's approval of any benefit improvements			X
198	Study 529 college savings plans, including their performance and administration		X	

Revenue

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
161	Interim study to examine Nebraska's sales and use tax provisions	X		
97	Interim study to examine the major sources of state and local tax revenue	X		
166	Interim study to conduct a comprehensive review of state and local taxes in Nebraska	X		
212	Interim study to examine the valuation of agricultural land for tax purposes in Nebraska and in surrounding states	X		
214	Interim study to examine local government levy limits and property tax proposals that have been implemented since 1995	X		
165	Interim study to examine issues relating to the adoption of a corporate and individual income tax credit scholarship program (Education/Revenue			X
263	Interim study to investigate and review matters and issues arising during the interim which are within the jurisdiction of the Revenue Committee			X

95	Interim study to examine the needs, resources, and responsibilities of the Dept. of Revenue and its divisions			X
106	Interim study to examine the economic impact of retirement income on the State of Nebraska and the most appropriate way to tax such income		Public Hearing	
139	Interim study to examine the tax climate for Nebraska's retired citizens		Public Hearing	
140	Interim study to examine the quality of jobs created under the Nebraska Advantage and Nebraska Super Advantage programs			X
182	Interim study to examine issues relating to recruiting and retaining volunteer firefighters and volunteer emergency medical care providers		Public Hearing	
210	Interim study to determine whether lodging taxes should apply to home rentals			X
211	Interim study to determine whether sales tax collected on heating fuels should be changed to an excise tax			X
213	Interim study to determine whether current business tax incentive programs should be changed when jobs were part of a bankrupt entity			X
215	Interim study to examine the current processes and procedures in statute applicable to county boards of equalization		Public Hearing	
141	Interim study to examine the subject matter of LB 474, 2009, that would have required the state and its governmental subdivisions to pay property tax on property that was not being used for a public purpose			X
173	Interim study to examine the film industry in Nebraska and whether tax incentives could be used to encourage future economic growth			X

200	Interim study to determine if Thurston County is entitled to automatic state aid payments and a reimbursement for law enforcement on the reservations			X
232	Interim study to examine the occupation taxes imposed on wireless telecommunication services			X
241	Interim study to examine the valuation processes of real property			X

Transportation and Telecommunications

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
152	Highway funding	X		
143	Off-road vehicles		X	
142	T&T Jurisdiction			X
192	School permits		X	
102	Expressway system		X	
154	School transportation booster seats		X	
177	Enhanced Wireless 911 Fund			X
88	LPD-learner's permit issuance			X
187	Vehicle Towing laws		X	

Urban Affairs

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
203	Examine the cost-effectiveness of upgrading the Nebraska Energy Code for new commercial construction			X
201	Examine LB381, which would have created the Community Improvement District Act and the Transportation Development District Act			X
205	Review the status of current state law regarding the various building and construction codes currently in use by cities and villages			X
190	Review the current practice of issuing handicapped parking permits			X

207	Examine the statutory means by which a city of the primary class would establish a separate transit authority			X
216	Identify the range of occupations taxes which are currently levied by cities and villages in Nebraska			X
202	Investigate the full range of powers granted to municipalities which involved jurisdiction over residents in areas outside of municipal boundaries			X
204	Review matters under the jurisdiction of the Urban Affairs Committee			X

BILLS ON FIRST READING

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

LEGISLATIVE BILL 766. Introduced by Gloor, 35.

A BILL FOR AN ACT relating to the Nebraska Center for Nursing Act; to amend section 71-1796, Reissue Revised Statutes of Nebraska; to repeal a termination date; to harmonize provisions; to repeal the original section; to outright repeal section 71-17,100, Reissue Revised Statutes of Nebraska; and to declare an emergency.

LEGISLATIVE BILL 767. Introduced by Price, 3.

A BILL FOR AN ACT relating to counties; to amend sections 23-187 and 23-192, Revised Statutes Supplement, 2009; to require inclusion of notice provisions in certain county motor vehicle ordinances; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 768. Introduced by Stuthman, 22.

A BILL FOR AN ACT relating to county government; to provide for the termination of township boards within certain counties as prescribed.

LEGISLATIVE BILL 769. Introduced by Stuthman, 22.

A BILL FOR AN ACT relating to marriage licenses; to amend section 42-106, Reissue Revised Statutes of Nebraska; to prevent a county clerk's liability as prescribed; and to repeal the original section.

LEGISLATIVE BILL 770. Introduced by Flood, 19.

A BILL FOR AN ACT relating to state government; to amend sections

49-501.01 and 49-508, Reissue Revised Statutes of Nebraska; to change provisions relating to the distribution of the session laws and journal of the Legislature; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 771. Introduced by Flood, 19.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-115, 28-201, 28-931, 28-931.01, 28-932, 28-933, and 28-1212.01, Reissue Revised Statutes of Nebraska, and sections 28-309, 28-929, 28-930, 28-1206, 28-1212.04, 28-1354, 29-401, 29-901, 29-901.01, 29-1912, and 43-250, Revised Statutes Supplement, 2009; to change provisions relating to criminal offenses against a pregnant woman, criminal attempt, assault, assault on an officer, offenses by a confined person, deadly weapons, firearms, arrest procedures, bail, conditions of release from custody, discovery, and juveniles in custody; and to repeal the original sections.

LEGISLATIVE BILL 772. Introduced by Coash, 27.

A BILL FOR AN ACT relating to motor vehicles operators' licenses; to amend sections 60-4,108 and 60-682, Reissue Revised Statutes of Nebraska, sections 60-462 and 60-479, Revised Statutes Cumulative Supplement, 2008, and section 60-6,197.06, Revised Statutes Supplement, 2009; to change and provide penalties for driving on a revoked license as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 773. Introduced by Wightman, 36; Carlson, 38; Harms, 48; Schilz, 47.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-6,294.01, Reissue Revised Statutes of Nebraska, sections 60-102, 60-123, 60-302, and 60-339, Revised Statutes Cumulative Supplement, 2008, and sections 60-101 and 60-301, Revised Statutes Supplement, 2009; to exempt manure-spreading implements from titling and registration requirements and weight and load restrictions; to define a term; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 774. Introduced by Haar, 21; Dierks, 40; Hadley, 37; Louden, 49; Pirsch, 4; White, 8.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701.16, Reissue Revised Statutes of Nebraska; to change provisions relating to sales taxation of net metering; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 775. Introduced by Stuthman, 22.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 39-2510, 39-2520, 77-2703.01, 77-2703.04, 77-2704.31, 77-2711,

77-2712.05, 77-4105, 77-4106, 77-5725, and 77-5726, Reissue Revised Statutes of Nebraska; to authorize creation of transportation development districts; to authorize a local sales tax; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 776. Introduced by Hansen, 42.

A BILL FOR AN ACT relating to respite care; to state findings; and to state intent relating to appropriations.

LEGISLATIVE BILL 777. Introduced by McCoy, 39; Krist, 10; Price, 3.

A BILL FOR AN ACT relating to presidential electors; to amend section 32-714, Reissue Revised Statutes of Nebraska; to change provisions relating to ballots cast by presidential electors; and to repeal the original section.

LEGISLATIVE BILL 778. Introduced by Coash, 27; Cornett, 45; Fulton, 29.

A BILL FOR AN ACT relating to public health and welfare; to adopt the Umbilical Cord Blood Information Act.

LEGISLATIVE BILL 779. Introduced by Lathrop, 12; Ashford, 20; Avery, 28; Cook, 13; Cornett, 45; Mello, 5; Nordquist, 7.

A BILL FOR AN ACT relating to political subdivisions; to amend sections 13-2602, 13-2605, 13-2607, 13-2609, 13-2702, 13-2703, 13-2704, 13-2705, 13-2706, and 13-2707, Reissue Revised Statutes of Nebraska, section 13-2603, Revised Statutes Cumulative Supplement, 2008, section 13-2610, Revised Statutes Supplement, 2009, and section 13-2704, Reissue Revised Statutes of Nebraska, as amended by section 8, Legislative Bill 3, One Hundred First Legislature, First Special Session, 2009; to change provisions under the Convention Center Facility Financing Assistance Act and the Local Civic, Cultural, and Convention Center Financing Act; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 780. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-151, Reissue Revised Statutes of Nebraska, and section 48-1,110, Revised Statutes Cumulative Supplement, 2008; to change provisions relating to personal injuries; to provide applicability; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 781. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to urban growth districts; to amend section 18-2901, Revised Statutes Supplement, 2009; to change provisions relating

to such districts as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 782. Introduced by Fischer, 43.

A BILL FOR AN ACT relating to the Motor Vehicle Registration Act; to amend section 81-1023, Reissue Revised Statutes of Nebraska, section 60-3,105, Revised Statutes Cumulative Supplement, 2008, and sections 60-301 and 60-3,104, Revised Statutes Supplement, 2009; to change and eliminate provisions relating to the issuance of distinctive license plates for governmental units; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal section 60-3,106, Revised Statutes Cumulative Supplement, 2008.

LEGISLATIVE BILL 783. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-103 and 53-177, Revised Statutes Supplement, 2009; to change and eliminate restrictions on sale of alcoholic liquor at retail; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 784. Introduced by Louden, 49; Giese, 17.

A BILL FOR AN ACT relating to law enforcement training; to amend section 81-1410, Reissue Revised Statutes of Nebraska; to change provisions relating to admission; and to repeal the original section.

LEGISLATIVE BILL 785. Introduced by Carlson, 38; Utter, 33.

A BILL FOR AN ACT relating to natural resources districts; to amend section 46-739.01, Revised Statutes Supplement, 2009; to provide an exception to required approval of certain water transfers or program participation; and to repeal the original section.

LEGISLATIVE BILL 786. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-172, Reissue Revised Statutes of Nebraska; to eliminate the prohibition on adding alcohol to beer; to harmonize provisions; to repeal the original section; and to outright repeal section 53-174, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 787. Introduced by Fischer, 43.

A BILL FOR AN ACT relating to the Nebraska Information Technology Commission; to amend section 86-515, Reissue Revised Statutes of Nebraska; to provide for an additional member to serve on the commission as appointed by the Legislature as prescribed; and to repeal the original section.

LEGISLATIVE BILL 788. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-125, Reissue Revised Statutes of Nebraska, and section 53-103, Revised Statutes Supplement, 2009; to change provisions relating to managers; and to repeal the original sections.

LEGISLATIVE BILL 789. Introduced by Ashford, 20.

A BILL FOR AN ACT relating to the Local Civic, Cultural, and Convention Center Financing Act; to amend section 13-2705, Reissue Revised Statutes of Nebraska; to change grant dollar limits; and to repeal the original section.

LEGISLATIVE BILL 790. Introduced by Nordquist, 7; Lathrop, 12; Mello, 5.

A BILL FOR AN ACT relating to the medical assistance program; to require the Department of Health and Human Services to compile a report relating to employed recipients.

LEGISLATIVE BILL 791. Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to the Secretary of State; to provide for the electronic filing of documents as prescribed.

LEGISLATIVE BILL 792. Introduced by Coash, 27.

A BILL FOR AN ACT relating to controlled substances; to amend section 28-405, Revised Statutes Supplement, 2009; to add to and change schedules of controlled substances; and to repeal the original section.

LEGISLATIVE BILL 793. Introduced by Dubas, 34; Carlson, 38; Dierks, 40; Louden, 49; Schilz, 47.

A BILL FOR AN ACT relating to the Legislature; to prohibit fund transfers and appropriations without specific authorization.

RESOLUTIONS

LEGISLATIVE RESOLUTION 275. Introduced by Campbell, 25.

WHEREAS, Terri and Loren Neujahr and their children, Andrew and Ashley, of Lincoln were named the Lancaster County Kiwanis Farm Family of the Year for 2009; and

WHEREAS, to be eligible for the Lancaster County Kiwanis Farm Family of the Year award, the Neujahrs first had to win the Farm Family of the Year award from one of several Kiwanis clubs in Lancaster County; and

WHEREAS, the Neujahrs won the Farm Family of the Year award from the Waverly Kiwanis Club; and

WHEREAS, the Lancaster County Kiwanis Farm Family of the Year award recognizes excellence in soil and water conservation, community service, and local leadership.

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

1. That the Legislature congratulates Terri, Loren, Andrew, and Ashley Neujahr on being named the Lancaster County Kiwanis Farm Family of the Year for 2009.

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

Laid over.

LEGISLATIVE RESOLUTION 276CA. Introduced by Pirsch, 4.

THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 2010 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article VIII, section 2:

VIII-2 Notwithstanding Article I, section 16, Article III, section 18, or Article VIII, section 1 or 4, of this Constitution or any other provision of this Constitution to the contrary: (1) The property of the state and its governmental subdivisions shall constitute a separate class of property and shall be exempt from taxation to the extent such property is used by the state or governmental subdivision for public purposes authorized to the state or governmental subdivision by this Constitution or the Legislature. To the extent such property is not used for the authorized public purposes, the Legislature may classify such property, exempt such classes, and impose or authorize some or all of such property to be subject to property taxes or payments in lieu of property taxes except as provided by law; (2) the Legislature by general law may classify and exempt from taxation property owned by and used exclusively for agricultural and horticultural societies and property owned and used exclusively for educational, religious, charitable, or cemetery purposes, when such property is not owned or used for financial gain or profit to either the owner or user; (3) household goods and personal effects, as defined by law, may be exempted from taxation in whole or in part, as may be provided by general law, and the Legislature may prescribe a formula for the determination of value of household goods and personal effects; (4) the Legislature by general law may provide that the increased value of land by reason of shade or ornamental trees planted along the highway shall not be taken into account in the assessment of such land; (5) the Legislature, by general law and upon any terms, conditions, and restrictions it prescribes, may provide that the increased value of real property resulting from improvements designed primarily for energy conservation may be exempt from taxation; (6) the value of a home

substantially contributed by the United States Department of Veterans Affairs for a paraplegic veteran or multiple amputee shall be exempt from taxation during the life of such veteran or until the death or remarriage of his or her surviving spouse; (7) the Legislature may exempt from an intangible property tax life insurance and life insurance annuity contracts and any payment connected therewith and any right to pension or retirement payments; (8) the Legislature may exempt inventory from taxation; (9) the Legislature may define and classify personal property in such manner as it sees fit, whether by type, use, user, or owner, and may exempt any such class or classes of property from taxation if such exemption is reasonable or may exempt all personal property from taxation; (10) no property shall be exempt from taxation except as permitted by or as provided in this Constitution; (11) the Legislature may by general law provide that a portion of the value of any residence actually occupied as a homestead by any classification of owners as determined by the Legislature shall be exempt from taxation; ~~and~~ (12) the Legislature may by general law, and upon any terms, conditions, and restrictions it prescribes, provide that the increased value of real property resulting from improvements designed primarily for the purpose of renovating, rehabilitating, or preserving historically significant real property may be, in whole or in part, exempt from taxation; and (13) the Legislature may by general law, and upon any terms, conditions, and restrictions it prescribes, provide that the value of real property, the use of which is donated to the state or a governmental subdivision of the state for public purposes, shall be, in whole or in part, exempt from taxation.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to permit the Legislature to exempt from taxation the value of real property, the use of which is donated to the state or a governmental subdivision of the state for public purposes.

For

Against.

Referred to the Reference Committee.

ANNOUNCEMENT

The Urban Affairs Committee elected Senator Coash as Vice Chairperson.

UNANIMOUS CONSENT - Add Cointroducers

Senator McCoy asked unanimous consent to add his name as cointroducer to LB693. No objections. So ordered.

Senators Campbell and Stuthman asked unanimous consent to add their names as cointroducers to LB710. No objections. So ordered.

Senator Dubas asked unanimous consent to add her name as cointroducer to LB740. No objections. So ordered.

Senator Cook asked unanimous consent to add her name as cointroducer to LB746. No objections. So ordered.

Senators Avery and Stuthman asked unanimous consent to add their names as cointroducers to LB754. No objections. So ordered.

Senator Nelson asked unanimous consent to add his name as cointroducer to LR271CA. No objections. So ordered.

WITHDRAW - Cointroducer

Senator Pirsch withdrew his name as cointroducer to LR271CA.

ADJOURNMENT

At 10:47 a.m., on a motion by Senator Carlson, the Legislature adjourned until 10:00 a.m., Friday, January 8, 2010.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

THIRD DAY - JANUARY 8, 2010

LEGISLATIVE JOURNAL

ONE HUNDRED FIRST LEGISLATURE
SECOND SESSION

THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Friday, January 8, 2010

PRAYER

The prayer was offered by Senator Carlson.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Speaker Flood presiding.

The roll was called and all members were present except Senators Cornett and Gay who were excused; and Senator Christensen who was excused until he arrives.

PRESIDENT SHEEHY PRESIDING

CORRECTIONS FOR THE JOURNAL

The Journal for the second day was approved.

REFERENCE COMMITTEE REPORT

The Executive Board submits the following report:

LB/LR	Committee
LB682	General File
LB683	General File
LB684	General File
LB685	Executive Board
LB686	Government, Military and Veterans Affairs
LB687	Judiciary
LB688	Transportation and Telecommunications
LB689	Natural Resources
LB690	Banking, Commerce and Insurance
LB691	Banking, Commerce and Insurance
LB692	Revenue
LB693	Banking, Commerce and Insurance
LB694	Judiciary

LB695	Judiciary
LB696	Natural Resources
LB697	Transportation and Telecommunications
LB698	Revenue
LB699	Judiciary
LB700	Business and Labor
LB701	Health and Human Services
LB702	Health and Human Services
LB703	Judiciary
LB704	Revenue
LB705	Transportation and Telecommunications
LB706	Health and Human Services
LB707	Judiciary
LB708	Revenue
LB709	Business and Labor
LB710	Health and Human Services
LB711	Education
LB712	Judiciary
LB713	Education
LB714	Government, Military and Veterans Affairs
LB715	Government, Military and Veterans Affairs
LB716	Education
LB717	Executive Board
LB718	Government, Military and Veterans Affairs
LB719	Transportation and Telecommunications
LB720	Banking, Commerce and Insurance
LB721	Government, Military and Veterans Affairs
LB722	Government, Military and Veterans Affairs
LB723	Transportation and Telecommunications
LB724	Revenue
LB725	Transportation and Telecommunications
LB726	Health and Human Services
LB727	Judiciary
LB728	Judiciary
LB729	Business and Labor
LB730	Banking, Commerce and Insurance
LB731	Agriculture
LB732	Judiciary
LB733	Health and Human Services
LB734	Natural Resources
LB735	Transportation and Telecommunications
LB736	Banking, Commerce and Insurance
LB737	Government, Military and Veterans Affairs
LB738	Banking, Commerce and Insurance
LB739	Transportation and Telecommunications
LB740	Appropriations
LB741	Education
LB742	Government, Military and Veterans Affairs
LB743	Natural Resources

LB744	General Affairs
LB745	Education
LB746	Judiciary
LB747	Natural Resources
LB748	Agriculture
LB749	Transportation and Telecommunications
LB750	Education
LB751	Banking, Commerce and Insurance
LB752	Banking, Commerce and Insurance
LB753	Government, Military and Veterans Affairs
LB754	Education
LB755	Natural Resources
LB756	Judiciary
LB757	Judiciary
LB758	Judiciary
LB759	Banking, Commerce and Insurance
LB760	Banking, Commerce and Insurance
LB761	Transportation and Telecommunications
LB762	Banking, Commerce and Insurance
LB763	Judiciary
LB764	Natural Resources
LR271CA	Revenue
LR273	Government, Military and Veterans Affairs

Atkins, Sallie - Nebraska State Fair Board - Agriculture
Burke, Jerrod - Game and Parks Commission - Natural Resources
Demuth, Martin - Board of Educational Lands and Funds - Education
Hiatt, Michael - State Electrical Board - General Affairs
Hotz, Robert W. - Tax Equalization and Review Commission - Revenue
Lovgren, Linda - Nebraska State Fair Board - Agriculture
Marshall, Norris - Game and Parks Commission - Natural Resources
McMeen, Reynold - State Emergency Response Commission - Government, Military and Veterans Affairs
Oltman, Nancy - Commission for the Blind and Visually Impaired - Health and Human Services
Van Newkirk, Perry - Nebraska Oil and Gas Conservation Commission - Natural Resources
Walla, Darrell - Commission for the Blind and Visually Impaired - Health and Human Services

(Signed) John Wightman, Chairperson
Executive Board

BILLS ON FIRST READING

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

LEGISLATIVE BILL 794. Introduced by White, 8; Campbell, 25; Conrad, 46; Cook, 13; Council, 11; Giese, 17; Haar, 21; Karpisek, 32; McGill, 26; Mello, 5; Nordquist, 7; Sullivan, 41; Wallman, 30.

A BILL FOR AN ACT relating to elections; to amend sections 32-808 and 32-939, Reissue Revised Statutes of Nebraska; to change provisions relating to early voting; and to repeal the original sections.

LEGISLATIVE BILL 795. Introduced by Council, 11.

A BILL FOR AN ACT relating to natural resources districts; to amend section 2-32,101, Reissue Revised Statutes of Nebraska; to authorize the employment of law enforcement officers as prescribed; and to repeal the original section.

LEGISLATIVE BILL 796. Introduced by Stuthman, 22.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 39-2215, 66-489, 66-489.01, 66-495.01, 66-4,105, 66-4,114, 66-4,145, 66-4,146, 66-697, 66-6,107, 66-6,109, 66-6,111, and 66-726, Reissue Revised Statutes of Nebraska; to change fuel tax provisions; to impose a fuel tax for completion of the state expressway system; to provide a duty for the Revisor of Statutes; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 797. Introduced by Langemeier, 23.

A BILL FOR AN ACT relating to the Nebraska Power Review Board; to amend section 70-1003, Reissue Revised Statutes of Nebraska; to change duties of the board relating to hearings and a report as prescribed; to eliminate obsolete requirements; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 798. Introduced by Langemeier, 23.

A BILL FOR AN ACT relating to the Nebraska Litter Reduction and Recycling Act; to amend section 81-1566, Reissue Revised Statutes of Nebraska; to change a termination date; and to repeal the original section.

LEGISLATIVE BILL 799. Introduced by Krist, 10.

A BILL FOR AN ACT relating to the Building Construction Act; to amend sections 71-6403, 71-6404, 71-6405, and 71-6406, Reissue Revised Statutes of Nebraska; to change the state building code; to change restrictions on political subdivisions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 800. Introduced by Ashford, 20.

A BILL FOR AN ACT relating to children; to amend sections 24-313, 25-2728, 29-2258, 29-2269, 43-246, 43-247, 43-248, 43-251.01, 43-253, 43-254, 43-258, 43-278, 43-281, 43-285, 43-2,106.01, 43-2,129, 43-403, 43-406, 43-413, 43-415, 43-2404.02, 77-3442, 79-209, 79-210, 79-527, and 79-2111, Reissue Revised Statutes of Nebraska, and sections 43-245, 43-250, and 79-2104, Revised Statutes Supplement, 2009; to eliminate juvenile review panels, expedite appeals, provide for civil citations, change evaluation, detention, and placement provisions, provide plenary jurisdiction over parents, guardians, and custodians, and provide for videoconference hearings under the Nebraska Juvenile Code; to change detention and evaluation provisions under the Health and Human Services, Office of Juvenile Services Act; to provide a duty for the Supreme Court; to change County Juvenile Services Aid Program provisions; to change school truancy provisions, use of a learning community levy, and school reporting; to create and provide duties for a task force; to provide powers and duties for learning community coordinating councils relating to re-engagement of students into the educational system; to harmonize provisions; to repeal the original sections; and to outright repeal sections 43-287.01, 43-287.02, 43-287.03, 43-287.04, 43-287.05, and 43-287.06, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 801. Introduced by Fulton, 29.

A BILL FOR AN ACT relating to consumer protection; to amend sections 87-301, 87-303, 87-303.02, 87-303.03, 87-303.10, and 87-306, Reissue Revised Statutes of Nebraska, and section 87-302, Revised Statutes Supplement, 2009; to change provisions relating to the Uniform Deceptive Trade Practices Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 802. Introduced by Coash, 27.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701.10 and 77-2701.16, Reissue Revised Statutes of Nebraska; to redefine contractor or repairperson and gross receipts to exclude sod as prescribed; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 803. Introduced by Nordquist, 7; Rogert, 16.

A BILL FOR AN ACT relating to the Chiropractic Practice Act; to amend section 38-806, Reissue Revised Statutes of Nebraska; to exclude licensed

physical therapists; and to repeal the original section.

LEGISLATIVE BILL 804. Introduced by Flood, 19.

A BILL FOR AN ACT relating to documentary stamp tax; to amend section 76-902, Reissue Revised Statutes of Nebraska; to exempt certain deeds from taxation; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 805. Introduced by Transportation and Telecommunications Committee: Fischer, 43, Chairperson; Campbell, 25; Gay, 14; Hadley, 37; Lautenbaugh, 18; Louden, 49; Stuthman, 22.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 75-363 and 75-364, Reissue Revised Statutes of Nebraska, and sections 18-1739, 60-3,193.01, 60-462.01, and 60-4,147.02, Revised Statutes Supplement, 2009; to adopt by reference updates to the International Registration Plan and certain federal laws and regulations relating to parking permits for persons with disabilities, operators' licenses, transporting hazardous materials, and motor carrier safety and procedure; and to repeal the original sections.

LEGISLATIVE BILL 806. Introduced by Campbell, 25.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1347, Reissue Revised Statutes of Nebraska; to change a provision relating to valuation of agricultural or horticultural land; and to repeal the original section.

LEGISLATIVE BILL 807. Introduced by McCoy, 39.

A BILL FOR AN ACT relating to insurance; to amend section 44-7501, Reissue Revised Statutes of Nebraska; to require automobile liability policies to be issued for a minimum term; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 808. Introduced by Transportation and Telecommunications Committee: Fischer, 43, Chairperson; Campbell, 25; Gay, 14; Hadley, 37; Lautenbaugh, 18; Louden, 49; Stuthman, 22.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend sections 60-4,169 and 75-362, Reissue Revised Statutes of Nebraska, and sections 60-465 and 60-4,150, Revised Statutes Cumulative Supplement, 2008; to change provisions relating to commercial motor vehicles and commercial drivers' licenses and to adopt certain federal regulations relating to operating authority; and to repeal the original sections.

LEGISLATIVE BILL 809. Introduced by Rogert, 16.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-110, Revised Statutes Supplement, 2009; to change the statute of limitations for fraud involving certain assistance programs; to provide applicability; and to repeal the original section.

LEGISLATIVE BILL 810. Introduced by Rogert, 16.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-3,135 and 60-480.01, Revised Statutes Supplement, 2009; to change provisions relating to undercover license plates and drivers' licenses; and to repeal the original sections.

LEGISLATIVE BILL 811. Introduced by Transportation and Telecommunications Committee: Fischer, 43, Chairperson; Campbell, 25; Gay, 14; Hadley, 37; Lautenbaugh, 18; Louden, 49; Stuthman, 22.

A BILL FOR AN ACT relating to the Public Service Commission; to amend sections 71-1567, 71-4609, 75-134, 75-136, 75-156, 75-722, 86-123, 86-158, 86-209, 86-255, 86-269, and 86-578, Reissue Revised Statutes of Nebraska; to change appeal procedures as prescribed; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 812. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to the Uniform Credentialing Act; to amend sections 38-1,104, 38-1,105, and 38-1,106, Reissue Revised Statutes of Nebraska; to require notice and an opportunity to be heard for credential holders subject to investigation regarding a complaint; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 813. Introduced by Gloor, 35.

A BILL FOR AN ACT relating to dental services; to amend sections 44-3802 and 44-3805, Reissue Revised Statutes of Nebraska; to prevent prepaid dental service plans from limiting fees for certain services; and to repeal the original sections.

LEGISLATIVE BILL 814. Introduced by Gloor, 35; Dubas, 34; Fulton, 29; Hadley, 37; Pahls, 31; Sullivan, 41; Utter, 33.

A BILL FOR AN ACT relating to the Securities Act of Nebraska; to amend section 8-1111, Reissue Revised Statutes of Nebraska; to change provisions relating to transactions exempt from registration; and to repeal the original section.

LEGISLATIVE BILL 815. Introduced by Haar, 21; Avery, 28.

A BILL FOR AN ACT relating to government; to amend sections 13-504 and 13-516, Reissue Revised Statutes of Nebraska, and section 84-602.02,

Revised Statutes Supplement, 2009; to change requirements for budget statements for certain political subdivisions; to change requirements for the Taxpayer Transparency Act; and to repeal the original sections.

LEGISLATIVE BILL 816. Introduced by Fischer, 43.

A BILL FOR AN ACT relating to motor vehicle industry regulation; to amend sections 25-2602.01, 28-1316, 44-3526, 60-1401.01, 60-1402, 60-1403, 60-1403.01, 60-1404, 60-1405, 60-1406, 60-1407, 60-1407.01, 60-1407.02, 60-1407.03, 60-1407.04, 60-1411.03, 60-1415, 60-1415.01, 60-1417.02, 60-1420, 60-1421, 60-1422, 60-1427, 60-1428, 60-1430, 60-1430.01, 60-1430.02, 60-1432, 60-1436, 60-1437, 60-1438, 60-1438.01, 60-1440, 60-2602, 60-2603, 60-2604, and 71-4603, Reissue Revised Statutes of Nebraska, sections 60-194, 60-373, 60-375, 60-380, 60-381, 60-3,116, 60-1411.01, 60-1411.02, and 60-2701, Revised Statutes Cumulative Supplement, 2008, sections 60-144, 60-164, and 60-1401.02, Revised Statutes Supplement, 2009, and section 60-1409, Reissue Revised Statutes of Nebraska, as amended, by section 36, Legislative Bill 3, One Hundred First Legislature, First Special Session, 2009; to name an act; to transfer definitions; to define and redefine terms; to change provisions relating to licenses and franchises; to prohibit certain acts; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 817. Introduced by Rogert, 16.

A BILL FOR AN ACT relating to handguns; to amend section 69-2403, Reissue Revised Statutes of Nebraska; to exempt permitholders under the Concealed Handgun Permit Act from the requirement to obtain a certificate to purchase a handgun; and to repeal the original section.

LEGISLATIVE BILL 818. Introduced by Sullivan, 41; Utter, 33.

A BILL FOR AN ACT relating to the Real Property Appraiser Act; to amend section 76-2221, Reissue Revised Statutes of Nebraska; to change provisions relating to disclosures for certain exempt real estate opinions or analysis; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 819. Introduced by Transportation and Telecommunications Committee: Fischer, 43, Chairperson; Campbell, 25; Gay, 14; Hadley, 37; Lautenbaugh, 18; Louden, 49; Stuthman, 22.

A BILL FOR AN ACT relating to highways and roads; to amend sections 60-6,123 and 60-6,190, Reissue Revised Statutes of Nebraska; to change provisions relating to traffic control signals and speed limits; and to repeal the original sections.

LEGISLATIVE BILL 820. Introduced by Janssen, 15.

A BILL FOR AN ACT relating to motor vehicles; to amend sections

60-6,114, 60-6,294, and 60-6,298, Revised Statutes Cumulative Supplement, 2008; to provide an exception from width, height, length, weight, and load restrictions for certain emergency vehicles; to eliminate provisions relating to permits for certain emergency vehicles; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 821. Introduced by Fischer, 43.

A BILL FOR AN ACT relating to state roads; to amend section 39-1365.01, Reissue Revised Statutes of Nebraska; to change provisions relating to road priorities; and to repeal the original section.

LEGISLATIVE BILL 822. Introduced by Janssen, 15.

A BILL FOR AN ACT relating to liens; to amend section 52-137, Reissue Revised Statutes of Nebraska; to change provisions relating to construction liens; and to repeal the original section.

LEGISLATIVE BILL 823. Introduced by Janssen, 15.

A BILL FOR AN ACT relating to county assessors; to amend sections 23-3201, 77-1340, and 77-1340.04, Reissue Revised Statutes of Nebraska, and section 32-519, Revised Statutes Supplement, 2009; to provide for the appointment of county assessors in certain counties; to provide operative dates; to repeal the original sections; to outright repeal section 77-1340, Reissue Revised Statutes of Nebraska, as amended by section 3 of this legislative bill; and to declare an emergency.

LEGISLATIVE BILL 824. Introduced by Fischer, 43.

A BILL FOR AN ACT relating to courts; to amend section 25-1628, Revised Statutes Supplement, 2009; to change provisions relating to master jury lists; and to repeal the original section.

LEGISLATIVE BILL 825. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to horseracing; to amend sections 2-219, 2-1203, 2-1203.01, 2-1203.02, 2-1207, 2-1207.01, 2-1208, 2-1211, 2-1216, 2-1221, 2-1222, 2-1226, and 28-1113, Reissue Revised Statutes of Nebraska; to eliminate provisions relating to teleracing and telephonic wagering and provide requirements for licensing satellite facilities for wagering as prescribed; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 2-1230, 2-1231, 2-1232, 2-1233, 2-1234, 2-1235, 2-1236, 2-1237, 2-1238, 2-1239, 2-1240, 2-1241, and 2-1242, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 826. Introduced by Pahls, 31.

A BILL FOR AN ACT relating to government; to adopt the County

Consolidation Act.

LEGISLATIVE BILL 827. Introduced by Howard, 9; Campbell, 25; Gloor, 35; Harms, 48; Wallman, 30.

A BILL FOR AN ACT relating to health occupations and professions; to amend sections 38-601, 38-701, 38-1101, 38-2301, 38-2601, and 38-3001, Reissue Revised Statutes of Nebraska, and sections 38-2001, 38-2801, and 38-3301, Revised Statutes Supplement, 2009; to provide continuing education requirements for certain practitioners as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 828. Introduced by Gloor, 35.

A BILL FOR AN ACT relating to medical radiography; to amend sections 38-1901, 38-1902, 38-1908, and 38-1918, Reissue Revised Statutes of Nebraska; to define and redefine terms; to change requirements for medical radiographers and limited radiographers; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 829. Introduced by Rogert, 16.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-106, Revised Statutes Supplement, 2009; to change certain notice requirements relating to coverage under the act; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 830. Introduced by Coash, 27; Hansen, 42; Lautenbaugh, 18; Louden, 49; Schilz, 47; Sullivan, 41.

A BILL FOR AN ACT relating to insurance; to adopt the Tourism Insurance Act; and to provide an operative date.

LEGISLATIVE BILL 831. Introduced by Utter, 33.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend section 60-4,124, Revised Statutes Cumulative Supplement, 2008; to change provisions relating to school permits; and to repeal the original section.

LEGISLATIVE BILL 832. Introduced by Fischer, 43; Carlson, 38; Dubas, 34; Langemeier, 23; McCoy, 39; Schilz, 47.

A BILL FOR AN ACT relating to petroleum release remedial action; to amend section 66-1501, Reissue Revised Statutes of Nebraska; to eliminate a private insurance requirement; to harmonize provisions; to repeal the original section; and to outright repeal section 66-1532, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 833. Introduced by Fulton, 29.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-1,110, Revised Statutes Cumulative Supplement, 2008; to provide for confidentiality of compensation court records as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 834. Introduced by Howard, 9.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-135 and 53-1,104, Reissue Revised Statutes of Nebraska, and section 53-132, Revised Statutes Cumulative Supplement, 2008; to change provisions relating to issuance and renewal of licenses and to penalties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 835. Introduced by Howard, 9.

A BILL FOR AN ACT relating to insurance; to amend section 44-2835, Revised Statutes Cumulative Supplement, 2008; to change certain reporting provisions under the Nebraska Hospital-Medical Liability Act; and to repeal the original section.

LEGISLATIVE BILL 836. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to deer; to amend sections 37-403, 37-448, and 77-2715.07, Reissue Revised Statutes of Nebraska, and section 37-514, Revised Statutes Supplement, 2009; to permit certain persons to hunt and possess deer as prescribed; to provide for a mandatory deer depredation season and change provisions relating to special deer depredation seasons; to provide an exception to prohibited hunting with artificial light; to provide a tax credit; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 837. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to the Tax Equalization and Review Commission; to amend section 77-5016, Reissue Revised Statutes of Nebraska; to provide for entry of default orders; and to repeal the original section.

LEGISLATIVE BILL 838. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to public contracts; to amend sections 39-8,105, 39-1302, and 60-6,188, Reissue Revised Statutes of Nebraska; to require certain provisions in highway and bridge construction and maintenance contracts; to require identifying signage as prescribed; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

LEGISLATIVE BILL 839. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to the Administrative Procedure Act; to amend section 84-906, Reissue Revised Statutes of Nebraska; to change provisions relating to validity of rules and regulations as prescribed; and to repeal the original section.

LEGISLATIVE BILL 840. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-201, Reissue Revised Statutes of Nebraska; to change provisions relating to criminal attempt; and to repeal the original section.

LEGISLATIVE BILL 841. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend section 60-484.02, Revised Statutes Supplement, 2009; to allow the release of digital image or signature information to local law enforcement officers; and to repeal the original section.

LEGISLATIVE BILL 842. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-1401, Reissue Revised Statutes of Nebraska; to change provisions relating to procedures in cases of death occurring during apprehension or custody; and to repeal the original section.

LEGISLATIVE BILL 843. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-502, 28-503, and 28-504, Reissue Revised Statutes of Nebraska; to change provisions relating to arson; and to repeal the original sections.

LEGISLATIVE BILL 844. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to the Nebraska Law Enforcement Training Center; to amend section 81-1413, Reissue Revised Statutes of Nebraska; to change provisions relating to tuition, fees, and expenses; and to repeal the original section.

LEGISLATIVE BILL 845. Introduced by Howard, 9; Ashford, 20; Nordquist, 7.

A BILL FOR AN ACT relating to state government; to amend section 81-1603, Reissue Revised Statutes of Nebraska; to require energy conservation plans; to provide duties for the State Energy Office; and to repeal the original section.

LEGISLATIVE BILL 846. Introduced by Schilz, 47.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-125, Revised Statutes Supplement, 2009; to change interest rate provisions on certain compensation court awards; to repeal the original section; and to declare an emergency.

RESOLUTIONS

LEGISLATIVE RESOLUTION 277CA. Introduced by Karpisek, 32.

THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 2010 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 24:

III-24 (1) Except as provided in this section, the Legislature shall not authorize any game of chance or any lottery or gift enterprise when the consideration for a chance to participate involves the payment of money for the purchase of property, services, or a chance or admission ticket or requires an expenditure of substantial effort or time.

(2) The Legislature may authorize and regulate a state lottery pursuant to subsection (3) of this section and other lotteries, raffles, and gift enterprises which are intended solely as business promotions or the proceeds of which are to be used solely for charitable or community betterment purposes without profit to the promoter of such lotteries, raffles, or gift enterprises.

(3)(a) The Legislature may establish a lottery to be operated and regulated by the State of Nebraska. The proceeds of the lottery shall be appropriated by the Legislature for the costs of establishing and maintaining the lottery and for the following purposes, as directed by the Legislature:

(i) The first five hundred thousand dollars after the payment of prizes and operating expenses shall be transferred to the Compulsive Gamblers Assistance Fund;

(ii) Forty-four and one-half percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the Nebraska Environmental Trust Fund to be used as provided in the Nebraska Environmental Trust Act;

(iii) Forty-four and one-half percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be used for education as the Legislature may direct;

(iv) Ten percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the Nebraska State Fair Board if the most populous city within the county in which the fair is located provides matching funds equivalent to ten percent of the funds available for transfer. Such matching funds may be obtained from the city and any other private or public entity, except that no portion of such matching funds shall be

provided by the state. If the Nebraska State Fair ceases operations, ten percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the General Fund; and

(v) One percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the Compulsive Gamblers Assistance Fund.

(b) No lottery game shall be conducted as part of the lottery unless the type of game has been approved by a majority of the members of the Legislature.

(4) Nothing in this section shall be construed to prohibit (a) the enactment of laws providing for the licensing and regulation of wagering on the results of horseraces, wherever run, either within or outside of the state, by the parimutuel method, when such wagering is conducted by licensees within a licensed racetrack enclosure <u>or at a satellite wagering facility if approved by the appropriate county, city, or village</u> or (b) the enactment of laws providing for the licensing and regulation of bingo games conducted by nonprofit associations which have been in existence for a period of five years immediately preceding the application for license, except that bingo games cannot be conducted by agents or lessees of such associations on a percentage basis.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to allow for parimutuel wagering on horseraces at a satellite wagering facility if approved by the appropriate county, city, or village.

For

Against.

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 278CA. Introduced by Nordquist, 7; Council, 11.

THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 2010 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article IV, section 25, and add a new section 9 to Article IV:

<u>IV-9 Beginning with the term of office commencing after the adoption of this section as part of this Constitution, there shall be paid as salaries to certain constitutional officers as follows:</u>

<u>Governor, the sum of eighty-five thousand dollars per year;</u>

<u>Lieutenant Governor, the sum of sixty thousand dollars per year;</u>

<u>Secretary of State, the sum of sixty-five thousand dollars per year;</u>

<u>Auditor of Public Accounts, the sum of sixty thousand dollars per year;</u>

State Treasurer, the sum of sixty thousand dollars per year; and
Attorney General, the sum of seventy-five thousand dollars per year.
Such salaries shall be payable in equal monthly installments.

IV-25 ~~The~~ Except as otherwise provided in Article IV, section 9, of this Constitution, the officers provided for in this article shall receive such salaries as may be provided by law. Such officers, or such other officers as may be provided for by law, shall not receive for their own use any fees, costs, or interest upon public money in their hands. All fees that ~~may hereafter be~~ are payable by law for services performed, or received by an officer provided for in this article, by virtue of his or her office, shall be paid forthwith into the state treasury.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to set salaries in the Constitution for the Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, Attorney General, and State Treasurer.

For
Against.

Referred to the Reference Committee.

AMENDMENTS - Print in Journal

Senator Adams filed the following amendment to LB235:
AM1541

(Amendments to Standing Committee amendments, AM681)

1. Strike the original sections and all amendments thereto and insert the following new sections:

Section 1. Leases involving the production of solar or wind energy on school lands shall be governed by sections 1 to 4 of this act.

Sec. 2. For purposes of sections 1 to 4 of this act:

(1) Board means the Board of Educational Lands and Funds;

(2) Lease means any lease, easement, covenant, or other such contractual arrangement authorized by the board pursuant to sections 1 to 4 of this act; and

(3) Lessee means any individual, corporation, or other entity that enters into a lease with the board pursuant to sections 1 to 4 of this act.

Sec. 3. The board may authorize leases for the production of solar or wind energy on school lands for such durations and under such terms and conditions as the board shall deem appropriate, except that the initial term for any such wind energy lease shall not exceed forty years. In making such determinations, the board shall consider comparable arrangements involving other lands similarly situated and any other relevant factors bearing upon such leases. Any such lease authorized by the board shall be

created in writing and shall be filed, duly recorded, and indexed in the office of the register of deeds of the county in which the real property subject to the lease is located. Such leases shall include, as applicable, the contents specified in sections 66-911 and 66-911.01.

Sec. 4. The board may adopt and promulgate such rules and regulations as it shall deem necessary to regulate the leases authorized in sections 1 to 4 of this act and to prescribe such terms and conditions of such leases as it shall deem necessary to protect the interests of the state. Failure of the lessee to utilize the land for the purpose for which the land was leased shall be cause for cancellation of the lease.

Sec. 5. Section 72-204, Reissue Revised Statutes of Nebraska, is amended to read:

72-204 The Board of Educational Lands and Funds shall cause school land to be classified for rental purposes (1) at least once each five years, (2) each time that the land is leased or that an assignment of a lease is made, and (3) when the board deems it to be in the best interest of the state. The leasing of the land shall be ~~regulated~~ governed by sections 72-232 to 72-239, except that leases involving the production of solar or wind energy on school lands shall be governed by sections 1 to 4 of this act. When a lease is offered for sale, the new rental shall be made public. When the board has ordered the reclassification of any of the school lands in any county, it shall prescribe the method and promulgate rules governing the classification of educational lands. It shall have a classification of all the educational lands in the county prepared by a competent person, who shall make a detailed field examination of each forty-acre tract of educational lands for the purpose of obtaining information as to the type and rating of the soil, its adaptability, the topographical character of the land, and the location and number of acres of each type. His or her report of such field examination shall be prepared in the form of a detailed map with complete explanations and shall be filed with the board. The board may employ private appraisal firms to aid it in determining the value of educational lands.

Sec. 6. Original section 72-204, Reissue Revised Statutes of Nebraska, is repealed.

Senator Carlson filed the following amendment to LB254:
AM1536

1. On page 3, strike beginning with "If" in line 17 through the period in line 24 and insert "The application shall be accompanied by an annual license fee of one hundred dollars.".

2. On page 4, strike beginning with "dollars" in line 2 through the period in line 8 and insert "fifty dollars. All fees collected pursuant to this section shall be remitted to the State Treasurer for credit to the Pesticide Administrative Cash Fund.".

3. On page 21, line 9, strike "2009" and insert "2010".

Senator Avery filed the following amendment to LB550:
AM1539

1. Insert the following new section:

Sec. 3. Section 55-121, Reissue Revised Statutes of Nebraska, is amended to read:

55-121 The Adjutant General shall be appointed by the Governor from the active or retired commissioned officers of the National Guard of this state. Such Adjutant General shall be or have been a commissioned officer who has actively served in the National Guard of this state for at least five years, shall have attained at least the grade of lieutenant colonel, and shall be able to become eligible for promotion to general officer. If a retired officer is appointed, he or she shall not have been retired for more than two years at the time he or she is considered for appointment. He or she shall hold his or her office as provided in section 55-136. He or she shall receive for his or her services such salary as the Governor shall direct, payable ~~monthly,~~ biweekly, except that such salary shall not exceed the annual pay and allowances of regular military officers of equal rank. If funds made available by the federal government are in excess of the amount payable as directed by the Governor, the excess shall be used to reduce the amount required to be paid by the state. Due to the interrelated nature of the Adjutant General's state and federal duties, the Adjutant General shall not be required to take paid or unpaid leave or leaves of absence to perform his or her federal duties, whether or not under federal orders. The Adjutant General shall continue to receive his or her salary during all such periods. The Adjutant General shall only be required to take leave or leaves of absence during those times when he or she is absent and performing neither his or her state nor federal duties as Adjutant General. This section shall not apply if the Adjutant General is called to active duty of the United States under 10 U.S.C.

2. On page 5, line 2, strike "monthly.", show as stricken, and insert "biweekly.".

3. On page 6, line 7, after "55-120," insert "55-121,".

4. Renumber the remaining sections and correct internal references accordingly.

Senator Rogert filed the following amendment to LB261:
AM1544

(Amendments to Standing Committee amendments, AM182)

1. On page 1, line 18, strike "(3)" and insert "(3)(a)".

2. On page 2, after line 16 insert the following new subdivision:

"(b) Information scanned, compiled, stored, or preserved pursuant to subdivision (a) of this subsection may be retained only as long as required by state or federal law.".

3. On page 3, after line 3 insert the following new subsection:

"(5) Except as provided in subsection (4) of this section, information scanned, compiled, stored, or preserved pursuant to this section may not be traded or sold to a third party, used for any marketing or sales purpose, or, unless pursuant to a court order, reported or shared with any third party. A person who violates this subsection shall be guilty of a Class IV felony.".

Senator Cook filed the following amendment to LB341:
AM1542

1. Strike the original sections and all amendments thereto and insert the following new sections:

Section 1. Section 38-2315, Reissue Revised Statutes of Nebraska, is amended to read:

38-2315 (1) A nurse practitioner may provide health care services within specialty areas. A nurse practitioner shall function by establishing collaborative, consultative, and referral networks as appropriate with other health care professionals. Patients who require care beyond the scope of practice of a nurse practitioner shall be referred to an appropriate health care provider.

(2) Nurse practitioner practice means health promotion, health supervision, illness prevention and diagnosis, treatment, and management of common health problems and chronic conditions, including:

(a) Assessing patients, ordering diagnostic tests and therapeutic treatments, synthesizing and analyzing data, and applying advanced nursing principles;

(b) Dispensing, incident to practice only, sample medications which are provided by the manufacturer and are provided at no charge to the patient and drugs for the treatment and prevention of tuberculosis which are provided through the department and are dispensed at no charge to the patient; and

(c) Prescribing therapeutic measures and medications relating to health conditions within the scope of practice. Any limitation on the prescribing authority of the nurse practitioner for controlled substances listed in Schedule II of section 28-405 shall be recorded in the integrated practice agreement established pursuant to section 38-2310.

(3) A nurse practitioner who has proof of a current certification from an approved certification program in a psychiatric or mental health specialty may manage the care of patients committed under the Nebraska Mental Health Commitment Act. Patients who require care beyond the scope of practice of a nurse practitioner who has proof of a current certification from an approved certification program in a psychiatric or mental health specialty shall be referred to an appropriate health care provider.

Sec. 2. Section 38-2850, Revised Statutes Supplement, 2009, is amended to read:

38-2850 As authorized by the Uniform Credentialing Act, the practice of pharmacy may be engaged in by a pharmacist, a pharmacist intern, or a practitioner with a pharmacy license. The practice of pharmacy shall not be construed to include:

(1) Persons who sell, offer, or expose for sale completely denatured alcohol or concentrated lye, insecticides, and fungicides in original packages;

(2) Practitioners, other than veterinarians, certified nurse midwives, certified registered nurse anesthetists, and nurse practitioners, who dispense drugs or devices as an incident to the practice of their profession, except that if such practitioner regularly engages in dispensing such drugs or devices to his or her patients for which such patients are charged, such practitioner shall obtain a pharmacy license;

(3) Persons who sell, offer, or expose for sale nonprescription drugs or proprietary medicines, the sale of which is not in itself a violation of the Nebraska Liquor Control Act;

(4) Medical representatives, detail persons, or persons known by some name of like import, but only to the extent of permitting the relating of pharmaceutical information to health care professionals;

(5) Licensed veterinarians practicing within the scope of their profession;

(6) Certified nurse midwives, certified registered nurse anesthetists, and nurse practitioners who dispense sample medications which are provided by the manufacturer and are dispensed at no charge to the patient;

(7) Nurse practitioners who dispense drugs for the treatment and prevention of tuberculosis which are provided through the department and are dispensed at no charge to the patient with proper labeling and patient counseling;

~~(7)~~ (8) Hospitals engaged in the compounding and dispensing of drugs and devices pursuant to chart orders for persons registered as patients and within the confines of the hospital, except that if a hospital engages in such compounding and dispensing for persons not registered as patients and within the confines of the hospital, such hospital shall obtain a pharmacy license or delegated dispensing permit;

~~(8)~~ (9) Optometrists who prescribe or dispense eyeglasses or contact lenses to their own patients;

~~(9)~~ (10) Registered nurses employed by a hospital who administer pursuant to a chart order, or procure for such purpose, single doses of drugs or devices from original drug or device containers or properly labeled prepackaged drug or device containers to persons registered as patients and within the confines of the hospital;

~~(10)~~ (11) Persons employed by a facility where dispensed drugs and devices are delivered from a pharmacy for pickup by a patient or caregiver and no dispensing or storage of drugs or devices occurs;

~~(11)~~ (12) Persons who sell or purchase medical products, compounds, vaccines, or serums used in the prevention or cure of animal diseases and maintenance of animal health if such medical products, compounds, vaccines, or serums are not sold or purchased under a direct, specific, written medical order of a licensed veterinarian; and

~~(12)~~ (13) A pharmacy or a person accredited by an accrediting body which or who, pursuant to a medical order, (a) administers, dispenses, or distributes medical gas or medical gas devices to patients or ultimate users or (b) purchases or receives medical gas or medical gas devices for administration, dispensing, or distribution to patients or ultimate users.

Sec. 3. Section 38-2867, Revised Statutes Supplement, 2009, is amended to read:

38-2867 (1) Except as provided for pharmacy technicians in sections 38-2890 to 38-2897, for persons described in subdivision ~~(12)~~ (13) of section 38-2850, and for individuals authorized to dispense under a delegated dispensing permit, no person other than a licensed pharmacist, a pharmacist intern, or a practitioner with a pharmacy license shall provide pharmaceutical care, compound and dispense drugs or devices, or dispense pursuant to a medical order. Notwithstanding any other provision of law to the contrary, a pharmacist or pharmacist intern may dispense drugs or devices pursuant to a medical order of a practitioner authorized to prescribe in another state if such practitioner could be authorized to prescribe such drugs or devices in this state.

(2) Except as provided for pharmacy technicians in sections 38-2890 to 38-2897, for persons described in subdivision ~~(12)~~ (13) of section 38-2850, and for individuals authorized to dispense under a delegated dispensing permit, it shall be unlawful for any person to permit or direct a person who is not a pharmacist intern, a licensed pharmacist, or a practitioner with a pharmacy license to provide pharmaceutical care, compound and dispense drugs or devices, or dispense pursuant to a medical order.

(3) It shall be unlawful for any person to coerce or attempt to coerce a pharmacist to enter into a delegated dispensing agreement or to supervise any pharmacy technician for any purpose or in any manner contrary to the professional judgment of the pharmacist. Violation of this subsection by a health care professional regulated pursuant to the Uniform Credentialing Act shall be considered an act of unprofessional conduct. A violation of this subsection by a facility shall be prima facie evidence in an action against the license of the facility pursuant to the Health Care Facility Licensure Act. Any pharmacist subjected to coercion or attempted coercion pursuant to this subsection has a

cause of action against the person and may recover his or her damages and reasonable attorney's fees.

(4) Violation of this section by an unlicensed person shall be a Class III misdemeanor.

Sec. 4. Section 38-2869, Revised Statutes Supplement, 2009, is amended to read:

38-2869 (1)(a) Prior to the dispensing or the delivery of a drug or device pursuant to a medical order to a patient or caregiver, a pharmacist shall in all care settings conduct a prospective drug utilization review. Such prospective drug utilization review shall involve monitoring the patient-specific medical history described in subdivision (b) of this subsection and available to the pharmacist at the practice site for:

(i) Therapeutic duplication;

(ii) Drug-disease contraindications;

(iii) Drug-drug interactions;

(iv) Incorrect drug dosage or duration of drug treatment;

(v) Drug-allergy interactions; and

(vi) Clinical abuse or misuse.

(b) A pharmacist conducting a prospective drug utilization review shall ensure that a reasonable effort is made to obtain from the patient, his or her caregiver, or his or her practitioner and to record and maintain records of the following information to facilitate such review:

(i) The name, address, telephone number, date of birth, and gender of the patient;

(ii) The patient's history of significant disease, known allergies, and drug reactions and a comprehensive list of relevant drugs and devices used by the patient; and

(iii) Any comments of the pharmacist relevant to the patient's drug therapy.

(c) The assessment of data on drug use in any prospective drug utilization review shall be based on predetermined standards, approved by the board.

(2)(a) Prior to the dispensing or delivery of a drug or device pursuant to a prescription, the pharmacist shall ensure that a verbal offer to counsel the patient or caregiver is made. The counseling of the patient or caregiver by the pharmacist shall be on elements which, in the exercise of the pharmacist's professional judgment, the pharmacist deems significant for the patient. Such elements may include, but need not be limited to, the following:

(i) The name and description of the prescribed drug or device;

(ii) The route of administration, dosage form, dose, and duration of therapy;

(iii) Special directions and precautions for preparation, administration, and use by the patient or caregiver;

(iv) Common side effects, adverse effects or interactions, and therapeutic contraindications that may be

encountered, including avoidance, and the action required if such effects, interactions, or contraindications occur;

(v) Techniques for self-monitoring drug therapy;

(vi) Proper storage;

(vii) Prescription refill information; and

(viii) Action to be taken in the event of a missed dose.

(b) The patient counseling provided for in this subsection shall be provided in person whenever practical or by the utilization of telephone service which is available at no cost to the patient or caregiver.

(c) Patient counseling shall be appropriate to the individual patient and shall be provided to the patient or caregiver.

(d) Written information may be provided to the patient or caregiver to supplement the patient counseling provided for in this subsection but shall not be used as a substitute for such patient counseling.

(e) This subsection shall not be construed to require a pharmacist to provide patient counseling when:

(i) The patient or caregiver refuses patient counseling;

(ii) The pharmacist, in his or her professional judgment, determines that patient counseling may be detrimental to the patient's care or to the relationship between the patient and his or her practitioner;

(iii) The patient is a patient or resident of a health care facility or health care service licensed under the Health Care Facility Licensure Act to whom prescription drugs or devices are administered by a licensed or certified staff member or consultant or a certified physician's assistant;

(iv) The practitioner authorized to prescribe drugs or devices specifies that there shall be no patient counseling unless he or she is contacted prior to such patient counseling. The prescribing practitioner shall specify such prohibition in an oral prescription or in writing on the face of a written prescription, including any prescription which is received by facsimile or electronic transmission. The pharmacist shall note "Contact Before Counseling" on the face of the prescription if such is communicated orally by the prescribing practitioner; or

(v) A medical gas or a medical gas device is administered, dispensed, or distributed by a person described in subdivision ~~(12)~~ (13) of section 38-2850.

Sec. 5. Original section 38-2315, Reissue Revised Statutes of Nebraska, and sections 38-2850, 38-2867, and 38-2869, Revised Statutes Supplement, 2009, are repealed.

UNANIMOUS CONSENT - Add Cointroducers

Senator Howard asked unanimous consent to add her name as cointroducer to LB710. No objections. So ordered.

Senator Coash asked unanimous consent to add his name as cointroducer to LB725. No objections. So ordered.

Senators Carlson, Hansen, McCoy, and Schilz asked unanimous consent to add their names as cointroducers to LB729. No objections. So ordered.

Senator Council asked unanimous consent to add her name as cointroducer to LB763. No objections. So ordered.

Senator Janssen asked unanimous consent to add his name as cointroducer to LB777. No objections. So ordered.

Senator McCoy asked unanimous consent to add his name as cointroducer to LB778. No objections. So ordered.

Senator Louden asked unanimous consent to add his name as cointroducer to LB796. No objections. So ordered.

PROPOSED RULES CHANGE

The Rules Committee offered the following proposed rules change:

Proposed Rules Change 1

Rule 4 - Resolutions
Section 1. Identification. A resolution shall be designated as Legislative Resolution ____. All resolutions shall be numbered consecutively for each Legislature. All resolutions shall be introduced and read by the Clerk upon introduction and shall be printed in the Legislative Journal. ~~Individual members shall be limited to eight resolutions per session.~~ Individual members shall be limited to eight resolutions per session which result in the referring, scheduling, and conducting of a public hearing by a legislative committee. This limitation shall not apply to resolutions proposing an amendment to the Nebraska Constitution, ~~or to~~ resolutions proposing interim studies~~.~~, or which are honorary in nature.

73-74 Attorney General Opinion No. 13--Resolutions must be printed and read before a vote is taken.

PROPOSED RULES CHANGES

The Rules Committee indefinitely postponed the following proposed rules changes:

Proposed Rules Change 2

Rule 3
Sec. 12. Electronic Submission of Documents. (a) Copies of any

additional testimony and/or exhibits being presented must be done electronically to the committee clerk for access by members choosing to use electronic media. (b) These document submissions may occur via electronic mail, disk, or portable drive and shall be placed in an electronic file by the committee clerk. (c) Senators choosing to access these documents electronically shall be permitted to use a laptop computer in committee for such access.

Renumber the remaining sections.

Proposed Rules Change 3

Rule 3
Sec. 13. Consideration and Correlation of Bills and Resolutions. (a) Committees shall consider and report without unnecessary delay all bills and resolutions referred to them. Committees shall be authorized to combine and to correlate the provisions of different bills and resolutions referred to them and related to the subject-matter jurisdiction of the committee. Committees may, before taking final action on any bill or resolution, adopt amendments thereto, for the consideration of the Legislature.

(b) The chairperson of each committee shall set for hearing all bills and resolutions referred to the committee, except as provided for in Rule 1, Section 17.

(c) During public testimony lights (colored red, yellow, and green) shall be used to indicate when a testifier has reached the limit of their allotted time for testimony. The length of time shall be uniform for each testifier, and set at the discretion of the committee chairperson, and shall not include time used by committee members to question the testifier. Any committee wishing to forgo the use of testimony lights may do so through a majority vote of the committee.

Proposed Rules Change 4

Rule 3
Sec. 6. Redistricting Committee. (a) The Redistricting Committee of the Legislature shall be established as a special committee of the Legislature in January of each year ending in one. The committee is authorized to introduce and exercise jurisdiction over legislative bills and resolutions relating to redistricting and hold hearings regarding such legislation.

(b) The committee shall be comprised of nine members of the Legislature, three from each congressional district existing on January 1 of each year ending in zero. The Executive Board shall appoint the members of the committee in January of each year ending in one. ~~No more than five members appointed to the committee shall be affiliated with the same political party.~~ No more than two members appointed from each congressional district shall be affiliated with the same political party. A

vacancy on the committee shall be filled by the Executive Board as soon as possible after the vacancy occurs.

(c) At the first meeting of the committee, the members shall select from among themselves by majority vote one member to serve as chairperson of the committee and one member to serve as vice chairperson of the committee. The chair and vice chair shall not be a member of the same political party.

(d) The committee shall continue in existence until all bills containing redistricting plans for which the Legislature has responsibility are passed and signed by the Governor. In the event of a successful legal challenge to any part of a redistricting plan, the committee shall be reconstituted for purposes of reformulating the challenged redistricting plan.

(e) The committee shall receive staff support from the office of the director of Legislative Research.

(f) The committee shall, after reviewing previous redistricting guidelines used by the Legislature, adopt substantive and procedural guidelines that will guide the Legislature's redistricting process. During the legislative session of each year ending in one, the substantive guidelines adopted by the committee shall be presented to the Legislature for approval.

(g) The committee shall at the earliest feasible time make available to the public the substantive guidelines prepared by the committee.

(h) The committee shall introduce legislative bills pertaining to redistricting congressional districts and other districts during the legislative session of each year ending in one.

(i) Based upon the information received from the United States Department of Commerce, Bureau of the Census, the committee shall formulate redistricting plans for congressional districts and other districts. The statistics and redistricting plans shall be made available to the Legislature and the public.

(j) After the statistics and redistricting plans are made available to the Legislature and the public, the committee shall schedule and conduct, as expeditiously as reasonably possible, at least one public hearing in each congressional district for the purposes of soliciting input on the proposed redistricting plans. Video and other methods may be used in addition to the procedures outlined for public hearings but not in substitution for such procedures.

(k) In addition to the above procedures, legislation introduced for the purpose of complying with the decennial redistricting process in years ending in one, shall follow the normal procedures for any legislation introduced in the Nebraska Legislature.

Proposed Rules Change 5

Rule 8

Section 1. Purpose. The purpose of this rule is to provide a procedure for the Legislature to develop appropriations for all state agencies, boards, and commissions. Such procedure shall consider the need to (1) continue the services and financial assistance provided by state agencies and programs, (2) restrict the growth in state appropriations, and (3) provide for the

efficient and effective use of state revenue by utilizing standing committee subject-matter expertise in the review of agency, board, and commission budget requests.

Sec. 2. Appropriations Committee Report. The Legislature's Appropriations Committee, by majority vote of its members, shall annually prepare a report summarizing the preliminary total General Fund appropriation recommendations for each year of the following biennium. Such report shall include information based upon the committee's initial review of (1) state agency, board, and commission budget requests, (2) the Governor's budget, (3) the estimated revenue receipts for each year of the following biennium, (4) General Fund reserve requirements, (5) express obligations, (6) legislation that would be required to enable recommended appropriations, and (7) economic conditions affecting the State of Nebraska.

Sec. 3. Report, When Required. The report required in Section 2 of this rule shall be printed in the Legislative Journal and presented to each member of the Legislature by the Chairperson of the Appropriations Committee between twenty and thirty legislative days after the Governor presents his or her budget during sessions in odd-numbered years and between fifteen and twenty legislative days after the Governor's budget presentation during session in even-numbered years.

Sec. 4. Standing Committee Appropriations Review. (a) Each standing committee may hold a budget request review hearing on the agency, board, and commission budgets reasonably encompassed in its subject-matter jurisdiction. Any such review hearing shall not be held until the Appropriations Committee has held its public hearing on that agency, board, or commission. The chairperson of the standing committee shall coordinate the scheduling of such hearings with the Chairperson of the Appropriations Committee. The standing committee shall obtain a determination from the Executive Board that the budget to be reviewed is within its subject-matter jurisdiction. The standing committee may recommend to the Legislature amendments to proposed appropriations.

(b) Standing committee amendments, if any, must be filed by the sixth legislative day following the placement of appropriations bills on General File. Standing committee amendments shall be printed in the Journal and shall be considered by the Legislature no sooner than the eighth legislative day following the placement of the appropriations bills on General File. Standing committee amendments shall be considered by the Legislature after Appropriations Committee amendments but before all other amendments. Standing committee amendments shall be considered in the order of filing.

(c) The Appropriations Committee shall make available to the appropriate standing committee all currently available information at its disposal.

Sec. 5. Bills, Held on Final Reading. The report of the Appropriations Committee shall include a recommended dollar amount of the General Fund biennium appropriation which shall be allocated for the funding of "A" bills, bills that result in the net reduction of revenue to the General Fund, tax expenditure bills, and amendments to the appropriations bills as reported to General File by the Appropriations Committee. During a 90 day session, all "A" bills which, when considered with their companion bill, appropriate general funds resulting in a net loss; all bills resulting in the reduction of revenue to the General Fund; and all tax expenditure bills shall not be read on Final Reading until the appropriations bills are passed by the Legislature. Provided the Appropriations Committee shall place appropriations bills on General File no later than the 70th legislative day in a 90 day session and the 40th legislative day in a 60 day session. If this deadline is not met, the Legislature shall consider the appropriations bills as introduced by the Governor. During a 60 day session, all "A" bills which, when considered with their companion bill, appropriate general funds resulting in a net loss; all bills resulting in the reduction of revenue to the General Fund; all tax expenditure bills; and all appropriations bills shall not be read on Final Reading prior to the 45th legislative day. The appropriations bills shall be passed no later than the 80th legislative day in a 90 day session and the 50th legislative day in a 60 day session. The appropriations provided for in an "A" bill shall be for not less than two fiscal years.

Sec. 6. Bill, Setting Tax Rates. The Legislature's tax rate bill shall be passed no later than the 85th legislative day in a 90 day session and the 55th legislative day in a 60 day session.

Sec. . Bill Authorizing or Directing Transfers of Certain Cash Funds. No bill may be reported by the Appropriations Committee that authorizes the transfer to the General Fund or to a different cash fund all or a portion of the balance of a cash fund that is a repository of revenues derived from licensure and inspection fees, excise taxes or other similar assessment that, absent authorization for transfer to the General Fund or elsewhere, are authorized to be collected and expended only for a dedicated purpose or purposes described by the authorizing statutes imposing the fee, excise tax or similar assessment. A motion to suspend this rule shall be made by the Chairman of the Appropriations Committee and such motion shall be approved by the Legislature prior to the reading of the bill on General File.

Sec. 7. Financial Status Report. Beginning with the legislative day following the reporting of the appropriations bills to General File, there shall be attached to the daily agenda of the Legislature a General Fund Financial Status, prepared by the Legislative Fiscal Analyst under the supervision of the Chair of the Appropriations Committee. The Financial Status shall include current estimates of beginning funds available, plus estimated revenue, less the Appropriations Committee recommended budget and express obligations for the biennial period under consideration, to arrive at the calculated variance from the minimum reserve for the General Fund as specified by law. The Financial Status shall also include a listing of other

legislation on Select File and Final Reading, and Speaker's Major Proposals on General File that would deduct from or add to General Funds available above the minimum reserve requirement, should the bills pass.

In addition to data for the budget period under consideration, the Financial Status shall include data for the ensuing two years following the biennial budget period. Such data shall consist of projections of available balances, annual net receipts, and annual expenditures, based on the assessment of the Legislative Fiscal Analyst of the provisions of current law as it may relate to projected revenues and expenditures. Prior to attaching the first Financial Status to the agenda, the data and the assumptions for the ensuing years beyond the budget biennium and methods for arriving at estimates shall be reviewed by the Chair and the Vice Chair of the Appropriations and Revenue committees and shall be approved by a majority of the membership of each such committee. Upon mutual agreement by the Chairs of the Appropriations Committee and Revenue Committee, the projections may be reconsidered pursuant to the provisions of this section.

VISITORS

Visitors to the Chamber were Senator Haar's granddaughter, Jenny Haar, from Lincoln; and Senator Fischer's son, Adam Fischer, and Tisha, Caitlin, and Emilee Jacquot from Valentine.

ADJOURNMENT

At 10:55 a.m., on a motion by Senator Fulton, the Legislature adjourned until 10:00 a.m., Monday, January 11, 2010.

Patrick J. O'Donnell
Clerk of the Legislature

FOURTH DAY - JANUARY 11, 2010

LEGISLATIVE JOURNAL

ONE HUNDRED FIRST LEGISLATURE
SECOND SESSION

FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, January 11, 2010

PRAYER

The prayer was offered by Senator Coash.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Speaker Flood presiding.

The roll was called and all members were present except Senators Ashford, Christensen, Langemeier, and Stuthman who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the third day was approved.

REFERENCE COMMITTEE REPORT

The Executive Board submits the following report:

LB/LR	Committee
LB716	Government, Military and Veterans Affairs (rereferred)
LB734	Health and Human Services (rereferred)
LB765	Judiciary
LB766	Health and Human Services
LB767	Government, Military and Veterans Affairs
LB768	Government, Military and Veterans Affairs
LB769	Judiciary
LB770	Executive Board
LB771	Judiciary
LB772	Transportation and Telecommunications
LB773	Transportation and Telecommunications
LB774	Revenue
LB775	Revenue
LB776	Appropriations
LB777	Government, Military and Veterans Affairs
LB778	Health and Human Services

LB779	Revenue
LB780	Business and Labor
LB781	Urban Affairs
LB782	Transportation and Telecommunications
LB783	General Affairs
LB784	Judiciary
LB785	Natural Resources
LB786	General Affairs
LB787	Transportation and Telecommunications
LB788	General Affairs
LB789	Revenue
LB790	Health and Human Services
LB791	Government, Military and Veterans Affairs
LB792	Judiciary
LB793	Appropriations
LR276CA	Revenue

(Signed) John Wightman, Chairperson
Executive Board

MOTION - Print in Journal

Senator Council filed the following motion to LB307:
MO70
Recommit to Judiciary Committee.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of January 8, 2010, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Abboud, Chris
Agri-Business Association, Nebraska
Brain Injury Association of America
Manheim's Omaha Auto Auction
Monsanto
Omaha Police Union, Local 101
Adair, Peggy
CASA for Douglas County
League of Women Voters of Nebraska
Adams, Donald D., Jr.
Nebraskans First, Inc.
Adams, John H.
International Gamco, Inc.

Alberts, Dan
Third Planet Windpower
Amack, Angela K.
Columbus Public Schools
Electrical Workers, International Brotherhood of
Fire Fighters Association, Nebraska Professional
Grand Island Public Schools
American Communications Group, Inc.
American Cancer Society
American Heart Association
American Wind Energy Association
Amputee Coalition of Nebraska
Behavioral Health Organizations, Nebraska Association of
Center for Rural Affairs
Child Healthcare Alliance, Nebraska
Dental Assistants of Nebraska
EHPV (Big Red) Lottery Services, LLC d/b/a Big Red Keno
Emergency Medical Service Association, Nebraska
Empyrean Brewing Company
Engineers and Architects, Nebraska Board of
Goodwill Industries, Nebraska
Iowa/Nebraska Primary Care Association
Nebraska Film Association
Physical Therapy Association, Nebraska Chapter of American
Physician Assistants, Nebraska Academy of
Psychological Association, Nebraska
Public Employees, AFSCME Local 61, Nebraska Association of
Public Health, Friends of in Nebraska
Research Nebraska!
Respiratory Care, Nebraska Society for
Speech, Language, & Hearing Association, Nebraska
Surgical Technologists, Association of
Teamsters Local Union 554
YMCA of Nebraska
Andersen, Robert C.
Cooperative Council, Nebraska
Anderson, Kristen
Realtors Association, Nebraska
Anderson, Robert L.
Agri-Business Association, Nebraska
Anderson Management Services, Inc.
Anderson, Tim W.
Central Nebraska Public Power & Irrigation District
Austin, Jordan
National Rifle Association Institute for Legislative Action
Baack, Dennis G.
Community College Association, Nebraska
Babcock, Marsha L.
Mechanical Contractors Assn. of Omaha

Barrett, John
Cox Communications
Bateman, Joseph R.
Union Pacific Railroad
Beattie, George
Bankers Association, Nebraska
Beermann, Allen J.
Press Association, Nebraska
Belcher, Barbara N.
Merck Sharp & Dohme Corp. and its Affiliates
Bell, David
Loup River Public Power District
Benjamin, Melody
Cattlemen, Inc., Nebraska
Benson, Sandra E.
AARP
Blomstedt, Matthew L.
Educational Service Unit Coordinating Council
Boehm, John M.
Mortgage Association, Nebraska
Boesch, Elizabeth L.
Nebraska Public Power District
Bohrer, Bruce J.
Lincoln Chamber of Commerce
Bonaiuto, John A.
School Boards, Nebraska Association of
Bowling, Karen
Family Council, Nebraska
Boyer, Steve
Third Planet Windpower
Brady, Justin J.
Radcliffe, Walter H. of Radcliffe & Associates
Brandt, Horan, Hallstrom and Stilmock
Bankers Association, Nebraska
Bankers Insurance and Services Company, Nebraska (NBISCO)
Firefighters Association, Nebraska State Volunteer
National Federation of Independent Business
Nebraskans For Workers Compensation Equity
NETWORKS, Inc.
Pharmacists Association, Nebraska
Brashear, Kermit A.
Cox Communications
Learning Community of Douglas and Sarpy County
Sarpy County Board of Commissioners
Bromm, Curt
AFLAC
Cable Communications Association, Nebraska
KZ Co.
Lexington Public Schools

Verizon Wireless
Bruckner, Traci
Center for Rural Affairs
Bruning, Deonne L.
Century Link (formerly Embarq Corp.)
Cox Communications
Northern Natural Gas
U. S. Cellular
Buntain, David R.
Medical Association, Nebraska
Regions I, II and V Services
Burhan, Charles H.
Liberty Mutual Insurance
Burroughs, Sheila K.
Certified Public Accountants, Nebraska Society of
Campbell, Mary
Lincoln Public Schools
Carstenson, Eric B.
Telecommunications Association, Nebraska
Carter, Jennifer
Appleseed Center for Law in the Public Interest, Nebraska
Cavanaugh Law Firm, PC, LLO
Creighton University
Explore Information Services, LLC
Independent Insurance Agents of Nebraska
Tenet Health System
Cavanaugh, James P.
Cavanaugh Law Firm PC, LLO
Cavanaugh, Patrick B.
Cavanaugh Law Firm PC, LLO
Cheloha, John A. 'Jack'
City of Omaha
Christiansen, Craig R.
Education Association, Nebraska State
Clark, Douglas R.
Metropolitan Utilities District
Clayburn, Neal
Education Association, Nebraska State
Coleman, Steven D.
Papillion - La Vista Public Schools
Courtney, Robert
AARP
Cover, Joni R.
Pharmacists Association, Nebraska
Cox, Christopher
National Rifle Association Institute for Legislative Action
Crawford, Kristin Lawson
Kissel/E&S Associates, LLC
Cunningham, Douglas

Affiliated Foods Midwest
Cunningham, James R.
Catholic Conference, Nebraska
Curtis, Carol A.
AstraZeneca Pharmaceuticals
Cutshall & Nowka
Anheuser-Busch Companies
Area Agencies on Aging, Nebraska Association of
Area Health Education Centers
BryanLGH Health System
Chief Probation Officers Coalition
Community Lottery System, Inc.
County Attorneys Association, Nebraska
Credit Advisors
Dietetic Association, Nebraska
Elkhorn Public Schools
Family Physicians, Nebraska Academy of
Funeral Directors Association, Nebraska
Home & Community Health Agencies, Nebraska Association of
Meda Pharmaceutical Inc.
Metropolitan Utilities District
Nebraska Public Power District
Nebraska State College Systems, Board of Trustees of the
NET Foundation for Television
Peetz & Company
Pfizer, Inc.
Police Officers' Association of Nebraska
Pork Producers Association, Nebraska
Poultry Industries, Inc., Nebraska
Radiologic Technologists, Nebraska Society of
Resources Districts, Nebraska Association of
Rural Community School Association, Nebraska
Sheriffs Association, Nebraska
Society of Human Resources Management's (SHRM) Nebraska State Council
Southern Public Power District
Trucking Association, Nebraska
Union Pacific Railroad
Water Coalition, Nebraska
Cutshall, Bruce A.
Cutshall & Nowka
Dake Abel, Julie
Public Employees, AFSCME Local 61, Nebraska Association of
Dibbern, Chris M.
Nebraska Municipal Power Pool
Dittmer, Judy
AARP
Dix, Larry
County Officials, Nebraska Association of

Dobler, James B.
Farmers Mutual of Nebraska
Donaldson, R. Eric
Altria Client Services Inc. and its Affiliates (formerly Philip Morris USA Inc.)
Donovan, Steve
Ducks Unlimited, Great Plains
Downey, Robert A.
Capital Humane Society
Dudley, William H.
AFLAC
Dukesherer, James C.
Rural Electric Association, Nebraska
Dulaney, Michael S.
School Administrators, Nebraska Council of
Edson, Dean E.
Resources Districts, Nebraska Association of
Edwards, Jon
County Officials, Nebraska Association of
Egr, James M.
Firefighters Association, Nebraska State Volunteer
Elliott, Joseph W.
Professional Insurance Agents of Nebraska
Eppler, Robert
AARP
Eret, Don
Tractor Testing Laboratory, Supporters of Nebraska
Erickson, Julie S.
American Communications Group, Inc.
Ernst, Dan E.
School Administrators, Nebraska Council of
Esposito, Mikilin M.
City of Lincoln
Evans, Eric A.
Advocacy Services, Inc., Nebraska
Ferrell, Beth Bazyn
County Officials, Nebraska Association of
Fischer-Lempke, Marla J.
ARC of Nebraska
Fraizer, Theodore D. (Tad)
Insurance Association, American
Mutual of Omaha Insurance Company
Updowntowners, Inc.
Freeman, Clayton
Alzheimer's Association, Midlands Chapter
Fritz, Teresa Stitcher
Alzheimer's Association of the Great Plains
Gangwish, Duane
Cattlemen, Inc., Nebraska

Genrich, Richard L.
Eagles, Fraternal Order of, NE State Aerie
Veterans & Social Societies, Inc., Nebraska Council of Fraternal
Gilbertson, Korby M.
Radcliffe, Walter H. of Radcliffe & Associates
Wildlife Protectors Association, Inc./Operation Game Thief, Nebraska
Goc, John J.
Metropolitan Utilities District
Gossman, Abigail
MedImmune, Inc.
Gottschalk, Kristen
Rural Electric Association, Nebraska
Gould, John 'Jack'
Common Cause National
Common Cause Nebraska
Guinan, Trish
Education Association, Nebraska State
Hack, Mace A.
Nature Conservancy, The
Hale, Brian R.
School Boards, Nebraska Association of
Hale, Susan
Planned Parenthood of the Heartland
Hallstrom, Robert J.
Brandt, Horan, Hallstrom and Stilmock
Hamilton Consulting
Life Lock, Inc.
Hansen, John K.
Farmers Union, Nebraska
Hartmann, William
One-Call Notification Center, Nebraska Statewide
Harvey, William F.
EHPV (Big Red) Lottery Services, LLC d/b/a Big Red Keno
Vigilnet America Inc.
Hassebrook, Charles, Jr.
Center for Rural Affairs
Haubensak, Richard
Constellation NewEnergy Gas Division (formerly Cornerstone Energy, Inc.)
Hayes, Jason William
Tax Research Council, Inc., Nebraska
Head, Craig J.
Farm Bureau Federation, Nebraska
Hedman, Gary
Southern Public Power District
Hernandez, Jennifer
Children & Families Foundation, Nebraska
Herzog, Frank
AARP

Higgins, Shirley
  Nebraska Public Power District
Hinds, Carolyn C
  AARP
Hoffman, Jerry
  Education Association, Nebraska State
Holmquist, David W.
  American Cancer Society
Holmquist, Jay
  Rural Electric Association, Nebraska
Hood, Jane Renner
  Humanities Council, Nebraska
Horn, Ryan
  Wal-Mart Stores, Inc.
Hurst, Lisa
  Life Technologies Corporation
Husch Blackwell Sanders, LLP
  Chiropractic Physicians Association, Nebraska
  Crown Cork and Seal Company, Inc.
  Home Instead, Inc.
  Papio-Missouri Natural Resources District, Nebraska
  Wal-Mart Stores, Inc.
  Waste Management
Intermill, Mark
  AARP
Jaeschke, Ronda
  SourceGas Distribution, LLC
Jeffers, Thomas E.
  Cooperative Council, Nebraska
Jensen, Ronald L./Jensen Associates, Inc.
  Altria Client Services Inc. and its Affiliates (formerly Philip Morris USA Inc.)
  Children's Respite Care Center, Inc.
  Dental Hygienists Association, Nebraska
  Eli Lilly and Company
  Health Management Systems
  Homes & Services for the Aging, Nebraska Association of
  Johnson, DeMaris/The Johnson Group
  Magellan Health Services, Inc.
  Mosaic
  National Rifle Association Institute for Legislative Action
  Nurse Anesthetists, Nebraska Association of
  Optometric Association, Nebraska
  Podiatric Medical Association, Nebraska
  Service Providers, Nebraska Association of
Jensen, S. Michael
  Great Plains Communications
Johnson, DeMaris - The Johnson Group
  Bromm, Curtis A.

Cable Communications Association, Nebraska
Check Cashers, Nebraska Association of
County Attorneys Association, Nebraska
Industrial Energy Users of Nebraska
Jensen, Ronald/Jensen & Associates
Water Resources Association, Nebraska
Johnson, Dick
Builders and Contractors, Inc., Associated
Johnson, Kimberly
United Parcel Service
Johnson, Larry A.
Trucking Association, Nebraska
Johnson, Mary A.
Ruth Mueller Robak LLC
Jordison, John C.
Great Plains Communications
Renaissance Nebraska Project, Inc.
Kamm, Richard D.
Adams Central Junior-Senior High
Grand Island Northwest Public Schools
Lakeview Community Schools
Karl, Jamie T.
Chamber of Commerce & Industry, Nebraska
Karnes, David
Curbside Rewards LLC
EHPV (Big Red) Lottery Services, LLC d/b/a Big Red Keno
Father Flanagans Boys Home aka Boys Town
Vigilnet America Inc.
Kay, Sara A.
AIA Nebraska
Keigher, Timothy P.
Community College Association, Nebraska
Keigher/Rasmussen & Associates, LLC
Petroleum Marketers & Convenience Store Assn., Nebraska
Keigher/Rasmussen & Associates, LLC
AirBoat Association, Nebraska
Credit Management
Iowa/Nebraska Equipment Dealers Association
Land Improvement Contractors Association, Nebraska
LensCrafters
MillerCoors LLC (formerly Miller Brewing Company)
National Guard Assn. of Nebraska
Kelley and Jerram, P.C.
Beverage Operators of Nebraska, Responsible
Douglas County, Nebraska
Eastern Nebraska Human Services Agency
Elevator Industry Work Preservation
Fraternal Order of Police, Nebraska
Johnson Brothers/Finocchiaro, LLC

Omaha Exposition & Racing, Inc.
Kelley Governmental Relations, LLC
Metro Area Transit
Omaha Airport Authority
Kelley, Michael
Kelley and Jerram, P.C.
Kelley Governmental Relations, LLC
Kelley, Sean
Kelley and Jerram, P.C.
Kelley Governmental Relations, LLC
Kelsey, Michael D.
Cattlemen, Inc., Nebraska
Kennedy, Barry L.
Chamber of Commerce & Industry, Nebraska
Kenny, Timothy R.
Investment Finance Authority, Nebraska
Kevil, G. Bruce
Home Builders Association, Nebraska State
Kidwell, Katie L.
Civic Reform, Nebraskans for
Kilgarin, Karen
Education Association, Nebraska State
Kissel, Gordon
Kissel/E&S Associates, LLC
Kissel/Erickson & Sederstrom Associates, LLC
American Petroleum Institute
Ameristar Casinos, Inc.
Beverage Distributors of Nebraska, Associated
CASA Association, Nebraska
Cooperative Council, Nebraska
County Court Association, Nebraska
Engineers, Nebraska Society of Professional
Erickson & Sederstrom, PC
Golf Course Superintendents Association, Nebraska
Hearing Society, Nebraska
Historical Society, Nebraska State
Kaplan Higher Education in Nebraska c/o MultiState Associates, Inc.
Lancaster County Board of Commissioners
March of Dimes Birth Defects Foundation
Nebraska Municipal Power Pool
Professional Engineers Coalition
Ralston Public School District
Regional Administrators, Nebraska Association of
Sarpy County, United Cities of
Telecare Corporation
TransCanada Pipelines Limited
West Corporation
Kohout, Joseph D.
Kissel/E&S Associates, LLC

Kolterman, Jessica A.
Farm Bureau Federation, Nebraska
Krannawitter, Brian
American Heart Association
Krumland, Gary G.
League of Nebraska Municipalities
Kruse, Dacia D.
Omaha Chamber of Commerce, Greater
Lange, Robert G.
Ameritas Life Insurance Corporation
Levy, David C.
Midwest Wind Energy
Libsack, Fiona
Regional West Health Services
Licht, Alice L.
Agri-Business Association, Nebraska
Anderson Management Services, Inc.
Auctioneers Association, Nebraska
Automotive Recycling Industry of Nebraska
Aviation Trade Association, Nebraska
Hotel & Motel Association, Inc., Nebraska
Pest Control Association, Nebraska State
Licht, Andrew W.
Anderson Management Services, Inc.
Likes, Steven C., Esq.
Investment Finance Authority, Nebraska
Lillis, John J.
Nebraskans United For Life
Lindsay, John
O'Hara, Lindsay & Associates, Inc.
Lineweber, Ray L.
United Transportation Union
Loeffler, Michael T.
Northern Natural Gas
Logsdon, Robert R.
Cox Communications
Lombardi, Richard A.
American Communications Group, Inc.
Lowrey, Lon
Novartis Pharmaceuticals Corporation
Luetkenhaus, Brandon M.
Credit Union League and Affiliates, Nebraska
Mahlman, Dale L.
Medical Association, Nebraska
Mainwaring, Brenda
Union Pacific Railroad
Marsh, Laurel S.
ACLU Nebraska
Mass, Ken E.

AFL-CIO, Nebraska State
McBride, David S.
Health Underwriters, Nebraska Association of
Insurance and Financial Advisors, National Association of
Optometric Association, Nebraska
McClure, Jeanne L.
Alegent Health
McClure, John
Nebraska Public Power District
McClymont, Pete
Cattlemen, Inc., Nebraska
McCullough, Jacqueline K.
Engineering Companies/Nebraska, American Council of
McDonald, Vickie
Center For People In Need
McGuire, Mark D.
Cameco (formerly Crow Butte) Resources, Inc.
Education Association, Nebraska State
McHugh, Jim
Regional West Health Services
McKenzie, Janis M.
Gifted, Nebraska Association For The
Independent Colleges & Universities of Nebraska (AICUN), Association of
Insurance Federation, Nebraska
Meek, Randy D.
Brotherhood of Locomotive Engineers, Nebraska State Legislative Board
Menzel, Elaine
County Officials, Nebraska Association of
Meradith, Steve
Windstream
Merritt, Gary James
Auto Dealers Association, Nebraska Independent
Meurrens, Bradley A.
Advocacy Services, Inc., Nebraska
Micek, Cora
Hospital Association, Nebraska
Mikkelsen, Brian
Education Association, Nebraska State
Miller, Amy
ACLU Nebraska
Miller, Jeffrey T.
Veterans of Foreign Wars
Mills, Jack D.
Blue Cross & Blue Shield of Nebraska
Risk Management Association, Nebraska Intergovernmental
Mines, Mick
Humane Society, Nebraska
Insurance and Financial Advisors, National Association of

League of Nebraska Municipalities
Mines & Associates
Mischo, Craig
Bayer Health Care
Morfeld, Adam
Civic Reform, Nebraskans for
Mortland, Thomas
Berkshire Hathaway Homestate Companies
Moylan, James H.
Beverage Association, Nebraska Licensed
Reynolds American (formerly RJ Reynolds Tobacco)
Mueller, William J.
Ruth Mueller Robak LLC
Munguia, Roberto F.
Burlington Northern Santa Fe
Murphy, Jeremy P.
Catholic Conference, Nebraska
Nabb, Douglas
Fremont Public Schools
Napp, Jaimee
Identity Theft Action Council of Nebraska (iTAC)
Nathan, Robbie
AARP
Neville, Brennan S.
National Indemnity Company
Nielsen, Coleen J.
Criminal Defense Attorneys Association, Nebraska
Insurance Information Service, Nebraska
Medco Health Solutions, Inc.
Merck Sharp & Dohme Corp. and its Affiliates
State Farm Insurance Companies
Nolan, Michael
League of Nebraska Municipalities
Nowka, Trent P.
Cutshall & Nowka
O'Hara, Lindsay and Associates, Inc.
AIA Nebraska
Ambulatory Centers, Nebraska Association of Independent
Automobile Manufacturers, Alliance of
Beverage Association, Nebraska
Black Hills Corporation (formerly Aquila)
Blue Cross & Blue Shield of Nebraska
City of Hastings
City of Lincoln
County Judges Association, Nebraska
First National of Nebraska, Inc.
Housing & Redevelopment Officials, Nebraska Chapter of the National Association of
Humane Society of the United States, The

Humanities Council, Nebraska
Nebraskans Against the Death Penalty
Nucor Corporation
Nurses Association, Nebraska
Omaha Public Power District
Omaha Public Schools
Professional Employer Organizations, National Association of
SourceGas Distribution, LLC
Trial Attorneys, Nebraska Association of
Valmont Industries, Inc.
Winnebago Tribe of Nebraska
O'Neill, Thomas J., Jr.
Independent Colleges & Universities of Nebraska (AICUN), Association of
Olsen, Keith R.
Farm Bureau Federation, Nebraska
Orton, Leroy
Irrigation Association, Nebraska State
Waste Water Assn., Nebraska On-Site
Well Drillers Association, Nebraska
Othmer, Mark F.
Iowa/Nebraska Equipment Dealers Association
Otto, James A.
Restaurant Association, Nebraska
Retail Federation, Nebraska
Ozanne, Colleen K.
Center For People In Need
Pack, Mary M.
Radcliffe, Walter H. of Radcliffe & Associates
Paden, Nicholas
Broadband Coalition, Nebraska
Cambridge Telephone Company
Clarks Telecommunications Co.
Consolidated Telephone Company
Great Plains Communications
Hamilton Telecommunications
Hartelco (formerly Hartington Telecommunications, Inc.)
Hershey Coop Telephone Co.
HunTel Systems, Inc.
Ignition Interlock Systems of IA, Inc.
K & M Telephone Company
Nebraska Central Telephone Company
Northeast Nebraska Telephone Co.
Stanton Telecom, Inc.
Three River Telco
Parker, David R.
Great West Casualty Company
Passarelli, Angelo D.
Millard Public Schools

Peetz, Natalie, Peetz & Company
  2010 Special Olympics USA National Games
  Alegent Health
  American Legal Finance Association
  Apollo Group, Inc./Univ. of Phoenix
  Behavioral Health, Advocates for
  Boys and Girls Club of America
  Children & Families Foundation, Nebraska
  Coventry Insurance
  Cutshall & Nowka
  Kiewit Corporation
  Metropolitan Entertainment & Convention Authority (Qwest Center Omaha)
  Omaha Zoological Society
  Tenaska
Peters, William E.
  Burlington Northern Santa Fe
  Cigar Association of America, Inc.
  Medx12, Inc.
Peterson, Alan E.
  Media of Nebraska, Inc.
Peterson, Patricia Schuett
  Investment Finance Authority, Nebraska
Petsch, Jean M.
  General Contractors, Associated (NE Building Chapter)
Pieper, James S.
  Cox Communications
  Learning Community of Douglas and Sarpy County
  Sarpy County Board of Commissioners
Pierson, Darwin R.
  Oil & Gas Association, Nebraska Independent
Plofchan, Paul
  Pfizer, Inc.
Plucker, Julia
  Collectors Association, Nebraska
Pollock, Andy
  Friends of Nebraska Nonprofit Hospitals
  Gottsch Enterprises
  Morrison Enterprises, LLC
  Nebraska Energy Export Association
  NorthWestern Energy
  Progressive Swine Technologies
Polt, Brendon A.
  Health Care Association, Nebraska
Popken, Kent T.
  Qwest Communications
Potter, Cara E.
  National Association of Chain Drug Stores
Prenda, Amy

Cutshall & Nowka
Ptacek, Patrick J.
Grain and Feed Association, Nebraska
Radcliffe, Walter H. of Radcliffe & Associates
2013 US Senior Open Local Organizing Committee
ALTRIA Client Services, Inc. (Formerly UST Public Affairs, Inc.)
Bellevue Public Schools
Broadcasters Association, Nebraska
Cable Communications Association, Nebraska
Cemetery Association, Nebraska State
Certified Public Accountants, Nebraska Society of
Community Financial Services of America (CFSA) c/o MultiStates Associates Inc.
Compensation Insurance, National Council on (NCCI)
Fair Board, Nebraska State
Father Flanagans Boys Home aka Boys Town
Father Flanagans Boys Home d/b/a Boys Town National Research Hospital
Guaranteed Asset Protection Association
Health Care Association, Nebraska
Home Builders Association, Nebraska State
Horsemens Benevolent & Protective Association
INTRALOT USA
League of Nebraska Municipalities
Lincoln Public Schools
Media of Nebraska, Inc.
Medical Center, Nebraska
Metropolitan Community College
Motion Picture Association of America
Nebraska Expressways for Economic Development (NEED)
Nebraska Technical Services, Inc.
Optometric Association, Nebraska
Property Casualty Insurers Association of America
Public Health Funding, Nebraskans for
Pyrotechnics Association, Nebraska
Realtors Association, Nebraska
Republic National Distributing Company (Formerly Wholesale Liquor Distributors Association, Nebraska)
Sanofi Pasteur, (MultiState Associates, Inc on behalf of)
Small Smiles of Nebraska c/o Multistate Associates Inc.
State Troopers Association of Nebraska, Inc.
Telecommunications Association, Nebraska
Tyson Foods, Inc.
University of Nebraska
Rea, James M.
Lincoln Education Association
Redoutey, Laura J.
Hospital Association, Nebraska
Reiman, Charlene

SourceGas Distribution, LLC
Rempe, Jay E.
Farm Bureau Federation, Nebraska
Renner, Shawn D.
Media of Nebraska, Inc.
Rex, L. Lynn
League of Nebraska Municipalities
Reynolds, Jeff
Center for Rural Affairs
Richards, Thomas
Omaha Public Power District
Rieker, Bruce R.
Hospital Association, Nebraska
Riibe, Diane
Project Extra Mile
Ring, Kenneth T.
AARP
Riskowski, Al
Family Council, Nebraska
Robak, Kim M.
Ruth Mueller Robak LLC
Roland, Gene
SourceGas Distribution, LLC
Root, David
Medco Health Solutions, Inc.
Ruth Mueller Robak LLC
Airport Officials, Nebraska Association of
American Express Travel Related Services, Inc.
Ash Grove Cement Co.
AT&T Corporation
Bankers Association, Heartland Community
Better Nebraska Association
Chief Industries, Inc.
Children and Family Coalition of Nebraska
Commercial Property Owners, Nebraska Association of
Constellation NewEnergy Gas Division (formerly Cornerstone Energy, Inc.)
Copic Companies
Court Reporters Association, Nebraska
Dental Association, Nebraska
District Court Judges Association, Nebraska
Duncan Aviation
Eastern Nebraska Development Council
eBay, Inc.
Electrical Contractors Association, National
Eye Physicians and Surgeons, Nebraska Academy of
First Data Corporation
General Contractors of America, NE Chapter, Associated
Independent Accountants, Nebraska Society of

Land Title Association, Nebraska
Lincoln Airport Authority
Lower Republican NRD
Lyman-Richey Corporation
Machinery Company, Nebraska
Madonna Rehabilitation Hospital
MedImmune Incorporated
Methodist Health Systems, Nebraska
Millard Public Schools
Nebraska Interactive
Nebraska State Bar Association
Pharmaceutical Research and Manufacturers of America
Press Association, Nebraska
Sterling Distribution Co.
Veterinary Medical Association, Nebraska
Viaero Wireless
Ryan, Beth
Cutshall & Nowka
Sahling-Zart, Shelley R.
Lincoln Electric System
Schaefer, Matthew T.
Ruth Mueller Robak LLC
Schafer, Andrea R.
Norris Public Power District
Scherer, Larry
Education Association, Nebraska State
Schleppenbach, Greg
Catholic Conference, Nebraska
Schmit Industries, Inc.
Chiropractic Physicians Association, Nebraska
Ethanol Producers, Assoc. of Nebraska
Schmit-Albin, Julie
Nebraska Right to Life
Schuller, Lynne
Horsemens Benevolent & Protective Association
Propane Gas Association, Nebraska
Schultz, William E.
Marksmanship Association, Nebraska
Sears, T. Jay
Education Association, Nebraska State
Sedlacek, Ronald J.
Chamber of Commerce & Industry, Nebraska
Husch Blackwell Sanders, LLP
Seibert, Tiffany
Voices for Children
Shasky, Kelly Stevens
Washington Center, The
Sheard, James W., Jr.
Nebraska Change to Win Coalition c/o Teamsters Local 554

Siefken, Kathy
Grocery Industry Association, Nebraska
Shazam
Stilmock, Gerald M.
Brandt, Horan, Hallstrom and Stilmock
Sullivan, J. Scott
Credit Union League and Affiliates, Nebraska
Todd, A. Loy, Jr.
Car & Truck Dealers Association, Nebraska New
Uhe, Fred J.
Sarpy County Board of Commissioners
Ullstrom, Galen F.
Mutual of Omaha Insurance Company
Valentin, Michaela L.
Blue Cross & Blue Shield of Nebraska
Veak, Becky
Children & Families Foundation, Nebraska
Vodvarka, Dan
Certified Public Accountants, Nebraska Society of
Wagner, Connie
Licensed Practical Nurse Association of Nebraska
Watson, James S.
United Healthcare Services, Inc. and Affiliates
Weber, Rocky
Cooperative Council, Nebraska
Werner, Terry
Social Workers, Nebraska Chapter, National Association of
Wesely, Don
O'Hara, Lindsay & Associates, Inc.
Wheeler, Harold
AARP
White, Rosemary
AAA Nebraska and The Auto Club Group
Wightman, Anna Castner
First National of Nebraska, Inc.
Williams, David M.
Ameritas Life Insurance Corporation
Wimmer, J. Kent
Western Sugar Cooperative (CO)
Wininger, Dwight
Rural Telecommunications Coalition, Nebraska
Winston, Ken
Library Association, Nebraska
Sierra Club, Nebraska
Withem, Ron
University of Nebraska
Wolf, Jesse
Education Association, Nebraska State
Woods, Kara

Johnson, DeMaris/The Johnson Group
Wurster, Donald F.
National Indemnity Company
Yost, Jeffrey G.
Community Foundation, Nebraska
Yost, Kurt T.
Bankers, Nebraska Independent Community
Central Nebraska Public Power & Irrigation District
Midwest Check Cashiers, Inc.
Young, Justin
Occupational Therapy Association, Nebraska
Zaenglein, Norbert
Autobody Association, Nebraska
Zalenski, Susan D.
Johnson & Johnson
Zeeb, Chris M.
Firearms Owners Association, Nebraska (NFOA)
Zieg, Patricia A.
Apria Healthcare, Inc.
Zulkowski, Katie W.
Ruth Mueller Robak LLC
Zumwinkle, Mike
Cargill/Excel

MOTION - Adopt Permanent Rules

Senator Lautenbaugh moved to adopt the permanent rules for the One Hundred First Legislature, Second Session, and any special sessions held during the 2010 calendar year.

The Rules Committee renewed the proposed rules change, Proposed Rules Change 1, found on page 131, to Rule 4, Sec. 1.

The Rules Committee's proposed rules change, Proposed Rules Change 1, was adopted with 40 ayes, 0 nays, 5 present and not voting, and 4 excused and not voting.

Senator Lautenbaugh renewed his motion, found in this day's Journal, to adopt the permanent rules, as amended, for the One Hundred First Legislature, Second Session, and any special sessions held during the 2010 calendar year.

The Lautenbaugh motion to adopt permanent rules, as amended, prevailed with 43 ayes, 0 nays, 2 present and not voting, and 4 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 682. Title read. Considered.

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

LEGISLATIVE BILL 683. Title read. Considered.

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

LEGISLATIVE BILL 684. Title read. Considered.

Advanced to Enrollment and Review Initial with 45 ayes, 0 nays, 2 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 261. Considered.

PRESIDENT SHEEHY PRESIDING

Committee AM182, found on page 367 and considered on page 576, First Session, 2009, was renewed.

Senator Fischer renewed her amendment, AM323, found on page 576, First Session, 2009, to the committee amendment.

Pending.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 847. Introduced by Council, 11.

A BILL FOR AN ACT relating to courts; to amend sections 25-2720.01, 25-2803, and 25-2804, Reissue Revised Statutes of Nebraska; to change Small Claims Court powers relating to judgments and orders and provide for use of attorneys as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 848. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to cities of the first class; to amend section 16-707, Reissue Revised Statutes of Nebraska; to change provisions relating to board of equalization meetings; and to repeal the original section.

LEGISLATIVE BILL 849. Introduced by Gay, 14.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 68-906, 68-1017, 68-1017.01, 68-1070, 77-27,165, 83-1220, 83-1221, 83-1222, 83-1223, and 83-1224, Reissue Revised Statutes of Nebraska, and section 83-1217, Revised Statutes Supplement, 2009; to adopt federal law for purposes of the Medical Assistance Act and the Supplemental Nutrition Assistance Program; to remove and change references to Supplemental Nutrition Assistance Program coupons and benefits; to change notification requirements for child support claims against income tax refunds; to change requirements for specialized programs providing developmental disability services; to change provisions relating to hearing officers of the Division of Developmental Disabilities; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 850. Introduced by Avery, 28.

A BILL FOR AN ACT relating to public postsecondary educational institutions; to require the provision of information on early voting to students.

LEGISLATIVE BILL 851. Introduced by Avery, 28.

A BILL FOR AN ACT relating to political subdivisions; to amend sections 13-2703, 13-2705, 13-2706, and 13-2707, Reissue Revised Statutes of Nebraska, and section 13-2610, Revised Statutes Supplement, 2009; to change provisions under the Convention Center Facility Financing Assistance Act and the Local Civic, Cultural, and Convention Center Financing Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 852. Introduced by Avery, 28.

A BILL FOR AN ACT relating to elections; to amend section 32-816, Reissue Revised Statutes of Nebraska; to change provisions relating to write-in space on official ballots for certain offices; and to repeal the original section.

LEGISLATIVE BILL 853. Introduced by Wightman, 36; Ashford, 20; Council, 11.

A BILL FOR AN ACT relating to criminal law; to amend sections 28-105, 29-2204, 29-2520, 29-2522, 29-2524, and 83-1,105.01, Reissue Revised Statutes of Nebraska; to change the statutes to reflect the Nebraska Supreme Court opinion State v. Conover, 270 Neb. 446, 703 N.W.2d 898 (2005); to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 854. Introduced by Howard, 9.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-131.01 and 53-135, Reissue Revised Statutes of

Nebraska; to change requirements for licensure; and to repeal the original sections.

LEGISLATIVE BILL 855. Introduced by Fischer, 43.

A BILL FOR AN ACT relating to pharmacies; to amend section 38-2845, Reissue Revised Statutes of Nebraska, and section 38-2801, Revised Statutes Supplement, 2009; to adopt the Remote Pharmacy Act; to define and redefine terms; to change provisions relating to the Pharmacy Practice Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 856. Introduced by Janssen, 15.

A BILL FOR AN ACT relating to the state highway system; to amend section 39-1359, Reissue Revised Statutes of Nebraska; to provide for rules and regulations regarding memorials in the right-of-way; and to repeal the original section.

LEGISLATIVE BILL 857. Introduced by Gay, 14.

A BILL FOR AN ACT relating to the Public Service Commission; to amend sections 71-1559 and 71-4604.01, Reissue Revised Statutes of Nebraska; to eliminate limitations on certain fees; to create and eliminate funds; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 858. Introduced by Sullivan, 41.

A BILL FOR AN ACT relating to service animals; to amend sections 20-126, 20-131.01, and 28-1009.01, Reissue Revised Statutes of Nebraska, and sections 20-126.01, 20-127, 20-128, 20-129, 20-131.02, and 20-131.04, Revised Statutes Cumulative Supplement, 2008; to provide protections and penalties for mobility-impaired and otherwise disabled persons who use service animals as prescribed; to provide additional requirements for service animals and service animals in training; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 859. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to courts; to amend sections 25-2705 and 25-2805, Reissue Revised Statutes of Nebraska; to change provisions relating to trial by jury; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 860. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to the Concealed Handgun Permit Act; to amend section 69-2433, Reissue Revised Statutes of Nebraska; to change permit application provisions relating to misdemeanor crimes of violence;

and to repeal the original section.

LEGISLATIVE BILL 861. Introduced by General Affairs Committee: Karpisek, 32, Chairperson; Coash, 27; Cook, 13; Dierks, 40; Dubas, 34; Krist, 10; Price, 3; Rogert, 16.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 9-823, 28-421, 53-123.12, 53-124.13, 53-124.14, 53-138.01, 53-139, 53-1,104, 60-4,152, 71-5730, and 79-267, Reissue Revised Statutes of Nebraska, sections 48-1902, 53-122, 53-123.13, 53-123.15, 53-124.12, 53-132, 53-134, 53-164.01, 53-169.01, 53-403, and 60-4,119, Revised Statutes Cumulative Supplement, 2008, and sections 53-101, 53-103, 53-124, and 53-131, Revised Statutes Supplement, 2009; to transfer definitions and fee provisions; to change provisions relating to distribution of license fees in accordance with the Constitution of Nebraska; to eliminate unconstitutional provisions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 862. Introduced by Christensen, 44; Carlson, 38.

A BILL FOR AN ACT relating to natural resources; to amend sections 2-3226.01 and 2-3226.05, Revised Statutes Cumulative Supplement, 2008; to change provisions relating to river-flow enhancement bonds; to change provisions relating to an occupation tax as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 863. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to cities of the first class; to amend section 31-744, Reissue Revised Statutes of Nebraska, and section 16-130, Revised Statutes Supplement, 2009; to change provisions relating to annexation; to provide duties for sanitary and improvement districts; and to repeal the original sections.

LEGISLATIVE BILL 864. Introduced by Pirsch, 4; Ashford, 20; Carlson, 38; Council, 11; Fulton, 29; Giese, 17; Nelson, 6.

A BILL FOR AN ACT relating to the Community Corrections Act; to amend sections 47-619 and 47-624, Revised Statutes Cumulative Supplement, 2008; to provide duties for the Community Corrections Council regarding reporting centers; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 865. Introduced by Fischer, 43; Carlson, 38; Cornett, 45; Dubas, 34; Schilz, 47.

A BILL FOR AN ACT relating to animals; to amend sections 28-1008 and 28-1013, Revised Statutes Supplement, 2009; to adopt the Livestock Animal Welfare Act; to harmonize provisions; to provide a duty for the Revisor of

Statutes; to repeal the original sections; and to outright repeal sections 28-1009.02, 28-1009.03, 28-1013.01, and 28-1013.02, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 866. Introduced by Howard, 9; Gloor, 35.

A BILL FOR AN ACT relating to the Pharmacy Practice Act; to amend sections 38-2817, 71-436, and 71-7435, Reissue Revised Statutes of Nebraska, and sections 38-2801, 38-2802, 38-2850, 38-2867, and 38-2869, Revised Statutes Supplement, 2009; to define and redefine terms; to provide for a dispensing practitioner permit; to change provisions relating to an exception to the practice of pharmacy; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 867. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to alcoholic liquors; to amend section 53-124, Revised Statutes Supplement, 2009; to change fees for shipping licenses; and to repeal the original section.

LEGISLATIVE BILL 868. Introduced by Flood, 19.

A BILL FOR AN ACT relating to criminal procedure; to amend sections 29-2262, 29-2266, 29-2277, 29-2278, 29-2279, 48-126.01, 48-147, 53-180.05, 60-6,211.02, and 60-6,211.06, Reissue Revised Statutes of Nebraska, sections 48-115 and 48-145, Revised Statutes Cumulative Supplement, 2008, and section 48-106, Revised Statutes Supplement, 2009; to name, change, and adopt provisions for the Community Service Sentencing Act; to provide for community service programs; to state findings and intent; to remove offenders performing community service and persons fulfilling conditions of probation from coverage under the Nebraska Workers' Compensation Act; to limit liability of a community service program under the Community Service Act and provide duties; to change penalties for a minor in possession of alcohol and a minor driving with blood alcohol concentration within certain limits; to harmonize provisions; and to repeal the original sections.

RESOLUTIONS

LEGISLATIVE RESOLUTION 279CA. Introduced by Avery, 28.

THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 2010 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 2:

III-2 The first power reserved by the people is the initiative whereby laws may be enacted and constitutional amendments adopted by the people

independently of the Legislature. This power may be invoked by petition wherein the proposed measure shall be set forth at length. If the petition be for the enactment of a law, it shall be signed by ~~seven~~ four percent of the registered voters of the state, and if the petition be for the amendment of the Constitution, the petition therefor shall be signed by ~~ten~~ fifteen percent of such registered voters. In all cases the registered voters signing such petition shall be so distributed as to include five percent of the registered voters of each of two-fifths of the counties of the state, and when thus signed, the petition shall be filed with the Secretary of State who shall submit the measure thus proposed to the electors of the state at the first general election held not less than four months after such petition shall have been filed. The same measure, either in form or in essential substance, shall not be submitted to the people by initiative petition, either affirmatively or negatively, more often than once in three years. If conflicting measures submitted to the people at the same election be approved, the one receiving the highest number of affirmative votes shall thereby become law as to all conflicting provisions. The constitutional limitations as to the scope and subject matter of statutes enacted by the Legislature shall apply to those enacted by the initiative. Initiative measures shall contain only one subject. The Legislature shall not amend, repeal, modify, or impair a law enacted by the people by initiative, contemporaneously with the adoption of this initiative measure or at any time thereafter, except upon a vote of at least two-thirds of all the members of the Legislature.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to change the number of signatures required on initiative petitions.

For

Against.

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 280. Introduced by Stuthman, 22.

WHEREAS, the Howells Bobcats won the 2009 Class D-1 State Football Championship; and

WHEREAS, the Bobcats defeated Giltner High School 68-28 to win the state title; and

WHEREAS, the Bobcats also won state titles in 2000, 2001, 2002, 2003, 2004, 2005, and 2008; 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, SECOND SESSION:

1. That the Legislature congratulates the Howells Bobcats on winning the 2009 Class D-1 State Football Championship.

2. That a copy of this resolution be sent to the Howells Bobcats and their coach, Mike Speirs.

Laid over.

LEGISLATIVE RESOLUTION 281. Introduced by Stuthman, 22.

WHEREAS, the Humphrey St. Francis Flyers won the 2009 Class D-2 State Football Championship; and

WHEREAS, the Flyers defeated Hayes Center High School 34-0 to win the state title; and

WHEREAS, the Flyers were able to capture the 2009 state title after a runner-up finish in 2008; 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, SECOND SESSION:

1. That the Legislature congratulates the Humphrey St. Francis Flyers on winning the 2009 Class D-2 State Football Championship.

2. That a copy of this resolution be sent to the Humphrey St. Francis Flyers and their coach, Eric Kessler.

Laid over.

MOTION - Print in Journal

Senator Lautenbaugh filed the following motion to LB796:
MO71
Indefinitely postpone.

NOTICE OF COMMITTEE HEARING
Urban Affairs

Room 1510

Tuesday, January 19, 2010 1:30 p.m.

LB781

(Signed) Amanda McGill, Chairperson

ATTORNEY GENERAL'S OPINION

Opinion 10002

SUBJECT: Elimination of the constitutional office of State Treasurer on a date that does not coincide with the end of an incumbent Treasurer's term of office.

REQUESTED BY: Senator Dennis Utter
Nebraska State Legislature

WRITTEN BY: Jon Bruning, Attorney General
Charles E. Lowe, Assistant Attorney General

Introduction

In a letter to this office dated November 20, 2009, you indicate that, at the next session of the Nebraska Legislature, you are planning to propose a constitutional amendment to eliminate the office of Nebraska State Treasurer. In that context you ask for our opinion on the question: "[C]ould the proposed Constitutional Amendment be worded to eliminate the office of State Treasurer in the middle of a term of office, or must elimination of the office of Treasurer coincide with the end of a validly elected Treasurer's term of office?"

In asking your question you clearly recognize that the State Treasurer is an officer created by the Nebraska Constitution, Neb. Const. art. IV, § 1, and that, therefore, such office may be eliminated only by means of a constitutional amendment. You also recognize that under that same section of the constitution the State Treasurer (along with the Governor, Lieutenant Governor, Secretary of State, State Auditor and Attorney General) is elected "for a term of four years." So the question is whether or not the office of State Treasurer can be eliminated by a constitutional amendment effective on some date that is before the incumbent State Treasurer at that time has served his or her full four year term in office.

Discussion

The following "black letter law" appears in 67 C.J.S. Officers § 93 (2002): "A term of office may be changed by constitutional amendment, or, in a proper case, by legislative enactment." That same section of C.J.S. contains the statement that a "change of term of an office may be made in the state constitution." It goes on to say: "The sovereign power creating an office may change its tenure in the absence of constitutional restriction, and such power may be exercised subject to constitutional limitations." (Footnotes omitted.)

In the case of the State Treasurer the "sovereign power" that created the office is the people of the State of Nebraska who, by means of exercising

their right to vote, approved the constitutional provisions naming the State Treasurer as a constitutional executive officer and setting his or her term of office. Based upon the general rules set forth above, it appears that this same "sovereign power" may, by constitutional amendment, delete the State Treasurer as a constitutional officer and/or change the term of office for such officer. State ex rel. Lull v. Frizzell, 31 Minn. 460, 467, 18 N.W. 316, 319-20 (1884), confirms this conclusion.

> It is elementary that there is no contract, express or implied, between a public officer and the government, whose agent he is, for the continuance of his office or the permanency of his salary for the full term for which he was elected. Public officers have no proprietary interest in their offices, or any right of property in the prospective compensation attached thereto. Public offices, in theory, at least, are held and exercised for the benefit of the public and not of the incumbent. Therefore, it is in all cases competent for the people, in their sovereign capacity, to abolish an office or shorten a term, or reduce or take away entirely the salary attached to it, without regard to the interests or expectations of the incumbent as to the prospective compensation. Cooley, Const. Lim. *276; County of Hennepin v. Jones, 18 Minn. 182, (199;) Connor v. City of New York, 2 Sandf. 355.

The Minnesota court in Frizzell upheld a series of constitutional amendments which shortened the terms of some constitutional officers and lengthened the terms of others.

Accordingly, it seems clear that the people, by means of a constitutional amendment, can eliminate a constitutional office at any point and that, in such circumstance, the office holder has no right to remain in office to serve out his or her entire term.

We believe that legal authority dealing with changes in terms of office for officers created by legislative enactments provides additional guidance in dealing with the issue of whether a constitutional amendment eliminating a constitutional office may take effect before the incumbent officer has served a full term of office. In this connection the section of C.J.S. cited above concludes that, since the sovereign authority that created an office may change its tenure, "the legislature may change the term of an office during the term of an incumbent, even though the effect of the change is to curtail the unexpired term of an incumbent . . . ." C.J.S. goes on to explain that the legislature cannot do this when the constitution fixes the duration of the term. This means that, while the legislature clearly cannot override the provisions of the constitution and, on its own, change the terms of constitutionally created state officers, it may change the terms of state officers it has created by law, even if such change results in an incumbent officer being out of office before the previously existing term of office has expired.

Nebraska cases appear to follow this general rule that the legislature may change the terms of state officers created by statute, even if it means that an incumbent officer's term of office will be shortened. Hamilton v. Foster, 155 Neb. 89, 93, 50 N.W.2d 542, 544-45 (1951); State ex rel. Comstock v. Stewart, 52 Neb. 243, 255, 71 N.W. 998, 1002-03 (1897). See, Op. Att'y Gen. No. 01040 (Dec. 17, 2001). In Stewart, a case which dealt with city council members in Lincoln, whose offices and terms of office had been created by legislation – not the constitution, the court stated:

> "In the absence of any constitutional prohibition or affirmative provision fixing the term of office of any officer, or his compensation, the legislature may change such term or compensation, and such change of term or compensation will apply as well to the officers then in office as to those to be thereafter elected." The same principle applies to the offices of councilmen. The official tenure of such officers is not fixed by the constitution, and hence may be shortened or terminated at the will of the legislature.

Stewart, 52 Neb. at 255, 71 N.W. at 1002-03 (quoting Douglas County v. Timme, 32 Neb. 272, 275, 49 N.W. 266, 267 (1891)).

In Stewart, of course, it was the Nebraska Legislature that was permitted to change the terms of office for officers it had created, even if that meant incumbents' terms were shortened. There is no reason, however, why the same result would not apply where the people, by means of adopting a constitutional amendment in the prescribed manner, change the term of office of an officer created by the constitution.

The Iowa Supreme Court has made the following observations in connection with upholding the elimination of an office created by the legislature before the terms of the incumbent officer holders expired:

> In 67 C. J. S., Officers, section 54(1), it is said:
>
> "It has been laid down broadly that a public officer, regardless of the form of the statute under which he takes office, enjoys a privilege revocable by the sovereignty at will and that the incumbent of a public office possesses only such right to it as the laws of tenure give to him. A constitutional officer has the right, however, to perform the duties of his office until he is legally removed from office or is legally disqualified to act."
>
> In Eckerson v. City of Des Moines, 137 Iowa 452, 481, 482, 115 N.W. 177, we said:
>
> "Public offices are created in the interests of the general public, and not for the benefit of any individual. And no one in possession of an office has a constitutional right to remain therein for the full period of the term for which he was elected. * * * And as no contract right exists in favor of the incumbent of an office, it does not remain for him to quarrel with the

> method of procedure adopted. In the case of a statutory office, the Legislature may even abolish the office, and with the taking effect of the law providing therefor the right of the incumbent to further act ceases eo instanti, notwithstanding the term for which he was elected has not expired."

Sueppel v. City Council of Iowa City, 257 Iowa 1350, 1357, 136 N.W.2d 523, 527 (1965).

Thus, it appears that under the law whether one is holding an office created by statute or an office created by the constitution, there is no constitutional or contractual right to continue in office for the full term if the term is shortened or ended by the body that created the office – the legislature for statutorily created offices, the people of the state through the voters for constitutionally created offices.

Conclusion

For the reasons discussed above, it is our opinion that the answer to your question is in the affirmative – i.e., your proposed constitutional amendment could be worded in such a way as to eliminate the office of State Treasurer at any point in time after adoption of the amendment by the people. Elimination of the office of State Treasurer by constitutional amendment would not have to coincide with the end of a Treasurer's term of office.

If you wish to have the elimination of the office of State Treasurer take place at some time other than the end of a term, we additionally note that your proposed constitutional amendment should be worded in such a way as to make clear not only that the office of State Treasurer is being eliminated, but also that the four year term of office provision of Neb. Const. art. IV, § 1 would not apply to the incumbent Treasurer in the event the office is eliminated effective on some date other than the end of that four year period.

Finally, if your intent is to abolish the office of State Treasurer entirely, rather than simply eliminating it as a constitutional office, you might want to draft your proposed amendment bearing in mind Swanson v. State of Nebraska, 132 Neb. 82, 271 N.W. 264 (1937), in which it was held that a constitutional amendment that simply deleted the office of commissioner of public lands from the list of constitutional officers in Neb. Const. art. IV, § 1 did not completely abolish the office since the constitutional amendment did not expressly abolish the office in its entirety and since the office was still referred to in numerous statutes and given many duties to perform by statute. Rather, the supreme court found that the commissioner of public lands continued to exist as a statutorily created office to carry out the duties assigned to it.

Sincerely yours,
JON BRUNING
Attorney General

(Signed) Charles E. Lowe
Assistant Attorney General

cc. Patrick J. O'Donnell
Clerk of the Legislature
17-079-20

UNANIMOUS CONSENT - Add Cointroducers

Senator Coash asked unanimous consent to add his name as cointroducer to LB726. No objections. So ordered.

Senator Christensen asked unanimous consent to add his name as cointroducer to LB763. No objections. So ordered.

Senator Council asked unanimous consent to add her name as cointroducer to LB779. No objections. So ordered.

Senator Krist asked unanimous consent to add his name as cointroducer to LB795. No objections. So ordered.

Senator Janssen asked unanimous consent to add his name as cointroducer to LB836. No objections. So ordered.

RECESS

At 11:55 a.m., on a motion by Senator McGill, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Senator Langemeier presiding.

ROLL CALL

The roll was called and all members were present except Senator Heidemann who was excused; and Senators Ashford and Dierks who were excused until they arrive.

REFERENCE COMMITTEE REPORT

The Executive Board submits the following report:

LB/LR	Committee
LB794	Government, Military and Veterans Affairs
LB795	Judiciary
LB796	Revenue
LB797	Natural Resources
LB798	Natural Resources
LB799	Urban Affairs

LB800	Judiciary
LB801	Judiciary
LB802	Revenue
LB803	Health and Human Services
LB804	Revenue
LB805	Transportation and Telecommunications
LB806	Revenue
LB807	Banking, Commerce and Insurance
LB808	Transportation and Telecommunications
LB809	Judiciary
LB810	Transportation and Telecommunications
LB811	Transportation and Telecommunications
LB812	Health and Human Services
LB813	Banking, Commerce and Insurance
LB814	Banking, Commerce and Insurance
LB815	Government, Military and Veterans Affairs
LB816	Transportation and Telecommunications
LB817	Judiciary
LB818	Banking, Commerce and Insurance
LB819	Transportation and Telecommunications
LB820	Transportation and Telecommunications
LB821	Transportation and Telecommunications
LB822	Judiciary
LB823	Revenue
LB824	Judiciary
LB825	General Affairs
LB826	Government, Military and Veterans Affairs
LB827	Health and Human Services
LB828	Health and Human Services
LB829	Business and Labor
LB830	Judiciary
LB831	Transportation and Telecommunications
LB832	Natural Resources
LB833	Business and Labor
LB834	General Affairs
LB835	Judiciary
LB836	Natural Resources
LB837	Revenue
LB838	Transportation and Telecommunications
LB839	Government, Military and Veterans Affairs
LB840	Judiciary
LB841	Transportation and Telecommunications
LB842	Judiciary
LB843	Judiciary
LB844	Judiciary
LB845	Natural Resources
LB846	Business and Labor
LR277CA	General Affairs
LR278CA	Government, Military and Veterans Affairs

(Signed) John Wightman, Chairperson
Executive Board

RESOLUTION

LEGISLATIVE RESOLUTION 282. Introduced by Hadley, 37.

WHEREAS, Dr. Richard Miller, a psychology professor at the University of Nebraska at Kearney, is the first Nebraska educator to be named a United States Professor of the Year by the Council for Advancement and Support of Education; and

WHEREAS, Dr. Miller has also received the Robert S. Daniel Award for outstanding teaching at a four-year college or university from the American Psychological Association; and

WHEREAS, Dr. Miller has also received the top University of Nebraska at Kearney teaching and mentoring awards, which include the Pratt-Heins Foundation Award for Excellence in Teaching and the Leland Holdt/Security Mutual Life Distinguished Professor Award; and

WHEREAS, Dr. Miller has also received the University of Nebraska Outstanding Teaching and Instructional Creativity Award.

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

1. That the Legislature congratulates Dr. Richard Miller for his outstanding achievements in the field of higher education.

2, That a copy of this resolution be sent to Dr. Richard Miller.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 261. The Fischer amendment, AM323, found on page 576, First Session, 2009, and considered in this day's Journal, to the committee amendment, was renewed.

The Fischer amendment was adopted with 40 ayes, 1 nay, 5 present and not voting, and 3 excused and not voting.

Senator Rogert withdrew his amendment, AM1544, found on page 125.

Senator Rogert offered the following amendment to the committee amendment:

AM1545

(Amendments to Standing Committee amendments, AM182)

1. On page 1, line 18, strike "(3)" and insert "(3)(a)".

2. On page 2, after line 16 insert the following new subdivision:

"(b) Information scanned, compiled, stored, or preserved pursuant to subdivision (a) of this subsection may not be retained longer than eighteen months unless required by state or federal law.".

3. On page 3, after line 3 insert the following new subsection:

"(5) Except as provided in subsection (4) of this section, information scanned, compiled, stored, or preserved pursuant to this section may not be traded or sold to a third party; used for any marketing or sales purpose by any person, including the retailer who obtained the information; or, unless pursuant to a court order, reported or shared with any third party. A person who violates this subsection shall be guilty of a Class IV felony.".

The Rogert amendment was adopted with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

Senator Lathrop offered the following amendment to the committee amendment:
FA54
Amend AM182
Add on page 2 line 6 the word "only" between "may" and "be" and on page 2 line 8 after "products" add "and may not be shared with any other person or entity".

The Lathrop amendment was adopted with 40 ayes, 0 nays, 6 present and not voting, and 3 excused and not voting.

Committee AM182, found on page 367 and considered on page 576, First Session, 2009, and considered in this day's Journal, as amended, was renewed.

The committee amendment, as amended, was adopted with 35 ayes, 5 nays, 6 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 8 nays, 5 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 522. Title read. Considered.

Advanced to Enrollment and Review Initial with 43 ayes, 0 nays, 3 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 72. Title read. Considered.

Committee AM366, found on page 513, First Session, 2009, was considered.

SENATOR FISCHER PRESIDING

SENATOR LANGEMEIER PRESIDING

Pending.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 869. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-123.12, 53-130, 53-135, and 53-138.01, Reissue Revised Statutes of Nebraska, sections 53-124.11 and 53-129, Revised Statutes Cumulative Supplement, 2008, and section 53-131, Revised Statutes Supplement, 2009; to provide for application and renewal fees; to change provisions relating to registration fees; to change the distribution of fees; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 870. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-149, Reissue Revised Statutes of Nebraska; to provide for a temporary operating permit; and to repeal the original section.

LEGISLATIVE BILL 871. Introduced by Fischer, 43.

A BILL FOR AN ACT relating to the Game Law; to amend section 37-413, Revised Statutes Supplement, 2009; to change provisions relating to persons accompanying apprentice hunters; and to repeal the original section.

LEGISLATIVE BILL 872. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to workers' compensation; to amend section 48-120.04, Revised Statutes Supplement, 2009; to change applicability of a medical fee schedule as prescribed; and to repeal the original section.

LEGISLATIVE BILL 873. Introduced by Giese, 17.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1716, Reissue Revised Statutes of Nebraska; to eliminate provisions relating to notification of delinquent property taxes; and to repeal the original section.

LEGISLATIVE BILL 874. Introduced by Giese, 17.

A BILL FOR AN ACT relating to the Nebraska Probation Administration Act; to amend section 29-2259, Reissue Revised Statutes of Nebraska; to change provisions relating to office expenses; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 875. Introduced by Giese, 17.

A BILL FOR AN ACT relating to elections; to amend sections 32-101, 32-312, 32-312.05, 32-318.01, 32-321, 32-323, 32-325, 32-902, 32-914, and 32-915, Reissue Revised Statutes of Nebraska, and section 60-484.02, Revised Statutes Supplement, 2009; to provide for voter registration on the Secretary of State's web site; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 876. Introduced by Howard, 9.

A BILL FOR AN ACT relating to insurance; to amend sections 44-2825 and 44-2832, Reissue Revised Statutes of Nebraska; to change recovery amounts under the Nebraska Hospital-Medical Liability Act; and to repeal the original sections.

LEGISLATIVE BILL 877. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-701, 77-1363, 77-1502, 77-1507, 77-3517, 77-5007, 77-5013, and 77-5016, Reissue Revised Statutes of Nebraska; to authorize appeals by the Tax Commissioner and Property Tax Administrator as prescribed; to change provisions relating to soil surveys; to change provisions relating to descriptions of property for property tax purposes; to change provisions relating to homestead exemptions; to change powers and duties of the Tax Equalization and Review Commission; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 878. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1784, 77-2756, and 77-2794, Reissue Revised Statutes of Nebraska; to change provisions relating to electronic fund transfers, income tax withholding, and overpayments of tax; to eliminate a provision relating to electronic filings and payments; to provide an operative date; to repeal the original sections; and to outright repeal section 77-2769.02, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 879. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 9-1,101, 66-719, 77-2701.38, 77-2711, 77-2712.03, 77-2789, 77-2790, 77-2796, 77-27,100, 77-27,119, 77-5725, 77-5726, 77-5735, and 81-8,128, Reissue Revised Statutes of Nebraska, and section 60-484, Revised Statutes Cumulative Supplement, 2008; to change provisions relating to waiver of interest, the streamlined sales and use tax agreement, failure to file, penalties, certain appeal procedures, certain tax incentives, and funding; to require the Department of Motor Vehicles to provide certain information to the Department of Revenue as prescribed; to provide for publication of delinquent taxpayer lists, disclosure of certain information to the Department of Labor, and applicability; to harmonize provisions; to provide

a duty for the Revisor of Statutes; to provide operative dates; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 880. Introduced by Rogert, 16; Stuthman, 22.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-1213, 28-1239.01, 28-1241, 28-1244, 28-1246, 28-1247, 28-1249, and 28-1250, Reissue Revised Statutes of Nebraska; to change provisions relating to fireworks; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 881. Introduced by Rogert, 16.

A BILL FOR AN ACT relating to the State Fire Marshal; to amend sections 28-1213, 28-1241, 28-1242, 28-1244, 28-1248, 28-1249, and 28-1250, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to fireworks; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal section 28-1247, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 882. Introduced by Rogert, 16; Dubas, 34.

A BILL FOR AN ACT relating to agriculture; to amend section 54-744, Revised Statutes Supplement, 2009; to change provisions relating to disposal of dead animals; and to repeal the original section.

LEGISLATIVE BILL 883. Introduced by Coash, 27; Karpisek, 32.

A BILL FOR AN ACT relating to farm wineries; to amend sections 53-123.11 and 53-164.01, Revised Statutes Cumulative Supplement, 2008; to provide for offsite storage facilities; to change reporting and payment requirements for farm wineries; and to repeal the original sections.

LEGISLATIVE BILL 884. Introduced by McGill, 26.

A BILL FOR AN ACT relating to labor; to amend section 48-1231, Reissue Revised Statutes of Nebraska, and sections 48-1230 and 48-1232, Revised Statutes Cumulative Supplement, 2008; to require employers to provide employees with wage and deduction information as prescribed; to provide a remedy; to harmonize sections; and to repeal the original sections.

GENERAL FILE

LEGISLATIVE BILL 72. Senator Lathrop offered the following amendment to the committee amendment:
FA55
Amend AM366
Strike Page 1 lines 15-23 and page 2 lines 1-6.

The Lathrop amendment was adopted with 30 ayes, 1 nay, 15 present and

not voting, and 3 excused and not voting.

Committee AM366, found on page 513, First Session, 2009, and considered in this day's Journal, as amended, was renewed.

The committee amendment, as amended, was adopted with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

Senator Cornett moved for a call of the house. The motion prevailed with 41 ayes, 0 nays, and 8 not voting.

Senator Cornett requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 21:

Adams	Cornett	Giese	Lathrop	Wightman
Ashford	Council	Haar	McGill	
Avery	Dierks	Harms	Mello	
Conrad	Dubas	Howard	Rogert	
Cook	Flood	Karpisek	White	

Voting in the negative, 27:

Campbell	Gloor	Langemeier	Pahls	Sullivan
Christensen	Hadley	Lautenbaugh	Pankonin	Utter
Coash	Hansen	Louden	Pirsch	Wallman
Fischer	Heidemann	McCoy	Price	
Fulton	Janssen	Nelson	Schilz	
Gay	Krist	Nordquist	Stuthman	

Excused and not voting, 1:

Carlson

Failed to advance to Enrollment and Review Initial with 21 ayes, 27 nays, and 1 excused and not voting.

The Chair declared the call raised.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 885. Introduced by Nordquist, 7; Mello, 5.

A BILL FOR AN ACT relating to energy; to amend sections 11-201, 13-1205, 13-2043, 33-151, 57-605, 57-607, 57-701, 57-902, 57-903, 57-904, 57-905, 57-906, 57-907, 57-908, 57-909, 57-910, 57-910.01, 57-910.02, 57-910.03, 57-910.05, 57-910.06, 57-910.07, 57-910.08,

57-910.09, 57-910.10, 57-910.11, 57-910.12, 57-911, 57-912, 57-913, 57-914, 57-915, 57-916, 57-916.01, 57-917, 57-918, 57-920, 57-921, 57-922, 57-923, 58-221, 66-1004, 66-1009, 70-1003, 72-804, 72-805, 81-1011, 81-1108.55, 81-1201.04, 81-1316, 81-1531.01, 81-1606, 81-1607, 81-1608, 81-1609, 81-1611, 81-1613, 81-1614, 81-1615, 81-1616, 81-1617, 81-1618, 81-1620, 81-1622, 81-1625, 81-1626, 81-1635, 81-1636, 81-1637, 81-1638, 81-1639, 81-1640, 81-1641, 81-3453, 81-3541, 84-166, and 84-1005, Reissue Revised Statutes of Nebraska, section 46-601.01, Revised Statutes Cumulative Supplement, 2008, sections 57-919, 81-1607.01, and 81-1634, Reissue Revised Statutes of Nebraska, as amended by sections 33, 81, and 82, respectively, Legislative Bill 3, One Hundred First Legislature, First Special Session, 2009, and section 57-705, Revised Statutes Supplement, 2009, as amended by section 32, Legislative Bill 3, One Hundred First Legislature, First Special Session, 2009; to transfer powers, duties, positions of employment, funds, violations, penalties, and other provisions relating to the Nebraska Oil and Gas Conservation Commission and the State Energy Office to the newly created Nebraska Energy Commission as prescribed; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 57-901, 81-1601, 81-1602, 81-1603, 81-1605, and 81-1612, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 886. Introduced by Stuthman, 22.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-1427 and 29-431, Reissue Revised Statutes of Nebraska; to change provisions relating to minors and tobacco as prescribed; to provide a penalty; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 887. Introduced by Stuthman, 22.

A BILL FOR AN ACT relating to horseracing; to amend section 2-1228, Reissue Revised Statutes of Nebraska; to change requirements for an interstate simulcast facility license; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 888. Introduced by Conrad, 46.

A BILL FOR AN ACT relating to limited liability companies; to amend sections 9-614, 67-248.02, 70-1903, 77-2704.57, 77-2716, and 77-2734.01, Reissue Revised Statutes of Nebraska; to adopt the Nebraska Uniform Limited Liability Company Act; to terminate the Limited Liability Company Act; to provide applicability; to harmonize provisions; to provide an operative date; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 889. Introduced by Christensen, 44.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-1406, 28-1408, 28-1409, 28-1410, 28-1411, 28-1412, 28-1413, 28-1415, 28-1416, and 29-439, Reissue Revised Statutes of Nebraska, and section 28-101, Revised Statutes Supplement, 2009; to change and eliminate

provisions relating to the justification for the use of force; to provide a presumption; to harmonize provisions; to provide severability; to repeal the original sections; and to outright repeal sections 28-1407 and 28-1414, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 890. Introduced by Pahls, 31.

A BILL FOR AN ACT relating to banking and finance; to amend sections 8-142, 8-143, 8-183.04, 8-908, 8-1502, and 21-1725.01, Reissue Revised Statutes of Nebraska, sections 8-115.01, 8-157, 8-234, and 8-374, Revised Statutes Cumulative Supplement, 2008, and sections 8-1,140, 8-355, and 21-17,115, Revised Statutes Supplement, 2009; to change provisions relating to the delivery of certain notices; to change and provide powers and duties for the Department of Banking and Finance and Director of Banking and Finance; to change capital requirements for converted savings associations; to change and provide criminal penalties and civil liability relating to violations of loan limit provisions; to revise powers of state-chartered banks, building and loan associations, and credit unions; to change provisions relating to bank holding company management; to change notice provisions relating to acquisitions; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 891. Introduced by Pahls, 31.

A BILL FOR AN ACT relating to banks and banking; to amend sections 8-101.01 and 8-602, Revised Statutes Supplement, 2009; to provide for conditional bank charters, powers and duties for the Department of Banking and Finance and the Director of Banking and Finance, and for fees; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 892. Introduced by Pahls, 31.

A BILL FOR AN ACT relating to banking and finance; to amend sections 45-101.04 and 45-1068, Reissue Revised Statutes of Nebraska, section 45-1005, Revised Statutes Cumulative Supplement, 2008, and sections 8-702, 45-701, 45-702, 45-704, 45-705, 45-724, 45-725, 45-726, 45-728, 45-730, 45-733, 45-737, 45-741, 45-742, 45-748, 45-749, 45-1002, 45-1018, 45-1033.01, and 45-1033.02, Revised Statutes Supplement, 2009; to change provisions relating to federal deposit insurance requirements, the Residential Mortgage Licensing Act, the Nebraska Installment Loan Act, and reverse-mortgage loans; to harmonize provisions; to repeal the original sections; and to declare an emergency.

RESOLUTION

LEGISLATIVE RESOLUTION 283. Introduced by Harms, 48; Louden, 49; Schilz, 47.

WHEREAS, Aubree Worden, a junior at Scottsbluff High School, was named the All-Region Girls' Cross Country Runner of the Year by the Scottsbluff Star-Herald newspaper; and

WHEREAS, Aubree Worden had an outstanding year in cross country, winning her second straight state championship in Class B and an All-Class Gold Medal at the 2009 Girls' State Cross Country Meet; 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, SECOND SESSION:

1. That the Legislature congratulates Aubree Worden on her achievements.

2. That a copy of this resolution be sent to Aubree Worden.

Laid over.

NOTICE OF COMMITTEE HEARING

Agriculture

Room 2102

Tuesday, January 19, 2010 1:30 p.m.

LB731
LB748

(Signed) Tom Carlson, Chairperson

AMENDMENTS - Print in Journal

Senator Lautenbaugh filed the following amendment to LB512:
AM1549

1. On page 2, line 5, strike beginning with "pursuant" through "23-174.09" in line 7.

Senator Cornett filed the following amendment to LB72A:
AM1551

1. Strike the original section and insert the following new section:

Section 1. There is hereby appropriated $46,000 from the General Fund for FY2010-11 to the State Department of Education, for Program 25, to aid in carrying out the provisions of

Legislative Bill 72, One Hundred First Legislature, Second Session, 2010.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.

RESOLUTION

LEGISLATIVE RESOLUTION 284CA. Introduced by Utter, 33; Campbell, 25; Fischer, 43; Hadley, 37; Mello, 5; Nordquist, 7.

THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 2010 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article IV, sections 1 and 3:

IV-1 The executive officers of the state shall be the Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, ~~State Treasurer,~~ Attorney General, and the heads of such other executive departments as set forth herein or as may be established by law. The Legislature may provide for the placing of the above named officers as heads over such departments of government as it may by law establish.

The Governor, Lieutenant Governor, Attorney General, Secretary of State, and Auditor of Public Accounts~~, and State Treasurer~~ shall be chosen at the general election held in November 1974, and in each alternate even-numbered year thereafter, for a term of four years and until their successors shall be elected and qualified.

Each candidate for Governor shall select a person to be the candidate for Lieutenant Governor on the general election ballot. In the general election one vote shall be cast jointly for the candidates for Governor and Lieutenant Governor. The Governor shall be ineligible to the office of Governor for four years next after the expiration of two consecutive terms for which he or she was elected.

The records, books, and papers of all executive officers shall be kept at the seat of government. Executive officers shall reside within the State of Nebraska during their respective terms of office. Officers in the executive department of the state shall perform such duties as may be provided by law.

The heads of all executive departments established by law, other than those to be elected as provided herein, shall be appointed by the Governor, with the consent of a majority of all members elected to the Legislature, but officers so appointed may be removed by the Governor. Subject to the provisions of this Constitution, the heads of the various executive or civil departments shall have power to appoint and remove all subordinate employees in their respective departments.

IV-3 ~~The treasurer shall be ineligible to the office of treasurer, for two years next after the expiration of two consecutive terms for which he was elected.~~

The term of office of the State Treasurer elected at the general election at which this constitutional amendment passes shall end on January 1, 2013, at which time the office shall be abolished.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to abolish the office of the State Treasurer on January 1, 2013.

For

Against.

Referred to the Reference Committee.

UNANIMOUS CONSENT - Add Cointroducers

Senator Gay asked unanimous consent to add his name as cointroducer to LB726. No objections. So ordered.

Senator Coash asked unanimous consent to add his name as cointroducer to LB865. No objections. So ordered.

VISITOR

Visitor to the Chamber was Michael Meyer from Kearney.

ADJOURNMENT

At 3:53 p.m., on a motion by Senator Schilz, the Legislature adjourned until 9:00 a.m., Tuesday, January 12, 2010.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

FIFTH DAY - JANUARY 12, 2010

LEGISLATIVE JOURNAL

ONE HUNDRED FIRST LEGISLATURE
SECOND SESSION

FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 12, 2010

PRAYER

The prayer was offered by Pastor Todd Burpo, Crossroads Wesleyan Church, Imperial.

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 Senators Ashford, Coash, Conrad, Cornett, Council, Dierks, Haar, Karpisek, and Louden who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fourth day was approved.

NOTICE OF COMMITTEE HEARING

Transportation and Telecommunications

Room 1113

Tuesday, January 19, 2010 1:30 p.m.

LB688
LB705
LB739
LB749
LB782

(Signed) Deb Fischer, Chairperson

AMENDMENT - Print in Journal

Senators Lathrop and Pahls filed the following amendment to LB571:
AM1534

(Amendments to Standing Committee amendments, AM983)

1. Insert the following new section:

Sec. 7. The creditor or the creditor's designee shall not offer a guaranteed asset protection waiver when the guaranteed asset protection waiver contains terms that allow the creditor or the creditor's designee to modify, unilaterally, the guaranteed asset protection waiver, unless (1) the modification is favorable to the borrower and is made without any additional charge to the borrower or (2) the borrower is notified of the proposed modification and has the option to cancel the guaranteed asset protection waiver without penalty.

2. Renumber the remaining sections and correct internal references accordingly.

GENERAL FILE

LEGISLATIVE BILL 254. Title read. Considered.

Senator Carlson withdrew his amendment, AM420, found on page 531, First Session, 2009.

Senator Carlson renewed his amendment, AM1536, found on page 124.

PRESIDENT SHEEHY PRESIDING

The Carlson amendment was adopted with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 4 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 512. Title read. Considered.

Senator Lautenbaugh renewed his amendment, AM1549, found on page 179.

The Lautenbaugh amendment was adopted with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 544. Title read. Considered.

Senator Giese moved for a call of the house. The motion prevailed with 34 ayes, 0 nays, and 15 not voting.

Senator Giese requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 17:

Ashford	Haar	Lathrop	Nordquist	White
Avery	Howard	McGill	Pirsch	
Conrad	Janssen	Mello	Rogert	
Giese	Karpisek	Nelson	Sullivan	

Voting in the negative, 27:

Adams	Cornett	Gloor	Langemeier	Utter
Campbell	Council	Hadley	Lautenbaugh	Wallman
Carlson	Dierks	Hansen	McCoy	Wightman
Christensen	Dubas	Harms	Pankonin	
Coash	Fischer	Heidemann	Schilz	
Cook	Gay	Krist	Stuthman	

Present and not voting, 2:

Fulton	Pahls

Excused and not voting, 3:

Flood	Louden	Price

Failed to advance to Enrollment and Review Initial with 17 ayes, 27 nays, 2 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 893. Introduced by Christensen, 44; Carlson, 38.

A BILL FOR AN ACT relating to revenue and taxation; to provide for refund of unconstitutional taxes, assessments, and penalties; and to declare an emergency.

LEGISLATIVE BILL 894. Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-511.01, Reissue Revised Statutes of Nebraska, and section 28-101, Revised Statutes Supplement, 2009; to change provisions relating to

shoplifting; to prohibit possession of any store security device countermeasure; to define a term; to provide a penalty; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 895. Introduced by Janssen, 15.

A BILL FOR AN ACT relating to natural resources districts; to amend section 2-3215, Reissue Revised Statutes of Nebraska; to change procedures for filling vacancies; and to repeal the original section.

LEGISLATIVE BILL 896. Introduced by Christensen, 44.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-6,298, Revised Statutes Cumulative Supplement, 2008; to provide for a permit to operate vehicles exceeding weight limits for purposes of transporting livestock; and to repeal the original section.

LEGISLATIVE BILL 897. Introduced by Howard, 9.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-3507, 77-3508, and 77-3509, Reissue Revised Statutes of Nebraska; to change income requirements for homestead exemptions; and to repeal the original sections.

LEGISLATIVE BILL 898. Introduced by Haar, 21; Avery, 28; McGill, 26.

A BILL FOR AN ACT relating to students; to adopt the Student Expression Act.

LEGISLATIVE BILL 899. Introduced by Nordquist, 7; Karpisek, 32; Mello, 5.

A BILL FOR AN ACT relating to retirement; to amend sections 24-710.07, 79-947.01, and 81-2027.03, Reissue Revised Statutes of Nebraska; to change benefit adjustment provisions as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 900. Introduced by Karpisek, 32; Howard, 9.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act: to amend section 53-124, Revised Statutes Supplement, 2009; to change retail license fees; and to repeal the original section.

LEGISLATIVE BILL 901. Introduced by Wightman, 36; Conrad, 46; Flood, 19.

A BILL FOR AN ACT relating to child custody; to amend section 43-2923, Reissue Revised Statutes of Nebraska, and section 42-364, Revised Statutes

Supplement, 2009; to change best interests of the child requirements; to provide for waiver of mandatory mediation as prescribed; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 902. Introduced by Howard, 9; Gloor, 35.

A BILL FOR AN ACT relating to assisted-living facilities; to amend section 71-5905, Reissue Revised Statutes of Nebraska; to provide for an information form; and to repeal the original section.

LEGISLATIVE BILL 903. Introduced by Howard, 9.

A BILL FOR AN ACT relating to the Alzheimer's Special Care Disclosure Act; to amend section 71-516.04, Reissue Revised Statutes of Nebraska; to provide duties regarding criteria for care and treatment; and to repeal the original section.

LEGISLATIVE BILL 904. Introduced by Howard, 9.

A BILL FOR AN ACT relating to assisted-living facilities; to amend sections 71-406, 71-5901, 71-5903, 71-5904, 71-5905, and 71-5908, Reissue Revised Statutes of Nebraska; to define and redefine terms and to eliminate definitions; to provide for enhanced assisted-living certificates; to provide powers and duties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 905. Introduced by Dubas, 34; Gloor, 35.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-1212.04, Revised Statutes Supplement, 2009; to change provisions relating to the discharge of firearms; and to repeal the original section.

GENERAL FILE

LEGISLATIVE BILL 325. Title read. Considered.

Committee AM474, found on page 534, First Session, 2009, was considered.

SENATOR LANGEMEIER PRESIDING

PRESIDENT SHEEHY PRESIDING

The committee amendment was adopted with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

Senator Nelson withdrew his amendment, AM169, found on page 422, First Session, 2009.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 906. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-177, Revised Statutes Supplement, 2009; to change and eliminate restrictions on sale of alcoholic liquor at retail; and to repeal the original section.

LEGISLATIVE BILL 907. Introduced by Conrad, 46.

A BILL FOR AN ACT relating to homesteads; to amend sections 40-102 and 40-105, Reissue Revised Statutes of Nebraska; to change provisions relating to property exempt from execution; and to repeal the original sections.

LEGISLATIVE BILL 908. Introduced by Conrad, 46.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-108, Reissue Revised Statutes of Nebraska; to change provisions relating to claims for legal services or disbursements; and to repeal the original section.

LEGISLATIVE BILL 909. Introduced by Carlson, 38; Dierks, 40; Dubas, 34; Karpisek, 32; Price, 3; Schilz, 47; Wallman, 30.

A BILL FOR AN ACT relating to agriculture; to amend section 34-112.01, Reissue Revised Statutes of Nebraska; to change provisions relating to division fences; and to repeal the original section.

LEGISLATIVE BILL 910. Introduced by Carlson, 38; Council, 11; Dierks, 40; Dubas, 34; Karpisek, 32; Pahls, 31; Price, 3; Schilz, 47; Wallman, 30.

A BILL FOR AN ACT relating to the Commercial Dog and Cat Operator Inspection Act; to amend sections 28-1018, 54-637, and 54-638, Reissue Revised Statutes of Nebraska, section 54-611, Revised Statutes Cumulative Supplement, 2008, and sections 37-528, 54-625, 54-626, 54-627, 54-627.01, and 54-645, Revised Statutes Supplement, 2009; to define and license animal rescues under the act; to impose transfer fees; to provide powers and duties for transferors, the Department of Agriculture, the Director of Agriculture, and the State Treasurer; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 911. Introduced by Langemeier, 23.

A BILL FOR AN ACT relating to the Legislature; to amend section 50-501, Revised Statutes Supplement, 2009; to change provisions relating to a biotechnology strategic plan; to repeal the original section; and to declare an emergency.

RESOLUTION

LEGISLATIVE RESOLUTION 285. Introduced by Schilz, 47.

WHEREAS, the Arthur County Wolves won the 2009 state championship in Nebraska six-man football; and

WHEREAS, the Wolves finished the season undefeated at 11-0; and

WHEREAS, the Wolves defeated Greeley-Wolbach 45-30 to win the title; 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, SECOND SESSION:

1. That the Legislature congratulates the Arthur County Wolves on winning the 2009 state championship in Nebraska six-man football.

2. That a copy of this resolution be sent to the Arthur County Wolves and their coach, Scott Trimble.

Laid over.

NOTICE OF COMMITTEE HEARING

Banking, Commerce and Insurance

Room 1507

Tuesday, January 19, 2010 1:30 p.m.

LB690
LB691
LB736
LB751
LB752

(Signed) Rich Pahls, Chairperson

UNANIMOUS CONSENT - Add Cointroducers

Senator Nordquist asked unanimous consent to add his name as cointroducer to LB800. No objections. So ordered.

Senator Howard asked unanimous consent to add her name as cointroducer to LB867 and LB870. No objections. So ordered.

VISITORS

Visitors to the Chamber were Bruce Bon Fleur from Rushville/White Clay and Bonita Bush from Remus, Michigan.

RECESS

At 11:42 a.m., on a motion by Speaker Flood, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Senator Carlson presiding.

ROLL CALL

The roll was called and all members were present except Senators Ashford, Cornett, Karpisek, Langemeier, and Schilz who were excused until they arrive.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 912. Introduced by Pahls, 31.

A BILL FOR AN ACT relating to uninsured and underinsured motorist coverage; to amend section 44-7501, Reissue Revised Statutes of Nebraska, and section 44-6413, Revised Statutes Supplement, 2009; to prohibit certain limits on an occupant's recovery as prescribed; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 913. Introduced by Council, 11.

A BILL FOR AN ACT relating to employment; to amend sections 2-1203.02, 7-102, 9-1,104, 14-702, 19-1831, 38-131, 43-3201, 43-3709, 45-905, 53-131.01, 71-1903, 71-1912, 71-3205, 71-3505, 71-5908, 71-6503, 71-7448, 75-903.02, 79-814.01, 81-885.13, 81-885.17, 83-1217.01, and 88-528.01, Reissue Revised Statutes of Nebraska, section 48-2521, Revised Statutes Cumulative Supplement, 2008, and sections 45-705, 79-808, 81-6,120, 83-1217, and 83-1217.02, Revised Statutes Supplement, 2009; to adopt the Criminal Offender Employment Act; to harmonize provisions; and to repeal the original sections.

REFERENCE COMMITTEE REPORT

The Executive Board submits the following report:

LB/LR	Committee
LB847	Judiciary
LB848	Urban Affairs
LB849	Health and Human Services
LB850	Government, Military and Veterans Affairs
LB851	Revenue
LB852	Government, Military and Veterans Affairs
LB853	Judiciary
LB854	General Affairs
LB855	Health and Human Services
LB856	Transportation and Telecommunications
LB857	Health and Human Services
LB858	Health and Human Services
LB859	Judiciary
LB860	Judiciary
LB861	General Affairs
LB862	Natural Resources
LB863	Urban Affairs
LB864	Judiciary
LB865	Agriculture
LB866	Health and Human Services
LB867	General Affairs
LB868	Judiciary
LB869	General Affairs
LB870	General Affairs
LB871	Natural Resources
LB872	Business and Labor
LB873	Revenue
LB874	Judiciary
LB875	Government, Military and Veterans Affairs
LB876	Judiciary
LB877	Revenue
LB878	Revenue
LB879	Revenue
LB880	Judiciary
LB881	Judiciary
LB882	Agriculture
LB883	General Affairs
LB884	Business and Labor
LB885	Natural Resources
LB886	Judiciary
LB887	General Affairs
LB888	Banking, Commerce and Insurance
LB889	Judiciary
LB890	Banking, Commerce and Insurance

LB891	Banking, Commerce and Insurance
LB892	Banking, Commerce and Insurance
LR279CA	Government, Military and Veterans Affairs
LR284CA	Government, Military and Veterans Affairs

(Signed) John Wightman, Chairperson
Executive Board

GENERAL FILE

LEGISLATIVE BILL 341. Title read. Considered.

Committee AM119, found on page 554, First Session, 2009, was considered.

Senator Gay moved for a call of the house. The motion prevailed with 37 ayes, 0 nays, and 12 not voting.

Senator Gay requested a roll call vote on the committee amendment.

Voting in the affirmative, 30:

Ashford	Cook	Fulton	Harms	Pirsch
Avery	Cornett	Gay	Karpisek	Price
Campbell	Council	Giese	Krist	Rogert
Carlson	Dierks	Haar	McGill	Stuthman
Christensen	Dubas	Hadley	Mello	Wallman
Coash	Flood	Hansen	Nordquist	Wightman

Voting in the negative, 16:

Adams	Howard	Lautenbaugh	Pahls
Conrad	Janssen	Louden	Schilz
Fischer	Langemeier	McCoy	Sullivan
Gloor	Lathrop	Nelson	Utter

Present and not voting, 2:

Heidemann White

Excused and not voting, 1:

Pankonin

The committee amendment was adopted with 30 ayes, 16 nays, 2 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Senator Cook renewed her amendment, AM1542, found on page 126.

The Cook amendment was adopted with 27 ayes, 3 nays, 17 present and not voting, and 2 excused and not voting.

Senator Cook moved for a call of the house. The motion prevailed with 43 ayes, 0 nays, and 6 not voting.

Senator Cook requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 18:

Avery	Coash	Dierks	Krist	Price
Campbell	Cook	Gay	McGill	Stuthman
Carlson	Cornett	Giese	Mello	
Christensen	Council	Haar	Nordquist	

Voting in the negative, 25:

Adams	Flood	Harms	Lathrop	Pahls
Ashford	Fulton	Howard	Lautenbaugh	Pirsch
Conrad	Gloor	Janssen	Louden	Schilz
Dubas	Hadley	Karpisek	McCoy	Sullivan
Fischer	Hansen	Langemeier	Nelson	Utter

Present and not voting, 4:

Rogert	Wallman	White	Wightman

Excused and not voting, 2:

Heidemann	Pankonin

Failed to advance to Enrollment and Review Initial with 18 ayes, 25 nays, 4 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 183. Title read. Considered.

Committee AM324, found on page 564, First Session, 2009, was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 4 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 197. Title read. Considered.

Committee AM464, found on page 601, First Session, 2009, was adopted with 38 ayes, 0 nays, 6 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 5 present and not voting, and 5 excused and not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 914. Introduced by Sullivan, 41.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-696, Revised Statutes Cumulative Supplement, 2008; to change a provision relating to the duty to stop after an accident; and to repeal the original section.

LEGISLATIVE BILL 915. Introduced by McGill, 26.

A BILL FOR AN ACT relating to juries; to amend section 25-1628, Revised Statutes Supplement, 2009; to provide for the use of motor vehicle operator license numbers and state identification card numbers in compiling jury lists; and to repeal the original section.

LEGISLATIVE BILL 916. Introduced by Heidemann, 1.

A BILL FOR AN ACT relating to school lands; to amend section 72-204, Reissue Revised Statutes of Nebraska; to authorize leases on school lands for solar and wind energy production; to harmonize provisions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 917. Introduced by Rogert, 16.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704.13, Reissue Revised Statutes of Nebraska; to exempt municipal water from sales and use taxes; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 918. Introduced by Hadley, 37.

A BILL FOR AN ACT relating to the Nebraska Advantage Act; to amend sections 77-5715, 77-5717, 77-5719.02, 77-5725, and 77-5735, Reissue Revised Statutes of Nebraska; to redefine certain tax incentive terms as prescribed; to provide tax incentives for data centers as prescribed; to provide for applicability; and to repeal the original sections.

RESOLUTIONS

LEGISLATIVE RESOLUTION 286CA. Introduced by Fischer, 43.

THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 2010 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To add a new section 14 to Article VIII:

VIII-14 The Highway Trust Fund shall be created in the State Treasury. As authorized by law on January 1, 2011, the revenue raised from taxes imposed on motor vehicle fuel and motor vehicle sales, from motor vehicle registration fees, and from any other source specified by law shall be placed in the Highway Trust Fund. The Legislature may provide for any other source of revenue to be placed in the Highway Trust Fund. The Highway Trust Fund shall be used exclusively for (1) maintenance, preservation, and expansion of the state highway system, county roads, and municipal streets and related expenses, including expenses related to bonds authorized under Article XIII, section 1, of this Constitution, (2) expenses related to administration of laws imposing taxes on motor vehicle fuel and motor vehicle sales and laws requiring registration of motor vehicles, and (3) any other use authorized by law as of January 1, 2011. The Legislature shall allocate the money in the Highway Trust Fund by law.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to create the Highway Trust Fund, to provide for certain revenue to be placed in the Highway Trust Fund, and to restrict the use of the Highway Trust Fund for highways, roads, and streets, for expenses related to administration of related laws, and for any other use authorized by law as of January 1, 2011.

For

Against.

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 287. Introduced by Coash, 27.

WHEREAS, Cody E. Talbott, son of Gary and Roxanne Talbott of Lincoln, 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, Cody 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; and

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

WHEREAS, on January 17, 2010, Cody will receive the rank of Eagle Scout and, 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 HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates Cody E. Talbott on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Cody E. Talbott.

Laid over.

AMENDMENTS - Print in Journal

Senator Dubas filed the following amendment to LB297:

AM1538

1. In the Standing Committee amendments, AM424, on page 1, line 4, strike "2019" and insert "2020"; in line 7 strike "FY2009-10" and insert "FY2010-11" and strike "FY2010-11" and insert "FY2011-12"; in line 8 strike "FY2011-12" and insert "FY2012-13"; in line 9 strike "FY2012-13" and insert "FY2013-14" and strike "FY2013-14" and insert "FY2014-15"; in line 10 strike "FY2014-15" and insert "FY2015-16" and strike "FY2015-16" and insert "FY2016-17"; in line 11 strike "FY2016-17" and insert "FY2017-18" and strike "FY2017-18" and insert "FY2018-19"; and in line 12 strike "FY2018-19" and insert "FY2019-20".

2. On page 9, line 12, strike "2010" and insert "2011".

Senators Avery and Stuthman filed the following amendment to LB475:

AM1547

(Amendments to Standing Committee amendments, AM830)

1. Strike the original sections and all amendments thereto and insert the following new sections:

Section 1. Section 23-1401, Reissue Revised Statutes of Nebraska, is amended to read:

23-1401 In any county in ~~this state having a population in excess of three hundred thousand inhabitants,~~ which a city of the metropolitan class is located, there is hereby created the office of county comptroller for such county, and the county clerk of such county shall be the ex officio county comptroller for the county. The county comptroller shall act as the general accountant~~, chief auditing officer, internal auditor,~~ and fiscal agent of the county and shall exercise a general supervision over

all officers of the county charged in any manner with the receipt, collection, or disbursement of the county revenue. The county comptroller shall be a competent bookkeeper and accountant, and it shall be his or her duty to keep a complete set of books in which, among other things, the amount of the appropriation that has been made on the fund that has been expended on account of such appropriation fund shall be stated. It shall be the duty of the county comptroller to audit all claims filed against the county and prepare a report thereon to the county board of such county. The county comptroller shall also keep accurate and separate accounts between the county and officers of the county, and between the county and all contractors or other persons doing work or furnishing material for the county. The county comptroller shall also examine and check the reports of all officers of the county. The county comptroller shall prepare and file the required annual inventory statement of county personal property in his or her custody or possession, as provided in sections 23-346 to 23-350.

Sec. 2. <u>In any county in which a city of the metropolitan class is located, the county board shall provide for an auditor who shall report directly to the county board. The auditor shall be the internal auditor of the county and shall examine or cause to be examined books, accounts, vouchers, records, expenditures, and information technology systems of all elected or appointed county officers and offices. Such examinations shall be done in accordance with generally accepted government auditing standards set forth in the most recent Government Auditing Standards, published by the Comptroller General of the United States, Government Accountability Office. The auditor shall report promptly to the county board and the elected official whose office was the subject of the audit regarding the fiscal condition shown by such examination conducted by the auditor, including any irregularities or misconduct of officers or employees, any misappropriation or misuse of public funds or property, and any improper system or method of bookkeeping or condition of accounts.</u>

Sec. 3. This act becomes operative on January 1, 2011.

Sec. 4. Original section 23-1401, Reissue Revised Statutes of Nebraska, is repealed.

NOTICE OF COMMITTEE HEARINGS

Education

Room 1525

Tuesday, January 19, 2010 1:30 p.m.

LB713
LB750
LB754

(Signed) Greg Adams, Chairperson

Health and Human Services

Room 1510

Wednesday, January 20, 2010 1:30 p.m.

LB701
LB726
LB706
LB702
LB766

Thursday, January 21, 2010 1:30 p.m.

LB710
LB803
LB790

(Signed) Tim Gay, Chairperson

UNANIMOUS CONSENT - Add Cointroducers

Senators Gloor and Wallman asked unanimous consent to add their names as cointroducers to LB701. No objections. So ordered.

Senator Christensen asked unanimous consent to add his name as cointroducer to LB860. No objections. So ordered.

VISITOR

The Doctor of the Day was Dr. David Hoelting from Pender.

ADJOURNMENT

At 3:41 p.m., on a motion by Speaker Flood, the Legislature adjourned until 9:00 a.m., Wednesday, January 13, 2010.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTH DAY - JANUARY 13, 2010

LEGISLATIVE JOURNAL

ONE HUNDRED FIRST LEGISLATURE
SECOND SESSION

SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 13, 2010

PRAYER

The prayer was offered by Pastor Nathan Reckling, Princeton Countryside Alliance Church, Princeton.

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 Adams, Ashford, Christensen, Council, Price, and Sullivan who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifth day was approved.

NOTICE OF COMMITTEE HEARING

Government, Military and Veterans Affairs

Room 1507

Wednesday, January 20, 2010 1:30 p.m.

LB753
LB791
LB721
LB722

(Signed) Bill Avery, Chairperson

GENERAL FILE

LEGISLATIVE BILL 550. Title read. Considered.

Senator Avery renewed his amendment, AM1539, found on page 125.

The Avery amendment was adopted with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 5 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 297. Title read. Considered.

Committee AM424, found on page 675, First Session, 2009, was considered.

Senator Dubas renewed her amendment, AM1538, found on page 196, to the committee amendment.

The Dubas amendment was adopted with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

Senator Lautenbaugh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

The committee amendment, as amended, was adopted with 41 ayes, 0 nays, 5 present and not voting, and 3 excused and not voting.

Senator Langemeier moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Senator White requested a record vote on the advancement of the bill.

Voting in the affirmative, 34:

Adams	Cook	Hadley	Nelson	Schilz
Avery	Cornett	Harms	Nordquist	Stuthman
Campbell	Dubas	Howard	Pahls	Sullivan
Carlson	Flood	Karpisek	Pankonin	Wallman
Christensen	Fulton	Langemeier	Pirsch	White
Coash	Gloor	Lathrop	Price	Wightman
Conrad	Haar	Mello	Rogert	

Voting in the negative, 2:

Hansen	Louden

Present and not voting, 10:

Ashford	Fischer	Heidemann	Krist	McCoy
Dierks	Giese	Janssen	Lautenbaugh	Utter

Excused and not voting, 3:

Council	Gay	McGill

Advanced to Enrollment and Review Initial with 34 ayes, 2 nays, 10 present and not voting, and 3 excused and not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 919. Introduced by Schilz, 47; Carlson, 38; Christensen, 44; Gloor, 35; Hansen, 42; Louden, 49; Wightman, 36.

A BILL FOR AN ACT relating to cities of the first class; to amend section 17-301, Reissue Revised Statutes of Nebraska; to permit a city to remain a city of the first class despite a population decrease; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 920. Introduced by Haar, 21.

A BILL FOR AN ACT relating to schools; to provide for school transportation safety committees; and to require transportation plans as prescribed.

LEGISLATIVE BILL 921. Introduced by Campbell, 25.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-901, Reissue Revised Statutes of Nebraska; to provide for payment of claims as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 922. Introduced by Coash, 27.

A BILL FOR AN ACT relating to medication aides; to amend section 71-6728, Reissue Revised Statutes of Nebraska; to change provisions relating to registration renewal; and to repeal the original section.

LEGISLATIVE BILL 923. Introduced by Ashford, 20; Council, 11.

A BILL FOR AN ACT relating to juveniles; to amend sections 25-2701 and 43-2,129, Reissue Revised Statutes of Nebraska, and section 43-245, Revised Statutes Supplement, 2009; to provide powers to county courts; to

define a term; to provide and eliminate provisions relating to sealing criminal justice records; to harmonize provisions; to repeal the original sections; and to outright repeal sections 43-2,102, 43-2,103, 43-2,104, and 43-2,105, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 924. Introduced by Fischer, 43.

A BILL FOR AN ACT relating to driving under the influence; to amend sections 60-498.02, 60-4,118.06, 60-6,197.01, 60-6,197.03, and 60-6,211.05, Revised Statutes Supplement, 2009; to change provisions relating to ignition interlock orders; and to repeal the original sections.

LEGISLATIVE BILL 925. Introduced by Conrad, 46.

A BILL FOR AN ACT relating to labor; to require employment of Nebraska laborers for public works projects during periods of excessive unemployment; to define terms; to provide powers and duties; and to authorize injunctive relief.

LEGISLATIVE BILL 926. Introduced by Rogert, 16; Coash, 27; Dubas, 34.

A BILL FOR AN ACT relating to highways; to amend sections 39-204, 39-205, and 39-210, Reissue Revised Statutes of Nebraska; to redefine specific information sign panel; to provide minimum requirements for farm wineries as prescribed; to change requirements for tourist-oriented directional sign panels; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 927. Introduced by Nebraska Retirement Systems Committee: Pankonin, 2, Chairperson; Heidemann, 1; Karpisek, 32; Louden, 49; Mello, 5; Nordquist, 7.

A BILL FOR AN ACT relating to the School Employees Retirement Act; to amend section 79-958, Revised Statutes Supplement, 2009; to change employee deposit requirements; and to repeal the original section.

LEGISLATIVE BILL 928. Introduced by Nebraska Retirement Systems Committee: Pankonin, 2, Chairperson; Heidemann, 1; Karpisek, 32; Louden, 49; Mello, 5; Nordquist, 7.

A BILL FOR AN ACT relating to the Nebraska State Patrol Retirement Act; to amend section 81-2017, Revised Statutes Supplement, 2009; to change the contribution rate as prescribed; to provide an operative date; to repeal the original section; and to declare an emergency.

RESOLUTIONS

LEGISLATIVE RESOLUTION 288. Introduced by Mello, 5.

WHEREAS, the Omaha Jaycees recently named the 2009 recipients of the 77th Annual Ten Outstanding Young Omahans Award; and

WHEREAS, this award is annually presented to ten people between the ages of twenty-one and forty who exemplify excellence in both the professional and personal arenas while also taking an active role in the community; and

WHEREAS, the 2009 recipients of the 77th Annual Ten Outstanding Young Omahans Award are Elaine Buescher, Stephanie Hansen, Kristine Hull, Jeffrey Jorth, Craig Moody, Crystal Rhoades, Shawntal Smith, Kelli Sweet, Quinn Vanderberg, and Carol Wang; and

WHEREAS, these ten individuals will be recognized for the award on Wednesday, January 27, 2010; and

WHEREAS, the Legislature should recognize outstanding individual achievements like receiving the 77th Annual Ten Outstanding Young Omahans Award.

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

1. That the Legislature congratulates Elaine Buescher, Stephanie Hansen, Kristine Hull, Jeffrey Jorth, Craig Moody, Crystal Rhoades, Shawntal Smith, Kelli Sweet, Quinn Vanderberg, and Carol Wang on receiving the 77th Annual Ten Outstanding Young Omahans Award.

2. That a copy of this resolution be sent to Elaine Buescher, Stephanie Hansen, Kristine Hull, Jeffrey Jorth, Craig Moody, Crystal Rhoades, Shawntal Smith, Kelli Sweet, Quinn Vanderberg, and Carol Wang.

Laid over.

LEGISLATIVE RESOLUTION 289CA. Introduced by McCoy, 39; Carlson, 38; Christensen, 44; Coash, 27; Fulton, 29; Harms, 48; Janssen, 15; Krist, 10; Lautenbaugh, 18; Price, 3; Schilz, 47; Utter, 33.

THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 2010 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To add a new section 31 to Article I:

<u>I-31 Because all people should have the right to make decisions about their health care, no law shall be passed that:</u>

<u>(1) Restricts a person's freedom of choice of private health care systems or private health plans of any type;</u>

<u>(2) Interferes with a person's or an entity's right to pay directly for lawful medical services; or</u>

(3) Imposes a penalty or fine of any type for choosing to obtain or decline health care coverage or for participation in any particular health care system or health plan.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to provide that no law shall be passed that restricts a person's freedom of choice of private health care systems or plans of any type, that interferes with a person's or an entity's right to pay directly for lawful medical services, or that imposes a penalty or fine for choosing or declining health care coverage or participation.

For

Against.

Referred to the Reference Committee.

NOTICE OF COMMITTEE HEARINGS

Revenue

Room 1524

Wednesday, January 20, 2010 1:30 p.m.

LB698
LB724
LB804

Thursday, January 21, 2010 1:30 p.m.

LB877
LB878
LB879

(Signed) Abbie Cornett, Chairperson

Judiciary

Room 1113

Wednesday, January 20, 2010 1:30 p.m.

LB853
LB687
LB703
LB707
LB712

(Signed) Brad Ashford, Chairperson

Government, Military and Veterans Affairs

Room 1507

Thursday, January 21, 2010 1:30 p.m.

LB742
LB714
LB737

Friday, January 22, 2010 1:30 p.m.

LB686
LB768
LB826

(Signed) Bill Avery, Chairperson

COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 682. Placed on Select File.
LEGISLATIVE BILL 683. Placed on Select File.
LEGISLATIVE BILL 684. Placed on Select File.

LEGISLATIVE BILL 261. Placed on Select File with amendment.
ER8137

1. Strike the original sections and all amendments thereto and insert the following new sections:

Section 1. Section 60-4,111.01, Reissue Revised Statutes of Nebraska, is amended to read:

60-4,111.01 (1) The Department of Motor Vehicles, the courts, or law enforcement agencies may store or compile information acquired from an operator's license or state identification card for their statutorily authorized purposes.

(2) ~~No~~ Except as otherwise provided in subsection (3) or (4) of this section, no person having use of or access to machine-readable information encoded on an operator's license or a state identification card shall compile, store, preserve, trade, or sell such information. ~~Violation of this subsection shall be~~ Any person who trades or sells such information shall be guilty of a Class IV felony. Any person who compiles, stores, or preserves such information except as authorized in subsection (3) or (4) of this section shall be guilty of a Class IV felony.

(3)(a) For purposes of compliance with and enforcement of restrictions on the purchase of alcohol, lottery tickets, and tobacco products, a retailer who sells any of such items pursuant to a license issued or a contract under the applicable statutory provision may scan machine-readable information encoded on an

operator's license or a state identification card presented for the purpose of such a sale. The retailer may store the following information obtained from the license or card: Age and license or card identification number. The retailer shall post a sign at the point of sale of any of such items stating that the license or card will be scanned and that the age and identification number will be stored. The stored information may only be used by a law enforcement agency for purposes of enforcement of the restrictions on the purchase of alcohol, lottery tickets, and tobacco products and may not be shared with any other person or entity. The programmer for computer software designed to store such information shall certify to the retailer that the software is capable of storing only the information allowed by this subsection. Intentional or grossly negligent programming by the programmer which allows for the storage of more than the age and identification number shall be a Class IV felony. A retailer who knowingly stores more information than the age and identification number from the operator's license or state identification card shall be guilty of a Class IV felony.

(b) Information scanned, compiled, stored, or preserved pursuant to subdivision (a) of this subsection may not be retained longer than eighteen months unless required by state or federal law.

(4) A person having use of or access to machine-readable information encoded on an operator's license or a state identification card may scan, compile, store, and preserve such information:

(a) For purposes of providing such information to a consumer reporting agency subject to and in compliance with the federal Fair Credit Reporting Act, 15 U.S.C. 1681, as such act existed on January 1, 2009;

(b) As necessary to effect, administer, or enforce a transaction requested by the holder of the license or card;

(c) To protect against or prevent actual or potential fraud, unauthorized transactions, claims, or other liability; or

(d) For resolving a dispute or inquiry by the holder of the license or card.

(5) Except as provided in subsection (4) of this section, information scanned, compiled, stored, or preserved pursuant to this section may not be traded or sold to a third party; used for any marketing or sales purpose by any person, including the retailer who obtained the information; or, unless pursuant to a court order, reported to or shared with any third party. A person who violates this subsection shall be guilty of a Class IV felony.

Sec. 2. Original section 60-4,111.01, Reissue Revised Statutes of Nebraska, is repealed.

LEGISLATIVE BILL 522. Placed on Select File.

(Signed) Jeremy Nordquist, Chairperson

GENERAL FILE

LEGISLATIVE BILL 205. Title read. Considered.

Committee AM689, found on page 744, First Session, 2009, was considered.

SPEAKER FLOOD PRESIDING

PRESIDENT SHEEHY PRESIDING

Senator Stuthman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

The committee amendment was adopted with 32 ayes, 4 nays, 9 present and not voting, and 4 excused and not voting.

Senator Nordquist offered the following amendment:
AM1550
1. On page 3, line 24; page 4, lines 4 and 8; and page 7, lines 9, 16, and 20, strike "2010" and insert "2012".

Senator Nordquist moved for a call of the house. The motion prevailed with 39 ayes, 0 nays, and 10 not voting.

The Nordquist amendment was adopted with 26 ayes, 6 nays, 12 present and not voting, 1 absent and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Nordquist moved for a call of the house. The motion prevailed with 39 ayes, 0 nays, and 10 not voting.

Senator Nordquist requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 19:

Ashford	Cornett	Howard	Nordquist	Sullivan
Avery	Fulton	Karpisek	Pankonin	Wallman
Conrad	Giese	Lathrop	Pirsch	White
Cook	Haar	Mello	Rogert	

Voting in the negative, 22:

Adams	Fischer	Janssen	Nelson	Utter
Campbell	Flood	Langemeier	Pahls	Wightman
Carlson	Hadley	Lautenbaugh	Price	
Christensen	Hansen	Louden	Schilz	
Coash	Harms	McCoy	Stuthman	

Present and not voting, 3:

Dubas	Gloor	Heidemann

Excused and not voting, 5:

Council	Dierks	Gay	Krist	McGill

Failed to advance to Enrollment and Review Initial with 19 ayes, 22 nays, 3 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 929. Introduced by Ashford, 20; Mello, 5; Nelson, 6; Nordquist, 7.

A BILL FOR AN ACT relating to the Special Education Act; to amend section 79-1110, Revised Statutes Supplement, 2009; to require distribution of information to parents of children with hearing needs as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 930. Introduced by Gloor, 35.

A BILL FOR AN ACT relating to the Pharmacy Practice Act; to amend sections 38-2841 and 71-7447, Reissue Revised Statutes of Nebraska, and sections 38-2826, 38-2850, 38-2867, and 38-2869, Revised Statutes Supplement, 2009; to redefine terms; to change provisions relating to the practice of pharmacy and patient counseling; to harmonize provisions; and to repeal the original sections.

RECESS

At 11:49 a.m., on a motion by Senator Utter, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Senator Langemeier presiding.

SENATOR ROGERT PRESIDING

ROLL CALL

The roll was called and all members were present except Senators Gay and Krist who were excused; and Senators Ashford, Christensen, Dierks, Karpisek, Louden, and Sullivan who were excused until they arrive.

REFERENCE COMMITTEE REPORT

The Executive Board submits the following report:

LB/LR	Committee
LB893	Revenue
LB894	Judiciary
LB895	Natural Resources
LB896	Transportation and Telecommunications
LB897	Revenue
LB898	Education
LB899	Nebraska Retirement Systems
LB900	General Affairs
LB901	Judiciary
LB902	Health and Human Services
LB903	Health and Human Services
LB904	Health and Human Services
LB905	Judiciary
LB906	General Affairs
LB907	Judiciary
LB908	Business and Labor
LB909	Agriculture
LB910	Agriculture
LB911	Natural Resources
LB912	Banking, Commerce and Insurance
LB913	Business and Labor
LB914	Transportation and Telecommunications
LB915	Judiciary
LB916	Education
LB917	Revenue
LB918	Revenue
LR286CA	Transportation and Telecommunications

(Signed) John Wightman, Chairperson
Executive Board

NOTICE OF COMMITTEE HEARING
Appropriations

Room 1524

Monday, January 25, 2010 1:30 p.m.

LB740
LB776
LB793

(Signed) Lavon Heidemann, Chairperson

GENERAL FILE

LEGISLATIVE BILL 235. Title read. Considered.

Committee AM681, found on page 745, First Session, 2009, was considered.

Senator Adams renewed his amendment, AM1541, found on page 123, to the committee amendment.

The Adams amendment was adopted with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

The committee amendment, as amended, was adopted with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 1 nay, 8 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 210. Title read. Considered.

Senator Langemeier offered the following amendment:
FA57
Page 3, line 5 strike "January" and insert "July"

The Langemeier amendment was adopted with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 280. Title read. Considered.

Senator Avery offered the following motion:
MO72
Indefinitely postpone.

Laid over.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 931. Introduced by Langemeier, 23.

A BILL FOR AN ACT relating to the Real Property Appraiser Act; to amend sections 76-2201, 76-2202, 76-2203, 76-2206, 76-2211.01, 76-2211.02, 76-2213, 76-2213.01, 76-2216, 76-2217.02, 76-2220, 76-2223, 76-2225, 76-2228, 76-2228.01, 76-2229, 76-2229.01, 76-2230, 76-2231.01, 76-2232, 76-2233, 76-2233.01, 76-2233.02, 76-2236, 76-2237, 76-2238, 76-2240, 76-2241, 76-2249, and 77-5004, Reissue Revised Statutes of Nebraska; to change provisions relating to the credentialing of appraisers, testing, and hearings; to provide and change powers and duties for the Real Property Appraiser Board; to provide provisions relating to appraisal management companies; to define and redefine terms; to harmonize provisions; to repeal the original sections; to outright repeal sections 76-2205.01 and 76-2207, Reissue Revised Statutes of Nebraska; and to declare an emergency.

LEGISLATIVE BILL 932. Introduced by Christensen, 44.

A BILL FOR AN ACT relating to natural resources; to amend sections 2-3226.06, 2-3226.07, and 2-3226.08, Revised Statutes Cumulative Supplement, 2008; to change provisions relating to repayment of financial assistance as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 933. Introduced by Utter, 33.

A BILL FOR AN ACT relating to the Motor Vehicle Certificate of Title Act; to amend section 60-149, Revised Statutes Cumulative Supplement, 2008; to change provisions relating to manufactured homes and mobile homes; and to repeal the original section.

LEGISLATIVE BILL 934. Introduced by Haar, 21; Coash, 27; Cook, 13; Cornett, 45; Council, 11; Fulton, 29; Giese, 17; Gloor, 35; Janssen, 15; McCoy, 39; Stuthman, 22; Wallman, 30; Wightman, 36.

A BILL FOR AN ACT relating to labor; to amend section 35-1402, Reissue Revised Statutes of Nebraska; to include volunteer members of the Nebraska Wing of the Civil Air Patrol under the Volunteer Emergency Responders Job Protection Act; and to repeal the original section.

RESOLUTIONS

LEGISLATIVE RESOLUTION 290. Introduced by Fulton, 29; Adams, 24; Ashford, 20; Avery, 28; Campbell, 25; Carlson, 38; Christensen, 44; Coash, 27; Conrad, 46; Cook, 13; Cornett, 45; Council, 11; Dierks, 40; Dubas, 34; Fischer, 43; Flood, 19; Gay, 14; Giese, 17; Gloor, 35; Haar, 21; Hadley, 37; Hansen, 42; Harms, 48; Heidemann, 1; Howard, 9; Janssen, 15; Karpisek, 32; Krist, 10; Langemeier, 23; Lathrop, 12; Lautenbaugh, 18; Louden, 49; McCoy, 39; McGill, 26; Mello, 5; Nelson, 6; Nordquist, 7; Pahls, 31; Pankonin, 2; Pirsch, 4; Price, 3; Rogert, 16; Schilz, 47; Stuthman, 22; Sullivan, 41; Utter, 33; Wallman, 30; White, 8; Wightman, 36.

WHEREAS, the University of Nebraska Cornhusker football team won their second consecutive bowl game in their 2009 Holiday Bowl victory over the University of Arizona Wildcats by a score of thirty-three to zero; and

WHEREAS, no team has prevented its opponent from scoring in the history of the Holiday Bowl and no Cornhusker team has prevented its opponent from scoring in the University's storied history of forty-six bowl games; and

WHEREAS, head coach Bo Pelini has led the Cornhuskers to two consecutive Big Twelve Conference North Division titles, the second outright, in his first two seasons as head coach; and

WHEREAS, head coach Bo Pelini, defensive coordinator Carl Pelini, and the entire coaching staff have transformed the Blackshirt defense into one of the top-rated defenses in all of college football over the course of two seasons; and

WHEREAS, defensive tackle Ndamukong Suh has achieved unprecedented individual accolades, winning the Bronko Nagurski Award, the Rotary Lombardi Award, the Outland Trophy, the Chuck Bednarik Award, and the Associated Press National Player of the Year Award, while unselfishly leading the Blackshirt defense and the Cornhuskers throughout their impressive season; and

WHEREAS, the work ethic, discipline, teamwork, character, and dedication to excellence evident in each player and coach of the Cornhusker football program on and off the field of play are a source of great inspiration and pride for the people of Nebraska.

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

1. That the Legislature congratulates the University of Nebraska Cornhusker football team and head coach Bo Pelini for their achievements.

2. That a copy of this resolution be delivered to the University of Nebraska Athletic Department.

Laid over.

LEGISLATIVE RESOLUTION 291. Introduced by Fulton, 29.

WHEREAS, the Lincoln Saltdogs baseball team won the 2009 American Association Championship on September 13, 2009; and

WHEREAS, Manager Marty Scott led the Saltdogs to the championship in his first season as manager; and

WHEREAS, the Lincoln Saltdogs exhibited the team unity, commitment to high achievement, and perseverance that are hallmarks of athletics in Nebraska; and

WHEREAS, pitcher Chris Thompson led the league with thirty saves and became the fifth player in team history to be named an American Association postseason All-Star; and

WHEREAS, Chairman Jim Abel, President Charlie Meyer, General Manager Tim Utrup, and the entire Lincoln Saltdogs front office have put forth tremendous effort in developing a high-quality baseball organization for the citizens of Lincoln; and

WHEREAS, the Lincoln Saltdogs have been a continual source of family entertainment and civic pride in the city of Lincoln for nine seasons; and

WHEREAS, the Lincoln Saltdogs have enkindled greater interest and participation in our national pastime in southeast Nebraska.

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

1. That the Legislature congratulates the Lincoln Saltdogs baseball team for their achievements.

2. That a copy of this resolution be sent to the Lincoln Saltdogs and their manager, Marty Scott.

Laid over.

LEGISLATIVE RESOLUTION 292. Introduced by Fulton, 29.

WHEREAS, the Ninth Amendment to the United States Constitution states that "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people;" and

WHEREAS, the Tenth Amendment to the United States Constitution declares that "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people;" and

WHEREAS, the framers of the United States Constitution envisioned a federal government with "few and defined" delegated powers, whereby state governments retained "numerous and indefinite" powers extending "to all the objects which, in the ordinary course of affairs, concern the lives, liberties, and properties of the people, and the internal order, improvement, and prosperity of the State;" and

WHEREAS, the United States Government has historically and continues to expand its enumerated powers in a manner inconsistent with the Ninth Amendment to the United States Constitution; and

WHEREAS, the United States Government has historically and continues to assert powers not enumerated under Article I, section 8, of the United States Constitution in a manner inconsistent with the Tenth Amendment to the United States Constitution; and

WHEREAS, a balanced federalism is necessary to preserve the inherent rights of the people, from whose consent the just powers of both state and federal governments are derived.

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

1. That the Legislature memorializes the Congress of the United States to adhere to the principles of federalism in accord with the Ninth and Tenth Amendments to the United States Constitution.

2. That a copy of this resolution be sent to all the members of the Nebraska congressional delegation with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

3. That a copy of this resolution be sent to each state legislature within these United States of America.

Referred to the Reference Committee.

NOTICE OF COMMITTEE HEARING

Natural Resources

Room 1525

Wednesday, January 20, 2010 1:30 p.m.

LB797
LB798
LB911

(Signed) Chris Langemeier, Chairperson

UNANIMOUS CONSENT - Add Cointroducer

Senator Howard asked unanimous consent to add her name as cointroducer to LB929. No objections. So ordered.

VISITORS

Visitor to the Chamber was Jay Wolf from Albion.

The Doctor of the Day was Dr. Dale Michels from Lincoln.

ADJOURNMENT

At 2:59 p.m., on a motion by Speaker Flood, the Legislature adjourned until 9:45 a.m., Thursday, January 14, 2010.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

SEVENTH DAY - JANUARY 14, 2010

LEGISLATIVE JOURNAL

ONE HUNDRED FIRST LEGISLATURE
SECOND SESSION

SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 14, 2010

PRAYER

The prayer was offered by Reverend Jack Sample, Wood River.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:45 a.m., President Sheehy presiding.

The roll was called and all members were present.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixth day was approved.

NOTICE OF COMMITTEE HEARINGS

Banking, Commerce and Insurance

Room 1507

Monday, January 25, 2010 1:30 p.m.

LB738
LB762
LB814

Tuesday, January 26, 2010 1:30 p.m.

LB890
LB891
LB892

(Signed) Rich Pahls, Chairperson

Business and Labor

Room 2102

Monday, January 25, 2010 1:30 p.m.

LB709
LB729
LB884
LB913

(Signed) Steve Lathrop, Chairperson

Natural Resources

Room 1525

Thursday, January 21, 2010 1:30 p.m.

LB743
LB871

Friday, January 22, 2010 1:30 p.m.

LB832

(Signed) Chris Langemeier, Chairperson

Revenue

Room 1524

Friday, January 22, 2010 1:30 p.m.

Robert W. Hotz - Tax Equalization and Review Commission

LB823

(Signed) Abbie Cornett, Chairperson

REPORTS

The following reports were received by the Legislature:

Health and Human Services, Department of
Division of Developmental Disabilities, Beatrice State Developmental Center Baseline Quarterly Report
Insurance, Department of

Total Number of Applicants for Public Benefits and the Number of Applicants Rejected Pursuant to Such Sections

Natural Resources, Department of

Total Number of Applicants for Public Benefits and the Number of Applicants Rejected Pursuant to Such Sections

Revenue, Nebraska Department of

Charitable Gaming Division 2009 Annual Report

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of January 13, 2010, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Obst, Robert E.
Qwest Communications
Partington, Jim
Restaurant Association, Nebraska
Plucker, Julia
Bennington Public Schools
Beverage Operators of Nebraska, Responsible
Community Alliance, Inc.
Credit Union League and Affiliates, Nebraska
Kelley and Jerram, P.C.
Lamar Advertising Company
Nebraska School Activities Association
Radcliffe, Walter H. of Radcliffe & Associates
Enterprise Rent-A-Car

MOTION - Escort Governor

Senator Wightman moved that a committee of five be appointed to escort the Governor of the State of Nebraska to the Legislative Chamber to deliver his State of the State Address.

The motion prevailed.

The Chair appointed Senators Wightman, Rogert, Cook, Cornett, and Janssen to serve on said committee.

STATE OF THE STATE ADDRESS

"Our roadmap is clear and my focus will be on three priorities: Growing our economy by focusing on job creation; strengthening Nebraska's education system so that our students can compete in the 21st Century economy; and developing a more efficient government through greater use of technology."
- Dave Heineman, Governor

Mr. President, Mr. Speaker, Members of the Legislature, Tribal Chairmen, Distinguished Guests, Friends and Fellow Nebraskans:

As we enter a new decade, we have a unique opportunity to pause - to reflect on our past accomplishments and take the first step toward new endeavors. As a State, we are in an exceptional position to become an even more extraordinary place to live, to work and to raise a family.

Nebraska's financial health is stronger than most of our peers across America, because working together we have been fiscally responsible. Two months ago, Nebraska faced a $335 million revenue shortfall. We acted quickly and decisively. We resolved this financial challenge by reducing spending, not by increasing taxes. Members of this body were in special session just 12 days. You passed the budget unanimously and I signed it into law immediately. No other state has acted as swiftly or spoken with one voice as Nebraska has in recent months. Senators, thank you for your work during the 2009 special session.

As a result, we are positioned to continue moving Nebraska forward. My focus for the coming year is to prepare our state to take advantage of new opportunities.

My vision for ensuring a strong future for Nebraska is summed up in three priorities: growing our economy, strengthening education, and developing an even more efficient government. Growing our economy means an every day focus on job creation.

Our efforts to modernize Nebraska's economic incentive programs, to lower taxes, and to prioritize investments have resulted in a stronger, more stable economy in Nebraska than in the rest of the country. In 2005, I worked with this body and we enacted the most comprehensive reform of our state's economic development programs since the 1980s.

I am pleased to report that the Nebraska Advantage is exceeding our expectations. Since its passage, 195 companies have decided to expand or locate in Nebraska. These companies plan to invest $5.3 billion in our economy. When all projects are completed, nearly 16,000 new jobs will have been created.

Even as the national economic slowdown is impacting all states, our

recruiting efforts continue to pay dividends. Fifteen months ago, one of America's most well-known technology companies announced it would locate a data center and customer service center in the Omaha area. Both projects will be operational this year. Last month, a California technology company announced it was locating in Grand Island. This company will create 200 new jobs over the next three years.

In September, a successful and nationally-known retailer, headquartered in Kearney, announced an expansion of its distribution center using funding from Nebraska's Community Development Block Grant program. That same program is helping the communities of Aurora, Kearney, and South Sioux City develop new industrial power park sites for future economic growth. Last April, two central Nebraska companies announced a partnership that created 25 new jobs in Central City producing custom made cabinets that had previously been manufactured in China.

Working with the International Brotherhood of Electrical Workers, we used funding from Nebraska's Worker Training program to build a wind tower training facility that will help prepare our workers for the future growth of Nebraska's wind energy sector. Agriculture and ag-related businesses continue to be a solid and stable foundation of Nebraska's economy. Nebraska's insurance and financial services industry continues to expand.

In addition to our work to create jobs, the other important element to growing Nebraska's economy is our work to lower taxes. For too long, Nebraska has been a high tax state. But we are changing that.

Three years ago, we passed the largest tax relief package in the history of the State. We repealed the estate tax, eliminated the marriage penalty, repealed the sales tax on construction labor, and lowered income taxes. Prior to those changes, the Tax Foundation ranked Nebraska as one of America's Top 10 highest tax states. Their survey ranked Nebraska as having the 44th highest tax rates out of 50 states.

Today we have successfully reduced our ranking to 33rd, making Nebraska a more competitive and business-friendly state. That's progress, but we have more to do. Taxes are still too high.

The key to lowering taxes is to control spending. It requires difficult choices and it requires that we prioritize our investments.

During this national economic slowdown, we have seized the opportunity to make Nebraska more competitive. Many states have raised income or sales taxes – Nebraska has not. Many states spent beyond their means – Nebraska did not. We controlled our spending.

Because of the tough choices we have made, Nebraska is receiving national attention. According to Forbes, Nebraska is one of the Top 10 "Best States For Business." Business Week rated Nebraska as one of the Top 10 states

"Where Struggling Americans Can Find a Fresh Start." Mainstreet.com ranked Nebraska as the number one state for financial prosperity in their "Happiness Index." Nebraska has the second lowest unemployment rate in America. CNN Money just published a ranking of the Top 10 "Best Places to Live" in America for jobs. Three of the Top 8 places for jobs in America are in one state - Nebraska. They are Platte County, Sarpy County and Madison County.

There is more good news. The latest U.S. Census Bureau estimates indicated Nebraska's population growth in 2009 compared to the national growth rate was our best performance in nearly 50 years.

Nebraska is on the move in typical Nebraska fashion – making deliberate, disciplined, steady, and responsible progress. However, the next 12 to 18 months will be a time of uncertainty for our economy. Historically, as the national economy begins to recover, state tax revenues tend to lag behind.

To build on the progress of the past few years, it will be critical that we solve any additional revenue shortfalls by remaining committed to reducing spending. Preventing any future tax increases is crucial to continuing Nebraska's economic progress. Tax increases are job-killers, not job-creators. Whether it's a special session or a regular legislative session, I will oppose any attempt to increase income or sales taxes on Nebraskans.

The second key element to spurring future growth is strengthening Nebraska's education system. The world is changing. Our task is to prepare our sons and daughters to compete in a knowledge-based, technology-driven, global, free-market economy. Today's jobs require higher reading and math skills than was true 20 years ago.

In order to prepare our students for the 21st Century workplace, we need to transform our education system from pre-school all the way through college. We've begun that reform by restructuring the Nebraska P-16 Initiative. This partnership includes education leaders and policy makers.

As the new chair of the Nebraska P-16 Initiative, I am pleased to be working closely with my fellow co-chairs, including Senator Greg Adams, Chair of your Education Committee, Commissioner of Education, Dr. Roger Breed, University of Nebraska President J.B. Milliken, and Liz Koop, President and CEO of EducationQuest Foundation. We are united in our effort to strengthen Nebraska's education system.

For all students to succeed, Nebraska needs a common set of career-ready and college-ready academic standards. One of our first P-16 goals was to update Nebraska's high school graduation requirements by supporting a core curriculum of four years of English and three years of math, science and social studies. I am pleased to report that the State Board of Education has adopted these new high school graduation requirements starting with the 2014-2015 academic year, and just minutes ago, I approved the Rule 10

regulation updating Nebraska's graduation requirements for the first time since 1984.

Furthermore, the road to economic prosperity for us as a State and for individual students is a good education. The road out of poverty into a good job is a good education, and a good education starts with parents and early learning activities at home. It continues with outstanding early childhood programs, and as our children enter one of Nebraska's 253 school districts, the focus must be on learning.

Student success in the classroom is directly related to quality teachers and increased parental involvement. That's why in 2007, I began collaborating with the Nebraska Association of School Boards on a new award recognizing school districts that are successful in increasing parental involvement. In the last three years, we have honored school districts from Garden County, Sutherland, Cozad, Kearney, Loup City, St. Paul, Grand Island, Madison, Papillion-LaVista, and Millard for their parental involvement programs.

As good as Nebraska's schools are today, they must be even better in the future. Increasing student achievement means Nebraska needs a high quality teacher in every classroom, a high quality principal in every school, and a high quality superintendent leading every school district. Eliminating academic achievement gaps means changing the status quo. For example, high truancy rates are unacceptable. Superintendents, parents, law enforcement, county attorneys, and other community agencies need a high profile effort to ensure students are in school every day.

Additionally, Nebraska needs to reform its school day and school year. The needs of students have changed dramatically during the past century, yet our American education system continues to rely upon a 100-year-old school calendar. School districts need to examine their current school day and school year with a focus on increasing learning opportunities. School leaders and parents must work together to develop effective strategies to use time more effectively.

Tomorrow, Commissioner Breed and I will be submitting Nebraska's Race to the Top application to the federal Department of Education. Our commitment includes working with the University of Nebraska to develop a new Nebraska Virtual High School that will provide Nebraska's school districts with rigorous academic programs.

Imagine how a Nebraska Virtual High School could expand learning beyond the traditional school day and school year for both students and teachers. Every school district stands to benefit from this effort. For rural and urban school districts, it will provide access to a wider range of rigorous academic subjects, such as foreign languages and advanced math and science classes. For school districts with parents without internet access at home, schools could keep buildings open later in the evening for students to access these

academic programs online.

Imagine students spending more time in a virtual classroom between the hours of 3:30 p.m. and 8:30 p.m., and less time on the streets involved in drug and gang activities. Imagine students using Nebraska's Virtual High School from their home, a library or a community center during the summer. With innovative and creative thinking, we will expand learning opportunities well beyond the traditional school day and school year.

In Nebraska, we have an opportunity to create an education system with higher student achievement, increased accountability, improved teacher and principal effectiveness, and a reformed school day and school year. Change of this magnitude will require a redirection of current financial resources at the school district level, including diverting resources from lawyers and lobbyists to the classroom. It will require a continued prioritization of state resources, and I will continue to prioritize education. The focus must be on student learning, both individual achievement and student growth.

In a 21st Century, global economy, we must recognize that today's students need more than a high school education. Today's jobs require at least two years of college and in many cases four years of college. That's why Nebraska needs a top 10 college going rate and affordable access to higher education institutions. Like our K-12 school districts, the University of Nebraska, our state and community colleges, and our private colleges and universities need to re-examine their educational processes. Students need a clear path to degree completion in four years, not six years.

Our colleges and universities need to prioritize their investments as well as redirecting financial resources to higher priorities. Strengthening Nebraska's education system from pre-school through college is essential to Nebraska's future success. Now is the time to focus our attention on building an education system that meets the needs of modern students competing in a modern world.

The final component to keep Nebraska moving forward is to continue to develop a more efficient government by reforming the delivery of government services. By using technology, state government can become more efficient and more productive. For example, Nebraska is developing a statewide radio system to allow city, county, state, and federal agencies to communicate with each other. This project is a perfect example of how innovation can provide enhanced public safety that benefits every Nebraskan.

In addition, the technology that allows Nebraskans to file taxes electronically has also helped increase productivity and lower costs. More than 71 percent of Nebraska's tax returns were filed electronically last year. We have one of the highest e-filing rates in the nation.

The Department of Health and Human Services is using technology to

improve client services and modernize the delivery of economic assistance programs through a series of online applications known as ACCESSNebraska. More than 56,000 Nebraskans have taken advantage of the ability to apply for services online since last September. More than 30 percent of our citizens applying online do so outside of traditional work hours. Once fully implemented, the federal and state budget savings will be more than $5 million annually.

Some of our most popular online services include hunting and fishing licenses from the Nebraska Game and Parks Commission, and the 511 feature offered by the Department of Roads providing real-time information on weather and road conditions across the State. Last year, more than 434,000 hunting and fishing licenses were purchased online. The Department of Roads 511 site logged more than 700,000 visits in December alone and more than 1.3 million visits in 2009.

Ladies and Gentlemen, although 2010 will be a challenging year for Nebraska and all states, it is essential that we continue to position Nebraska for future growth.

Our roadmap is clear and my focus will be on three priorities: Growing our economy by focusing on job creation; strengthening Nebraska's education system so that our students can compete in the 21st Century economy; and developing a more efficient government through greater use of technology.

We have worked hard to position Nebraska as an attractive place to live, to work and to raise a family, and I am confident that the year ahead will provide us with new opportunities to move Nebraska forward.

Thank you.

The committee escorted Governor Dave Heineman from the Chamber.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 935. Introduced by Speaker Flood, 19; at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2009, LB 313, section 17; Laws 2009, LB 315, section 76; Laws 2009, First Special Session, LB 1, sections 15, 16, 17, 18, 20, 21, 22, 23, 27, 41, 87, 98, 104, 210, and 228; to define terms; to appropriate funds; to change certain appropriations; to provide for transfers; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 936. Introduced by Flood, 19.

A BILL FOR AN ACT relating to juvenile dispositions; to amend sections 29-2262.06 and 43-286, Reissue Revised Statutes of Nebraska; to authorize juvenile court-ordered conditions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 937. Introduced by Fischer, 43.

A BILL FOR AN ACT relating to learning community coordinating councils; to amend section 32-546.01, Revised Statutes Supplement, 2009; to eliminate provisions relating to per diems; and to repeal the original section.

LEGISLATIVE BILL 938. Introduced by Stuthman, 22.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend sections 68-907 and 68-911, Reissue Revised Statutes of Nebraska; to define a term; to provide for reimbursement of federally qualified health centers as prescribed; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 939. Introduced by Stuthman, 22.

A BILL FOR AN ACT relating to support enforcement; to amend sections 43-1701, 43-1702, 43-1703, 43-1717, 43-1718.02, 43-1720, 43-1722, 43-1723, 43-1724, 43-1726, 43-1727, and 43-3330, Reissue Revised Statutes of Nebraska, and section 43-512.12, Revised Statutes Supplement, 2009; to change review procedures for support orders; to include the satisfaction of certain monetary judgments of an obligor by income withholding; to define and redefine terms and change terminology for support collection; to change provisions of the bank match system; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 940. Introduced by Janssen, 15; Fulton, 29; Lautenbaugh, 18; McCoy, 39; Schilz, 47.

A BILL FOR AN ACT relating to the Welfare Reform Act; to amend sections 68-1708, 68-1723, and 68-1724, Reissue Revised Statutes of Nebraska; to provide for drug-screening of applicants for and recipients of cash assistance benefits; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 941. Introduced by Gay, 14.

A BILL FOR AN ACT relating to the Uniform Credentialing Act; to amend sections 38-2605 and 38-2617, Reissue Revised Statutes of Nebraska, and section 38-2850, Revised Statutes Supplement, 2009; to redefine the practice of optometry to include dispensing contact lenses as prescribed; to provide for rules and regulations; to exclude certain activities from

regulation under the Pharmacy Practice Act; and to repeal the original sections.

LEGISLATIVE BILL 942. Introduced by Gay, 14.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-123.15, Revised Statutes Cumulative Supplement, 2008; to provide for a special shipping permit; to provide for a fee; and to repeal the original section.

LEGISLATIVE BILL 943. Introduced by Harms, 48; Louden, 49; Schilz, 47.

A BILL FOR AN ACT relating to the Civil Service Act; to amend sections 19-1825 and 19-1826, Reissue Revised Statutes of Nebraska; to provide for the merger of civil service commissions as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 944. Introduced by Harms, 48.

A BILL FOR AN ACT relating to schools; to amend section 79-580, Reissue Revised Statutes of Nebraska; to provide for publication on certain districts' web sites of claims allowed and proceedings of meetings; and to repeal the original section.

LEGISLATIVE BILL 945. Introduced by Harms, 48; Howard, 9.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-4,182, Revised Statutes Cumulative Supplement, 2008, and section 60-601, Revised Statutes Supplement, 2009; to prohibit using a handheld wireless communication device as prescribed while operating a motor vehicle; to provide exceptions; to provide penalties; to define terms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 946. Introduced by Hadley, 37.

A BILL FOR AN ACT relating to child support; to provide for postsecondary education subsidy orders; and to provide a duty for the Revisor of Statutes.

NOTICE OF COMMITTEE HEARINGS

Judiciary

Room 1113

Thursday, January 21, 2010 1:30 p.m.

LB694
LB695
LB746
LB784
LB844

Friday, January 22, 2010 1:30 p.m.

LB769
LB824
LB915
LB728

(Signed) Brad Ashford, Chairperson

General Affairs

Room 1510

Monday, January 25, 2010 1:30 p.m.

LB788
LB861
LB867
LB825
LR277CA

(Signed) Russ Karpisek, Chairperson

Education

Hearing Room 1525

Monday, January 25, 2010 1:30 p.m.

LB741
LB711
LB916

(Signed) Greg Adams, Chairperson

GENERAL FILE

LEGISLATIVE BILL 139. Title read. Considered.

Committee AM823, found on page 816, First Session, 2009, was considered.

SENATOR FISCHER PRESIDING

The committee amendment was adopted with 26 ayes, 2 nays, 13 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review Initial with 26 ayes, 4 nays, 10 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 475. Title read. Considered.

Committee AM830, found on page 862, First Session, 2009, was considered.

Senator Avery renewed the Avery-Stuthman amendment, AM1547, found on page 196, to the committee amendment.

The Avery-Stuthman amendment was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

The committee amendment, as amended, was adopted with 28 ayes, 0 nays, 11 present and not voting, and 10 excused and not voting.

Advanced to Enrollment and Review Initial with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 279. Title read. Considered.

Committee AM909, found on page 890, First Session, 2009, was adopted with 27 ayes, 0 nays, 10 present and not voting, and 12 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 6 present and not voting, and 11 excused and not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 947. Introduced by Avery, 28.

A BILL FOR AN ACT relating to the Community Development Block Grant Program; to amend sections 81-1201.04 and 81-1201.18, Reissue

Revised Statutes of Nebraska; to eliminate the Community Development Block Grant Program Advisory Committee; to transfer the duties of the committee to the Economic Development Commission; to repeal the original sections; and to outright repeal section 81-1201.08, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 948. Introduced by Avery, 28.

A BILL FOR AN ACT relating to the Department of Administrative Services; to amend sections 81-159 and 81-161, Reissue Revised Statutes of Nebraska; to change provisions relating to agency requisitions and competitive bidding; and to repeal the original sections.

LEGISLATIVE BILL 949. Introduced by Gloor, 35; Avery, 28; Campbell, 25; Carlson, 38; Christensen, 44; Coash, 27; Dierks, 40; Dubas, 34; Fischer, 43; Fulton, 29; Hadley, 37; Hansen, 42; Harms, 48; Howard, 9; Janssen, 15; Karpisek, 32; Lautenbaugh, 18; McCoy, 39; McGill, 26; Mello, 5; Pankonin, 2; Price, 3; Rogert, 16; Schilz, 47; Stuthman, 22; Sullivan, 41; Utter, 33; Wallman, 30; Wightman, 36.

A BILL FOR AN ACT relating to the Building Construction Act; to amend sections 71-6401, 71-6403, 71-6405, and 71-6406, Reissue Revised Statutes of Nebraska; to change provisions relating to building codes; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 950. Introduced by Nebraska Retirement Systems Committee: Pankonin, 2, Chairperson; Heidemann, 1; Karpisek, 32; Louden, 49; Mello, 5; Nordquist, 7.

A BILL FOR AN ACT relating to retirement; to amend sections 23-2310.04, 23-2315.01, 23-2319.02, 24-701.01, 79-902, 79-910.01, 79-915, 79-920, 79-951, 79-978, 79-990, 81-2016, 84-1310.01, 84-1311.03, 84-1314, 84-1321.01, 84-1323.01, and 84-1504, Reissue Revised Statutes of Nebraska, sections 23-2309.01 and 23-2310.05, Revised Statutes Cumulative Supplement, 2008, and sections 23-2306, 23-2308.01, 84-1307, and 84-1309.02, Revised Statutes Supplement, 2009; to change provisions relating to the County Employees Retirement Act, the Judges Retirement Act, the School Employees Retirement Act, the Nebraska State Patrol Retirement Act, and the State Employees Retirement Act regarding participation eligibility, uses of funds, disability eligibility, and retirement system options; to redefine terms; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 951. Introduced by Avery, 28; Krist, 10.

A BILL FOR AN ACT relating to elections; to amend sections 32-101, 32-808, and 32-939, Reissue Revised Statutes of Nebraska; to change provisions relating to early voting; to repeal the original sections; and to outright repeal section 32-939.01, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 952. Introduced by White, 8; Ashford, 20; Cook, 13; Cornett, 45; Council, 11; Gay, 14; Howard, 9; Lathrop, 12; Lautenbaugh, 18; McGill, 26; Mello, 5; Nelson, 6; Nordquist, 7; Price, 3; Rogert, 16.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701, 77-2701.04, and 77-2701.16, Reissue Revised Statutes of Nebraska; to exempt certain public utility income for infrastructure replacement and sewer programs from sales tax as prescribed; to define a term; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 953. Introduced by Coash, 27.

A BILL FOR AN ACT relating to medical services; to amend sections 47-703, 71-919, 71-922, and 71-926, Reissue Revised Statutes of Nebraska; to provide a rate of payment for certain medical services in emergency protective custody situations; and to repeal the original sections.

LEGISLATIVE BILL 954. Introduced by Giese, 17; Schilz, 47.

A BILL FOR AN ACT relating to the Nebraska Advantage Act; to amend section 77-5726, Reissue Revised Statutes of Nebraska; to change provisions relating to refunds of local sales and use taxes; and to repeal the original section.

LEGISLATIVE BILL 955. Introduced by Giese, 17.

A BILL FOR AN ACT relating to correctional facilities; to amend sections 83-183.01 and 83-184, Reissue Revised Statutes of Nebraska; to adopt the Correctional Facility Reimbursement Act; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 956. Introduced by Adams, 24.

A BILL FOR AN ACT relating to the Nebraska Scholarship Act; to amend sections 9-836.01, 85-1901, 85-1902, 85-1903, 85-1907, 85-1908, 85-1909, 85-1911, 85-1912, 85-1913, 85-1914, 85-1915, 85-1917, 85-1918, 85-1919, and 85-1920, Reissue Revised Statutes of Nebraska, section 85-1412, Revised Statutes Supplement, 2009, and section 9-812, Revised Statutes Supplement, 2009, as amended by section 1, Legislative Bill 2, One Hundred First Legislature, First Special Session, 2009; to rename the act and a fund; to redefine terms; to change provisions relating to awards; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 957. Introduced by Adams, 24.

A BILL FOR AN ACT relating to students; to amend section 85-1511, Reissue Revised Statutes of Nebraska, and section 79-318, Revised Statutes Supplement, 2009; to provide duties relating to sharing of student information for the State Board of Education, the Board of Regents of the University of Nebraska, the Board of Trustees of the Nebraska State Colleges, and the community colleges; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

LEGISLATIVE BILL 958. Introduced by Giese, 17; Conrad, 46; McGill, 26.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Reissue Revised Statutes of Nebraska; to exempt social security benefits, qualified retirement plan benefits, and government employee retirement benefits from state income taxation as prescribed; and to repeal the original section.

LEGISLATIVE BILL 959. Introduced by Lathrop, 12; Council, 11.

A BILL FOR AN ACT relating to insurance; to amend section 44-1525, Reissue Revised Statutes of Nebraska; to prohibit certain acts or practices having the effect of discrimination because of race, creed, national origin, or religion; and to repeal the original section.

LEGISLATIVE BILL 960. Introduced by Stuthman, 22.

A BILL FOR AN ACT relating to energy; to amend sections 70-2002 and 70-2003, Reissue Revised Statutes of Nebraska; to change provisions relating to net metering; and to repeal the original sections.

LEGISLATIVE BILL 961. Introduced by Council, 11; Ashford, 20; Carlson, 38; Coash, 27; Cook, 13; Giese, 17; Gloor, 35; Harms, 48; Karpisek, 32; Langemeier, 23; Lautenbaugh, 18; McCoy, 39; McGill, 26; Mello, 5; Pirsch, 4; Price, 3; Rogert, 16; Schilz, 47; Stuthman, 22; Sullivan, 41; Utter, 33; Wallman, 30; White, 8.

A BILL FOR AN ACT relating to economic development; to amend sections 81-1203, 81-1205, and 81-1207, Reissue Revised Statutes of Nebraska, and section 81-1201.21, Revised Statutes Supplement, 2009, as amended by section 72, Legislative Bill 3, One Hundred First Legislature, First Special Session, 2009; to change provisions relating to certain training grants; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 962. Introduced by Council, 11; Campbell, 25; Coash, 27; Cook, 13; Fulton, 29; Gloor, 35; Haar, 21; Harms, 48; McGill, 26; Mello, 5; Nordquist, 7; Rogert, 16; Sullivan, 41; Wallman, 30; White, 8.

A BILL FOR AN ACT relating to students; to amend sections 79-219, 79-220, 79-221, and 79-222, Reissue Revised Statutes of Nebraska, and

sections 79-217 and 79-1601, Revised Statutes Supplement, 2009; to require blood lead testing prior to school enrollment; to provide for exceptions; to harmonize provisions; and to repeal the original sections.

RESOLUTION

LEGISLATIVE RESOLUTION 293. Introduced by McGill, 26; Adams, 24; Avery, 28; Carlson, 38; Christensen, 44; Conrad, 46; Cook, 13; Council, 11; Dierks, 40; Fischer, 43; Flood, 19; Fulton, 29; Gay, 14; Giese, 17; Gloor, 35; Hadley, 37; Hansen, 42; Harms, 48; Heidemann, 1; Howard, 9; Janssen, 15; Krist, 10; Langemeier, 23; Lathrop, 12; Lautenbaugh, 18; Louden, 49; McCoy, 39; Mello, 5; Nelson, 6; Pahls, 31; Pankonin, 2; Pirsch, 4; Price, 3; Rogert, 16; Schilz, 47; Stuthman, 22; Sullivan, 41; Utter, 33; Wallman, 30; White, 8; Wightman, 36.

WHEREAS, Haiti recently suffered a massive earthquake killing over one hundred thousand people and leaving much of its capitol city Port-au-Prince in ruins and its people homeless; and

WHEREAS, Haiti is our neighbor and, as the poorest nation in the Western Hemisphere, was poorly equipped to handle a natural disaster of such magnitude; and

WHEREAS, much of Port-au-Prince infrastructure has been destroyed, including the National Palace and the local United Nations headquarters; and

WHEREAS, there are many Nebraskans with loved ones, friends, or colleagues missing in Haiti; and

WHEREAS, the generosity of Nebraskans towards those in need is second to none.

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

1. That the Legislature sends its condolences to the nation of Haiti.
2. That the Legislature asks the citizens of Nebraska to send needed support to the country of Haiti.
3. That the Legislature thanks those Nebraska businesses, charities, and individuals that were quick to organize donations and supplies to send to Haiti.
4. That a copy of this resolution be sent to the government of Haiti.

Laid over.

NOTICE OF COMMITTEE HEARING
Transportation and Telecommunications

Room 1113

Monday, January 25, 2010 1:30 p.m.

LB816
LB719
LB831
LB856
LB725

(Signed) Deb Fischer, Chairperson

UNANIMOUS CONSENT - Add Cointroducer

Senator Gloor asked unanimous consent to add his name as cointroducer to LB880. No objections. So ordered.

VISITOR

The Doctor of the Day was Dr. Stuart Embury from Holdrege.

ADJOURNMENT

At 12:03 p.m., on a motion by Senator Karpisek, the Legislature adjourned until 10:00 a.m., Tuesday, January 19, 2010.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

EIGHTH DAY - JANUARY 19, 2010

LEGISLATIVE JOURNAL

ONE HUNDRED FIRST LEGISLATURE
SECOND SESSION

EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 19, 2010

PRAYER

The prayer was offered by Pastor Rich Carlson, Union College, Lincoln.

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 Harms, Janssen, McCoy, and Stuthman who were excused; and Senators Carlson, Dierks, and Karpisek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventh day was approved.

REFERENCE COMMITTEE REPORT

The Executive Board submits the following report:

LB/LR	Committee
LB919	Urban Affairs
LB920	Education
LB921	Health and Human Services
LB922	Health and Human Services
LB923	Judiciary
LB924	Transportation and Telecommunications
LB925	Business and Labor
LB926	Transportation and Telecommunications
LB927	Nebraska Retirement Systems
LB928	Nebraska Retirement Systems
LB929	Education
LB930	Health and Human Services
LB931	Banking, Commerce and Insurance
LB932	Natural Resources
LB933	Transportation and Telecommunications

LB934	Business and Labor
LB935	Appropriations
LR289CA	Health and Human Services
LR292	Government, Military and Veterans Affairs

(Signed) John Wightman, Chairperson
Executive Board

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 254. Placed on Select File with amendment.
ER8139 is available in the Bill Room.

LEGISLATIVE BILL 512. Placed on Select File.

LEGISLATIVE BILL 325. Placed on Select File with amendment.
ER8138

1. Strike the original sections and all amendments thereto and insert the following new sections:

Section 1. Section 32-328, Reissue Revised Statutes of Nebraska, is amended to read:

32-328 (1) The election commissioner or county clerk shall, upon the personal application of any registered voter or whenever informed of any error and after due investigation, correct any error in the voter registration register. For such purpose, the election commissioner or county clerk may summon witnesses and compel their attendance to appear at the office of the election commissioner or county clerk to give testimony pertaining to residence, qualifications, or any other facts required to be entered in the voter registration register. Such testimony shall be transcribed and become a part of his or her records.

(2) If the name of any registered voter of any precinct does not appear on the precinct list of registered voters through an error and the election commissioner or county clerk informs the precinct inspector or judge of election that credible evidence exists that substantiates that an error has been made, the precinct inspector or judge of election shall enter the correction in the precinct list of registered voters, initial the correction, and authorize the receiving board to issue the proper ballots to the voter <u>as directed by the election commissioner or county clerk</u> and receive his or her vote. <u>The election commissioner or county clerk shall designate whether the voter is entitled to a regular ballot or a provisional ballot as provided in section 32-915.</u> All corrections shall be entered on the voter registration register as soon as possible after the election.

Sec. 2. Section 32-329, Reissue Revised Statutes of Nebraska, is amended to read:

32-329 (1) The Secretary of State with the assistance

of the election commissioners and county clerks shall perform list maintenance with respect to the computerized statewide voter registration list on a regular basis. The list maintenance shall be conducted in a manner that ensures that:

(a) The name of each registered voter appears in the computerized list;

(b) Only persons who have been entered into the register in error or who are not eligible to vote are removed from the computerized list; and

(c) Duplicate names are eliminated from the computerized list.

(2) The election commissioner or county clerk shall verify the voter registration register by using (a) the National Change of Address program of the United States Postal Service and a confirmation notice pursuant to subsection (3) of this section or (b) the biennial mailing of a nonforwardable notice to each registered voter. The Secretary of State shall provide biennial training for the election commissioners and county clerks responsible for maintaining voter registration lists. No name shall be removed from the voter registration register for the sole reason that such person has not voted for any length of time.

(3) When an election commissioner or county clerk receives information from the National Change of Address program of the United States Postal Service that a registered voter has moved from the address at which he or she is registered to vote, the election commissioner or county clerk shall ~~immediately~~ update the voter registration register <u>to indicate that the voter may have moved</u> and mail a confirmation notice by forwardable first-class mail. If a nonforwardable notice under subdivision (2)(b) of this section is returned as undeliverable, the election commissioner or county clerk shall mail a confirmation notice by forwardable first-class mail. The confirmation notice shall include a confirmation letter and a preaddressed, postage-paid confirmation card. The confirmation letter shall contain statements substantially as follows:

(a) The election commissioner or county clerk has received information that you have moved to a different residence address from that appearing on the voter registration register;

(b) If you have not moved or you have moved to a new residence within this county, you should return the enclosed confirmation card by the regular registration deadline prescribed in section 32-302. If you fail to return the card by the deadline, you will be required to affirm or confirm your address prior to being allowed to vote. If you are required to affirm or confirm your address, it may result in a delay at your polling place; and

(c) If you have moved out of the county, you must reregister to be eligible to vote. This can be accomplished by mail or in person. For further information, contact your local election commissioner or county clerk.

(4) The election commissioner or county clerk shall maintain for a period of not less than two years a record of each confirmation letter indicating the date it was mailed and the person to whom it was mailed.

(5) If information from the National Change of Address program or the nonforwardable notice under subdivision (2)(b) of this section indicates that the voter has moved outside the jurisdiction and the election commissioner or county clerk receives no response to the confirmation letter and the voter does not offer to vote at any election held prior to and including the second statewide federal general election following the mailing of the confirmation notice, the voter's registration shall be canceled and his or her name shall be deleted from the voter registration register.

Sec. 3. Section 32-607, Revised Statutes Supplement, 2009, is amended to read:

32-607 All candidate filing forms shall contain the following statement: I hereby swear that I will abide by the laws of the State of Nebraska regarding the results of the primary and general elections, that I am a registered voter and qualified to be elected, and that I will serve if elected. Candidate filing forms shall also contain the candidate's name; residence address; mailing address if different from the residence address; telephone number; office sought; and party affiliation if the office sought is a partisan office. Candidate filing forms shall be filed with the following filing officers:

(1) For candidates for national, state, or congressional office, directors of public power and irrigation districts, directors of reclamation districts, directors of natural resources districts, members of the boards of educational service units, members of governing boards of community colleges, delegates to national conventions, and other offices filled by election held in more than one county and judges desiring retention, in the office of the Secretary of State;

(2) For officers elected within a county, in the office of the election commissioner or county clerk. If the candidate is not a resident of the county, he or she shall submit a certificate of registration obtained under section 32-316 with the candidate filing form;

(3) For officers in school districts which include land in adjoining counties, in the office of the election commissioner or county clerk of the county in which the greatest number of registered voters entitled to vote for the officers reside. If the candidate is not a resident of the county, he or she shall submit a certificate of registration obtained under section 32-316 with the candidate filing form; and

(4) For city or village officers, in the office of the ~~city or village clerk, except that in the case of joint elections, the filing may be either in the office of the~~ election commissioner

or county clerk. ~~or in the office of the city or village clerk with deputized personnel. When the city or village clerk is deputized to take filings, he or she shall return all filings to the office of the election commissioner or county clerk by the end of the next business day following the filing deadline.~~

Sec. 4. Section 32-914.02, Reissue Revised Statutes of Nebraska, is amended to read:

32-914.02 If a person who is registered to vote moves to a new residence within the same county and precinct and has continuously resided in such county and precinct since registering to vote but the voter registration register has not been changed to reflect the move, the person shall be entitled to vote at the polling place for the new residence. The election commissioner or county clerk shall designate whether such a person is entitled to a regular ballot upon completing a registration application to update his or her voter registration record at the polling place or a provisional ballot as provided in section 32-915. The election commissioner or county clerk shall update the voter registration register to reflect the change of address.

Sec. 5. Section 32-915, Reissue Revised Statutes of Nebraska, is amended to read:

32-915 (1) A person whose name does not appear on the precinct list of registered voters at the polling place for the precinct in which he or she resides, whose name appears on the precinct list of registered voters at the polling place for the precinct in which he or she resides at a different residence address as described in section 32-914.02, or whose name appears with a notation that he or she received a ballot for early voting may vote a provisional ballot if he or she:

(a) Claims that he or she is a registered voter who has continuously resided in the county in which the precinct is located since registering to vote;

(b) Is not entitled to vote under section 32-914.01 or 32-914.02;

(c) Has not registered to vote or voted in any other county since registering to vote in the county in which the precinct is located;

(d) Has appeared to vote at the polling place for the precinct to which the person would be assigned based on his or her residence address; and

(e) Completes and signs a registration application before voting.

(2) A voter whose name appears on the precinct list of registered voters for the polling place with a notation that the voter is required to present identification pursuant to section 32-318.01 but fails to present identification may vote a provisional ballot if he or she completes and signs a registration application before voting.

(3) Each person voting by provisional ballot shall enclose his or her ballot in an envelope marked Provisional Ballot and shall, by signing the certification on the front of the envelope or a separate form attached to the envelope, certify to the following facts:

(a) I am a registered voter in ..... County;

(b) My name did not appear on the precinct list of registered voters;

(c) I registered to vote on or about this date .....;

(d) I registered to vote

.... in person at the election office or a voter registration site,

.... by mail,

.... on a form through the Department of Motor Vehicles,

.... on a form through another state agency,

.... in some other way;

(e) I have not resided outside of this county or voted outside of this county since registering to vote in this county;

(f) My current address is shown on the registration application completed as a requirement for voting by provisional ballot; and

(g) I am eligible to vote in this election and I have not voted and will not vote in this election except by this ballot.

(4) The voter shall sign the certification under penalty of election falsification. The following statements shall be on the front of the envelope or on the attached form: By signing the front of this envelope or the attached form you are certifying to the information contained on this envelope or the attached form under penalty of election falsification. Election falsification is a Class IV felony and may be punished by up to five years imprisonment, a fine of up to ten thousand dollars, or both.

(5) If the person's name does not appear on the precinct list of registered voters for the polling place and the judge or clerk of election determines that the person's residence address is located in another precinct within the same county, the judge or clerk of election shall direct the person to his or her correct polling place to vote.

Sec. 6. Section 32-930, Reissue Revised Statutes of Nebraska, is amended to read:

32-930 If a person is challenged on the ground that he or she is not eighteen years of age or, during the years in which a statewide general election is held, that he or she will not be eighteen years of age by the first Tuesday after the first Monday in November of such year, the person shall answer the following question on the form provided by the election commissioner or county clerk: Will you be ~~eighteen years of age to the best of your knowledge and belief by the statewide general election of this year?~~ at least eighteen years of age on or before the first Tuesday

following the first Monday in November of this year?

Sec. 7. Original sections 32-328, 32-329, 32-914.02, 32-915, and 32-930, Reissue Revised Statutes of Nebraska, and section 32-607, Revised Statutes Supplement, 2009, are repealed.

2. On page 1, strike beginning with "32-228" in line 1 through line 10 and insert "32-328, 32-329, 32-914.02, 32-915, and 32-930, Reissue Revised Statutes of Nebraska, and section 32-607, Revised Statutes Supplement, 2009; to change provisions relating to clerical errors on the precinct list of registered voters, updates of registration records due to change of address, candidate filing forms, provisional ballots, and challenges to voters; to harmonize provisions; and to repeal the original sections.".

LEGISLATIVE BILL 183. Placed on Select File.

LEGISLATIVE BILL 197. Placed on Select File with amendment.
ER8142

1. In the Standing Committee amendment, AM464, on page 7, line 2, strike "and"; and in line 11 after "Nebraska" insert ", as amended by section 95, Legislative Bill 3, One Hundred First Legislative Bill 3, One Hundred First Legislature, First Special Session, 2009".

2. On page 1, strike lines 2 through 5 and insert "to amend sections 85-1802 and 85-1807, Reissue Revised Statutes of Nebraska; to redefine terms; to create funds; to change and eliminate provisions relating to the use of funds; to repeal the original sections; and to outright repeal section 85-1803, Reissue Revised Statutes of Nebraska, as amended by section 95, Legislative Bill 3, One Hundred First Legislature, First Special Session, 2009.".

LEGISLATIVE BILL 550. Placed on Select File with amendment.
ER8141

1. On page 1, line 2, after the first comma insert "55-121,".

2. On page 2, line 3, strike "6" and insert "7".

(Signed) Jeremy Nordquist, Chairperson

BILLS ON FIRST READING

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

LEGISLATIVE BILL 963. Introduced by Carlson, 38.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-128, Reissue Revised Statutes of Nebraska, and section 48-121, Revised Statutes Cumulative Supplement, 2008; to change disability compensation after retirement as prescribed; to harmonize

provisions; and to repeal the original sections.

LEGISLATIVE BILL 964. Introduced by Christensen, 44.

A BILL FOR AN ACT relating to oil and gas; to amend section 57-218, Reissue Revised Statutes of Nebraska; to prohibit the leasing of land in a county road right-of-way for oil and gas exploration and development; and to repeal the original section.

LEGISLATIVE BILL 965. Introduced by Sullivan, 41.

A BILL FOR AN ACT relating to education; to amend sections 32-570 and 79-1217, Reissue Revised Statutes of Nebraska; to change procedures for filling vacancies on school boards; to provide additional grounds for vacancies on governing boards of educational service units; and to repeal the original sections.

LEGISLATIVE BILL 966. Introduced by Pahls, 31.

A BILL FOR AN ACT relating to schools; to amend section 79-703, Reissue Revised Statutes of Nebraska; to adopt the Classroom Educational Expenditure Act; to harmonize provisions; to provide an operative date; and to repeal the original section.

ANNOUNCEMENT

The Chair announced January 17 was Senator Schilz's birthday.

SELECT FILE

LEGISLATIVE BILL 682. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 683. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 684. Advanced to Enrollment and Review for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 304. Title read. Considered.

Senator Council moved for a call of the house. The motion prevailed with 37 ayes, 0 nays, and 12 not voting.

Senator Council requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 20:

Ashford	Conrad	Giese	Lathrop	Rogert
Avery	Cook	Gloor	McGill	Wallman
Christensen	Cornett	Haar	Mello	White
Coash	Council	Howard	Nordquist	Wightman

Voting in the negative, 20:

Adams	Fulton	Heidemann	Lautenbaugh	Price
Campbell	Gay	Karpisek	Nelson	Schilz
Fischer	Hadley	Krist	Pankonin	Sullivan
Flood	Hansen	Langemeier	Pirsch	Utter

Present and not voting, 4:

Dierks	Dubas	Louden	Pahls

Excused and not voting, 5:

Carlson	Harms	Janssen	McCoy	Stuthman

Failed to advance to Enrollment and Review Initial with 20 ayes, 20 nays, 4 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 373. Title read. Considered.

Committee AM1022, found on page 1037, First Session, 2009, was considered.

Senator Price offered the following amendment to the committee amendment:
AM1577
(Amendments to Standing Committee amendments, AM1022)
1. On page 3, lines 10 and 11 and 15 and 16; and page 4, lines 1 and 2, strike "meningococcal meningitis, or methicillin-resistant Staphylococcus aureus" and insert "or meningococcal meningitis".

Senator Price moved for a call of the house. The motion prevailed with 38 ayes, 0 nays, and 11 not voting.

Senator Price requested a roll call vote on his amendment.

Voting in the affirmative, 4:

Coash	Council	Gloor	Price

Voting in the negative, 27:

Adams	Cook	Giese	Karpisek	Nordquist
Ashford	Cornett	Haar	Krist	Pankonin
Avery	Dierks	Hadley	Lathrop	Rogert
Campbell	Dubas	Hansen	Lautenbaugh	
Christensen	Fischer	Heidemann	McGill	
Conrad	Fulton	Howard	Mello	

Present and not voting, 13:

Flood	Louden	Pirsch	Utter	Wightman
Gay	Nelson	Schilz	Wallman	
Langemeier	Pahls	Sullivan	White	

Excused and not voting, 5:

Carlson	Harms	Janssen	McCoy	Stuthman

The Price amendment lost with 4 ayes, 27 nays, 13 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

The committee amendment was adopted with 28 ayes, 3 nays, 13 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 26 ayes, 9 nays, 10 present and not voting, and 4 excused and not voting.

NOTICE OF COMMITTEE HEARINGS

Health and Human Services

Room 1510

Wednesday, January 27, 2010 1:30 p.m.

LB855
LB930
LB866
LB827

Thursday, January 28, 2010 1:30 p.m.

LB922
LB828
LB902
LB903
LB904

(Signed) Tim Gay, Chairperson

Appropriations

Room 1524

Tuesday, January 26, 2010 1:30 p.m.

LB935

(Signed) Lavon Heidemann, Chairperson

Transportation and Telecommunications

Room 1113

Tuesday, January 26, 2010 1:30 p.m.

LB821
LB805
LB808
LB914

Monday, February 1, 2010 1:30 p.m.

LB723
LB735
LB787
LB811

(Signed) Deb Fischer, Chairperson

Education

Room 1525

Tuesday, January 26, 2010 1:30 p.m.

Martin Demuth - Board of Educational Lands and Funds

LB898
LB929

(Signed) Greg Adams, Chairperson

Agriculture

Room 2102

Tuesday, January 26, 2010 1:30 p.m.

LB909

(Signed) Tom Carlson, Chairperson

Urban Affairs

Room 1510

Tuesday, January 26, 2010 1:30 p.m.

LB848
LB863
LB919

(Signed) Amanda McGill, Chairperson

AMENDMENTS - Print in Journal

Senator Pirsch filed the following amendment to LB147:
AM1569

1. Strike original sections 2, 3, and 4 and insert the following sections:

Sec. 2. Section 28-718, Revised Statutes Supplement, 2009, is amended to read:

28-718 (1) There shall be a central register of child protection cases maintained in the department containing records of all reports of child abuse or neglect opened for investigation as provided in section 28-713 and classified as either court substantiated or agency substantiated as provided in section 28-720. The department may change records classified as

inconclusive prior to August 30, 2009, to agency substantiated. The department shall give public notice of the changes made to this section and subsection (3) of section 28-720 by Laws 2009, LB 122, within thirty days after August 30, 2009, by having such notice published in a newspaper or newspapers of general circulation within the state.

(2) The department shall determine whether a name-change order received from the clerk of a district court pursuant to section 25-21,271 is for a person on the central register of child protection cases and, if so, shall include the changed name with the former name in the register and file or cross-reference the information under both names.

Sec. 3. Section 29-4004, Revised Statutes Supplement, 2009, is amended to read:

29-4004 (1) Any person subject to the Sex Offender Registration Act shall register within three working days after becoming subject to the act at a location designated by the Nebraska State Patrol for purposes of accepting such registration.

(2) Any person required to register under the act shall inform the sheriff of the county in which he or she resides, in person, and complete a form as prescribed by the Nebraska State Patrol for such purpose, if he or she has a new address, temporary domicile, or habitual living location, within three working days before the change. The sheriff shall submit such information to the sex offender registration and community notification division of the Nebraska State Patrol on the day it is received and in a manner prescribed by the Nebraska State Patrol for such purpose.

(3) Any person required to register under the act shall inform the sheriff of the county in which he or she resides, in person, and complete a form as prescribed by the Nebraska State Patrol for such purpose, if he or she has a new address, temporary domicile, or habitual living location in a different county in this state, within three working days before the address change. The sheriff shall submit such information to the sex offender registration and community notification division of the Nebraska State Patrol on the day it is received and in a manner as prescribed by the Nebraska State Patrol for such purpose. If the change in address, temporary domicile, or habitual living location is to a location within the State of Nebraska, the division shall notify the sheriff of each affected county of the new address, temporary domicile, or habitual living location, within three working days. The person shall report to the county sheriff of his or her new county of residence and register with such county sheriff within three working days after the address change.

(4) Any person required to register under the act shall inform the sheriff of the county in which he or she resides, in person, and complete a form as prescribed by the Nebraska State Patrol for such purpose, if he or she moves to a new out-of-state address, within three working days before the address change.

The sheriff shall submit such information to the sex offender registration and notification division of the Nebraska State Patrol on the day it is received and in a manner as prescribed by the Nebraska State Patrol for such purpose. If the change in address, temporary domicile, or habitual living location is to a location outside of the State of Nebraska, the division shall notify the sheriff of each affected county in Nebraska and the other state's, country's, or territory's central repository for sex offender registration of the new out-of-state address, temporary domicile, or habitual living location, within three working days.

(5) Any person required to register under the act who is employed, carries on a vocation, or attends school shall inform, in person, the sheriff of the county in which he or she is employed, carries on a vocation, or attends school and complete a form as prescribed by the Nebraska State Patrol for such purpose, within three working days after becoming employed, carrying on a vocation, or attending school. The person shall also notify the sheriff, in person, of any changes in employment, vocation, or school of attendance, and complete a form as prescribed by the Nebraska State Patrol for such purpose, within three working days after the change. The sheriff shall submit such information to the sex offender registration and community notification division of the Nebraska State Patrol on the day it is received and in a manner as prescribed by the Nebraska State Patrol for such purpose.

(6) Any person required to register under the act who is residing, has a temporary domicile, or is habitually living in another state, and is employed, carries on a vocation, or attends school in this state, shall report and register, in person, with the sheriff of the county in which he or she is employed, carries on a vocation, or attends school in this state and complete a form as prescribed by the Nebraska State Patrol for such purpose, within three working days after becoming employed, carrying on a vocation, or attending school. The person shall also notify the sheriff of any changes in employment, vocation, or school of attendance, in person, and complete a form as prescribed by the Nebraska State Patrol for such purpose, within three working days after the change. The sheriff shall submit such information to the sex offender registration and community notification division of the Nebraska State Patrol on the day it is received and in a manner as prescribed by the Nebraska State Patrol for such purpose. For purposes of this subsection:

(a) Attends school means enrollment in any educational institution in this state on a full-time or part-time basis; and

(b) Is employed or carries on a vocation means any full-time or part-time employment, with or without compensation, which lasts for a duration of more than fourteen days or for an aggregate period exceeding thirty days in a calendar year.

(7) Any person incarcerated for a registrable offense under section 29-4003 in a jail, penal or correctional facility,

or other public or private institution shall be registered by the jail, penal or correctional facility, or public or private institution prior to his or her discharge, parole, furlough, work release, or release. The person shall be informed and information shall be obtained as required in section 29-4006.

(8) Any person required to register or who is registered under the act, but is incarcerated for more than three working days, shall inform the sheriff of the county in which he or she is incarcerated, in writing, within three working days after incarceration, of his or her incarceration and his or her expected release date, if any such date is available. The sheriff shall forward the information regarding incarceration to the sex offender registration and community notification division of the Nebraska State Patrol immediately on the day on which it was received and in a manner prescribed by the Nebraska State Patrol for such purpose.

(9) Any person required to register or who is registered under the act who no longer has a residence, temporary domicile, or habitual living location shall report such change in person to the sheriff of the county in which he or she is located, within three working days after such change in residence, temporary domicile, or habitual living location. Such person shall update his or her registration, in person, to the sheriff of the county in which he or she is located, on a form approved by the sex offender registration and community notification division of the Nebraska State Patrol at least once every thirty calendar days during the time he or she remains without residence, temporary domicile, or habitual living location.

(10) Each registering entity shall forward all written information, photographs, and fingerprints obtained pursuant to the act to the sex offender registration and community notification division of the Nebraska State Patrol on the day it is received and in a manner prescribed by the Nebraska State Patrol for such purpose. The information shall be forwarded on forms furnished by the division. The division shall maintain a central registry of sex offenders required to register under the act. Any collected DNA samples shall be forwarded to the State DNA Data Base.

<u>(11) The sex offender registration and community notification division of the Nebraska State Patrol shall determine whether a name-change order received from the clerk of a district court pursuant to section 25-21,271 is for a person in the central registry of sex offenders and, if so, shall include the changed name with the former name in the registry, file or cross-reference the information under both names, and notify the sheriff of the county in which such person then resides.</u>

Sec. 4. This act becomes operative on January 1, 2012.

Sec. 5. Original sections 28-718 and 29-4004, Revised Statutes Supplement, 2009, are repealed.

Senator White filed the following amendment to LB552:
AM1563
1. On page 3, line 16; and page 5, line 1, strike "thirty" and insert "forty-five".
2. On page 5, line 24, strike "2009" and insert "2010".
3. On page 9, line 1, strike "2009" and insert "2010".

BILLS ON FIRST READING

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

LEGISLATIVE BILL 967. Introduced by Schilz, 47.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-4106 and 77-5726, Reissue Revised Statutes of Nebraska; to change provisions relating to refunds of local sales and use taxes under certain tax incentive laws; to create a fund; and to repeal the original sections.

LEGISLATIVE BILL 968. Introduced by McGill, 26; Coash, 27; Conrad, 46.

A BILL FOR AN ACT relating to domestic abuse; to amend sections 28-323, 29-404.02, and 42-903, Reissue Revised Statutes of Nebraska; to redefine abuse for purposes of domestic assault, arrests without warrant, and the Protection from Domestic Abuse Act; and to repeal the original sections.

LEGISLATIVE BILL 969. Introduced by Urban Affairs Committee: McGill, 26, Chairperson; Coash, 27; Cook, 13; Krist, 10; Lathrop, 12; Rogert, 16; White, 8.

A BILL FOR AN ACT relating to municipalities; to amend sections 17-107 and 17-208, Revised Statutes Supplement, 2009; to provide for terms of office for certain officers; and to repeal the original sections.

LEGISLATIVE BILL 970. Introduced by Campbell, 25.

A BILL FOR AN ACT relating to county planning commissions; to amend section 23-114.01, Reissue Revised Statutes of Nebraska; to change provisions relating to the appeal from a conditional use or special exception decision; and to repeal the original section.

LEGISLATIVE BILL 971. Introduced by Campbell, 25; Hansen, 42.

A BILL FOR AN ACT relating to foster care; to amend sections 43-285 and 43-1318, Reissue Revised Statutes of Nebraska; to provide notice to relatives of removal of a neglected child from the home; to require reasonable efforts to place siblings together; to provide for sibling time as prescribed; to provide for a transition plan for older youth; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 972. Introduced by Utter, 33.

A BILL FOR AN ACT relating to budgets; to amend sections 23-909 and 79-1085, Reissue Revised Statutes of Nebraska, sections 13-508, 79-1084, and 79-1086, Revised Statutes Supplement, 2009, and section 79-1023, Revised Statutes Supplement, 2009, as amended by section 11, Legislative Bill 5, One Hundred First Legislature, First Special Session, 2009; to change a date related to certain budget filings as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 973. Introduced by Coash, 27; McGill, 26.

A BILL FOR AN ACT relating to the Child Protection Act; to amend sections 28-710 and 28-713.01, Reissue Revised Statutes of Nebraska, and sections 28-718 and 28-720, Revised Statutes Supplement, 2009; to change provisions relating to a central register; to provide for a hearing and appeal as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 974. Introduced by Avery, 28.

A BILL FOR AN ACT relating to learning communities; to amend sections 77-3442 and 79-2111, Reissue Revised Statutes of Nebraska, and section 79-2104, Revised Statutes Supplement, 2009; to change provisions relating to use of a tax levy as prescribed; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 975. Introduced by Nordquist, 7; Ashford, 20; Cook, 13; Council, 11; Mello, 5; White, 8.

A BILL FOR AN ACT relating to the Convention Center Facility Financing Assistance Act; to amend section 13-2610, Revised Statutes Supplement, 2009; to change provisions relating to projects undertaken in areas with a high concentration of poverty; and to repeal the original section.

LEGISLATIVE BILL 976. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 13-519, Revised Statutes Supplement, 2009; to change a provision relating to budget limitations; and to repeal the original section.

LEGISLATIVE BILL 977. Introduced by Mello, 5; Haar, 21.

A BILL FOR AN ACT relating to state buildings; to amend sections 81-1114.02 and 85-1414, Reissue Revised Statutes of Nebraska; to require new state buildings and renovations to comply with energy efficiency standards; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 978. Introduced by Mello, 5; Haar, 21.

A BILL FOR AN ACT relating to the Department of Administrative Services; to amend section 81-161, Reissue Revised Statutes of Nebraska; to provide requirements relating to energy star certified appliances in the competitive bidding process; to provide powers for the materiel administrator; and to repeal the original section.

LEGISLATIVE BILL 979. Introduced by Nebraska Retirement Systems Committee: Pankonin, 2, Chairperson; Heidemann, 1; Karpisek, 32; Louden, 49; Mello, 5; Nordquist, 7.

A BILL FOR AN ACT relating to the State Employees Retirement Act; to amend section 84-1301, Reissue Revised Statutes of Nebraska, and section 84-1307, Revised Statutes Supplement, 2009; to provide for the transition of certain employees to the State Employees Retirement System as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 980. Introduced by Wallman, 30; Conrad, 46; Haar, 21; Karpisek, 32; Mello, 5; White, 8.

A BILL FOR AN ACT relating to state government; to amend sections 73-301, 73-302, 73-303, 73-304, 73-305, 73-306, 73-307, and 81-154.01, Reissue Revised Statutes of Nebraska; to name an act; to define terms; to change provisions relating to contracts for personal services; to provide requirements for privatization contracts; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 981. Introduced by Cornett, 45; Adams, 24; Dierks, 40; Hadley, 37; Louden, 49; Pahls, 31; Pirsch, 4; Utter, 33; White, 8.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-382, Reissue Revised Statutes of Nebraska; to create a panel to review a tax expenditure report; and to repeal the original section.

LEGISLATIVE BILL 982. Introduced by Campbell, 25; Gay, 14.

A BILL FOR AN ACT relating to roads; to amend sections 39-2201, 39-2205, 39-2209, 39-2211, 39-2212, 39-2213, 39-2215.01, 39-2216, 39-2223, and 39-2224, Reissue Revised Statutes of Nebraska; to adopt the Build Nebraska Act; to authorize issuance of highway bonds; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 983. Introduced by Karpisek, 32; Cornett, 45.

A BILL FOR AN ACT relating to the Mechanical Amusement Device Tax Act; to amend sections 2-1207.01, 77-3001, 77-3002, 77-3003, 77-3004, 77-3005, 77-3006, 77-3007, 77-3008, 77-3009, 77-3010, and 77-3011, Reissue Revised Statutes of Nebraska; to provide for the taxation and regulation of skilled mechanical amusement devices as prescribed; to

provide for excise fees; to distribute certain funds to the State Racing Commission; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 984. Introduced by Howard, 9; Ashford, 20; Avery, 28; Campbell, 25; Conrad, 46; Cornett, 45; Dubas, 34; Giese, 17; Gloor, 35; Hansen, 42; Lathrop, 12; McGill, 26; Mello, 5; Nordquist, 7; Pirsch, 4; Wallman, 30.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-707, Reissue Revised Statutes of Nebraska; to change a penalty relating to child abuse; and to repeal the original section.

LEGISLATIVE BILL 985. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to gambling; to amend sections 2-219, 9-1,101, 9-1,103, 9-1,104, 9-204, 9-226, 9-227, 9-232.01, 9-312, 9-322, 9-323, 9-411, 9-415, 9-418, 9-419, 9-507, 9-509, 9-512, 9-607, 9-620, 9-701, 9-826, 17-120, 17-207, 28-1101, 28-1105, 28-1113, and 35-901, Reissue Revised Statutes of Nebraska, and sections 14-102, 15-258, and 16-226, Revised Statutes Supplement, 2009; to adopt the Nebraska Charitable Poker Act; to harmonize provisions; to provide a duty for the Revisor of Statutes; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 986. Introduced by Conrad, 46.

A BILL FOR AN ACT relating to the Agricultural Opportunities and Value-Added Partnerships Act; to amend sections 2-5414, 2-5416, and 2-5419, Reissue Revised Statutes of Nebraska; to state intent; to authorize grants relating to electronic scanners and point-of-sale devices; and to repeal the original sections.

LEGISLATIVE BILL 987. Introduced by Krist, 10; Avery, 28; Christensen, 44; Coash, 27; Hadley, 37; Howard, 9; Lautenbaugh, 18; McGill, 26; Nelson, 6; Pankonin, 2; Pirsch, 4; Price, 3; Rogert, 16; Schilz, 47.

A BILL FOR AN ACT relating to veterans; to amend section 71-7611, Reissue Revised Statutes of Nebraska; to provide for a study of lung cancer in veterans; to provide duties for the Department of Veterans' Affairs; to provide for a transfer of funds; and to repeal the original section.

RESOLUTIONS

LEGISLATIVE RESOLUTION 294. Introduced by White, 8; Mello, 5.

WHEREAS, on July 26, 1990, the Americans with Disabilities Act of 1990 was signed into federal law in order to accord equality and civil rights protections to individuals with disabilities; and

WHEREAS, the Americans with Disabilities Act of 1990 declares that disability in no way diminishes an individual's civil rights, including the right to fully participate in all aspects of society; and

WHEREAS, prior to the Americans with Disabilities Act of 1990, individuals who experienced discrimination on the basis of disability often had no legal recourse to redress such discrimination; and

WHEREAS, the Americans with Disabilities Act of 1990 codifies the nation's goals regarding individuals with disabilities, which are to assure equality of opportunity, full participation in society, independent living, and economic self-sufficiency; and

WHEREAS, the Americans with Disabilities Act of 1990 serves to provide a national mandate for the elimination of discrimination against individuals with disabilities and provides strong, consistent, and enforceable standards to redress such discrimination; and

WHEREAS, it is fitting that the State of Nebraska officially recognizes the Americans with Disabilities Act of 1990 on its twentieth anniversary, the act's declaration of the inherent civil rights of individuals with disabilities, and the recourse provided by the act to individuals with disabilities to remove barriers to full participation in society.

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

1. That the Legislature recognizes July 26, 2010, as the twentieth anniversary of the Americans with Disabilities Act of 1990.

2. That the Legislature reaffirms its support of and commitment to the Americans with Disabilities Act of 1990 and celebrates the act's inclusion of all citizens of Nebraska in society.

Laid over.

LEGISLATIVE RESOLUTION 295CA. Introduced by McGill, 26.

THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the primary election in May 2010 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article XIII, section 2:

XIII-2 (1) Notwithstanding any other provision in the Constitution, the Legislature may authorize any county or incorporated city or village, including cities operating under home rule charters, to acquire, own, develop, and lease real and personal property suitable for use by

manufacturing or industrial enterprises and to issue revenue bonds for the purpose of defraying the cost of acquiring and developing such property by construction, purchase, or otherwise. The Legislature may also authorize such county, city, or village to acquire, own, develop, and lease real and personal property suitable for use by enterprises as determined by law if such property is located in blighted areas as determined by law and to issue revenue bonds for the purpose of defraying the cost of acquiring and developing or financing such property by construction, purchase, or otherwise. Such bonds shall not become general obligation bonds of the governmental subdivision by which such bonds are issued. Any real or personal property acquired, owned, developed, or used by any such county, city, or village pursuant to this ~~section~~ subsection shall be subject to taxation to the same extent as private property during the time it is leased to or held by private interests, notwithstanding the provisions of Article VIII, section 2, of ~~the~~ this Constitution. The acquiring, owning, developing, and leasing of such property shall be deemed for a public purpose, but the governmental subdivision shall not have the right to acquire such property by condemnation. The principal of and interest on any bonds issued may be secured by a pledge of the lease and the revenue therefrom and by mortgage upon such property. No such governmental subdivision shall have the power to operate any such property as a business or in any manner except as the lessor thereof.

(2) Notwithstanding any other provision in this Constitution, the Legislature may also authorize any county, city, or village to acquire, own, develop, and lease or finance real and personal property, other than property used or to be used for sectarian instruction or study or as a place for devotional activities or religious worship, to be used, during the term of any revenue bonds issued, only by nonprofit enterprises as determined by law and to issue revenue bonds for the purpose of defraying the cost of acquiring and developing or financing such property by construction, purchase, or otherwise. Such bonds shall not become general obligation bonds of the governmental subdivision by which such bonds are issued, and such governmental subdivision shall have no authority to impose taxes for the payment of such bonds. Notwithstanding the provisions of Article VIII, section 2, of this Constitution, the acquisition, ownership, development, use, or financing of any real or personal property pursuant to the provisions of this subsection shall not affect the imposition of any taxes or the exemption therefrom by the Legislature pursuant to this Constitution. The acquiring, owning, developing, and leasing or financing of such property shall be deemed for a public purpose, but the governmental subdivision shall not have the right to acquire such property for the purposes specified in this subsection by condemnation. The principal of and interest on any bonds issued may be secured by a pledge of the lease and the revenue therefrom and by mortgage upon such property. No such governmental subdivision shall have the power to operate any such property as a business or in any manner except as the lessor thereof.

(3) Notwithstanding any other provision in ~~the~~ this Constitution, the Legislature may also authorize any incorporated city or village, including cities operating under home rule charters, to appropriate from local sources

of revenue such funds as may be deemed necessary for an economic or industrial development project or program subject to approval by a vote of a majority of the registered voters of such city or village voting upon the question. For purposes of this provision, funds from local sources of revenue shall mean funds raised from general taxes levied by the city or village and shall not include any funds received by the city or village which are derived from state or federal sources.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to authorize the use of revenue bonds to develop and lease property for use by nonprofit enterprises as determined by law.

For

Against.

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 296CA. Introduced by Karpisek, 32.

THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 2010 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 24:

III-24 (1) Except as provided in this section, the Legislature shall not authorize any game of chance or any lottery or gift enterprise when the consideration for a chance to participate involves the payment of money for the purchase of property, services, or a chance or admission ticket or requires an expenditure of substantial effort or time.

(2) The Legislature may authorize and regulate a state lottery pursuant to subsection (3) of this section and other lotteries, raffles, <u>charitable poker,</u> and gift enterprises which are intended solely as business promotions or the proceeds of which are to be used solely for charitable or community betterment purposes without profit to the promoter of such lotteries, raffles, <u>charitable poker,</u> or gift enterprises.

(3)(a) The Legislature may establish a lottery to be operated and regulated by the State of Nebraska. The proceeds of the lottery shall be appropriated by the Legislature for the costs of establishing and maintaining the lottery and for the following purposes, as directed by the Legislature:

(i) The first five hundred thousand dollars after the payment of prizes and operating expenses shall be transferred to the Compulsive Gamblers Assistance Fund;

(ii) Forty-four and one-half percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the Nebraska Environmental Trust Fund to be used as provided in the Nebraska Environmental Trust Act;

(iii) Forty-four and one-half percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be used for education as the Legislature may direct;

(iv) Ten percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the Nebraska State Fair Board if the most populous city within the county in which the fair is located provides matching funds equivalent to ten percent of the funds available for transfer. Such matching funds may be obtained from the city and any other private or public entity, except that no portion of such matching funds shall be provided by the state. If the Nebraska State Fair ceases operations, ten percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the General Fund; and

(v) One percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the Compulsive Gamblers Assistance Fund.

(b) No lottery game shall be conducted as part of the lottery unless the type of game has been approved by a majority of the members of the Legislature.

(4) Nothing in this section shall be construed to prohibit (a) the enactment of laws providing for the licensing and regulation of wagering on the results of horseraces, wherever run, either within or outside of the state, by the parimutuel method, when such wagering is conducted by licensees within a licensed racetrack enclosure or (b) the enactment of laws providing for the licensing and regulation of bingo games conducted by nonprofit associations which have been in existence for a period of five years immediately preceding the application for license, except that bingo games cannot be conducted by agents or lessees of such associations on a percentage basis.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to permit the Legislature to authorize and regulate charitable poker.

For

Against.

Referred to the Reference Committee.

UNANIMOUS CONSENT - Add Cointroducers

Senator Mello asked unanimous consent to add his name as cointroducer to LB552 and LB799. No objections. So ordered.

Senator Krist asked unanimous consent to add his name as cointroducer to LB977. No objections. So ordered.

WITHDRAW - Cointroducer

Senator Mello withdrew his name as cointroducer to LB949.

VISITORS

Visitors to the Chamber were Virginia Kiviranta, Phyllis Fleharty, and Chergl Pignotti from Omaha.

ADJOURNMENT

At 12:01 p.m., on a motion by Speaker Flood, the Legislature adjourned until 9:00 a.m., Wednesday, January 20, 2010.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

NINTH DAY - JANUARY 20, 2010

LEGISLATIVE JOURNAL

ONE HUNDRED FIRST LEGISLATURE
SECOND SESSION

NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 20, 2010

PRAYER

The prayer was offered by Pastor Luke Schnake, Christ Lutheran Church, Lincoln.

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 Senator McCoy who was excused; and Senators Cornett, Haar, and Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eighth day was approved.

REFERENCE COMMITTEE REPORT

The Executive Board submits the following report:

LB/LR	Committee
LB936	Judiciary
LB937	Education
LB938	Health and Human Services
LB939	Judiciary
LB940	Health and Human Services
LB941	Health and Human Services
LB942	General Affairs
LB943	Urban Affairs
LB944	Education
LB945	Transportation and Telecommunications
LB946	Judiciary
LB947	Government, Military and Veterans Affairs
LB948	Government, Military and Veterans Affairs
LB949	Urban Affairs

LB950	Nebraska Retirement Systems
LB951	Government, Military and Veterans Affairs
LB952	Revenue
LB953	Health and Human Services
LB954	Revenue
LB955	Judiciary
LB956	Education
LB957	Education
LB958	Revenue
LB959	Banking, Commerce and Insurance
LB960	Natural Resources
LB962	Health and Human Services

(Signed) John Wightman, Chairperson
Executive Board

NOTICE OF COMMITTEE HEARINGS
Government, Military and Veterans Affairs

Room 1507

Wednesday, January 27, 2010 1:30 p.m.

LB794
LB951
LB875
LB850

Thursday, January 28, 2010 1:30 p.m.

LB815
LB839
LB716

(Signed) Bill Avery, Chairperson

MESSAGE FROM THE GOVERNOR

January 19, 2010

Mr. President, Speaker Flood and
Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Foster Care Review Board:

Acela Turco, 16330 Wright Circle, Omaha, NE 68130

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

BILLS ON FIRST READING

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

LEGISLATIVE BILL 988. Introduced by Council, 11.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-2412, Reissue Revised Statutes of Nebraska; to change provisions relating to credit for imprisonment for fines and costs; and to repeal the original section.

LEGISLATIVE BILL 989. Introduced by Council, 11.

A BILL FOR AN ACT relating to correctional services; to amend section 83-4,114.01, Reissue Revised Statutes of Nebraska; to define terms; to provide for administrative segregation of committed offenders; to provide duties for chief executive officers of facilities; to provide rights and privileges as prescribed; to change provisions relating to discipline; and to repeal the original section.

LEGISLATIVE BILL 990. Introduced by Council, 11.

A BILL FOR AN ACT relating to jails; to amend section 47-502, Reissue Revised Statutes of Nebraska; to change good time provisions as prescribed; and to repeal the original section.

LEGISLATIVE BILL 991. Introduced by Schilz, 47.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,305, Reissue Revised Statutes of Nebraska, and sections 60-3,111 and 60-6,290, Revised Statutes Cumulative Supplement, 2008; to provide a special permit for farmers hauling hay; to change provisions relating to livestock forage vehicles; and to repeal the original sections.

LEGISLATIVE BILL 992. Introduced by McGill, 26.

A BILL FOR AN ACT relating to public health; to amend section

71-503.01, Reissue Revised Statutes of Nebraska; to provide for treatment relating to sexually transmitted disease as prescribed; to provide for confidentiality and exemptions as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 993. Introduced by Carlson, 38; Christensen, 44.

A BILL FOR AN ACT relating to water resources; to amend section 61-218, Revised Statutes Cumulative Supplement, 2008, as amended by section 39, Legislative Bill 3, One Hundred First Legislature, First Special Session, 2009; to change provisions relating to the Water Resources Cash Fund; and to repeal the original section.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 270, 272, 274, 275, 280, 281, 282, 283, 285, 287, and 288 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 270, 272, 274, 275, 280, 281, 282, 283, 285, 287, and 288.

GENERAL FILE

LEGISLATIVE BILL 306. Title read. Considered.

Pending.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 297. Placed on Select File with amendment.

ER8144

1. Strike the original sections and all amendments thereto and insert the following new sections:

Section 1. Sections 1 to 12 of this act shall be known and may be cited as the Nebraska Beginning Farmer and Small Business Linked Deposit Loan Act.

Sec. 2. For purposes of the Nebraska Beginning Farmer and Small Business Linked Deposit Loan Act:

(1) Eligible beginning farmer means a beginning farmer or livestock producer who is a resident individual as defined in section 77-2714.01, who has entered farming or livestock production or is seeking entry into farming or livestock production, who intends to farm or raise crops or livestock on land located within the state borders of Nebraska, and who meets the eligibility guidelines established in section 3 of this act;

(2) Eligible lending institution means:

(a) A bank which is chartered to conduct a bank in this state pursuant to the Nebraska Banking Act or any national bank authorized to do business in this state that agrees to participate in the Nebraska Beginning Farmer and Small Business Linked Deposit Loan Act and is eligible to be a depository of funds available for investment as designated by the state investment officer; or

(b) Any state-chartered or federally chartered building and loan association authorized to do business in this state that agrees to participate in the Nebraska Beginning Farmer and Small Business Linked Deposit Loan Act and is eligible to be a depository of funds available for investment as designated by the state investment officer;

(3) Eligible small business means any individual, partnership, limited partnership, limited liability company, limited liability partnership, or corporation headquartered in Nebraska that employs fewer than ten employees doing business in a municipality, county, unincorporated area within a county, or census tract in Nebraska that has (a) an unemployment rate which exceeds the statewide average unemployment rate, (b) a per capita income below the statewide average per capita income, or (c) had a population decrease between the two most recent federal decennial censuses;

(4) Linked deposit means an investment account of funds available for investment placed by the State Treasurer pursuant to the Nebraska Beginning Farmer and Small Business Linked Deposit Loan Act with an eligible lending institution for the purpose of carrying out the intent of the act; and

(5) Linked deposit loan package means forms and information provided by the State Treasurer to eligible lending institutions for the purpose of applying for a linked deposit.

Sec. 3. An eligible beginning farmer shall be an individual who: (1) Has a net worth of not more than five hundred thousand dollars, including any holdings by a spouse or dependent, based on fair market value; (2) provides the majority of the day-to-day physical labor and management of his or her farming or livestock production operations; (3) has adequate farming or livestock production experience or demonstrates knowledge in the type of farming or livestock production for which he or she seeks assistance; (4) demonstrates a profit potential by submitting projected earnings statements and agrees that farming or livestock production is intended to become his or her principal source of income; and (5) demonstrates a need for assistance.

Sec. 4. (1) The State Treasurer is hereby authorized to administer a linked deposit loan program pursuant to the Nebraska Beginning Farmer and Small Business Linked Deposit Loan Act. The program shall be for the purpose of providing incentives for making loans from linked deposits, through eligible lending institutions, to eligible beginning farmers and eligible small businesses.

(2) The State Treasurer shall submit an annual report outlining the status of the program to the Governor and Legislature.

Sec. 5. (1) The State Treasurer may disseminate linked deposit loan packages to eligible lending institutions.

(2) A linked deposit loan application shall be completed by an eligible beginning farmer or eligible small business seeking to borrow linked deposit funds under the Nebraska Beginning Farmer and Small Business Linked Deposit Loan Act and returned to the State Treasurer. The State Treasurer shall forward the application to an eligible lending institution for consideration.

(3) An eligible lending institution that agrees to receive a linked deposit shall accept and review such linked deposit loan application. The eligible lending institution shall apply its usual and prudent lending standards and practices to determine the credit worthiness of eligible beginning farmers and eligible small businesses seeking to borrow linked deposit funds. No single beginning farmer linked deposit loan shall exceed two hundred fifty thousand dollars. No single small business linked deposit loan shall exceed two hundred fifty thousand dollars. The total aggregate amount of beginning farmer and small business linked deposit loans under the linked deposit loan program shall not exceed two million dollars in FY2010-11, two million dollars in FY2011-12, four million dollars in FY2012-13, four million dollars in FY2013-14, six million dollars in FY2014-15, six million dollars in FY2015-16, eight million dollars in FY2016-17, eight million dollars in FY2017-18, ten million dollars in FY2018-19, and ten million dollars in FY2019-20.

Sec. 6. (1) Only one eligible beginning farmer linked deposit loan shall be made and be outstanding at any one time to any eligible beginning farmer. No eligible beginning farmer linked deposit loan shall be extended for more than five years or amortized for greater than fifteen years.

(2) An eligible beginning farmer shall certify on the linked deposit loan application that the linked deposit loan will be used exclusively for the following expenses involved in the operation of the eligible beginning farmer: Inventory; rent, utilities, insurance, or taxes; equipment purchase, rental, or lease; renovations, repairs, and maintenance of equipment and facilities; or purchase of land and buildings.

Sec. 7. (1) Only one eligible small business linked deposit loan shall be made and be outstanding at any one time to an eligible small business. No eligible small business linked deposit loan shall be extended for more than five years or amortized for greater than fifteen years.

(2) An eligible small business shall certify on the linked deposit loan application that the linked deposit loan will be used exclusively for the following expenses involved in the operation of the eligible small business: Inventory; rent,

utilities, insurance, or taxes; equipment purchase, rental, or lease; renovations, repairs, and maintenance of equipment and facilities; or purchase of land and buildings.

Sec. 8. (1) An eligible lending institution may approve or disapprove a linked deposit loan application based on the lending institution's evaluation of the eligible beginning farmer or eligible small business applying for the loan, the amount of the individual loan applied for, and other appropriate considerations.

(2) The eligible lending institution shall forward an approved linked deposit loan application to the State Treasurer in the form and manner prescribed and approved by the State Treasurer for final approval by the State Treasurer. The linked deposit loan application shall include information regarding the amount of the linked deposit loan requested by each eligible beginning farmer or eligible small business and such other information regarding each eligible beginning farmer or eligible small business the State Treasurer requires, including a certification by the applicant that such applicant is an eligible beginning farmer or eligible small business.

Sec. 9. (1) The State Treasurer may approve or disapprove a linked deposit loan application based upon (a) the State Treasurer's evaluation of whether the linked deposit loan to the eligible beginning farmer or eligible small business meets the purposes of the Nebraska Beginning Farmer and Small Business Linked Deposit Loan Act and (b) the availability of funds. If sufficient funds are not available for every approved linked deposit loan, then the applications shall be considered in the order in which they were received when linked deposit funds are once again available.

(2) Once a linked deposit loan application has had final approval from the State Treasurer, the State Treasurer shall certify to the state investment officer the amount required for the linked deposit loan. The state investment officer shall place a linked deposit in the amount certified by the State Treasurer with the eligible lending institution at an interest rate which is two percent below the interest rate provided in section 45-103. Such interest rate for new loans shall be recalculated on the first business day of January, April, July, and October of each year using the rate then in effect. When necessary, the State Treasurer may request the state investment officer to place a linked deposit with an eligible lending institution prior to acceptance of a linked deposit loan application.

(3) An eligible lending institution shall enter into a linked deposit loan agreement with the State Treasurer which shall include requirements necessary to implement the purposes of the Nebraska Beginning Farmer and Small Business Linked Deposit Loan Act. Such requirements shall include an agreement by an eligible lending institution to lend an amount equal to the linked deposits to eligible beginning farmers or eligible small businesses seeking

to borrow linked deposit funds under the act at an interest rate which is not more than two percent above the interest rate provided in section 45-103. Such interest rate for new loans shall be recalculated on the first business day of January, April, July, and October of each year using the rate then in effect. The agreement may include provisions for the linked deposits to be placed for a maturity considered appropriate in coordination with the underlying eligible beginning farmer or eligible small business loan within the requirements of sections 6 and 7 of this act. The agreement may include provisions for the reduction of linked deposits in an amount equal to any payment of bank loan principal.

Sec. 10. (1) Except as provided in subsection (2) of section 9 of this act, upon the placement of a linked deposit with an eligible lending institution, the eligible lending institution shall fund the linked deposit loan to each approved eligible beginning farmer or eligible small business listed in the linked deposit loan application in accordance with the linked deposit loan agreement between the eligible lending institution and the State Treasurer. The linked deposit loan shall be at an interest rate as provided in section 9 of this act. A certification of compliance with this section in the form and manner as prescribed by the State Treasurer shall be required of an eligible lending institution.

(2) The State Treasurer may adopt and promulgate rules and regulations necessary to implement the Nebraska Beginning Farmer and Small Business Linked Deposit Loan Act.

Sec. 11. The state or the State Treasurer shall not be liable to any eligible lending institution in any manner for payment of the principal or interest on a linked deposit loan. Any delay in payments or default on a linked deposit loan shall not in any manner affect the linked deposit loan agreement between an eligible lending institution and the State Treasurer.

Sec. 12. No new eligible beginning farmer linked deposit loan or new eligible small business linked deposit loan shall be made after June 30, 2020.

Sec. 13. This act becomes operative on January 1, 2011.

LEGISLATIVE BILL 235. Placed on Select File with amendment.
ER8140

1. On page 1, strike beginning with "provide" in line 1 through line 2 and insert "amend section 72-204, Reissue Revised Statutes of Nebraska; to provide for leases involving the production of solar or wind energy; to harmonize provisions; and to repeal the original section.".

LEGISLATIVE BILL 210. Placed on Select File with amendment.
ER8143

1. Strike the original sections and all amendments thereto and insert the following new sections:

Section 1. Section 77-27,137.02, Reissue Revised Statutes

of Nebraska, is amended to read:

77-27,137.02 The appropriation made pursuant to the authority in section 77-27,136 for aid to natural resources districts shall be distributed to the various natural resources districts of the state on the basis of the ratio of the total amount of property taxes levied by the particular natural resources district to the total amount of property taxes levied by all natural resources districts within the state based on amounts stated in the most recent certificate of taxes levied statement and schedules submitted by each county ~~to the Tax Commissioner~~ pursuant to section 77-1613.01. For purposes of calculating the ratio in this section, in determining the total amount of property taxes levied by natural resources districts, the total shall exclude those property taxes levied for the payment of principal or interest on bonds. The Tax Commissioner shall determine the amount to be distributed to the various natural resources districts and certify such amounts by voucher to the Director of Administrative Services. Each amount shall be distributed in seven as nearly as possible equal monthly payments between the fifth and twentieth day of each month beginning December 1, 1982, and each December thereafter. The State Treasurer shall, between the fifth and twentieth day of each month, notify the Director of Administrative Services of the amount of funds available in the General Fund for payment purposes. The Director of Administrative Services shall, upon receipt of such notification and vouchers, draw warrants against funds appropriated. The proceeds of the payments received by the various natural resources districts shall be credited to the general fund of the district.

Sec. 2. This act becomes operative on July 1, 2010.

Sec. 3. Original section 77-27,137.02, Reissue Revised Statutes of Nebraska, is repealed.

2. On page 1, strike beginning with "Revised" in line 2 through "2008" in line 3 and insert "Reissue Revised Statutes of Nebraska".

LEGISLATIVE BILL 139. Placed on Select File.

LEGISLATIVE BILL 475. Placed on Select File with amendment.
ER8145

1. On page 1, strike beginning with "comptrollers" in line 1 through line 7 and insert "government; to amend section 23-1401, Reissue Revised Statutes of Nebraska; to change a provision relating to duties of the county comptroller; to create the office of auditor; to provide an operative date; and to repeal the original section.".

LEGISLATIVE BILL 279. Placed on Select File.

(Signed) Jeremy Nordquist, Chairperson

COMMITTEE REPORTS

Banking, Commerce and Insurance

LEGISLATIVE BILL 690. Placed on General File.
LEGISLATIVE BILL 691. Placed on General File.
LEGISLATIVE BILL 736. Placed on General File.
LEGISLATIVE BILL 751. Placed on General File.

(Signed) Rich Pahls, Chairperson

AMENDMENT - Print in Journal

Senator Langemeier filed the following amendment to LB210:
AM1573

(Amendments to E & R amendments, ER8143)

1. Insert the following new section:

Sec. 4. Since an emergency exists, this act takes effect when passed and approved according to law.

NOTICE OF COMMITTEE HEARINGS

Revenue

Room 1524

Wednesday, January 27, 2010 1:30 p.m.

LB708
LB692
LB873
LB806

Thursday, January 28, 2010 1:30 p.m.

LR276CA
LB893

Friday, January 29, 2010 1:30 p.m.

LB958
LB918
LB897

(Signed) Abbie Cornett, Chairperson

Natural Resources

Room 1525

Wednesday, January 27, 2010 1:30 p.m.

LB747
LB836

(Signed) Chris Langemeier, Chairperson

Judiciary

Room 1113

Wednesday, January 27, 2010 1:30 p.m.

LB800
LB923

(Signed) Brad Ashford, Chairperson

BILLS ON FIRST READING

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

LEGISLATIVE BILL 994. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to workers' compensation; to amend section 48-186, Reissue Revised Statutes of Nebraska; to change a provision relating to hearing location; and to repeal the original section.

LEGISLATIVE BILL 995. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to labor; to amend section 48-838, Revised Statutes Cumulative Supplement, 2008; to change a provision relating to employee representation; and to repeal the original section.

LEGISLATIVE BILL 996. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to labor and employment; to amend section 4-114, Revised Statutes Supplement, 2009; to change provisions relating to use of the federal immigration verification system by public contractors; and to repeal the original section.

LEGISLATIVE BILL 997. Introduced by Mello, 5.

A BILL FOR AN ACT relating to municipalities; to amend sections 15-1102, 19-903, and 23-114.02, Reissue Revised Statutes of Nebraska; to

change provisions relating to comprehensive plans; and to repeal the original sections.

LEGISLATIVE BILL 998. Introduced by Gay, 14.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend sections 60-495, 60-498, 60-4,114, 60-4,121, 60-4,156, and 60-4,157, Reissue Revised Statutes of Nebraska, sections 60-484, 60-493, 60-4,113, 60-4,117, 60-4,118, 60-4,119, 60-4,120, 60-4,120.01, 60-4,123, 60-4,124, 60-4,127, 60-4,141, 60-4,142, 60-4,144, 60-4,145, 60-4,149, 60-4,149.01, 60-4,150, 60-4,151, 60-4,181, and 60-1515, Revised Statutes Cumulative Supplement, 2008, and section 60-4,115, Revised Statutes Supplement, 2009; to provide for regional service centers for the issuance of driver's licenses and state identification cards; to provide powers and duties for the Director of Motor Vehicles and the Department of Motor Vehicles; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 999. Introduced by Campbell, 25.

A BILL FOR AN ACT relating to hospitals; to amend section 71-401, Reissue Revised Statutes of Nebraska; to provide for a two-year moratorium on new hospital licenses as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1000. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-125, Reissue Revised Statutes of Nebraska, and section 53-103, Revised Statutes Supplement, 2009; to change provisions relating to managers and limited liability companies; and to repeal the original sections.

LEGISLATIVE BILL 1001. Introduced by Janssen, 15; Fischer, 43; Flood, 19; Fulton, 29; Gloor, 35; Hansen, 42; Karpisek, 32; Krist, 10; Lautenbaugh, 18; McCoy, 39; Nelson, 6; Pahls, 31; Price, 3; Schilz, 47; Utter, 33.

A BILL FOR AN ACT relating to postsecondary education; to amend section 85-502, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to residency; to provide for applicability; and to repeal the original section.

LEGISLATIVE BILL 1002. Introduced by Louden, 49; Ashford, 20; Coash, 27; Rogert, 16.

A BILL FOR AN ACT relating to revenue; to authorize state sales tax revenue assistance derived from the sale of alcoholic liquor for certain political subdivisions as prescribed; to provide powers and duties for the Nebraska Liquor Control Commission, the Tax Commissioner, the Department of Revenue, and the State Treasurer; to define terms; and to provide an operative date.

LEGISLATIVE BILL 1003. Introduced by Giese, 17.

A BILL FOR AN ACT relating to elections; to amend sections 32-314, 32-329, 32-915, 32-929, 32-933, 32-935, 32-936, 32-1002, 32-1530, and 32-1532, Reissue Revised Statutes of Nebraska; to authorize provisional ballots for registered voters changing residence within Nebraska; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 1004. Introduced by Louden, 49; Harms, 48.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-471, 60-501, 60-6,348, and 60-6,349, Reissue Revised Statutes of Nebraska, sections 60-102, 60-123, 60-137, 60-302, 60-339, and 60-605, Revised Statutes Cumulative Supplement, 2008, and sections 23-187, 60-101, 60-301, and 60-601, Revised Statutes Supplement, 2009; to allow operation of golf car vehicles and low-speed vehicles on highways as prescribed; to require titling and registration for low-speed vehicles; to provide powers for counties; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 1005. Introduced by Karpisek, 32; Coash, 27; Rogert, 16.

A BILL FOR AN ACT relating to Native American public health; to amend section 71-7615, Reissue Revised Statutes of Nebraska; to create the Substance Abuse Treatment Grant Program; to state intent relating to appropriations; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1006. Introduced by Adams, 24; Rogert, 16; Sullivan, 41.

A BILL FOR AN ACT relating to schools; to amend sections 79-101 and 79-214, Reissue Revised Statutes of Nebraska, and sections 79-318, 79-8,133, and 79-8,137.01, Revised Statutes Supplement, 2009; to change provisions relating to kindergarten entrance age; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1007. Introduced by Adams, 24.

A BILL FOR AN ACT relating to schools; to amend sections 79-703 and 79-757, Reissue Revised Statutes of Nebraska, and section 79-318, Revised Statutes Supplement, 2009; to change duties of the State Board of Education; to provide for performance measures and priority schools pursuant to the Quality Education Accountability Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1008. Introduced by Janssen, 15.

A BILL FOR AN ACT relating to the Nebraska Budget Act; to amend section 13-504, Reissue Revised Statutes of Nebraska; to provide for cash basis or modified accrual or encumbrance basis budget statements as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1009. Introduced by Janssen, 15.

A BILL FOR AN ACT relating to counties; to amend sections 22-405.01, 22-411, and 23-1114, Reissue Revised Statutes of Nebraska; to change provisions relating to the date for fixing salaries; and to repeal the original sections.

LEGISLATIVE BILL 1010. Introduced by Pankonin, 2.

A BILL FOR AN ACT relating to natural resources districts; to amend section 2-3234, Revised Statutes Supplement, 2009; to provide procedures for the use of eminent domain for trails; to provide a duty for the Revisor of Statutes; to harmonize provisions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1011. Introduced by Pankonin, 2.

A BILL FOR AN ACT relating to natural resources districts; to amend section 2-3234, Revised Statutes Supplement, 2009; to change provisions relating to eminent domain; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1012. Introduced by Rogert, 16.

A BILL FOR AN ACT relating to horseracing; to amend sections 2-1201 and 2-1219, Reissue Revised Statutes of Nebraska; to change provisions relating to membership on the State Racing Commission, prohibited activities, and a penalty; and to repeal the original sections.

LEGISLATIVE BILL 1013. Introduced by Rogert, 16; Krist, 10; Mello, 5; Nordquist, 7.

A BILL FOR AN ACT relating to alcoholic liquor; to amend sections 9-647 and 53-179, Reissue Revised Statutes of Nebraska, and section 53-124, Revised Statutes Supplement, 2009; to provide for extension of the time for sale of alcoholic liquor for certain licensees as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1014. Introduced by Haar, 21.

A BILL FOR AN ACT relating to schools; to amend section 79-1035.02, Reissue Revised Statutes of Nebraska; to create the Teacher Performance Pay Fund; to provide for additional public teacher pay as prescribed; to

harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1015. Introduced by Haar, 21.

A BILL FOR AN ACT relating to presidential elections; to adopt the Interstate Compact on the Agreement Among the States to Elect the President by National Popular Vote.

LEGISLATIVE BILL 1016. Introduced by Christensen, 44.

A BILL FOR AN ACT relating to water resources; to amend sections 2-1599, 2-15,100, 2-15,101, 2-15,103, 2-15,105, 2-15,106, and 61-206, Reissue Revised Statutes of Nebraska, and sections 49-506 and 49-617, Revised Statutes Cumulative Supplement, 2008; to adopt the Nebraska Statewide Water Planning Commission Act; to harmonize provisions; and to repeal the original sections.

GENERAL FILE

LEGISLATIVE BILL 306. Senator Council offered the following amendment:

AM1579

1. Strike the original sections and insert the following new sections:

Section 1. The Auditor of Public Accounts is directed to conduct an audit of the costs of administering the death penalty in Nebraska. The audit is to be completed by December 1, 2010, and presented in a report to the Legislature.

Sec. 2. The audit conducted pursuant to section 1 of this act shall examine the direct and indirect costs of administering the death penalty in Nebraska, including:

(1) The costs to the Attorney General's office for expenditures for staff salaries, benefits, and operating expenses related to death penalty issues including any contracting for assistance;

(2) The costs to the Department of Correctional Services for staff salaries, benefits, and operating expenses in housing inmates on death row and carrying out the death penalty, including any contracting for assistance;

(3) The costs to counties in county attorney staff time and other expenses relating to the prosecution of death penalty cases and in preparing for the presentation of aggravating and mitigating circumstances with respect to sentencing proceedings in such cases, including, but not limited to, expert witness fees, additional investigations, and contracting for assistance;

(4) Costs to county public defenders' offices and the Public Advocacy Commission in providing a defense against the imposition of the death penalty;

(5) The costs to counties for court-appointed attorneys hired to defend capital cases; and

(6) The costs to the Supreme Court, Court of Appeals, and district courts and an estimate of the costs to the federal courts in staff salaries, benefits, and operating expenses relating to the disposition of capital cases.

Sec. 3. The audit conducted pursuant to section 1 of this act shall examine those costs borne by the Attorney General, the Department of Correctional Services, law enforcement, the counties, the courts, and the advocacy offices involved in capital cases in Nebraska in comparison to noncapital cases in Nebraska for convictions of persons under section 28-303 over the past twenty-five years.

SENATOR LANGEMEIER PRESIDING

Senator Lautenbaugh moved the previous question. The question is, "Shall the debate now close?"

Senator Lautenbaugh moved for a call of the house. The motion prevailed with 40 ayes, 1 nay, and 8 not voting.

Senator Lautenbaugh requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 27:

Adams	Dierks	Harms	Nelson	Sullivan
Ashford	Fischer	Heidemann	Pahls	Utter
Campbell	Gay	Janssen	Pankonin	Wightman
Carlson	Gloor	Krist	Price	
Christensen	Hadley	Lautenbaugh	Schilz	
Coash	Hansen	Louden	Stuthman	

Voting in the negative, 18:

Avery	Dubas	Howard	Mello	Wallman
Conrad	Fulton	Karpisek	Nordquist	White
Cook	Giese	Lathrop	Pirsch	
Council	Haar	McGill	Rogert	

Present and not voting, 2:

Flood	Langemeier

Excused and not voting, 2:

Cornett	McCoy

The motion to cease debate prevailed with 27 ayes, 18 nays, 2 present and not voting, and 2 excused and not voting.

Senator Council requested a roll call vote on her amendment.

Voting in the affirmative, 15:

Ashford	Cook	Haar	McGill	Rogert
Coash	Council	Howard	Mello	Wallman
Conrad	Dierks	Lathrop	Nordquist	White

Voting in the negative, 30:

Adams	Fulton	Harms	Lautenbaugh	Price
Campbell	Gay	Heidemann	Louden	Schilz
Carlson	Giese	Janssen	Nelson	Stuthman
Christensen	Gloor	Karpisek	Pahls	Sullivan
Fischer	Hadley	Krist	Pankonin	Utter
Flood	Hansen	Langemeier	Pirsch	Wightman

Present and not voting, 2:

Avery	Dubas

Excused and not voting, 2:

Cornett	McCoy

The Council amendment lost with 15 ayes, 30 nays, 2 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Pending.

COMMITTEE REPORTS

Transportation and Telecommunications

LEGISLATIVE BILL 650. Placed on General File with amendment.
AM1582 is available in the Bill Room.

LEGISLATIVE BILL 416. Indefinitely postponed.
LEGISLATIVE BILL 652. Indefinitely postponed.

(Signed) Deb Fischer, Chairperson

AMENDMENT - Print in Journal

Senator Avery filed the following amendment to LB190:
AM1555

(Amendments to Standing Committee amendments, AM85)

1. Insert the following new sections:

Section 1. Section 29-4101, Reissue Revised Statutes of Nebraska, is amended to read:

29-4101 Sections 29-4101 to 29-4115 and section 5 of this act shall be known and may be cited as the DNA Identification Information Act.

Sec. 5. The State DNA Sample and Data Base Fund is created. The fund shall be maintained by the Department of Justice and administered by the Attorney General. The fund shall consist of any funds transferred to the fund by the Legislature or made available by any department or agency of the United States Government if so directed by such department or agency. The fund shall be used to pay the expenses of the Department of Correctional Services and the Nebraska State Patrol as needed to collect DNA samples as provided in section 29-4106. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

2. Renumber the remaining sections accordingly.

NOTICE OF COMMITTEE HEARING

Appropriations

Room 1003

Wednesday, January 27, 2010 1:30 p.m.

Agency 12 - State Treasurer
Agency 15 - Parole, Nebraska Board of
Agency 16 - Revenue, Department of
Agency 17 - Aeronautics, Department of
Agency 19 - Banking, Department of
Agency 24 - Motor Vehicles, Department of
Agency 33 - Game and Parks Commission
Agency 69 - Arts Council, Nebraska
Agency 78 - Nebraska Commission on Law Enforcement and Criminal Justice
Agency 85 - Public Employees Retirement Board, Nebraska
Agency 3 - Legislative Council

(Signed) Lavon Heidemann, Chairperson

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1017. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to insurance; to provide requirements for insurers for prescription drug coverage; and to provide a duty for the Revisor of Statutes.

LEGISLATIVE BILL 1018. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to revenue and taxation; to adopt the Nebraska Advantage Transformational Tourism and Redevelopment Act.

LEGISLATIVE BILL 1019. Introduced by Haar, 21.

A BILL FOR AN ACT relating to recreational trails; to provide for trails dispute boards to decide disputes concerning recreational trails between county boards and natural resources districts boards.

LEGISLATIVE BILL 1020. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to the Employment Security Law; to amend section 48-627, Revised Statutes Cumulative Supplement, 2008; to change provisions relating to benefit eligibility; and to repeal the original section.

LEGISLATIVE BILL 1021. Introduced by Avery, 28; Campbell, 25; Rogert, 16.

A BILL FOR AN ACT relating to school activities; to adopt the High School Activities Association Act; and to provide an operative date.

LEGISLATIVE BILL 1022. Introduced by Rogert, 16.

A BILL FOR AN ACT relating to human remains; to provide for disposal of dead human bodies by alkaline hydrolysis.

LEGISLATIVE BILL 1023. Introduced by Price, 3.

A BILL FOR AN ACT relating to the Nebraska County and City Lottery Act; to amend sections 9-601, 9-603, and 9-607, Reissue Revised Statutes of Nebraska; to define and redefine terms; to change restrictions on keno; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1024. Introduced by Stuthman, 22; Carlson, 38; Christensen, 44; Hansen, 42; Karpisek, 32; Louden, 49; Wightman, 36.

A BILL FOR AN ACT relating to highways and roads; to create the Snow

Removal Advisory Committee; to provide duties; to provide a termination date; and to declare an emergency.

LEGISLATIVE BILL 1025. Introduced by Avery, 28.

A BILL FOR AN ACT relating to water; to amend section 46-714, Revised Statutes Supplement, 2009; to change provisions relating to stays on new appropriations; and to repeal the original section.

LEGISLATIVE BILL 1026. Introduced by Wightman, 36.

A BILL FOR AN ACT relating to civil procedure; to provide for transfer of civil actions in district court as prescribed.

LEGISLATIVE BILL 1027. Introduced by Coash, 27.

A BILL FOR AN ACT relating to the Developmental Disabilities Services Act; to amend section 83-1217, Revised Statutes Supplement, 2009; to change provisions relating to reimbursement for certain services pursuant to a waiver; and to repeal the original section.

LEGISLATIVE BILL 1028. Introduced by Louden, 49.

A BILL FOR AN ACT relating to schools; to amend section 79-902, Reissue Revised Statutes of Nebraska; to adopt the Charter Schools Act; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1029. Introduced by Stuthman, 22; Dubas, 34.

A BILL FOR AN ACT relating to courts; to amend section 25-2221, Reissue Revised Statutes of Nebraska; to provide for court closure for inclement weather or other emergency as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1030. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Attorney General.

LEGISLATIVE BILL 1031. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to natural resources districts; to amend section 77-3442, Reissue Revised Statutes of Nebraska, and section 2-3225, Revised Statutes Cumulative Supplement, 2008; to change tax levy authority as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 1032. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to natural resources districts; to amend

section 77-3442, Reissue Revised Statutes of Nebraska, and section 2-3225, Revised Statutes Cumulative Supplement, 2008; to change tax levy authority as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 1033. Introduced by Christensen, 44.

A BILL FOR AN ACT relating to cities and villages; to amend section 18-1703, Revised Statutes Supplement, 2009; to change provisions relating to regulation of concealed handguns; and to repeal the original section.

RESOLUTION

LEGISLATIVE RESOLUTION 297CA. Introduced by Karpisek, 32.

THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 2010 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article XIII, section 2:

XIII-2 Notwithstanding any other provision in the Constitution, the Legislature may authorize any county or incorporated city or village, including cities operating under home rule charters, to acquire, own, develop, and lease real and personal property suitable for use by manufacturing or industrial enterprises and to issue revenue bonds for the purpose of defraying the cost of acquiring and developing such property by construction, purchase, or otherwise. The Legislature may also authorize such county, city, or village to acquire, own, develop, and lease real and personal property suitable for use by enterprises as determined by law if such property is located in blighted areas as determined by law and to issue revenue bonds for the purpose of defraying the cost of acquiring and developing or financing such property by construction, purchase, or otherwise. Such bonds shall not become general obligation bonds of the governmental subdivision by which such bonds are issued. Any real or personal property acquired, owned, developed, or used by any such county, city, or village pursuant to this section shall be subject to taxation to the same extent as private property during the time it is leased to or held by private interests, notwithstanding the provisions of Article VIII, section 2, of the Constitution. The acquiring, owning, developing, and leasing of such property shall be deemed for a public purpose, but the governmental subdivision shall not have the right to acquire such property by condemnation. The principal of and interest on any bonds issued may be secured by a pledge of the lease and the revenue therefrom and by mortgage upon such property. No such governmental subdivision shall have the power to operate any such property as a business or in any manner except as the lessor thereof.

Notwithstanding any other provision in the Constitution, the Legislature may also authorize any incorporated city or village, including cities operating under home rule charters, to appropriate ~~from local sources of~~

~~revenue~~ such funds as may be deemed necessary for an economic or industrial development project or program subject to approval by a vote of a majority of the registered voters of such city or village voting upon the question. ~~For purposes of this provision, funds from local sources of revenue shall mean funds raised from general taxes levied by the city or village and shall not include any funds received by the city or village which are derived from state or federal sources.~~ Subject to such vote, funds may be derived from property tax, local option sales tax, or any other general tax levied by the city or village or generated from municipally-owned utilities, grants, donations, or state and federal funds received by the city or village subject to any restrictions of the grantor, donor, or state or federal law.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to change the powers of municipalities relating to fund sources for economic or industrial development.

For

Against.

Referred to the Reference Committee.

UNANIMOUS CONSENT - Add Cointroducers

Senators Fulton, Gay, Giese, Hadley, Hansen, Howard, Janssen, Krist, Nelson, Nordquist, Pankonin, and Wallman asked unanimous consent to add their names as cointroducers to LB510. No objections. So ordered.

Senator Karpisek asked unanimous consent to add his name as cointroducer to LB755 and LB903. No objections. So ordered.

Senator Giese asked unanimous consent to add his name as cointroducer to LB967. No objections. So ordered.

Senator Coash asked unanimous consent to add his name as cointroducer to LB971. No objections. So ordered.

Senator Rogert asked unanimous consent to add his name as cointroducer to LB977. No objections. So ordered.

Senator Janssen asked unanimous consent to add his name as cointroducer to LB984. No objections. So ordered.

Senator Krist asked unanimous consent to add his name as cointroducer to LB1005. No objections. So ordered.

VISITORS

Visitor to the Chamber was Erin Kracl from Schuyler.

The Doctor of the Day was Dr. Dale Michels from Lincoln.

ADJOURNMENT

At 12:00 p.m., on a motion by Senator Dierks, the Legislature adjourned until 9:45 a.m., Thursday, January 21, 2010.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

TENTH DAY - JANUARY 21, 2010

LEGISLATIVE JOURNAL

ONE HUNDRED FIRST LEGISLATURE
SECOND SESSION

TENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 21, 2010

PRAYER

The prayer was offered by Senator Gloor.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:45 a.m., President Sheehy presiding.

The roll was called and all members were present except Senators Fulton, Hadley, Langemeier, and Schilz who were excused; and Senator Gay who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the ninth day was approved.

REFERENCE COMMITTEE REPORT

The Executive Board submits the following report:

LB/LR	Committee
LB963	Business and Labor
LB964	Natural Resources
LB965	Government, Military and Veterans Affairs
LB966	Education
LB967	Revenue
LB968	Judiciary
LB969	Urban Affairs
LB970	Government, Military and Veterans Affairs
LB971	Judiciary
LB972	Revenue
LB973	Judiciary
LB974	Education
LB975	Revenue
LB976	Revenue
LB977	Urban Affairs

LB978	Government, Military and Veterans Affairs
LB979	Nebraska Retirement Systems
LB980	Government, Military and Veterans Affairs
LB981	Revenue
LB982	Transportation and Telecommunications
LB983	Revenue
LB984	Judiciary
LB985	General Affairs
LB986	Agriculture
LB987	Government, Military and Veterans Affairs
LR295CA	Urban Affairs
LR296CA	General Affairs

(Signed) John Wightman, Chairperson
Executive Board

COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 373. Placed on Select File.

(Signed) Jeremy Nordquist, Chairperson

COMMITTEE REPORT
Revenue

LEGISLATIVE BILL 698. Placed on General File.

(Signed) Abbie Cornett, Chairperson

NOTICE OF COMMITTEE HEARINGS
Natural Resources

Room 1525

Thursday, January 28, 2010 1:30 p.m.

LB895
LB885
LB696

(Signed) Annette Dubas, Vice Chairperson

Agriculture

Room 2102

Tuesday, February 2, 2010 1:30 p.m.

LB865
LB882

(Signed) Tom Carlson, Chairperson

Judiciary

Room 1113

Thursday, January 28, 2010 1:30 p.m.

LB763
LB732
LB822
LB859
LB830

Friday, January 29, 2010 1:30 p.m.

LB864
LB792
LB809
LB817

(Signed) Brad Ashford, Chairperson

MOTION - Print in Journal

Senator Harms filed the following motion to LB944:
MO74
Withdraw bill.

MESSAGE FROM THE GOVERNOR

January 15, 2010

Mr. President, Speaker Flood and
Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Nebraska Arts Council:

Steve Homan, 32 Red Fox Lane, Kearney, NE 68845

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1034. Introduced by Cook, 13.

A BILL FOR AN ACT relating to the Community College Foundation and Equalization Aid Act; to amend sections 85-2201 and 85-2203, Reissue Revised Statutes of Nebraska; to define a term; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1035. Introduced by Cook, 13.

A BILL FOR AN ACT relating to public health and welfare; to provide powers for counties, cities, and villages to control and abate public health nuisances.

LEGISLATIVE BILL 1036. Introduced by Council, 11.

A BILL FOR AN ACT relating to anatomical gifts; to amend sections 60-494, 60-495, 60-2907, 71-531, 71-4813, 71-4814, 71-4816, and 71-4822, Reissue Revised Statutes of Nebraska, and sections 23-1825, 23-1826, 23-1827, 23-1828, 23-1829, 23-1830, 23-1831, 23-1832, and 60-493, Revised Statutes Cumulative Supplement, 2008; to adopt the Revised Uniform Anatomical Gift Act; to change provisions relating to coroners, issuance of operators' licenses and state identification cards, human immunodeficiency virus infection tests, hospital protocols, and the Donor Registry of Nebraska; to repeal the Uniform Anatomical Gift Act and provisions related to hospital protocols; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 71-4801, 71-4802, 71-4803, 71-4804, 71-4805, 71-4806, 71-4807, 71-4809, 71-4810, 71-4811, 71-4812, 71-4815, 71-4817, and 71-4818, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 1037. Introduced by Fulton, 29.

A BILL FOR AN ACT relating to support enforcement; to amend sections 43-3314 and 43-3333, Reissue Revised Statutes of Nebraska; to change provisions relating to delinquent support and arrearages; and to repeal the original sections.

LEGISLATIVE BILL 1038. Introduced by Fulton, 29.

A BILL FOR AN ACT relating to genetic testing; to amend section 71-551, Reissue Revised Statutes of Nebraska; to change provisions relating to written informed consent for genetic tests as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1039. Introduced by Fulton, 29.

A BILL FOR AN ACT relating to the State Fire Marshal; to amend section 81-502, Reissue Revised Statutes of Nebraska; to adopt the Fire Extinguishing Certification Act; to provide a duty for the State Fire Marshal; and to repeal the original section.

LEGISLATIVE BILL 1040. Introduced by Fulton, 29.

A BILL FOR AN ACT relating to labor; to amend section 48-818, Reissue Revised Statutes of Nebraska; to adopt the Nebraska Municipal Comparability Act; to encourage labor organizations and municipal governments to use joint arrays or surveys; to recognize good faith agreements reached in negotiations; to provide deadlines for collective bargaining; to harmonize provisions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1041. Introduced by Fulton, 29.

A BILL FOR AN ACT relating to labor; to amend section 48-818, Reissue Revised Statutes of Nebraska; to change provisions relating to findings and orders of the Commission of Industrial Relations; and to repeal the original section.

LEGISLATIVE BILL 1042. Introduced by Fulton, 29.

A BILL FOR AN ACT relating to labor; to amend section 48-818, Reissue Revised Statutes of Nebraska; to change provisions relating to findings and orders of the Commission of Industrial Relations; and to repeal the original section.

LEGISLATIVE BILL 1043. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to medical claims; to amend section 52-401, Revised Statutes Cumulative Supplement, 2008; to change provisions relating to liens; to provide for discovery of value and payment rights for

medical treatment rendered; and to repeal the original section.

LEGISLATIVE BILL 1044. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-101, Reissue Revised Statutes of Nebraska; to change employer liability provisions; and to repeal the original section.

LEGISLATIVE BILL 1045. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to courts; to amend section 25-1625, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to the designation of jury commissioner; and to repeal the original section.

LEGISLATIVE BILL 1046. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to criminal procedure; to amend sections 29-1207 and 29-1208, Reissue Revised Statutes of Nebraska; to change provisions relating to speedy trial and indefinite continuances; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1047. Introduced by Wightman, 36.

A BILL FOR AN ACT relating to wills and trusts; to provide for construction of certain terms relating to federal estate and generation-skipping transfer taxes.

LEGISLATIVE BILL 1048. Introduced by Natural Resources Committee: Langemeier, 23, Chairperson; Carlson, 38; Cook, 13; Dubas, 34; Fischer, 43; Haar, 21; McCoy, 39; Schilz, 47.

A BILL FOR AN ACT relating to power generation; to amend sections 70-1001.01, 70-1013, 70-1014, 76-710.04, 77-103, 77-202, and 77-702, Reissue Revised Statutes of Nebraska; to define terms; to change provisions relating to hearings; to provide for approval of facilities as prescribed; to change provisions relating to eminent domain; to provide for a tax as prescribed; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

LEGISLATIVE BILL 1049. Introduced by Langemeier, 23.

A BILL FOR AN ACT relating to energy; to amend sections 70-1902, 70-1903, and 77-2704.57, Reissue Revised Statutes of Nebraska; to change provisions relating to community-based energy projects; to change tax exemption provisions; and to repeal the original sections.

LEGISLATIVE BILL 1050. Introduced by Price, 3.

A BILL FOR AN ACT relating to coroners; to amend section 23-1824, Reissue Revised Statutes of Nebraska; to require a second coroner's opinion as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1051. Introduced by Christensen, 44.

A BILL FOR AN ACT relating to the Abstracters Act; to amend sections 76-545, 76-547, and 76-550, Reissue Revised Statutes of Nebraska; to change provisions relating to certificate terms, fees, and rosters of abstracters; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 1052. Introduced by Christensen, 44.

A BILL FOR AN ACT relating to revenue; to adopt the Agricultural Production and Economic Stability and Assistance Act; to create a fund; to provide an operative date; and to declare an emergency.

MOTION - Escort Chief Justice

Senator Council moved that a committee of five be appointed to escort the Chief Justice of the Supreme Court to the Legislative Chamber for the purpose of delivering the State of the Judiciary Address.

The motion prevailed.

The Chair appointed Senators Nelson, Conrad, Christensen, Ashford, and McGill to serve on said committee.

The committee escorted Chief Justice Michael G. Heavican to the rostrum where he delivered the following message:

Mr. President, Mr. Speaker, members of the Legislature, and fellow Justices of the Supreme Court. I would like to thank the members of this body, and specifically the Speaker, for inviting me to address you again this year. It is always a great honor for me to do so.

Let me first introduce my fellow Justices of the Court.

To my immediate right is Justice John Gerrard of Norfolk. To the right of Justice Gerrard is Justice Michael McCormack of Omaha. To my immediate left is Justice Kenneth Stephan of Lincoln. And to Justice Stephan's left is Justice Lindsey Miller-Lerman of Omaha. Justice John Wright of Scottsbluff and Justice William Connolly of Hastings are not able to be with us today.

As the third branch of government, the judiciary is mindful of its role in providing citizens and litigants access to a swift and fair system of justice. As I have in past years, I will first speak to you about swift and fair justice for children in our juvenile court system.

Children in the Courts - Probation

Consistent with the Nebraska Supreme Court's Strategic Agenda, the Court's Office of Probation Administration has initiated a series of new and progressive programs. These programs are designed to prevent juveniles from going into state care and to address alternatives to detention for nonviolent juvenile offenders in the court system.

Beginning in January 2009, the Office of Probation Administration cooperated with the Department of Health and Human Services to provide community-based services for juveniles and families in the Omaha area in a pilot project entitled "The Nebraska Juvenile Service Delivery Project." This endeavor is intended to safely supervise children at home or in the community while they receive needed assistance.

The goal is for children to receive rehabilitative services without being made wards of the State. Prior to this project, in order to access such services it had been a common practice for these children to be made State wards supervised by the Department of Health and Human Services while simultaneously being supervised by probation staff. This was a costly, confusing, and redundant practice.

The Juvenile Service Delivery Project is already showing promising results:

- Nearly 80% of all juveniles in the project are receiving needed services in their own home while on probation;
- There has been a 59% reduction in the number of these children being simultaneously supervised by both State Probation and the Department of Health and Human Services;
- Access to all of these services is greatly expedited through the new program.
- I want to thank the Department of Health and Human Services for making funds available to probation so that the project can succeed.

This project has the potential to be implemented statewide.

The Court's Office of Probation Administration is also working with members of the Legislature's Judiciary Committee, officials of Douglas County, and other interested parties to reduce the number of juveniles housed in the Douglas County Juvenile Detention Center. The Office of Probation Administration is refining the screening instruments used in determining detention of probation violators and is developing alternatives to detention for those violators.

The Court's Minority Justice Committee and the Nebraska State Bar Association have given special attention to juvenile detention issues in Douglas County and are working closely with probation staff and this body's Judiciary Committee on this project.

Children in the Courts – Abuse and Neglect

Our juvenile courts also deal with abused and neglected children. I have spoken to you in the past about our Through the Eyes of the Child Initiative. This Initiative continues to be a major part of our efforts to improve court processing in abuse and neglect cases. The following improvements have been made:

- There has been a significant drop in Nebraska's foster care population, from 6,222 children in foster care in 2006 to 5,221 children in foster care in 2009. The role of our State's juvenile courts in facilitating that decrease in the number of foster care children has been to continue to emphasize front-loading in the juvenile court process. Prehearing conferences have been initiated throughout the State so that when children are placed in foster care services for both children and their parents are provided as quickly as possible.
- There has been a significant increase in the timeliness of adoptions: Only 18% of adoptions happened within 24 months in 2006; the number increased to 36% of adoptions within 24 months in 2009.
- Judges who host national Adoption Day celebrations in Omaha, Lincoln, Grand Island, and Hastings were joined this year by judges in Kearney, O'Neill, and Scottsbluff. Scotts Bluff County reports that in 2009 they had a record number of adoptions from foster care due, in part, to the Through the Eyes of the Child Initiative.
- Statewide, the number of adoptions increased from 397 in 2006 to 537 in 2009.
- There has also been a small but positive improvement in timeliness of permanency in child placement between 2006 and 2009. In 2006, 39% of cases achieved permanency within 12 months; in 2009, 41% of cases achieved permanency within 12 months.

The Supreme Court is also currently in the process of adopting new, tighter guidelines for timeliness of hearings, including permanency hearings in abuse and neglect cases.

Children's Summit

In September of 2009, all juvenile court judges and county court judges with juvenile court jurisdiction attended a training and planning session in Grand Island. This session was called the Children's Summit. Some of you attended all or part of that Summit, and I want to thank you for doing so.

Issues impacting children in the courts, including parenting time, reasonable efforts at family reunification, children's presence at court hearings, permanency hearings, and using mediation in the juvenile court process were all discussed at the Summit.

At the conclusion of the Summit, three future priorities for the Through the Eyes of the Child Initiative were announced, including further reducing the time to family reunification; improving treatment opportunities for parents who abuse drugs and alcohol; and improving the use of parenting time in the family reunification process. These priorities will be the focus of action teams working throughout the State.

Getting accurate data reports to those action teams is an integral part of improving the performance of all participants in the juvenile court system. We have made great progress in the past year in providing data to our Through the Eyes of the Child action teams. Data reports for each team were distributed at the Children's Summit and are now publicly available on the Through the Eyes of the Child website, www.throughtheeyes.org.

Although the data indicates that we still have room for improvement, the collection and analysis of the reports is a significant step in improving the work we do on behalf of Nebraska's most vulnerable children.

Education for Lawyers

The Grand Island Summit was also part of an ambitious effort to provide excellent training around the State for guardians ad litem and other participants in the juvenile court system. Regional training is continuing in Lexington, Valentine, Hastings, and South Sioux City, as well as Lincoln, Papillion, and Omaha this spring.

Attorneys around the state will have access to this excellent and inexpensive training. Coupled with Mandatory Continuing Legal Education requirements being implemented by the Court this year, these educational opportunities are part of an ongoing effort to increase the quality of legal representation for Nebraska's foster children.

Judicial Branch Education

Internally, the Court's Office of Judicial Branch Education has increased opportunities for distance learning for judges, support personnel, and probation officers. We have instituted monthly on-line education sessions for all members of the court family about such things as the Through the Eyes of the Child Initiative, legislative updates, procedural changes, and personnel matters. Delivery of on-line educational material is both timely and cost effective. It allows us to improve our service to the public while significantly reducing the cost of providing that service.

Technology

Providing education through technology is just part of the Court's emphasis on technology. As you are aware, our courts are in the process of implementing other money-saving and productivity-increasing technology projects.

For example, electronic payment of fines, which we call e-payment, is now available statewide. In December 2009, more than 2,580 payments were made using the e-payment system. In all, 18% of citations were paid online in December, a record for e-payment use. For all of 2009, online payments totaled $3,408,806.62.

The estimated staff time saved was 1,757 hours. The vast majority of those collections were for traffic or speeding tickets, but individuals can now pay all fines and fees on-line.

Another major court technology initiative has been the implementation of electronic, or e-filing, throughout the State. At this point the bulk of the State's district and county courts are accepting e-filings. By the end of March the court system will have reached a major milestone with every available court accepting e-filings.

Work continues in converting the computer system in the district and juvenile courts in Douglas County to our statewide computer network so that e-filing will be available in those courts soon.

Also, we continue to automate the work of court clerks around the State. A recent example is our program to computerize what we call "default

judgments." A default judgment is given to a plaintiff when the defendant does not respond in court. This happens frequently in county courts. In the past our staff had to go through a lengthy process of pulling files and issuing paperwork. Now, after review by a county court judge, the default is entered into the computer and the system automatically does the rest of the work. The 38 county courts using this new default judgment system processed over 4,000 judgments and saved an estimated 1,000 hours in staff time.

Another example of how courts are using technology creatively is happening in the 10th Judicial District in south-central Nebraska. The Nuckolls County Court has used technological advances to assist other courts which have more filings and greater workloads. The Nuckolls County Clerk Magistrate typically processes 50 filings a day for the Lancaster County Court. The 10th Judicial District also utilizes a district-wide online calendar for scheduling.

These courts are also using "Skype," a computer video camera that provides free video calls. Skype also allows for group interaction among judges, magistrates, attorneys, and interpreters, greatly cutting down on travel costs.

In other courts across the State interpreter services are being provided in various court processes also utilizing Skype. These innovations were pioneered in the Colfax County Court and are now being utilized in several other counties. We have also implemented a statewide system of on-call certified Spanish interpreters. This system uses telephones and Skype, thereby increasing the quality of interpretation while at the same time minimizing costs.

Budget Concerns

I have emphasized the courts' use of technology in this presentation so that you, as members of the Legislature and all citizens of Nebraska, understand that the Court is mindful of the difficult economic times our State is facing. The Court is also aware of the tough budget decisions that the Legislature has made and will need to make in the future. I want to acknowledge and thank the Legislature for recognizing the unique circumstances of the State's judiciary during its special session this past November.

As I reported to the Appropriations Committee at that time, the Supreme Court had already taken action to reduce expenditures prior to the Special Session. Consistent with the executive branch initiative, the Court had restricted hiring, travel, and large purchases. We had previously reduced mileage reimbursement to a level below the amount which is given other State employees, and salary increases for many of our court employees was less than that given to most employees in the executive branch. We have since indefinitely postponed the hiring of necessary administrative positions.

Because our budget is 95% salaries and benefits, budget reductions are particularly difficult for the judiciary. Nevertheless, this Court is continuing efforts to make cuts while at the same time maintaining necessary court services.

Nebraska has requested cost-free assistance from the National Center for State Courts. We are one (1) of five (5) states selected to participate in an intensive planning process to reshape courts for the 21st century.

The Supreme Court and the judicial branch will continue to explore options which will allow Nebraska to save money yet better serve the citizens of the state. We will work with you in making any future budget sacrifices.

Thank you so much for this opportunity to speak to you today.

The committee escorted the Chief Justice from the Chamber.

NOTICE OF COMMITTEE HEARINGS

Health and Human Services

Room 1510

Friday, January 29, 2010 1:30 p.m.

Acela Turco - Foster Care Review Board

(Signed) Tim Gay, Chairperson

Appropriations

Room 1003

Thursday, January 28, 2010 1:30 p.m.

Agency 5 - Supreme Court
Agency 13 - Education, Department of
Agency 25 - Health and Human Services
Agency 72 - Economic Development, Department of

(Signed) Lavon Heidemann, Chairperson

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1053. Introduced by Pahls, 31.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701 and 77-2701.04, Reissue Revised Statutes of Nebraska; to exempt prepared food and meals, furniture and appliances, computer software and hardware and electronic devices, and clothing from sales tax; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 1054. Introduced by Carlson, 38.

A BILL FOR AN ACT relating to the Nebraska Ground Water Management

and Protection Act; to amend sections 46-701 and 46-706, Revised Statutes Supplement, 2009; to define a term; to adopt the correlative rights doctrine; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1055. Introduced by Carlson, 38.

A BILL FOR AN ACT relating to Employment Security Law; to amend sections 48-628.02 and 48-628.03, Reissue Revised Statutes of Nebraska; to change provisions relating to extended benefits; to eliminate obsolete provisions and restructure provisions; to alphabetize defined terms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1056. Introduced by Carlson, 38.

A BILL FOR AN ACT relating to the Nebraska Ground Water Management and Protection Act; to amend section 46-701, Revised Statutes Supplement, 2009; to provide duties for the Department of Natural Resources relating to aquifer depletion; to provide for limitations on irrigation as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1057. Introduced by Carlson, 38; Christensen, 44; Fischer, 43.

A BILL FOR AN ACT relating to water resources; to create the Republican River Basin Water Sustainability Task Force; to provide duties; to state intent relating to expenses; and to declare an emergency.

LEGISLATIVE BILL 1058. Introduced by Howard, 9.

A BILL FOR AN ACT relating to the Community College Foundation and Equalization Aid Act; to amend sections 77-3442, 85-1416, 85-1418, 85-1503, 85-1511, 85-1517, 85-2201, 85-2202, 85-2203, 85-2215, 85-2221, 85-2222, 85-2223, and 85-2224, Reissue Revised Statutes of Nebraska, and section 13-518, Revised Statutes Supplement, 2009; to rename the act and a fund; to redefine a term; to change provisions relating to a formula; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1059. Introduced by Avery, 28.

A BILL FOR AN ACT relating to initiative and referendum petitions; to amend sections 32-101, 32-117, 32-118, 32-628, 32-1401, 32-1402, 32-1405, 32-1409, 32-1412, and 84-205, Reissue Revised Statutes of Nebraska; to change provisions relating to preparation of initiative and referendum petitions; to provide for digital and electronic signatures on petitions via the Internet; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1060. Introduced by Janssen, 15.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,131, Reissue Revised Statutes of Nebraska; to change requirements for driving in the right-hand lane of a roadway; and to repeal the original section.

LEGISLATIVE BILL 1061. Introduced by Janssen, 15.

A BILL FOR AN ACT relating to postsecondary education; to amend section 85-1412, Revised Statutes Supplement, 2009; to adopt the Tuition Equalization Grant Program Act; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1062. Introduced by McGill, 26.

A BILL FOR AN ACT relating to homicide; to amend sections 28-304 and 28-305, Reissue Revised Statutes of Nebraska, and section 28-101, Revised Statutes Supplement, 2009; to change provisions relating to murder in the second degree and manslaughter; to create the offenses of voluntary and involuntary manslaughter; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1063. Introduced by Nelson, 6.

A BILL FOR AN ACT relating to the Nebraska Arts Council; to amend sections 82-326 and 82-329, Reissue Revised Statutes of Nebraska; to authorize an art maintenance fund and provide for an inspection schedule; and to repeal the original sections.

LEGISLATIVE BILL 1064. Introduced by Nelson, 6; Coash, 27; Janssen, 15; Karpisek, 32; Krist, 10; Pirsch, 4; Rogert, 16.

A BILL FOR AN ACT relating to drainage; to amend sections 25-2501, 32-608, 32-1203, 77-1701, 77-1858, 77-3442, and 77-3444, Reissue Revised Statutes of Nebraska, and section 2-4214, Revised Statutes Supplement, 2009; to adopt the Limited Purpose Sanitary and Improvement District Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1065. Introduced by Heidemann, 1.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-2401, 60-2401.01, 60-2403, 60-2405, 60-2406, 60-2407, 60-2408, 60-2409, and 60-2411, Reissue Revised Statutes of Nebraska, and sections 60-2404 and 60-2410, Revised Statutes Cumulative Supplement, 2008; to change provisions relating to towing; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1066. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701.16, Reissue Revised Statutes of Nebraska; to provide for sales and use tax on services as prescribed; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 1067. Introduced by Rogert, 16.

A BILL FOR AN ACT relating to infants; to state findings; to require pulse oximetry screening for newborn infants; and to provide duties for the Department of Health and Human Services.

LEGISLATIVE BILL 1068. Introduced by Hansen, 42.

A BILL FOR AN ACT relating to economic development; to adopt the Rural Tourism Development Act; to provide operative dates; and to declare an emergency.

LEGISLATIVE BILL 1069. Introduced by Adams, 24.

A BILL FOR AN ACT relating to educational service units; to amend sections 79-1233, 79-1241.02, 79-1245, 79-1247, 79-1248, 79-1249, 86-516, 86-520, 86-521, and 86-5,100, Reissue Revised Statutes of Nebraska, and sections 79-1241.01 and 79-1241.03, Revised Statutes Supplement, 2009; to change and eliminate provisions relating to core services and technology infrastructure purchase and funding; to change provisions relating to the Educational Service Unit Coordinating Council and Network Nebraska; to provide, change, and eliminate duties for the Nebraska Information Technology Council and Chief Information Officer; to harmonize provisions; to repeal the original sections; to outright repeal sections 79-1243 and 79-1331, Reissue Revised Statutes of Nebraska; and to declare an emergency.

LEGISLATIVE BILL 1070. Introduced by Adams, 24.

A BILL FOR AN ACT relating to learning communities; to amend sections 77-3442, 79-527, 79-2111, and 79-2112, Reissue Revised Statutes of Nebraska, and sections 32-546.01, 79-528, and 79-2104, Revised Statutes Supplement, 2009; to change provisions relating to tax levies; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1071. Introduced by Adams, 24.

A BILL FOR AN ACT relating to schools; to amend sections 79-201, 79-215, 79-1003.01, 79-1007.04, 79-1007.05, 79-1013, and 79-1030, Reissue Revised Statutes of Nebraska, sections 13-509, 79-8,137.01, 79-8,137.03, 79-8,137.04, and 79-1014, Revised Statutes Supplement, 2009, and sections 79-1003 and 79-1007.23, Revised Statutes Supplement, 2009, as amended by sections 3 and 9, respectively, Legislative Bill 5, One Hundred First Legislature, First Special Session, 2009; to change provisions relating to certification of property valuations, attendance age, admissions, the Enhancing Excellence in Teaching Program, and the Tax Equity and Educational Opportunities Support Act; to redefine terms; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1072. Introduced by Adams, 24.

A BILL FOR AN ACT relating to community colleges; to amend sections

77-3442, 85-960.02, 85-962, 85-966.01, 85-1404, 85-1413, 85-1416, 85-1418, 85-1429, 85-1501, 85-1501.01, 85-1502, 85-1503, 85-1511, 85-1515, 85-1516, 85-1517, 85-1521, 85-1535, 85-2201, 85-2202, 85-2203, 85-2205, 85-2206, 85-2212, 85-2215, 85-2220, 85-2221, 85-2222, 85-2223, 85-2224, 85-2227, 85-2228, and 86-594, Reissue Revised Statutes of Nebraska, and sections 13-509, 13-518, 13-519, and 85-1412, Revised Statutes Supplement, 2009; to rename an act and a fund; to change and provide duties for community colleges and the Coordinating Commission for Postsecondary Education; to define and redefine terms; to change provisions relating to aid to community colleges; to harmonize provisions; to repeal the original sections; and to declare an emergency.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 682. Placed on Final Reading.
LEGISLATIVE BILL 683. Placed on Final Reading.
LEGISLATIVE BILL 684. Placed on Final Reading.

(Signed) Jeremy Nordquist, Chairperson

GENERAL FILE

LEGISLATIVE BILL 306. Senator Council offered the following motion:
MO73
Indefinitely postpone.

Laid over.

LEGISLATIVE BILL 552. Title read. Considered.

Senator White renewed his amendment, AM1563, found on page 250.

The White amendment was adopted with 39 ayes, 0 nays, 5 present and not voting, and 5 excused and not voting.

Senator White offered the following amendment:
AM1591

1. On page 2, line 23, strike "the state," and after "subdivision" insert "of this state. Owner does not include the State of Nebraska".

2. On page 4, line 24, strike the second occurrence of "section" and insert "act".

3. On page 6, line 17, strike "the state or" and strike the second occurrence of "the" and insert "this"; and in line 18 strike "the state or".

4. On page 7, line 1, strike "the state or"; in line 2 strike the first occurrence of "the" and insert "this"; strike the matter in lines 6 and 7; in line 8 strike "(b)" and insert "(a)";

in line 11 strike "(c)" and insert "(b)"; in line 13 strike "(d)" and insert "(c)"; in line 15 strike "(e)" and insert "(d)"; in line 18 strike "state or"; in line 20 strike "by the state or political subdivision"; and strike beginning with "by" in line 24 through "subdivision" in line 25.

5. On page 8, line 9, strike "the state"; in line 10 strike "or" and strike "the" and insert "this"; and in line 11 strike "the state or".

6. Strike sections 11 and 13 and renumber the remaining section accordingly.

The White amendment was adopted with 37 ayes, 0 nays, 6 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 5 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 216. Title read. Considered.

Pending.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1073. Introduced by Mello, 5; Conrad, 46; McGill, 26.

A BILL FOR AN ACT relating to economic development; to amend sections 77-2715.07, 77-2717, and 77-2734.03, Reissue Revised Statutes of Nebraska; to adopt the Building Nebraska's Creative Economy Act; to provide a termination date; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 1074. Introduced by Mello, 5.

A BILL FOR AN ACT relating to economic development; to amend sections 81-1203 and 81-1211, Reissue Revised Statutes of Nebraska; to change provisions relating to job training grants and the Tourist Promotion Fund; and to repeal the original sections.

LEGISLATIVE BILL 1075. Introduced by Carlson, 38; Harms, 48.

A BILL FOR AN ACT relating to alcoholic liquor; to adopt the Alcoholic Liquor Liability Act; and to provide an operative date.

LEGISLATIVE BILL 1076. Introduced by Schilz, 47.

A BILL FOR AN ACT relating to the Nebraska Ground Water Management

and Protection Act; to amend section 46-713, Revised Statutes Supplement, 2009; to change provisions relating to evaluation of river basins, subbasins, and reaches as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1077. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 46-294.03, 77-112, 77-201, 77-1359, 77-1371, and 77-5023, Reissue Revised Statutes of Nebraska, and section 79-1016, Revised Statutes Supplement, 2009; to change provisions relating to valuation of agricultural land and horticultural land; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1078. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 49-801.01, Revised Statutes Supplement, 2009; to update references to the Internal Revenue Code of 1986; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1079. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-202.02, 77-1315, 77-1375, 77-1502, 77-1504, 77-1507, 77-1510, 77-5028, and 77-5029, Reissue Revised Statutes of Nebraska; to change the time for appealing to the Tax Equalization and Review Commission as prescribed; to change certain dates relating to property tax assessment and equalization as prescribed; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 1080. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to the Nebraska Advantage Act; to amend sections 77-5715 and 77-5725, Reissue Revised Statutes of Nebraska; to provide tax incentives for wind energy projects; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1081. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to economic development; to amend sections 77-27,188, 81-1203, and 81-1204, Reissue Revised Statutes of Nebraska; to provide a tax credit and authorize job training grants for teleworkers; and to repeal the original sections.

LEGISLATIVE BILL 1082. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to community colleges; to amend sections 77-3442, 85-960.02, 85-962, 85-966.01, 85-1404, 85-1413, 85-1416, 85-1418, 85-1429, 85-1501, 85-1502, 85-1503, 85-1511, 85-1517, 85-1535,

85-2201, 85-2202, 85-2205, 85-2221, 85-2222, 85-2223, 85-2224, 85-2227, and 85-2228, Reissue Revised Statutes of Nebraska, and sections 13-509, 13-518, 13-519, and 85-1412, Revised Statutes Supplement, 2009; to rename an act and a fund; to change and provide duties for community colleges and the Coordinating Commission for Postsecondary Education; to define and redefine terms; to change provisions relating to aid to community colleges; to provide for a maximum levy; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1083. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to the Nebraska Uniform Trust Code; to amend section 30-38,103, Reissue Revised Statutes of Nebraska; to change provisions relating to contents of a certification of trust; and to repeal the original section.

LEGISLATIVE BILL 1084. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to criminal procedure; to amend sections 28-1006, 28-1012, 28-1019, and 29-818, Reissue Revised Statutes of Nebraska; to provide for seizures of pet animals and equines as prescribed; to provide procedures; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1085. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to civil procedure; to amend section 25-1011, Reissue Revised Statutes of Nebraska; to change provisions relating to garnishment; to eliminate obsolete provisions; and to repeal the original section.

LEGISLATIVE BILL 1086. Introduced by McCoy, 39.

A BILL FOR AN ACT relating to the Employment Security Law; to amend section 48-649, Revised Statutes Supplement, 2009; to change provisions relating to determination of the state unemployment insurance tax rate and require a hearing; and to repeal the original section.

LEGISLATIVE BILL 1087. Introduced by Adams, 24.

A BILL FOR AN ACT relating to schools; to amend sections 79-215, 79-1113, 79-1124, and 79-1140, Reissue Revised Statutes of Nebraska, and section 79-1110, Revised Statutes Supplement, 2009; to change provisions relating to payments for educational services as prescribed; to define and redefine terms under the Special Education Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1088. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to prescriptions; to adopt the Physician and Patient Prescription Protection Act.

LEGISLATIVE BILL 1089. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to adult guardianship jurisdiction; to amend sections 30-2603, 30-2607, 30-2610, 30-2611, 30-2616, 30-2636, 30-2639, and 30-2647, Reissue Revised Statutes of Nebraska; to adopt the Nebraska Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1090. Introduced by Business and Labor Committee: Lathrop, 12, Chairperson; Carlson, 38; McGill, 26; Wallman, 30; White, 8.

A BILL FOR AN ACT relating to claims against the state; to appropriate funds for the payment of certain claims; to provide for payment of the claims; to authorize agencies to write off certain claims as prescribed; and to declare an emergency.

LEGISLATIVE BILL 1091. Introduced by Business and Labor Committee: Lathrop, 12, Chairperson; Carlson, 38; McGill, 26; Wallman, 30; White, 8.

A BILL FOR AN ACT relating to claims against the state; to disapprove certain claims.

LEGISLATIVE BILL 1092. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-2410, Revised Statutes Cumulative Supplement, 2008; to provide restrictions on fees for towing services as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1093. Introduced by Lathrop, 12; Campbell, 25.

A BILL FOR AN ACT relating to the Medicaid Prescription Drug Act; to amend sections 68-953 and 68-954, Reissue Revised Statutes of Nebraska; to change provisions relating to the pharmaceutical and therapeutics committee; and to repeal the original sections.

LEGISLATIVE BILL 1094. Introduced by Lathrop, 12; Lautenbaugh, 18.

A BILL FOR AN ACT relating to courts; to amend section 84-907.03, Revised Statutes Supplement, 2009; to adopt the Nonrecourse Civil Litigation Act; to provide powers and duties for the Secretary of State; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1095. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to educational service units; to amend section 79-1241.03, Revised Statutes Supplement, 2009; to change provisions relating to distribution of funds; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1096. Introduced by Haar, 21; Cook, 13; Mello, 5.

A BILL FOR AN ACT relating to schools; to adopt the Nebraska High Performance Schools Initiative Act.

LEGISLATIVE BILL 1097. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-3442, Reissue Revised Statutes of Nebraska; to change property tax levy limitations as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1098. Introduced by Mello, 5; Ashford, 20; Cook, 13; Haar, 21; Harms, 48; Lathrop, 12; McGill, 26; Nordquist, 7.

A BILL FOR AN ACT relating to municipalities; to authorize creation of sustainable energy financing districts; and to grant powers and duties regarding such districts.

LEGISLATIVE BILL 1099. Introduced by Mello, 5; Haar, 21.

A BILL FOR AN ACT relating to cities of the metropolitan class; to amend section 13-2020, Reissue Revised Statutes of Nebraska, and section 14-102, Revised Statutes Supplement, 2009; to provide for the establishment of a recycling program as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1100. Introduced by Mello, 5; Gay, 14.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-6,349, Reissue Revised Statutes of Nebraska, sections 60-123, 60-137, 60-302, 60-339, and 60-605, Revised Statutes Cumulative Supplement, 2008, and sections 60-101, 60-301, and 60-601, Revised Statutes Supplement, 2009; to allow operation of low-speed vehicles on highways as prescribed; to require titling and registration for low-speed vehicles; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1101. Introduced by Wightman, 36.

A BILL FOR AN ACT relating to the Legislature; to amend section 50-401.01, Revised Statutes Cumulative Supplement, 2008; to authorize use of employee furloughs; and to repeal the original section.

LEGISLATIVE BILL 1102. Introduced by Giese, 17; Karpisek, 32;

Rogert, 16.

A BILL FOR AN ACT relating to horseracing; to amend sections 2-1203.01 and 2-1215, Reissue Revised Statutes of Nebraska; to authorize the State Racing Commission to license and regulate wagering on historic horseraces; to provide a penalty; and to repeal the original sections.

LEGISLATIVE BILL 1103. Introduced by Flood, 19.

A BILL FOR AN ACT relating to abortion; to amend section 38-2021, Reissue Revised Statutes of Nebraska, and section 28-101, Revised Statutes Supplement, 2009; to adopt the Abortion Pain Prevention Act; to provide and change civil and criminal penalties with respect to abortion; to harmonize provisions; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 1104. Introduced by Flood, 19.

A BILL FOR AN ACT relating to judges; to amend section 24-201.01, Revised Statutes Supplement, 2009; to change salaries; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1105. Introduced by Council, 11; Ashford, 20; Conrad, 46; Lathrop, 12.

A BILL FOR AN ACT relating to the death penalty; to require an audit comparing the costs of administering death penalty and non-death-penalty sentences resulting from murder in the first degree convictions; and to provide a duty for the Auditor of Public Accounts.

LEGISLATIVE BILL 1106. Introduced by Nordquist, 7; Ashford, 20; Cook, 13; Council, 11; Gloor, 35; Howard, 9; Mello, 5.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend sections 68-901, 68-907, and 68-908, Reissue Revised Statutes of Nebraska; to define a term; to provide for school-based health centers; to provide for amending or seeking a waiver to the medicaid state plan; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1107. Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 14-557, 15-725, 15-733, 15-735, 15-821, 15-822, 16-708.01, 17-524, 77-209, and 77-1917.01, Reissue Revised Statutes of Nebraska; to change priority of special assessment liens; and to repeal the original sections.

LEGISLATIVE BILL 1108. Introduced by Nordquist, 7.

A BILL FOR AN ACT relating to compressed natural gas; to amend

sections 39-2215, 66-697, 66-6,107, 66-6,109, 66-1810, and 66-1825, Reissue Revised Statutes of Nebraska; to impose an excise tax and provide for its use; to provide for a grant program; to provide funding and create a fund; to change provisions relating to jurisdictional utilities; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1109. Introduced by Conrad, 46; Harms, 48; Mello, 5; Nordquist, 7; Wightman, 36.

A BILL FOR AN ACT relating to the Legislature; to adopt the Nebraska Innovation and High Wage Employment Act; to provide a termination date; to provide funding; and to declare an emergency.

RESOLUTIONS

LEGISLATIVE RESOLUTION 298. Introduced by Dubas, 34.

WHEREAS, the Aurora Huskies won the 2009 Class B State Football Championship; and

WHEREAS, the Huskies defeated Skutt Catholic High School 34-21 to win the state title; and

WHEREAS, the Huskies finished the season undefeated at 13-0; 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, SECOND SESSION:

1. That the Legislature congratulates the Aurora Huskies on winning the 2009 Class B State Football Championship.

2. That a copy of this resolution be sent to the Aurora Huskies and their coach, Randy Huebert.

Laid over.

LEGISLATIVE RESOLUTION 299CA. Introduced by Ashford, 20.

THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 2010 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To add a new section 18 to Article VII:

<u>VII-18 Effective January 1, 2012, there shall be no more than three community college areas in Nebraska as the Legislature shall provide.</u>

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to require the Legislature to provide for no more than three community college areas effective January 1, 2012.

For
Against.

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 300CA. Introduced by Nelson, 6.

THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 2010 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 2:

III-2 The first power reserved by the people is the initiative whereby laws may be enacted and constitutional amendments adopted by the people independently of the Legislature. This power may be invoked by petition wherein the proposed measure shall be set forth at length. If the petition be for the enactment of a law, it shall be signed by ~~seven~~ three percent of the registered voters of the state, and if the petition be for the amendment of the Constitution, the petition therefor shall be signed by ~~ten~~ five percent of such registered voters. ~~In all cases~~ For a petition for the enactment of a law, the registered voters signing such petition shall be so distributed as to include three percent of the registered voters of each of two-fifths of the counties of the state. For a petition for the amendment of the Constitution, the registered voters signing such petition shall be so distributed as to include five percent of the registered voters of each of two-fifths of the counties of the state. When ~~, and when~~ thus signed, the petition shall be filed with the Secretary of State who shall submit the measure thus proposed to the electors of the state at the first general election held not less than four months after such petition ~~shall have been~~ is filed. The same measure, either in form or in essential substance, shall not be submitted to the people by initiative petition, either affirmatively or negatively, more often than once in three years. If conflicting measures submitted to the people at the same election be approved, the one receiving the highest number of affirmative votes shall thereby become law as to all conflicting provisions. The constitutional limitations as to the scope and subject matter of statutes enacted by the Legislature shall apply to those enacted by the initiative. Initiative measures shall contain only one subject. The Legislature shall not amend, repeal, modify, or impair a law enacted by the people by initiative, contemporaneously with the adoption of this initiative measure or at any time thereafter, except upon a vote of at least two-thirds of all the members of the Legislature.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to change the number of signatures required for an initiative petition.

For
Against.

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 301CA. Introduced by Price, 3; Avery, 28; Janssen, 15; Karpisek, 32; Mello, 5.

THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 2010 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, sections 2, 3, and 4:

III-2 The first power reserved by the people is the initiative whereby laws may be enacted and constitutional amendments adopted by the people independently of the Legislature. This power may be invoked by petition wherein the proposed measure shall be set forth at length. If the petition be for the enactment of a law, it shall be signed by seven percent of the registered voters of the state calculated as of January 1 of the calendar year in which the petition signatures are filed, and if the petition be for the amendment of the Constitution, the petition therefor shall be signed by ten percent of ~~such~~ the registered voters of the state calculated as of January 1 of the calendar year in which the petition signatures are filed. In all cases the registered voters signing such petition shall be so distributed as to include five percent of the registered voters of each of two-fifths of the counties of the state calculated as of January 1 of the calendar year in which the petition signatures are filed, and when thus signed, the petition shall be filed with the Secretary of State who shall submit the measure thus proposed to the electors of the state at the first general election held not less than four months after such petition shall have been filed.

The same measure, either in form or in essential substance, shall not be submitted to the people by initiative petition, either affirmatively or negatively, more often than once in three years. If conflicting measures submitted to the people at the same election be approved, the one receiving the highest number of affirmative votes shall thereby become law as to all conflicting provisions. The constitutional limitations as to the scope and subject matter of statutes enacted by the Legislature shall apply to those enacted by the initiative. Initiative measures shall contain only one subject. The Legislature shall not amend, repeal, modify, or impair a law enacted by the people by initiative, contemporaneously with the adoption of this initiative measure or at any time thereafter, except upon a vote of at least two-thirds of all the members of the Legislature.

III-3 The second power reserved is the referendum which may be invoked, by petition, against any act or part of an act of the Legislature, except those making appropriations for the expense of the state government or a state institution existing at the time of the passage of such act. Petitions invoking the referendum shall be signed by not less than five percent of the registered voters of the state calculated as of January 1 of the calendar year in which the petition signatures are filed, distributed as required for initiative petitions, and filed in the office of the Secretary of State within ninety days

after the Legislature at which the act sought to be referred was passed shall have adjourned sine die or for more than ninety days. Each such petition shall set out the title of the act against which the referendum is invoked and, in addition thereto, when only a portion of the act is sought to be referred, the number of the section or sections or portion of sections of the act designating such portion. No more than one act or portion of an act of the Legislature shall be the subject of each referendum petition. When the referendum is thus invoked, the Secretary of State shall refer the same to the electors for approval or rejection at the first general election to be held not less than thirty days after the filing of such petition.

When the referendum is invoked as to any act or part of act, other than emergency acts or those for the immediate preservation of the public peace, health, or safety, by petition signed by not less than ten percent of the registered voters of the state calculated as of January 1 of the calendar year in which the petition signatures are filed, distributed as aforesaid, it shall suspend the taking effect of such act or part of act until the same has been approved by the electors of the state.

III-4 ~~The whole number of votes cast for Governor at the general election next preceding the filing of an initiative or referendum petition shall be the basis on which the number of signatures to such petition shall be computed.~~ The veto power of the Governor shall not extend to measures initiated by or referred to the people.

A measure initiated shall become a law or part of ~~the~~ this Constitution, as the case may be, when a majority of the votes cast ~~thereon,~~ on the measure, and not less than thirty-five ~~per cent~~ percent of the total vote cast at the election at which the ~~same~~ measure was submitted, are cast in favor ~~thereof, and~~ of the measure, and the measure shall take effect upon proclamation by the Governor which shall be made within ten days after the official canvass of ~~such~~ the votes. The vote upon initiative and referendum measures shall be returned and canvassed in the manner prescribed for the canvass of votes for president.

The method of submitting and adopting amendments to the Constitution provided by this section shall be supplementary to the method prescribed in ~~the article~~ Article XVI of this Constitution, ~~entitled, "Amendments"~~ and the latter shall in no case be construed to conflict ~~herewith.~~ with the provisions relating to initiative and referendum. The provisions with respect to the initiative and referendum shall be self-executing, but legislation may be enacted to facilitate their operation. ~~All propositions submitted in pursuance hereof~~ Initiative and referendum measures shall be submitted in a ~~non-partisan~~ nonpartisan manner and without any indication or suggestion on the ballot that they have been approved or endorsed by any political party or organization. Only the title or proper descriptive words of measures shall be printed on the ballot, and when two or more measures have the same title, they shall be numbered consecutively in the order of filing with the Secretary of State and the number shall be followed by the name of the first petitioner on the corresponding petition.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to change the basis for calculating the number of signatures needed on initiative and referendum petitions.
For
Against.

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 302. Introduced by Karpisek, 32.

WHEREAS, the Nebraska Petroleum Marketers and Convenience Store Association will be celebrating its ninetieth anniversary in 2010; and

WHEREAS, the Nebraska Petroleum Marketers and Convenience Store Association began in 1920 as the Nebraska Petroleum Marketers Association; and

WHEREAS, the Nebraska Petroleum Marketers and Convenience Store Association has existed for the past ninety years to unify petroleum marketers in order to effectively further the common business interests of the petroleum marketing industry and the convenience store industry.

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

1. That the Legislature congratulates the Nebraska Petroleum Marketers and Convenience Store Association on celebrating its ninetieth anniversary.

2. That a copy of this resolution be sent to the Nebraska Petroleum Marketers and Convenience Store Association.

Laid over.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 638A. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 638, One Hundred First Legislature, Second Session, 2010.

COMMITTEE REPORT

Judiciary

LEGISLATIVE BILL 226. Placed on General File with amendment.
AM1590

1. Strike the original sections and insert the following sections:

Section 1. Section 30-2604, Reissue Revised Statutes of Nebraska, is amended to read:

30-2604 A parent or a guardian of a minor or incapacitated person, by a properly executed power of attorney, may

delegate to another person, for a period not exceeding six months, any of his or her powers regarding care, custody, or property of the minor child or ward, except his or her power to consent to marriage or adoption of a minor ward. A parent or guardian of a minor who is at least eighteen years of age, by a properly executed power of attorney, may delegate to such minor, for a period not exceeding one year, the parent or guardian's power to consent to such minor's own health care and medical treatment.

Sec. 2. Section 43-2101, Reissue Revised Statutes of Nebraska, is amended to read:

43-2101 All persons under nineteen years of age are declared to be minors, but in case any person marries under the age of nineteen years, his or her minority ends. Upon becoming the age of majority, a person is considered an adult and acquires all rights and responsibilities granted or imposed by statute or common law, except that a person eighteen years of age or older may enter into a binding contract or lease of whatever kind or nature and shall be legally responsible therefor.

Sec. 3. This act becomes operative on January 1, 2011.

Sec. 4. Original sections 30-2604 and 43-2101, Reissue Revised Statutes of Nebraska, are repealed.

(Signed) Brad Ashford, Chairperson

AMENDMENT - Print in Journal

Senator Rogert filed the following amendment to LB261:
AM1594

(Amendments to E & R amendments, ER8137)

1. On page 2, strike lines 23 through 27.

2. On page 3, strike lines 1 through 9 and insert

"(4) In order to approve a negotiable instrument, an electronic funds transfer, or a similar method of payment, a person having use of or access to machine-readable information encoded on an operator's license or a state identification card may:

(a) Scan, compile, store, or preserve such information in order to provide the information to a consumer reporting agency subject to and in compliance with the federal Fair Credit Reporting Act, 15 U.S.C. 1681, as such act existed on January 1, 2009, for the purpose of effecting, administering, or enforcing a transaction requested by the holder of the license or card or preventing fraud or other criminal activity; or

(b) Scan and store such information only as necessary to protect against or prevent actual or potential fraud, unauthorized transactions, claims, or other liability or to resolve a dispute or inquiry by the holder of the license or card."; in line 10 strike "subsection (4)" and insert "subdivision (4)(a)"; and in line 13 strike "person" and insert "party".

ANNOUNCEMENT

Senator Harms designates LB258 as his priority bill.

UNANIMOUS CONSENT - Add Cointroducers

Senator Cornett asked unanimous consent to add her name as cointroducer to LB754. No objections. So ordered.

Senator McCoy asked unanimous consent to add his name as cointroducer to LB1103. No objections. So ordered.

VISITORS

Visitors to the Chamber were Lou, Mike, Matt, and Nathan Brtek from Norfolk; Michael Kinney and Warren Whitted Jr. from Omaha, Robert Bartle and Jane Schoenike from Lincoln, and Bradley White from Hastings; and Jim O'Keeffe from Hastings.

The Doctor of the Day was Dr. Kyle Haefele from Lincoln.

ADJOURNMENT

At 12:01 p.m., on a motion by Senator McCoy, the Legislature adjourned until 9:00 a.m., Friday, January 22, 2010.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

ELEVENTH DAY - JANUARY 22, 2010

LEGISLATIVE JOURNAL

ONE HUNDRED FIRST LEGISLATURE
SECOND SESSION

ELEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, January 22, 2010

PRAYER

The prayer was offered by Senator Wallman.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Langemeier presiding.

The roll was called and all members were present except Senators Adams and Hadley who were excused; and Senators Ashford, Campbell, Conrad, Cornett, Dierks, Janssen, and Karpisek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the tenth day was approved.

REFERENCE COMMITTEE REPORT

The Executive Board submits the following report:

LB/LR	Committee
LB962	Education (rereferred)
LB965	Education (rereferred)
LB988	Judiciary
LB989	Judiciary
LB990	Judiciary
LB991	Transportation and Telecommunications
LB992	Health and Human Services
LB993	Natural Resources
LB994	Business and Labor
LB995	Business and Labor
LB996	Judiciary
LB997	Urban Affairs
LB998	Transportation and Telecommunications
LB999	Health and Human Services
LB1000	General Affairs
LB1001	Education

LB1002	Revenue
LB1003	Government, Military and Veterans Affairs
LB1004	Transportation and Telecommunications
LB1005	Health and Human Services
LB1006	Education
LB1007	Education
LB1008	Revenue
LB1009	Government, Military and Veterans Affairs
LB1010	Natural Resources
LB1011	Natural Resources
LB1012	General Affairs
LB1013	General Affairs
LB1014	Education
LB1015	Government, Military and Veterans Affairs
LB1016	Natural Resources
LB1017	Banking, Commerce and Insurance
LB1018	Revenue
LB1019	Natural Resources
LB1020	Business and Labor
LB1021	Education
LB1022	Health and Human Services
LB1023	General Affairs
LB1024	Transportation and Telecommunications
LB1025	Natural Resources
LB1026	Judiciary
LB1027	Health and Human Services
LB1028	Education
LB1029	Judiciary
LB1030	Appropriations
LB1031	Revenue
LB1032	Revenue
LB1033	Judiciary
LR297CA	Urban Affairs

Homan, Steve - Nebraska Arts Council - General Affairs
Turco, Acela - Foster Care Review Board - Health and Human Services

(Signed) John Wightman, Chairperson
Executive Board

COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 552. Placed on Select File with amendment.
ER8146
1. Strike the original sections and all amendments thereto and insert the following new sections:
Section 1. Sections 1 to 10 of this act shall be known and may be cited as the Nebraska Construction Prompt Pay Act.

Sec. 2. For purposes of the Nebraska Construction Prompt Pay Act:

(1) Contractor includes individuals, firms, partnerships, limited liability companies, corporations, or other associations of persons engaged in the business of the construction, alteration, repairing, dismantling, or demolition of buildings, roads, bridges, viaducts, sewers, water and gas mains, streets, disposal plants, water filters, tanks and towers, airports, dams, levees and canals, water wells, pipelines, transmission and power lines, and every other type of structure, project, development, or improvement coming within the definition of real property and personal property, including such construction, repairing, or alteration of such property to be held either for sale or rental. Contractor also includes any subcontractor engaged in the business of such activities and any person who is providing or arranging for labor for such activities, either as an employee or as an independent contractor, for any contractor or person;

(2) Owner means a person (a) who has an interest in any real property improved, (b) for whom an improvement is made, or (c) who contracted for an improvement to be made. Owner includes a person, an entity, or any political subdivision of this state. Owner does not include the State of Nebraska;

(3) Owner's representative means an architect, an engineer, or a construction manager in charge of a project for the owner or such other contract representative or officer as designated in the contract document as the party representing the owner's interest regarding administration and oversight of the project;

(4) Real property means real estate that is improved, including private and public land, and leaseholds, tenements, and improvements placed on the real property;

(5) Receipt means actual receipt of cash or funds by the contractor or subcontractor; and

(6) Subcontractor means a person or an entity that has contracted to furnish labor or materials to, or performed labor or supplied materials for, a contractor or another subcontractor in connection with a contract to improve real property. Subcontractor includes materialmen and suppliers.

Sec. 3. (1) When a contractor has performed work in accordance with the provisions of a contract with an owner, the owner shall pay the contractor within forty-five days after receipt by the owner or the owner's representative of a payment request made pursuant to the contract.

(2) When a subcontractor has performed work in accordance with the provisions of a subcontract and all conditions precedent to payment contained in the subcontract have been satisfied, the contractor shall pay the subcontractor and the subcontractor shall pay his, her, or its subcontractor, within ten days after receipt by the contractor or subcontractor of each periodic or final

payment, the full amount received for the subcontractor's work and materials based on work completed or service provided under the subcontract for which the subcontractor has properly requested payment, if the subcontractor provides or has provided satisfactory and reasonable assurances of continued performance and financial responsibility to complete the work.

Sec. 4. When work has been performed pursuant to a contract, a party may only withhold payment:

(1) For retainage, in an amount not to exceed the amount specified in the contract, if applicable, until the work is substantially complete;

(2) Of a reasonable amount, to the extent that such withholding is allowed in the contract, for any of the following reasons:

(a) Reasonable evidence showing that the contractual completion date will not be met due to unsatisfactory job progress;

(b) Third-party claims filed or reasonable evidence that such a claim will be filed with respect to work under the contract; or

(c) Failure of the contractor to make timely payments for labor, equipment, subcontractors, or materials; or

(3) After substantial completion, in an amount not to exceed one hundred twenty-five percent of the estimated cost to complete the work remaining on the contract.

Sec. 5. Except as provided in section 4 of this act, if a periodic or final payment to (1) a contractor is delayed by more than forty-five days after receipt of a properly submitted periodic or final payment request by the owner or owner's representative or (2) a subcontractor is delayed by more than ten days after receipt of a periodic or final payment by the contractor or subcontractor, then the remitting party shall pay the contractor or subcontractor interest due until such amount is paid, beginning on the day following the payment due date at the rate of one percent per month or a pro rata fraction thereof on the unpaid balance. Interest is due under this section only after the person charged the interest has been notified of the provisions of this section by the contractor or subcontractor. Acceptance of progress payments or a final payment shall release all claims for interest on such payments.

Sec. 6. The Nebraska Construction Prompt Pay Act shall not modify the remedies available to any person under the terms of a contract in existence prior to the operative date of this act or by any other statute.

Sec. 7. The Nebraska Construction Prompt Pay Act does not apply to improvements to real property intended for residential purposes when the residence consists of no more than four residential units.

Sec. 8. The Nebraska Construction Prompt Pay Act applies to contracts or subcontracts entered into on or after October 1,

2010.

Sec. 9. The following provisions in any contract or subcontract for construction work performed within the State of Nebraska shall be against public policy and shall be void and unenforceable:

(1) A provision that purports to waive, release, or extinguish rights to file a claim against a payment or performance bond, except that a contract or subcontract may require a contractor or subcontractor to provide a waiver or release of such rights as a condition for payment, but only to the extent of the amount of the payment received;

(2) A provision that purports to make any state law other than that of Nebraska applicable to or governing any contract for construction within the state; or

(3) A provision that purports to require that the venue for a court or arbitration hearing be held at any location outside of the state.

Sec. 10. (1) Any liquidated or unliquidated claim against any political subdivision of this state arising from construction performed for such political subdivision shall: (a) Be presented in writing to the individual or officer as set forth in subsection (2) of this section; (b) state the name of the claimant and the amount of the claim; and (c) identify the item or service for which payment is claimed or the time, place, nature, and circumstance giving rise to the claim. All claims shall be filed within one hundred eighty days after the date of substantial completion of the construction project.

(2) A construction contract entered into by any political subdivision of this state may provide the name and location of the office in which a claim under this section may be filed. In the absence of such provision, a written claim shall be filed as follows:

(a) Claims against a city of the metropolitan, primary, first, or second class shall be filed with the appropriate city clerk;

(b) Claims against a village shall be filed with the village clerk;

(c) Claims against a county shall be filed with the county clerk; and

(d) Claims against any other political subdivision shall be filed with the person who executed the contract on behalf of the political subdivision or that person's successor in office.

(3) The applicable political subdivision shall issue a decision on the claim within ninety days after receipt thereof. If no decision has been issued after such period, the claim shall be deemed to be denied in whole and the claimant may commence an action in accordance with subsection (4) of this section.

(4) If a claim is denied in whole or in part, a claimant may bring a civil action on the claim. An action under this

subsection may only be brought within two years after the denial of the claim or the date upon which the claim is deemed to be denied. Any such action shall be in the nature of an original action and not an appeal and shall be commenced in the district court of the county in which the construction project at issue was located. Either party may appeal from the decision of the district court.

(5) Notwithstanding any other provision of law in Chapters 13, 14, 15, 16, 17, 23, and 81, claims against a political subdivision of this state arising from construction performed for such political subdivision shall be governed by this section.

Sec. 11. This act becomes operative on October 1, 2010.

2. On page 1, strike beginning with "amend" in line 1 through line 5 and insert "adopt the Nebraska Construction Prompt Pay Act; and to provide an operative date.".

(Signed) Jeremy Nordquist, Chairperson

REPORTS

The following reports were received by the Legislature:

Game and Parks Commission
One-Year Certified Future Recreation Road Plan

Investment Finance Authority, Nebraska (NIFA)
2009 Series A, B, C, D, E and F Community Development Loan Notes (City of Lincoln Program-2009) Report
Clean Water State Revolving Fund Revenue Bonds Series 2009B Quarterly Report

Roads, Nebraska Department of
Maps: Current State Highway System, March 27, 1972 Federal Aid Primary System, Interstate and Defense Highway System, June 1, 1991 Federal Aid Primary System, National Highway System, Highway Beautification Control System, Scenic Byways System

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of January 21, 2010, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Funk, Christine
Nebraska Friends of Midwives
Moors, H. Jack
Mines & Associates
Radcliffe, Walter H. of Radcliffe & Associates

Altria Client Services Inc. and its Affiliates (formerly Philip Morris USA Inc.)
ALTRIA Client Services, Inc. (Formerly UST Public Affairs, Inc.) (Withdrawn 01/20/2010)
Zieg, Patricia A.
Durable Medical Equipment Stakeholders of Nebraska

MOTION - Withdraw LB944

Senator Harms renewed his motion, MO74, found on page 285, to withdraw LB944.

The Harms motion to withdraw the bill prevailed with 31 ayes, 0 nays, 9 present and not voting, and 9 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 216. Considered.

SPEAKER FLOOD PRESIDING

SENATOR LANGEMEIER PRESIDING

Senator Conrad moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 3 nays, and 20 not voting.

Advanced to Enrollment and Review Initial with 26 ayes, 16 nays, 5 present and not voting, and 2 excused and not voting.

AMENDMENTS - Print in Journal

Senator Haar filed the following amendment to LB261:
AM1601
1. Strike the original sections and all amendments thereto and insert the following new sections:
Section 1. Section 60-4,111.01, Reissue Revised Statutes of Nebraska, is amended to read:
60-4,111.01 (1) The Department of Motor Vehicles, the courts, or law enforcement agencies may store or compile information acquired from an operator's license or state identification card for their statutorily authorized purposes.
(2) The department shall develop and distribute software for scanning or reading and storing the machine-readable information encoded on an operator's license or a state identification card. The department shall have control of and provide access to a secure server which will store the information scanned or read by a person using the software. The department shall provide the software and access to the server to a person

upon entering into an agreement with the person to comply with the requirements of this section to scan or read the machine-readable information only for purposes authorized in this section. The agreement shall specify that the information will not be stored or kept in any manner by the person using the software. The department shall charge a fee for the software and for access to the server. The fees shall be established by the department at a rate which covers the cost of developing and distributing the software and acquiring, maintaining, and providing access to the server. The department shall remit the fees to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund.

~~(2) No~~ (3) Except as otherwise provided in subsection (4) or (5) of this section, no person having use of or access to machine-readable information encoded on an operator's license or a state identification card shall compile, store, preserve, trade, or sell such information. ~~Violation of this subsection shall be~~ Any person who trades or sells such information shall be guilty of a Class IV felony. Any person who compiles, stores, or preserves such information except as authorized in subsection (4) or (5) of this section shall be guilty of a Class IV felony.

(4)(a) For purposes of compliance with and enforcement of restrictions on the purchase of alcohol, lottery tickets, and tobacco products, a retailer who sells any of such items pursuant to a license issued or a contract under the applicable statutory provision may scan machine-readable information encoded on an operator's license or a state identification card presented for the purpose of such a sale. The retailer may request in its agreement under subsection (2) of this section that the department provide for the storage in the department's server of the following information obtained from the license or card: Age and license or card identification number. The retailer shall post a sign at the point of sale of any of such items stating that the license or card will be scanned and that the age and identification number will be stored. The stored information may only be used by a law enforcement agency for purposes of enforcement of the restrictions on the purchase of alcohol, lottery tickets, and tobacco products and may not be shared with any other person or entity. A retailer who knowingly stores more information than the age and identification number from the operator's license or state identification card or who knowingly stores any information from the operator's license or state identification card in any place other than the department's server shall be guilty of a Class IV felony.

(b) Information scanned, compiled, stored, or preserved pursuant to subdivision (a) of this subsection may not be retained by the department for longer than eighteen months unless required by state or federal law.

(5) A person having use of or access to machine-readable information encoded on an operator's license or a state

identification card may enter an agreement with the department under subsection (2) of this section to scan such information and compile, store, and preserve such information on the department's server:

(a) For purposes of providing such information to a consumer reporting agency subject to and in compliance with the federal Fair Credit Reporting Act, 15 U.S.C. 1681, as such act existed on January 1, 2009;

(b) As necessary to effect, administer, or enforce a transaction requested by the holder of the license or card;

(c) To protect against or prevent actual or potential fraud, unauthorized transactions, claims, or other liability; or

(d) For resolving a dispute or inquiry by the holder of the license or card.

(6) Except as provided in subsection (5) of this section, information scanned, compiled, stored, or preserved pursuant to this section may not be traded or sold to a third party; used for any marketing or sales purpose by any person, including the retailer who obtained the information; or, unless pursuant to a court order, reported to or shared with any third party. A person who violates this subsection shall be guilty of a Class IV felony.

Sec. 2. Original section 60-4,111.01, Reissue Revised Statutes of Nebraska, is repealed.

Senator Haar filed the following amendment to LB325:
AM1592

(Amendments to E & R amendments, ER8138)

1. Insert the following new sections:

Sec. 6. Section 32-916, Reissue Revised Statutes of Nebraska, is amended to read:

32-916 (1) Two judges of election or a precinct inspector and a judge of election shall affix their initials to the official ballots. The judge of election shall deliver a ballot to each registered voter after complying with section 32-914.

(2) After voting the ballot, the registered voter shall, as directed by the judge of election, fold his or her ballot or place the ballot in the ballot envelope or sleeve so as to conceal the voting marks and to expose the initials affixed on the ballot. The registered voter shall, without delay and without exposing the voting marks upon the ballot, deliver the ballot to the judge of election before leaving the enclosure in which the voting booths are placed.

(3) The judge of election shall, without exposing the voting marks on the ballot, approve the exposed initials upon the ballot and deposit the ballot in the ballot box in the presence of the registered voter. No judge of election shall deposit any ballot in a ballot box unless the ballot has been identified as having the appropriate initials. Any ballot not properly identified shall be rejected in the presence of the voter, the judge of election shall

make a notation on the ballot Rejected, not properly identified, and another ballot shall be issued to the voter and the voter shall then be permitted to cast his or her ballot. If the ballot is in order, the judge shall deposit the ballot in the ballot box in the presence of the voter and the voter shall promptly leave the polling place. The judges of election shall maintain the secrecy of the rejected ballots and shall cause the rejected ballots to be made up in a sealed packet. The judges of election shall endorse the packet with the words Rejected Ballots and the designation of the precinct. The judges of election shall sign the endorsement label and shall return the packet to the election commissioner or county clerk with a statement by the judges of election showing the number of ballots rejected.

(4) Upon receiving a provisional ballot as provided in section 32-915, the judge of election shall give the voter written information that states that the voter will receive a postcard from the election commissioner or county clerk indicating if the voter's vote was counted and, if not, the reason that the vote was not counted and that the voter also may determine if his or her vote was counted and, if not, the reason that the vote was not counted by accessing the system created pursuant to section 32-202. The ~~and the~~ judge of election shall ensure that the appropriate information is on the outside of the envelope in which the ballot is enclosed or attached to the envelope, attach the statement required by section 32-915 if not contained on the envelope, and place the entire envelope into the ballot box. Upon receiving a provisional ballot as provided in section 32-915.01, the judge of election shall comply with the requirements for a provisional ballot under this subsection, except that a provisional ballot cast pursuant to section 32-915.01 shall be kept separate from the other ballots cast at the election.

Sec. 8. Section 32-1002, Reissue Revised Statutes of Nebraska, is amended to read:

32-1002 (1) As the ballots are removed from the ballot box pursuant to sections 32-1012 to 32-1018, the receiving board shall separate the envelopes containing the provisional ballots from the rest of the ballots and deliver them to the election commissioner or county clerk.

(2) Upon receipt of a provisional ballot, the election commissioner or county clerk shall verify that the certificate on the front of the envelope or the form attached to the envelope is in proper form and that the certification has been signed by the voter.

(3) The election commissioner or county clerk shall also (a) verify that such person has not voted anywhere else in the county or been issued a ballot for early voting, (b) investigate whether any credible evidence exists that the person was properly registered to vote in the county before the deadline for registration for the election, (c) investigate whether any

information has been received pursuant to section 32-309, 32-310, or 32-324 that the person has resided, registered, or voted in any other county or state since registering to vote in the county, ~~and~~ (d) upon determining that credible evidence exists that the person was properly registered to vote in the county, make the appropriate changes to the voter registration register by entering the information contained in the registration application completed by the voter at the time of voting a provisional ballot, and (e) mail a postcard to the voter indicating if the voter's vote counted and, if not, the reason that the vote was not counted.

(4) A provisional ballot cast by a voter pursuant to section 32-915 shall be counted if:

(a) Credible evidence exists that the voter was properly registered in the county before the deadline for registration for the election;

(b) The voter has resided in the county continuously since registering to vote in the county;

(c) The voter has not voted anywhere else in the county or has not otherwise voted early using a ballot for early voting;

(d) The voter has completed a registration application prior to voting and:

(i) The residence address provided on the registration application completed pursuant to subdivision (1)(e) of section 32-915 is located within the precinct in which the person voted; and

(ii) If the voter is voting in a primary election, the party affiliation provided on the registration application completed prior to voting the provisional ballot is the same party affiliation that appears on the voter's voter registration record based on his or her previous registration application; and

(e) The certification on the front of the envelope or form attached to the envelope is in the proper form and signed by the voter.

(5) A provisional ballot cast by a voter pursuant to section 32-915 shall not be counted if:

(a) The voter was not properly registered in the county before the deadline for registration for the election;

(b) Information has been received pursuant to section 32-309, 32-310, or 32-324 that the voter has resided, registered, or voted in any other county or state since registering to vote in the county in which he or she cast the provisional ballot;

(c) Credible evidence exists that the voter has voted elsewhere or has otherwise voted early;

(d) The voter failed to complete and sign a registration application pursuant to subdivision (1)(e) of section 32-915;

(e) The residence address provided on the registration application completed pursuant to subdivision (1)(e) of section 32-915 is in a different county or in a different precinct than the county or precinct in which the voter voted;

(f) If the voter is voting in a primary election, the party affiliation on the registration application completed prior to voting the provisional ballot is different than the party affiliation that appears on the voter's voter registration record based on his or her previous registration application; or

(g) The voter failed to complete and sign the certification on the envelope or form attached to the envelope pursuant to subsection (3) of section 32-915.

(6) Upon determining that the voter's provisional ballot is eligible to be counted, the election commissioner or county clerk shall remove the ballot from the envelope without exposing the marks on the ballot and shall place the ballot with the ballots to be counted by the county canvassing board.

(7) The election commissioner or county clerk shall notify the system administrator of the system created pursuant to section 32-202 as to whether the ballot was counted and, if not, the reason the ballot was not counted.

(8) The verification and investigation shall be completed within seven days after the election.

2. Renumber the remaining sections and correct the repealer accordingly.

NOTICE OF COMMITTEE HEARINGS

Natural Resources

Room 1525

Friday, January 29, 2010 1:30 p.m.

LB689
LB845
LB960

(Signed) Chris Langemeier, Chairperson

General Affairs

Room 1510

Monday, February 1, 2010 1:30 p.m.

LB783
LB786
LB869
LB870
LB900
LB906

(Signed) Russ Karpisek, Chairperson

Nebraska Retirement Systems

Room 1525

Tuesday, February 2, 2010 12:10 p.m.

LB950

Tuesday, February 9, 2010 12:10 p.m.

LB979

Tuesday, February 16, 2010 12:10 p.m.

LB899
LB927
LB928

(Signed) Dave Pankonin, Chairperson

COMMITTEE REPORTS
Natural Resources

LEGISLATIVE BILL 743. Placed on General File.
LEGISLATIVE BILL 798. Placed on General File.
LEGISLATIVE BILL 871. Placed on General File.

(Signed) Chris Langemeier, Chairperson

Agriculture

LEGISLATIVE BILL 731. Placed on General File.

(Signed) Tom Carlson, Chairperson

GENERAL FILE

LEGISLATIVE BILL 147. Title read. Considered.

Committee AM756, found on page 1297, First Session, 2009, was adopted with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

Senator Pirsch renewed his amendment, AM1569, found on page 246.

The Pirsch amendment was adopted with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 43 ayes, 0 nays, 4 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 181. Title read. Considered.

Committee AM1282, found on page 1398, First Session, 2009, was considered.

Senator Fischer offered the following amendment to the committee amendment:

AM1595

(Amendments to Standing Committee amendments, AM1282)

1. On page 2, line 5, strike "or" and insert "and".

2. On page 3, line 14 strike "relief from" and insert "modification of"; and in line 17 strike "relief" and insert "modification".

The Fischer amendment was adopted with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

The committee amendment, as amended, was adopted with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

SENATOR CARLSON PRESIDING

LEGISLATIVE BILL 190. Title read. Considered.

Committee AM85, found on page 1460, First Session, 2009, was considered.

Senator Avery renewed his amendment, AM1555, found on page 276, to the committee amendment.

The Avery amendment was adopted with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

The committee amendment, as amended, was adopted with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 5 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 638. Title read. Considered.

Senator Lautenbaugh offered the following motion:
MO75
Indefinitely postpone.

Laid over.

AMENDMENTS - Print in Journal

Senator Mello filed the following amendment to LB635:
AM1603
(Amendments to Standing Committee amendments, AM1140)
1. Insert the following new section:
Sec. 4. This act becomes operative on January 1, 2011.
2. Renumber the remaining sections accordingly.

Senators Gay and Fulton filed the following amendment to LB197:
AM1588 is available in the Bill Room.

UNANIMOUS CONSENT - Add Cointroducers

Senator Karpisek asked unanimous consent to add his name as cointroducer to LB940. No objections. So ordered.

Senator Coash asked unanimous consent to add his name as cointroducer to LB1018. No objections. So ordered.

Senator Mello asked unanimous consent to add his name as cointroducer to LB1086. No objections. So ordered.

Senator Langemeier asked unanimous consent to add his name as cointroducer to LB1103. No objections. So ordered.

WITHDRAW - Cointroducer

Senator Howard withdrew her name as cointroducer to LB949.

VISITORS

Visitors to the Chamber were members of Nebraska Dental Hygienists Association and students from Iowa Western Community College.

The Doctor of the Day was Dr. Rob Rhodes from Lincoln.

ADJOURNMENT

At 11:28 a.m., on a motion by Speaker Flood, the Legislature adjourned until 10:00 a.m., Monday, January 25, 2010.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

TWELFTH DAY - JANUARY 25, 2010

LEGISLATIVE JOURNAL

ONE HUNDRED FIRST LEGISLATURE
SECOND SESSION

TWELFTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, January 25, 2010

PRAYER

The prayer was offered by Pastor Art Grimm, St. John's Lutheran Church, Beatrice.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Senator Langemeier presiding.

The roll was called and all members were present except Senators Ashford and Giese who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eleventh day was approved.

REFERENCE COMMITTEE REPORT

The Executive Board submits the following report:

LB/LR	Committee
LB1034	Education
LB1035	Government, Military and Veterans Affairs
LB1036	Health and Human Services
LB1037	Judiciary
LB1038	Health and Human Services
LB1039	Government, Military and Veterans Affairs
LB1040	Business and Labor
LB1041	Business and Labor
LB1042	Business and Labor
LB1043	Judiciary
LB1044	Business and Labor
LB1045	Judiciary
LB1046	Judiciary
LB1047	Judiciary
LB1048	Natural Resources

LB1049	Revenue
LB1050	Judiciary
LB1051	Banking, Commerce and Insurance
LB1052	Revenue
LB1053	Revenue
LB1054	Natural Resources
LB1055	Business and Labor
LB1056	Natural Resources
LB1057	Natural Resources
LB1058	Education
LB1059	Government, Military and Veterans Affairs
LB1060	Transportation and Telecommunications
LB1061	Education
LB1062	Judiciary
LB1063	Appropriations
LB1064	Urban Affairs
LB1065	Transportation and Telecommunications
LB1066	Revenue
LB1067	Health and Human Services
LB1068	Banking, Commerce and Insurance
LB1069	Education
LB1070	Education
LB1071	Education
LB1072	Education
LB1073	Revenue
LB1075	Judiciary
LB1076	Natural Resources
LB1077	Revenue
LB1078	Revenue
LB1079	Revenue
LB1080	Revenue
LB1081	Revenue
LB1082	Education
LB1083	Banking, Commerce and Insurance
LB1084	Judiciary
LB1085	Judiciary
LB1086	Business and Labor
LB1087	Education
LB1088	Banking, Commerce and Insurance
LB1089	Judiciary
LB1090	Business and Labor
LB1091	Business and Labor
LB1092	Transportation and Telecommunications
LB1093	Health and Human Services
LB1094	Judiciary
LB1095	Education
LB1096	Education
LB1097	Revenue
LB1098	Urban Affairs

LB1099	Urban Affairs
LB1100	Transportation and Telecommunications
LB1101	Executive Board
LB1102	Judiciary
LB1103	Judiciary
LB1104	Judiciary
LB1105	Judiciary
LB1106	Health and Human Services
LB1107	Revenue
LB1108	Revenue
LB1109	Executive Board
LR299CA	Education
LR300CA	Government, Military and Veterans Affairs
LR301CA	Government, Military and Veterans Affairs

(Signed) John Wightman, Chairperson
Executive Board

NOTICE OF COMMITTEE HEARINGS
Transportation and Telecommunications

Room 1113

Tuesday, February 2, 2010 1:30 p.m.

LR286CA
LB838
LB819

(Signed) Deb Fischer, Chairperson

Banking, Commerce and Insurance

Room 1507

Monday, February 1, 2010 1:30 p.m.

LB807
LB912
LB693

Tuesday, February 2, 2010 1:30 p.m.

LB888
LB730
LB720

(Signed) Rich Pahls, Chairperson

COMMITTEE REPORT
Revenue

The Revenue 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.

Robert W. Hotz - Tax Equalization and Review Commission

Aye: 8 Senators Adams, Cornett, Dierks, Hadley, Louden, Pirsch, Utter, White. Nay: 0. Absent: 0.

(Signed) Abbie Cornett, Chairperson

PRESIDENT SHEEHY PRESIDING

SELECT FILE

LEGISLATIVE BILL 261. ER8137, found on page 205, was adopted.

Senator Rogert asked unanimous consent to withdraw his amendment, AM1594, found on page 310, and replace it with his substitute amendment, AM1612. No objections. So ordered.

AM1612

(Amendments to E & R amendments, ER8137)

1. Strike the original sections and all amendments thereto and insert the following new sections:

Section 1. Section 60-4,111.01, Reissue Revised Statutes of Nebraska, is amended to read:

60-4,111.01 (1) The Department of Motor Vehicles, the courts, or law enforcement agencies may store or compile information acquired from an operator's license or a state identification card for their statutorily authorized purposes.

(2) ~~No~~ Except as otherwise provided in subsection (3) or (4) of this section, no person having use of or access to machine-readable information encoded on an operator's license or a state identification card shall compile, store, preserve, trade, ~~or~~ sell, or share such information. ~~Violation of this subsection shall be~~ Any person who trades, sells, or shares such information shall be guilty of a Class IV felony. Any person who compiles, stores, or preserves such information except as authorized in subsection (3) or (4) of this section shall be guilty of a Class IV felony.

(3)(a) For purposes of compliance with and enforcement of restrictions on the purchase of alcohol, lottery tickets, and tobacco products, a retailer who sells any of such items pursuant to a license issued or a contract under the applicable statutory provision may scan machine-readable information encoded on an operator's license or a state identification card presented for the purpose of such a sale. The retailer may store only the

following information obtained from the license or card: Age and license or card identification number. The retailer shall post a sign at the point of sale of any of such items stating that the license or card will be scanned and that the age and identification number will be stored. The stored information may only be used by a law enforcement agency for purposes of enforcement of the restrictions on the purchase of alcohol, lottery tickets, and tobacco products and may not be shared with any other person or entity. The retailer shall utilize software that stores only the information allowed by this subsection. A programmer for computer software designed to store such information shall certify to the retailer that the software stores only the information allowed by this subsection. Intentional or grossly negligent programming by the programmer which allows for the storage of more than the age and identification number or wrongfully certifying the software shall be a Class IV felony. A retailer who knowingly stores more information than the age and identification number from the operator's license or state identification card shall be guilty of a Class IV felony.

(b) Information scanned, compiled, stored, or preserved pursuant to subdivision (a) of this subsection may not be retained longer than eighteen months unless required by state or federal law.

(4) In order to approve a negotiable instrument, an electronic funds transfer, or a similar method of payment, a person having use of or access to machine-readable information encoded on an operator's license or a state identification card may:

(a) Scan, compile, store, or preserve such information in order to provide the information to a check services company subject to and in compliance with the federal Fair Credit Reporting Act, 15 U.S.C. 1681, as such act existed on January 1, 2010, for the purpose of effecting, administering, or enforcing a transaction requested by the holder of the license or card or preventing fraud or other criminal activity; or

(b) Scan and store such information only as necessary to protect against or prevent actual or potential fraud, unauthorized transactions, claims, or other liability or to resolve a dispute or inquiry by the holder of the license or card.

(5) Except as provided in subdivision (4)(a) of this section, information scanned, compiled, stored, or preserved pursuant to this section may not be traded or sold to or shared with a third party; used for any marketing or sales purpose by any person, including the retailer who obtained the information; or, unless pursuant to a court order, reported to or shared with any third party. A person who violates this subsection shall be guilty of a Class IV felony.

Sec. 2. Original section 60-4,111.01, Reissue Revised Statutes of Nebraska, is repealed.

The Rogert amendment was adopted with 27 ayes, 6 nays, 14 present and not voting, and 2 excused and not voting.

Senator Haar renewed his amendment, AM1601, found on page 319.

The Haar amendment lost with 4 ayes, 24 nays, 19 present and not voting, and 2 excused and not voting.

Senator Pankonin requested a record vote on the advancement of the bill.

Voting in the affirmative, 31:

Adams	Fischer	Karpisek	Nordquist	Utter
Avery	Flood	Langemeier	Pahls	Wallman
Campbell	Gay	Lautenbaugh	Pirsch	Wightman
Carlson	Gloor	McCoy	Price	
Christensen	Hadley	McGill	Rogert	
Coash	Harms	Mello	Schilz	
Dubas	Janssen	Nelson	Sullivan	

Voting in the negative, 8:

Dierks	Hansen	Krist	Pankonin
Haar	Howard	Louden	White

Present and not voting, 8:

Ashford	Cook	Council	Lathrop
Conrad	Cornett	Fulton	Stuthman

Excused and not voting, 2:

Giese	Heidemann

Advanced to Enrollment and Review for Engrossment with 31 ayes, 8 nays, 8 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 522. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 254. ER8139, found on page 236, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 325. ER8138, found on page 236, was adopted.

Senator Haar renewed his amendment, AM1592, found on page 321.

Senator Haar withdrew his amendment.

Senator Lathrop offered the following amendment:
AM1610

(Amendments to E & R amendments, ER8138)

1. Insert the following new section:

Sec. 7. Section 32-1002, Reissue Revised Statutes of Nebraska, is amended to read:

32-1002 (1) As the ballots are removed from the ballot box pursuant to sections 32-1012 to 32-1018, the receiving board shall separate the envelopes containing the provisional ballots from the rest of the ballots and deliver them to the election commissioner or county clerk.

(2) Upon receipt of a provisional ballot, the election commissioner or county clerk shall verify that the certificate on the front of the envelope or the form attached to the envelope is in proper form and that the certification has been signed by the voter.

(3) The election commissioner or county clerk shall also (a) verify that such person has not voted anywhere else in the county or been issued a ballot for early voting, (b) investigate whether any credible evidence exists that the person was properly registered to vote in the county before the deadline for registration for the election, (c) investigate whether any information has been received pursuant to section 32-309, 32-310, or 32-324 that the person has resided, registered, or voted in any other county or state since registering to vote in the county, and (d) upon determining that credible evidence exists that the person was properly registered to vote in the county, make the appropriate changes to the voter registration register by entering the information contained in the registration application completed by the voter at the time of voting a provisional ballot.

(4) A provisional ballot cast by a voter pursuant to section 32-915 shall be counted if:

(a) Credible evidence exists that the voter was properly registered in the county before the deadline for registration for the election;

(b) The voter has resided in the county continuously since registering to vote in the county;

(c) The voter has not voted anywhere else in the county or has not otherwise voted early using a ballot for early voting;

(d) The voter has completed a registration application prior to voting <u>as prescribed in subsection (6) of this section</u> and:

(i) The residence address provided on the registration application completed pursuant to subdivision (1)(e) of section 32-915 is located within the precinct in which the person voted; and

(ii) If the voter is voting in a primary election, the party affiliation provided on the registration application

completed prior to voting the provisional ballot is the same party affiliation that appears on the voter's voter registration record based on his or her previous registration application; and

(e) The certification on the front of the envelope or form attached to the envelope is in the proper form and signed by the voter.

(5) A provisional ballot cast by a voter pursuant to section 32-915 shall not be counted if:

(a) The voter was not properly registered in the county before the deadline for registration for the election;

(b) Information has been received pursuant to section 32-309, 32-310, or 32-324 that the voter has resided, registered, or voted in any other county or state since registering to vote in the county in which he or she cast the provisional ballot;

(c) Credible evidence exists that the voter has voted elsewhere or has otherwise voted early;

(d) The voter failed to complete and sign a registration application pursuant to subsection (6) of this section and subdivision (1)(e) of section 32-915;

(e) The residence address provided on the registration application completed pursuant to subdivision (1)(e) of section 32-915 is in a different county or in a different precinct than the county or precinct in which the voter voted;

(f) If the voter is voting in a primary election, the party affiliation on the registration application completed prior to voting the provisional ballot is different than the party affiliation that appears on the voter's voter registration record based on his or her previous registration application; or

(g) The voter failed to complete and sign the certification on the envelope or form attached to the envelope pursuant to subsection (3) of section 32-915.

(6) An error or omission of information on the registration application or the certification required under section 32-915 shall not result in the provisional ballot not being counted if:

(a)(i) The errant or omitted information is contained elsewhere on the registration application or certification; or

(ii) The information is not necessary to determine the eligibility of the voter to cast a ballot; and

(b) Both the registration application and the certification are signed by the voter.

~~(6)~~ (7) Upon determining that the voter's provisional ballot is eligible to be counted, the election commissioner or county clerk shall remove the ballot from the envelope without exposing the marks on the ballot and shall place the ballot with the ballots to be counted by the county canvassing board.

~~(7)~~ (8) The election commissioner or county clerk shall notify the system administrator of the system created pursuant to

section 32-202 as to whether the ballot was counted and, if not, the reason the ballot was not counted.

~~(8)~~ (9) The verification and investigation shall be completed within seven days after the election.

2. On page 2, line 3; and page 6, line 15, after the period insert "The election commissioner or county clerk shall implement the policy regarding designation of ballots uniformly throughout the county.".

3. Renumber the remaining sections and correct the repealer accordingly.

The Lathrop amendment was adopted with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 183. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 197. ER8142, found on page 241, was adopted.

Senator Gay renewed the Gay-Fulton amendment, AM1588, found on page 327.

The Gay-Fulton amendment was adopted with 38 ayes, 0 nays, 10 present and not voting, and 1 excused and not voting.

Senator Fulton offered the following amendment:
AM1578 is available in the Bill Room.

The Fulton amendment was adopted with 42 ayes, 0 nays, 6 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 550. ER8141, found on page 241, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 210. ER8143, found on page 266, was adopted.

Senator Langemeier renewed his amendment, AM1573, found on page 268.

The Langemeier amendment was adopted with 39 ayes, 0 nays, 9 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 139. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 475. ER8145, found on page 267, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 279. Advanced to Enrollment and Review for Engrossment.

NOTICE OF COMMITTEE HEARINGS

Urban Affairs

1510

Tuesday, February 2, 2010 1:30 p.m.

LB799
LB949
LB977
LR295CA

(Signed) Amanda McGill, Chairperson

Education

Room 1525

Monday, February 1, 2010 1:30 p.m.

LB1001
LB1061
LB745
LB956

(Signed) Greg Adams, Chairperson

Business and Labor

Room 2102

Monday, February 1, 2010 1:30 p.m.

LB934
LB925
LB1086
LB1055
LB1020

(Signed) Steve Lathrop, Chairperson

COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 216. Placed on Select File.

LEGISLATIVE BILL 147. Placed on Select File with amendment.
ER8147

1. Strike the original sections and all amendments thereto and insert the following new sections:

Section 1. Section 25-21,271, Reissue Revised Statutes of Nebraska, is amended to read:

25-21,271 (1) Any person desiring to change his or her name ~~may~~ shall file a petition in the district court of the county in which such person may be a resident, setting forth (a) that the petitioner has been a bona fide citizen of such county for at least one year prior to the filing of the petition, (b) the address of the petitioner, (c) the date of birth of the petitioner, (d) the cause for which the change of petitioner's name is sought, and ~~(c)~~ (e) the name asked for.

(2) Notice of the filing of the petition shall be published in a newspaper in the county, and if no newspaper is printed in the county, then in a newspaper of general circulation therein. The notice shall be published (a) once a week for four consecutive weeks if the petitioner is nineteen years of age or older at the time the action is filed and (b) once a week for two consecutive weeks if the petitioner is under nineteen years of age at the time the action is filed. In an action involving a petitioner under nineteen years of age who has a noncustodial parent, notice of the filing of the petition shall be sent by certified mail within five days after publication to the noncustodial parent at the address provided to the clerk of the district court pursuant to subsection (1) of section 42-364.13 for the noncustodial parent if he or she has provided an address. The clerk of the district court shall provide the petitioner with the address upon request.

(3) It shall be the duty of the district court, upon being duly satisfied by proof in open court of the truth of the allegations set forth in the petition, that there exists proper and reasonable cause for changing the name of the petitioner, and that notice of the filing of the petition has been given as required by this section, to order and direct a change of name of such petitioner and that an order for the purpose be made in the journals of the court.

(4) The clerk of the district court shall deliver a copy by hard copy or electronic means of any name-change order issued by the court pursuant to this section to the Department of Health

and Human Services for use pursuant to sections 28-376 and 28-718 and to the sex offender registration and community notification division of the Nebraska State Patrol for use pursuant to section 29-4004.

Sec. 2. Section 28-376, Reissue Revised Statutes of Nebraska, is amended to read:

28-376 (1) The department shall establish and maintain an Adult Protective Services Central Registry for recording each report of alleged abuse.

(2) Upon request, a vulnerable adult who is the subject of a report or, if the vulnerable adult is legally incapacitated, the guardian or guardian ad litem of the vulnerable adult shall be entitled to receive a copy of all information contained in the registry pertaining to his or her case. The department shall not release data that would be harmful or detrimental to the vulnerable adult or that would identify or locate a person who, in good faith, made a report or cooperated in a subsequent investigation unless ordered to do so by a court of competent jurisdiction.

(3) The department shall establish classifications for all cases in the registry. All cases determined to be unfounded shall be expunged from the registry.

(4) The department shall determine whether a name-change order received from the clerk of a district court pursuant to section 25-21,271 is for a person on the Adult Protective Services Central Registry and, if so, shall include the changed name with the former name in the registry and file or cross-reference the information under both names.

Sec. 3. Section 28-718, Revised Statutes Supplement, 2009, is amended to read:

28-718 (1) There shall be a central register of child protection cases maintained in the department containing records of all reports of child abuse or neglect opened for investigation as provided in section 28-713 and classified as either court substantiated or agency substantiated as provided in section 28-720. The department may change records classified as inconclusive prior to August 30, 2009, to agency substantiated. The department shall give public notice of the changes made to this section and subsection (3) of section 28-720 by Laws 2009, LB 122, within thirty days after August 30, 2009, by having such notice published in a newspaper or newspapers of general circulation within the state.

(2) The department shall determine whether a name-change order received from the clerk of a district court pursuant to section 25-21,271 is for a person on the central register of child protection cases and, if so, shall include the changed name with the former name in the register and file or cross-reference the information under both names.

Sec. 4. Section 29-4004, Revised Statutes Supplement, 2009, is amended to read:

29-4004 (1) Any person subject to the Sex Offender Registration Act shall register within three working days after becoming subject to the act at a location designated by the Nebraska State Patrol for purposes of accepting such registration.

(2) Any person required to register under the act shall inform the sheriff of the county in which he or she resides, in person, and complete a form as prescribed by the Nebraska State Patrol for such purpose, if he or she has a new address, temporary domicile, or habitual living location, within three working days before the change. The sheriff shall submit such information to the sex offender registration and community notification division of the Nebraska State Patrol on the day it is received and in a manner prescribed by the Nebraska State Patrol for such purpose.

(3) Any person required to register under the act shall inform the sheriff of the county in which he or she resides, in person, and complete a form as prescribed by the Nebraska State Patrol for such purpose, if he or she has a new address, temporary domicile, or habitual living location in a different county in this state, within three working days before the address change. The sheriff shall submit such information to the sex offender registration and community notification division of the Nebraska State Patrol on the day it is received and in a manner as prescribed by the Nebraska State Patrol for such purpose. If the change in address, temporary domicile, or habitual living location is to a location within the State of Nebraska, the division shall notify the sheriff of each affected county of the new address, temporary domicile, or habitual living location, within three working days. The person shall report to the county sheriff of his or her new county of residence and register with such county sheriff within three working days after the address change.

(4) Any person required to register under the act shall inform the sheriff of the county in which he or she resides, in person, and complete a form as prescribed by the Nebraska State Patrol for such purpose, if he or she moves to a new out-of-state address, within three working days before the address change. The sheriff shall submit such information to the sex offender registration and community notification division of the Nebraska State Patrol on the day it is received and in a manner as prescribed by the Nebraska State Patrol for such purpose. If the change in address, temporary domicile, or habitual living location is to a location outside of the State of Nebraska, the division shall notify the sheriff of each affected county in Nebraska and the other state's, country's, or territory's central repository for sex offender registration of the new out-of-state address, temporary domicile, or habitual living location, within three working days.

(5) Any person required to register under the act who is employed, carries on a vocation, or attends school shall inform, in person, the sheriff of the county in which he or she is employed,

carries on a vocation, or attends school and complete a form as prescribed by the Nebraska State Patrol for such purpose, within three working days after becoming employed, carrying on a vocation, or attending school. The person shall also notify the sheriff, in person, of any changes in employment, vocation, or school of attendance, and complete a form as prescribed by the Nebraska State Patrol for such purpose, within three working days after the change. The sheriff shall submit such information to the sex offender registration and community notification division of the Nebraska State Patrol on the day it is received and in a manner as prescribed by the Nebraska State Patrol for such purpose.

(6) Any person required to register under the act who is residing, has a temporary domicile, or is habitually living in another state, and is employed, carries on a vocation, or attends school in this state, shall report and register, in person, with the sheriff of the county in which he or she is employed, carries on a vocation, or attends school in this state and complete a form as prescribed by the Nebraska State Patrol for such purpose, within three working days after becoming employed, carrying on a vocation, or attending school. The person shall also notify the sheriff of any changes in employment, vocation, or school of attendance, in person, and complete a form as prescribed by the Nebraska State Patrol for such purpose, within three working days after the change. The sheriff shall submit such information to the sex offender registration and community notification division of the Nebraska State Patrol on the day it is received and in a manner as prescribed by the Nebraska State Patrol for such purpose. For purposes of this subsection:

(a) Attends school means enrollment in any educational institution in this state on a full-time or part-time basis; and

(b) Is employed or carries on a vocation means any full-time or part-time employment, with or without compensation, which lasts for a duration of more than fourteen days or for an aggregate period exceeding thirty days in a calendar year.

(7) Any person incarcerated for a registrable offense under section 29-4003 in a jail, penal or correctional facility, or other public or private institution shall be registered by the jail, penal or correctional facility, or public or private institution prior to his or her discharge, parole, furlough, work release, or release. The person shall be informed and information shall be obtained as required in section 29-4006.

(8) Any person required to register or who is registered under the act, but is incarcerated for more than three working days, shall inform the sheriff of the county in which he or she is incarcerated, in writing, within three working days after incarceration, of his or her incarceration and his or her expected release date, if any such date is available. The sheriff shall forward the information regarding incarceration to the sex offender registration and community notification division of the Nebraska

State Patrol immediately on the day on which it was received and in a manner prescribed by the Nebraska State Patrol for such purpose.

(9) Any person required to register or who is registered under the act who no longer has a residence, temporary domicile, or habitual living location shall report such change in person to the sheriff of the county in which he or she is located, within three working days after such change in residence, temporary domicile, or habitual living location. Such person shall update his or her registration, in person, to the sheriff of the county in which he or she is located, on a form approved by the sex offender registration and community notification division of the Nebraska State Patrol at least once every thirty calendar days during the time he or she remains without residence, temporary domicile, or habitual living location.

(10) Each registering entity shall forward all written information, photographs, and fingerprints obtained pursuant to the act to the sex offender registration and community notification division of the Nebraska State Patrol on the day it is received and in a manner prescribed by the Nebraska State Patrol for such purpose. The information shall be forwarded on forms furnished by the division. The division shall maintain a central registry of sex offenders required to register under the act. Any collected DNA samples shall be forwarded to the State DNA Data Base.

<u>(11) The sex offender registration and community notification division of the Nebraska State Patrol shall determine whether a name-change order received from the clerk of a district court pursuant to section 25-21,271 is for a person in the central registry of sex offenders and, if so, shall include the changed name with the former name in the registry, file or cross-reference the information under both names, and notify the sheriff of the county in which such person then resides.</u>

Sec. 5. This act becomes operative on January 1, 2012.

Sec. 6. Original sections 25-21,271 and 28-376, Reissue Revised Statutes of Nebraska, and sections 28-718 and 29-4004, Revised Statutes Supplement, 2009, are repealed.

2. On page 1, strike lines 2 through 6 and insert "25-21,271 and 28-376, Reissue Revised Statutes of Nebraska, and sections 28-718 and 29-4004, Revised Statutes Supplement, 2009; to change petition requirements for a change of name; to require delivery of court orders regarding name changes; to require inclusion and notification of name changes for the Adult Protective Services Central Registry, the central register of child protection cases, and the central registry of sex offenders; to provide an operative date; and to repeal the original sections.".

LEGISLATIVE BILL 181. Placed on Select File with amendment.
ER8148

1. In the Standing Committee amendments, AM1282, on page 3, line 12, after the second occurrence of "railroad" insert "carrier".

LEGISLATIVE BILL 190. Placed on Select File with amendment.
ER8149

1. Strike the original sections and all amendments thereto and insert the following new sections:

Section 1. Section 29-4101, Reissue Revised Statutes of Nebraska, is amended to read:

29-4101 Sections 29-4101 to 29-4115 and section 5 of this act shall be known and may be cited as the DNA Identification Information Act.

Sec. 2. Section 29-4102, Reissue Revised Statutes of Nebraska, is amended to read:

29-4102 The Legislature finds that DNA data banks are an important tool in criminal investigations, in the exclusion of individuals who are the subject of criminal investigations or prosecutions, in deterring and detecting recidivist acts, and in locating and identifying missing persons and human remains. Several states have enacted laws requiring persons convicted of certain crimes, especially sex offenses, to provide genetic samples for DNA typing tests. Moreover, it is the policy of this state to assist federal, state, and local criminal justice and law enforcement agencies in the identification and detection of individuals in criminal investigations and in locating and identifying missing persons and human remains. It is in the best interest of this state to establish a State DNA Data Base for DNA records and a State DNA Sample Bank as a repository for DNA samples from individuals convicted of felony ~~sex~~ offenses and other specified offenses and from individuals for purposes of assisting in locating and identifying missing persons and human remains.

Sec. 3. Section 29-4103, Reissue Revised Statutes of Nebraska, is amended to read:

29-4103 For purposes of the DNA Identification Information Act:

(1) Combined DNA Index System means the Federal Bureau of Investigation's national DNA identification index system that allows the storage and exchange of DNA records submitted by state and local forensic DNA laboratories;

(2) DNA means deoxyribonucleic acid which is located in the cells and provides an individual's personal genetic blueprint. DNA encodes genetic information that is the basis of human heredity and forensic identification;

(3) DNA record means the DNA identification information stored in the State DNA Data Base or the Combined DNA Index System which is derived from DNA typing test results;

(4) DNA sample means a blood, tissue, or bodily fluid sample provided by any person covered by the DNA Identification Information Act for analysis or storage, or both;

(5) DNA typing tests means the laboratory procedures which evaluate the characteristics of a DNA sample which are of value in establishing the identity of an individual;

~~(6) Felony sex offense means a felony offense, or an attempt, conspiracy, or solicitation to commit a felony offense, under any of the following:~~

~~(a) Kidnapping of a minor pursuant to section 28-313, except when the person is the parent of the minor and was not convicted of any other offense in this subdivision;~~

~~(b) Incest of a minor pursuant to section 28-703;~~

~~(c) Sexual assault in the first or second degree pursuant to section 28-319 or 28-320;~~

~~(d) Sexual assault of a child in the second or third degree pursuant to section 28-320.01;~~

~~(e) Sexual assault of a child in the first degree pursuant to section 28-319.01;~~

~~(f) Sexual assault of a vulnerable adult pursuant to subdivision (1)(c) of section 28-386; and~~

~~(g) False imprisonment of a minor in the first degree pursuant to section 28-314, except when the person is the parent of the minor and was not convicted of any other offense in this subdivision;~~

~~(7)~~ (6) Law enforcement agency includes a police department, a town marshal, a county sheriff, ~~and~~ the Nebraska State Patrol, and the office of the Attorney General;

~~(8)~~ (7) Other specified offense means ~~an offense,~~ misdemeanor stalking pursuant to sections 28-311.02 to 28-311.05 or false imprisonment in the second degree pursuant to section 28-315 or an attempt, conspiracy, or solicitation to commit ~~an offense, under any of the following:~~ stalking pursuant to sections 28-311.02 to 28-311.05, false imprisonment in the first degree pursuant to section 28-314, false imprisonment in the second degree pursuant to section 28-315, knowing and intentional sexual abuse of a vulnerable adult pursuant to subdivision (1)(c) of section 28-386, or a violation of the Sex Offender Registration Act pursuant to section 29-4011; and

~~(a) Murder in the first degree pursuant to section 28-303;~~

~~(b) Murder in the second degree pursuant to section 28-304;~~

~~(c) Manslaughter pursuant to section 28-305;~~

~~(d) Stalking pursuant to sections 28-311.02 to 28-311.05;~~

~~(e) Burglary pursuant to section 28-507 provided that the real estate is a dwelling place intended for human occupancy; or~~

~~(f) Robbery pursuant to section 28-324; and~~

~~(9)~~ (8) Released means any release, parole, furlough, work release, prerelease, or release in any other manner from a prison, a jail, or any other detention facility or institution.

Sec. 4. Section 29-4106, Reissue Revised Statutes of Nebraska, is amended to read:

29-4106 (1) A person who is convicted of a felony ~~sex~~ offense or other specified offense on or after ~~July 14, 2006,~~ the effective date of this act, who does not have a DNA sample available for use in the State DNA Sample Bank, shall have a DNA sample collected:

(a) Upon intake to a prison, jail, or other detention facility or institution to which such person is sentenced. If the person is already confined at the time of sentencing, the person shall have a DNA sample collected immediately after the sentencing. Such DNA samples shall be collected at the place of incarceration or confinement. Such person shall not be released unless and until a DNA sample has been collected; or

(b) As a condition for any sentence which will not involve an intake into a prison, jail, or other detention facility or institution. Such DNA samples shall be collected at a detention facility or institution as specified by the court. Such person shall not be released unless and until a DNA sample has been collected.

(2) A person who has been convicted of a felony ~~sex~~ offense or other specified offense before ~~July 14, 2006,~~ the effective date of this act, who does not have a DNA sample available for use in the State DNA Sample Bank, and who is still serving a term of confinement for such felony offense or other specified offense on ~~July 14, 2006,~~ the effective date of this act, shall not be released prior to the expiration of his or her maximum term of confinement unless and until a DNA sample has been collected.

Sec. 5. The State DNA Sample and Data Base Fund is created. The fund shall be maintained by the Department of Justice and administered by the Attorney General. The fund shall consist of any funds transferred to the fund by the Legislature or made available by any department or agency of the United States Government if so directed by such department or agency. The fund shall be used to pay the expenses of the Department of Correctional Services and the Nebraska State Patrol as needed to collect DNA samples as provided in section 29-4106. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 6. Original sections 29-4101, 29-4102, 29-4103, and 29-4106, Reissue Revised Statutes of Nebraska, are repealed.

2. On page 1, strike lines 2 through 6 and insert "amend sections 29-4101, 29-4102, 29-4103, and 29-4106, Reissue Revised Statutes of Nebraska; to provide for the collection of DNA samples

from individuals convicted of felony offenses; to provide for applicability; to create a fund; to harmonize provisions; and to repeal the original sections.".

(Signed) Jeremy Nordquist, Chairperson

AMENDMENTS - Print in Journal

Senator Christensen filed the following amendment to LB650:
AM1593

(Amendments to Standing Committee amendments, AM1582)

1. On page 46, strike beginning with "any" in line 25 through "higher" in line 26 and insert "freeways".

Senator Cornett filed the following amendment to LB579:
AM1566 is available in the Bill Room.

UNANIMOUS CONSENT - Add Cointroducers

Senator Mello asked unanimous consent to add his name as cointroducer to LB709, LB918, LB982, and LB1081. No objections. So ordered.

Senator Krist asked unanimous consent to add his name as cointroducer to LB952. No objections. So ordered.

Senator Pirsch asked unanimous consent to add his name as cointroducer to LB1103. No objections. So ordered.

VISITORS

Visitors to the Chamber were Dr. Chen Limei, Dr. Ai Jia, and Dr. Li Tao from China.

The Doctor of the Day was Dr. Paul Paulman from Omaha.

ADJOURNMENT

At 11:52 a.m., on a motion by Speaker Flood, the Legislature adjourned until 9:00 a.m., Tuesday, January 26, 2010.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

THIRTEENTH DAY - JANUARY 26, 2010

LEGISLATIVE JOURNAL

ONE HUNDRED FIRST LEGISLATURE
SECOND SESSION

THIRTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 26, 2010

PRAYER

The prayer was offered by Senator Sullivan.

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 Senators Cook and Mello who were excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the twelfth day was approved.

REFERENCE COMMITTEE REPORT

The Executive Board submits the following report:

LB/LR	Committee
LB961	Business and Labor
LB1074	Banking, Commerce and Insurance

(Signed) John Wightman, Chairperson
Executive Board

COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 738. Placed on General File.
LEGISLATIVE BILL 762. Placed on General File.
LEGISLATIVE BILL 814. Placed on General File.

(Signed) Rich Pahls, Chairperson

NOTICE OF COMMITTEE HEARINGS
Revenue

Room 1524

Wednesday, February 3, 2010 1:30 p.m.

LB983
LB1002
LB1073
LB1081

Thursday, February 4, 2010 1:30 p.m.

LB972
LB976
LB1008
LB1078
LB1097

Friday, February 5, 2010 1:30 p.m.

LB837
LB1079
LR271CA

Wednesday, February 10, 2010 1:30 p.m.

LB704
LB774
LB1049
LB1080

Thursday, February 11, 2010 1:30 p.m.

LB952
LB975
LB1018

Wednesday, February 17, 2010 1:30 p.m.

LB779
LB789
LB851

Thursday, February 18, 2010 1:30 p.m.

LB1031
LB1032
LB1077
LB1107

Friday, February 19, 2010 1:30 p.m.

LB775
LB796
LB1052
LB1108

Wednesday, February 24, 2010 1:30 p.m.

LB954
LB967
LB981
LB1053

Thursday, February 25, 2010 1:30 p.m.

LB802
LB917
LB1066

(Signed) Abbie Cornett, Chairperson

ATTORNEY GENERAL'S OPINION

Opinion 10003

DATE: January 25, 2010

SUBJECT: LB 691; Exercise of Personal Jurisdiction Over Unlicensed Persons Who Engage in Activities Described in Neb. Rev. Stat. § 81-885.01(2).

REQUESTED BY: Senator Chris Langemeier
Nebraska State Legislature

WRITTEN BY: Jon Bruning, Attorney General
Lynn A. Melson, Assistant Attorney General

You have requested our opinion regarding the State of Nebraska's authority to exercise personal jurisdiction over unlicensed persons who engage in those activities described in Neb. Rev. Stat. § 81-885.01(2). You have introduced LB 691 which would authorize the State Real Estate

Commission to issue cease and desist orders and impose civil fines on violators of Neb. Rev. Stat. § 81-885.03. That statute provides that committing any single act described in Neb. Rev. Stat. § 81-885.01(2) without being licensed under the Nebraska Real Estate License Act constitutes a violation of the Act. LB 691 would also provide that "any such action shall constitute sufficient contact with the state for the exercise of personal jurisdiction over such person. . . ." Your specific question for our office is whether committing an act described in § 81-885.01(2) is "sufficient contact or activity in the state for the State of Nebraska to exercise personal jurisdiction over unlicensed persons", particularly if that unlicensed person is a nonresident.

A Nebraska court resolving issues of personal jurisdiction would engage in a two-part analysis. First, the court would determine if, under the Nebraska long-arm statute, there is jurisdiction over the nonresident defendant. Second, if Nebraska law provides a basis for such jurisdiction, the court would then decide whether the exercise of personal jurisdiction over the defendant comports with the federal constitutional due process requirements. Williams v. Gould, Inc., 232 Neb. 862, 443 N.W.2d 577 (1989).

Nebraska's long-arm statute appears at Neb. Rev. Stat. § 25-536 (2008) and provides as follows:

A court may exercise personal jurisdiction over a person:

(1) Who acts directly or by an agent, as to a cause of action arising from the person:

(a) Transacting any business in this state;

(b) Contracting to supply services or things in this state;

(c) Causing tortious injury by an act or omission in this state;

(d) Causing tortious injury in this state by an act or omission outside this state if the person regularly does or solicits business, engages in any other persistent course of conduct, or derives substantial revenue from goods used or consumed or services rendered, in this state;

(e) Having an interest in, using, or possessing real property in this state; or

(f) Contracting to insure any person, property, or risk located within this state at the time of contracting; or

(2) Who has any other contact with or maintains any other relation to this state to afford a basis for the exercise of personal jurisdiction consistent with the Constitution of the United States.

We first note that, in § 25-536(2), the Legislature has explicitly extended Nebraska's jurisdiction over nonresident defendants as far as the U.S. Constitution permits. Second, a nonresident who commits an act described in § 81-885.01(2), such as advertising or listing Nebraska real estate owned by another for some form of compensation, may fall within Neb. Rev. Stat. § 25-536(1)(a) or (b) depending upon the factual circumstances. Finally, the proposed language of LB 691, which would amend § 81-885.03 to provide

that "such action shall constitute sufficient contact with the state for the exercise of personal jurisdiction over such person" appears to add a statutory standard for the exercise of long-arm jurisdiction to those standards found in § 25-536. For these reasons it appears likely that, if LB 691 were enacted, the State would be able to establish the first prong of the two-step analysis described above.

Once a court has concluded that statutory long-arm provisions have been satisfied, it would then determine whether the exercise of jurisdiction over a nonresident defendant would comport with federal due process. The due process clause limits the exercise of personal jurisdiction to persons having certain "minimum contacts" with the forum state so that maintenance of the action does not offend notions of fair play and substantial justice. Int'l Shoe Co. v. State of Washington, 326 U.S. 310, 316, 66 S. Ct. 154 (1945); Best Van Lines v. Walker, 490 F.3d 239, 242 (2d Cir. 2007). Essential to the exercise of personal jurisdiction in each case is "'some act by which the defendant purposely avails itself of the privilege of conducting activities within the forum State, thus invoking the benefits and protection of its laws.'" Burger King Corp. v. Rudzewicz, 471 U.S. 462, 475, 105 S. Ct. 2174, 2183 (1985) (quoting Hanson v. Denckla, 357 U.S. 235, 253, 78 S. Ct. 1228 (1958)). To establish personal jurisdiction, plaintiffs must demonstrate either specific jurisdiction, if the suit arises from the defendant's contacts with the forum, or general jurisdiction – that is, jurisdiction irrespective of whether the claim arises from or relates to the defendant's forum contacts – based on the defendant's "continuous and systematic" contacts with the forum state. Helicopteros Nacionales de Colombia, S.A. v. Hall, 466 U.S. 408, 415-16, 104 S. Ct. 1868 (1984).

You acknowledge in your opinion request that the exercise of personal jurisdiction over a nonresident who commits an act described in § 81-885.01(2) will "be contingent upon the extent of the activities or contacts the person. . .has with the State of Nebraska" and that "this would differ on a case by case basis. . . ." We agree. With your reference to an unlicensed person who offers Nebraska real estate for sale through advertising or listings on print or electronic media, including the internet, we assume you have some concern with exercising jurisdiction over a nonresident who has no physical ties to Nebraska and whose contacts may not be considered substantial and continuous. In that regard, we note that the U.S. Supreme Court in Burger King Corp. v. Rudzewicz stated that the "purposeful availment" requirement "ensures that a defendant will not be haled into a jurisdiction solely as a result of 'random', 'fortuitous,' or 'attenuated' contacts. Jurisdiction is proper, however, where the contacts proximately result from actions by the defendant himself that create a 'substantial connection' with the forum state. . . ." 471 U.S. at 475-76 (citations omitted) (emphasis in original). The court further stated that "it is an inescapable fact of modern commercial life that a substantial amount of business is transacted solely by mail and wire communications across state lines" so that the focus of a court's inquiry is whether "a commercial actor's

efforts are 'purposefully directed' toward residents of another State." 471 U.S. at 476.

The Burger King Corp. decision is discussed at some length by the Nebraska Supreme Court in Quality Pork International v. Rupari Food Services, Inc., 267 Neb. 474, 675 N.W.2d 642 (2004). In both Burger King Corp. and Quality Pork International, the defendant had no physical presence in the forum state. Yet, both defendants were found to have the necessary minimum contacts with the forum state by purposefully directing their activities toward the forum state's residents.

Although the exercise of personal jurisdiction over an unlicensed nonresident who violates Neb. Rev. Stat. § 81-885.03 would differ on a case by case basis, a Nebraska court would likely find that those nonresidents have the necessary minimum contacts with Nebraska in some circumstances. Based upon our general discussion of long-arm jurisdiction above, we believe that the proposed language of LB 691 would aid the State Real Estate Commission in establishing the first prong of the analysis and that sufficient contacts would exist in certain factual situations to meet the second prong of the analysis and justify the exercise of personal jurisdiction.

Sincerely,
JON BRUNING
Attorney General
(Signed) Lynn A. Melson
Assistant Attorney General

cc: Patrick J. O'Donnell
Clerk of the Legislature
09-122-20

Opinion 10005

DATE: January 25, 2010

SUBJECT: Sale or transfer of carbon sequestration rights on land owned and managed by the Board of Educational Lands and Funds

REQUESTED BY: Senator Ken Haar
Nebraska State Legislature

WRITTEN BY: Jon Bruning, Attorney General
Charles E. Lowe, Assistant Attorney General

Section 2 of LB 235, currently pending on general file in the 101st Legislature, would allow the Board of Educational Lands and Funds ("BELF") to "enter into contracts for the sale of carbon sequestration rights, also referred to as exchange soil offsets, under such terms and conditions as

the board shall deem appropriate for durations not exceeding ten years." In this context you have asked this office for its opinion as to whether or not carbon sequestration rights on land owned and managed by BELF are minerals or natural resources within the meaning of Neb. Const. art. III, § 20 and, if so, whether or not that constitutional provision "prohibit[s] BELF from transferring carbon sequestration rights to its lessees."

Discussion

Carbon Sequestration and Carbon Sequestration Rights

In order to respond to your inquiries it is first necessary to have an understanding of what "carbon sequestration" and "carbon sequestration rights" are. These are both terms that have come into some prominence because of efforts to reduce or limit the amount of greenhouse gases, primarily carbon dioxide, that are released into the atmosphere by human activities.

We have found nothing in the Nebraska statutes or Nebraska case law that defines or describes in any detail "carbon sequestration." Neb. Rev. Stat. § 2-5301 (2007), in stating the legislative intent for enactment of a scheme to assess agricultural lands in the state for past carbon sequestration and future carbon sequestration potential and to set up an advisory committee on the subject, provides only the following very general description: "Improved agricultural production methods, soil conservation practices, and other methods of stewardship of soil resources have great potential to increase carbon sequestration on agricultural lands and help offset carbon dioxide emissions from other sectors of the economy."

Other sources have more specific definitions of "carbon sequestration." For example, the Pennsylvania Climate Change Act states that, for purposes of that act, carbon sequestration is: "The long-term storage of carbon or carbon dioxide in forests, forest products, soils, oceans or underground in depleted oil and gas reservoirs, coal seams and saline aquifers." 71 Pa. Cons. Stat. § 1361.2 (2009). A private company involved in carbon sequestration projects in Australia has provided a similar definition: "Carbon sequestration means the long-term storage of carbon or CO2 in the forests, soils, oceans or underground in depleted oil and gas reservoirs, coal seams and saline aquifers." www.greeningthedesert.com/glossary.htm (last visited on 12/14/09).

Assuming that underground storage of carbon and carbon dioxide is not what is contemplated by LB 235 and your inquiries, we believe that the following definition set forth by the government of the state of Western Australia in a pamphlet called "Carbon rights in WA – a new interest in the land" (2005) is most apt: "Carbon sequestration in this instance means the absorption from the atmosphere of carbon dioxide by vegetation and soils; and the storage of carbon in vegetation and soils." Id. at 1 (found at http://www.agric.wa.gov.au/objtwr/imported_assets (lasted visited on

12/28/09)). Another, similar definition of "carbon sequestration" is: "The uptake and storage of atmospheric carbon in, for example, soil and vegetation." McGraw-Hill Dictionary of Scientific and Technical Terms (6th ed.), found at http://www.answers.com/topic/carbon-sequestration (last visited on 12/16/09).

A "carbon sequestration right" in relation to land means a right conferred on a person, by agreement, statute or otherwise, to the legal, commercial or other benefit of carbon sequestration (present or future) on any given parcel of land. See, Tasmanian Forestry Rights Registration Act of 1990, § 3 (found at http://www.thelaw.tas.gov.au/print/index.w3p (last visited on 12/11/09)); www.greeningthedesert.com/glossary.htm (last visited on 12/14/09). In other words, a "carbon sequestration right" is the right to the benefit of the absorption and storage of carbon dioxide and carbon by the vegetation and soils on any given parcel of land. Carbon sequestration rights may have financial value where a market exists for greenhouse gas emission offsets.

A Guide called "Soil Carbon Sequestration Contracts" published by University of Missouri Extension in September, 2009 (found at http://extension.missouri.edu/publications/DisplayPub.aspx? (last visited on 12/14/09)) sets forth the following discussion which is helpful in understanding what LB 235 seeks to achieve and the questions you have posed in that context:

> Agriculture has become a player in world greenhouse gas markets by providing carbon credits in the form of soil sequestration (crop and rangeland), methane capture and forest sequestration. In order to provide these carbon credits, agricultural producers enter into a contractual arrangement with the market. Within the framework of the carbon credit market, soil sequestered carbon credits are referred to as exchange soil offsets.
>
> The parties involved in soil carbon sequestration contracts are the farmer [or non-farming landowner], the aggregator and the market. . . . [T]he term "farmer" . . . refer[s] to the person actually providing the carbon offset to the market. A nonfarming landowner can also enter into a contract to supply carbon offsets as long as he ensures that the one farming his land complies with the specifications of the contract. Aggregators are businesses that assemble many small providers of soil carbon offsets, then register and sell those offsets on the market. Currently the major, but not sole, market in the United States is the Chicago Climate Exchange. . . .
>
> The contracts offered by aggregators to farmers must follow the rules of the Chicago Climate Exchange (CCX) for exchange soil offsets (XSO's).

Id. at 1 (emphasis in original).

Carbon Sequestration and Neb. Const. art. III, § 20

With the foregoing understanding of the terms "carbon sequestration" and "carbon sequestration right" and of the marketing of carbon offsets, we turn to your question as to whether or not carbon sequestration rights fall within Neb. Const. art. III, § 20.

In full, Neb. Const. art. III, § 20 reads as follows: "The salt springs, coal, oil, minerals, or other natural resources on or contained in the land belonging to the state shall never be alienated; but provision may be made by law for the leasing or development of the same." There are but a handful of Nebraska cases dealing with this constitutional provision; and none of them provide any useful guidance in determining whether rights to the benefit of carbon sequestration occurring in soil and vegetation on state-owned lands fall within its parameters. The drafters of the amendment which became art. III, § 20 simply stated that the purpose of the provision was "to preserve to the people of the state the benefit of the remaining natural resources belonging to the state." Proceedings of the Constitutional Convention 1919-20, vol. II, p. 2842. There is no further explanation.

Nevertheless, it is readily apparent that carbon sequestered in soil and vegetation on state lands is neither "salt springs," "coal" nor "oil" as those terms are commonly understood. Therefore, carbon sequestration rights are not implicated by those items listed in art. III, § 20.

Likewise, we do not believe that atmospheric carbon stored in soil and vegetation as described above could fairly be understood to be a "mineral" on state land. The word "mineral" is generally defined as "an inorganic substance occurring naturally in the earth and having a consistent and distinctive set of physical properties (e.g., color, hardness, and crystalline structure) and a composition that can be expressed by a chemical formula." Webster's New Universal Unabridged Dictionary (2d ed. 1983) at 1145. Atmospheric carbon sequestered in soil and vegetation would not, we think, fall within this definition and would not have been thought of as a "mineral" by the Nebraska voters who approved the inclusion of art. III, § 20 in the state constitution. Accordingly, the "alienation" of carbon sequestration rights on state-owned lands is not prohibited by the "minerals" provision of art. III, § 20.

The question of whether carbon sequestration rights are "other natural resources on or contained in the land belonging to the state" is more difficult, especially since we have found no case law precedent addressing this or any similar issue. We have, however, concluded that it is most likely that carbon sequestration rights would not be deemed by a court to be "natural resources," as that term is used in Neb. Const. art. III, § 20.

Initially, from an overall reading of art. III, § 20 it seems to us that the drafters and ratifiers of that provision would not have been contemplating that the rights to the retention of atmospheric carbon on a parcel of land

owned by the state would themselves be natural resources. Rather, by specifically referring to salt springs, coal, oil and minerals and by referring to leasing and development in the second clause of art. III, § 20, it appears that that section is addressed to natural resources that can be extracted from the land (and which are irreplaceable on the land) and/or used on the land in a commercially viable manner. See, State ex rel. Central Realty & Investment Co. v. McMullen, 119 Neb. 739, 742, 230 N.W. 677, 678 (1930) (stating that the purpose of art. III, § 20 "was to prevent the alienation by the state of salt springs of commercial value").

Additionally, while the term "natural resources" can certainly have a broad meaning as "those actual and potential forms of wealth supplied by nature," Webster's New Universal Unabridged Dictionary (2d ed. 1983) at 1197, we think the structure of art. III, § 20 limits that definition in that context. There is a familiar rule of statutory and constitutional construction that is referred to by the courts as "ejusdem generis." This rule is described as follows:

> Under the "ejusdem generis" canon of construction, when a general word or phrase follows a list of specific persons or things, the general word or phrase will be interpreted to include only persons or things of the same type as those listed. Dykes v. Scotts Bluff Cty. Ag. Socy., 260 Neb. 375, 617 N.W.2d 817 (2000). Thus, under the "ejusdem generis" rule, specific words or terms modify and restrict the interpretation of general words or terms where both are used in sequence. Id.

Nebraska Liquor Distributors, Inc. v. Nebraska Liquor Control Commission, 269 Neb. 401, 410, 693 N.W.2d 539, 547 (2005). Accord, Kuhn v. Wells Fargo Bank of Nebraska, N.A., 278 Neb. 428,445-46, 771 N.W.2d 103, 118-19 (2009).

Applying the ejusdem generis principle to art. III, § 20 it appears to us that the term "natural resources" in that provision is to be limited so as to include only "things of the same type" as salt springs, coal, oil and minerals. These all appear to be resources that obtain their value from the fact that they can be extracted from the land and sold in a commercially viable manner or used on the land in such manner. The items specifically listed in art. III, § 20 are all such that once they are removed from a tract of land, they no longer exist on the land, nor can they be replaced. This interpretation of the term "natural resources" in art. III, § 20 is supported by the fact that that section specifically permits the "leasing or development" of those items which cannot be "alienated."

It seems to us that carbon sequestered on a parcel of land does not fit within those parameters. The value of carbon sequestration rights lies not in the fact that atmospheric carbon stored in the soil and vegetation can be released through certain human activities but, rather, from the fact that atmospheric carbon can be, and is, absorbed and retained in the soil and vegetation. Carbon sequestration, therefore, does not appear to be a "thing"

of the "same type" as salt springs, coal, oil and minerals and is not a "natural resource" contained in the land as that term is used in the constitutional provision. In our view carbon sequestration rights do not appear to come within the purview of Neb. Const. art. III, § 20.

"Alienation" of Natural Resources under Neb. Const. art. III, § 20

In your letter to this office you ask whether, if carbon sequestration rights are covered by Neb. Const. art. III, § 20, that constitutional provision "prohibits BELF from transferring carbon sequestration rights to its lessees." While it is our opinion that carbon sequestration rights are not encompassed within the prohibitions of art. III, § 20, we will address this question assuming, for the sake of discussion, that a court disagrees with our conclusion and determines that carbon sequestration rights are "natural resources" within the meaning of the constitutional provision.

It is somewhat difficult to reply to your second question because you do not define what you mean by "transferring" the carbon sequestration rights to BELF's lessees. Since "lessees" are, by definition, possessors of the land pursuant to term-limited lease agreements, we will assume that you mean any transfer of rights to lessees would last only as long as the leases themselves and would not be an outright sale of the carbon sequestration rights for all time. We also note that pending LB 235 would allow the "sale" of carbon sequestration rights by BELF "for durations not exceeding ten years."

The key issue here is whether the term-limited "transfer" or "sale" of carbon sequestration rights on BELF lands amounts to an "alienation" of such rights under Neb. Const. art. III, § 20. As discussed above, there is little case law involving that constitutional provision and none that directly addresses the meaning of the word "alienated" as used therein. The Nebraska Supreme Court has, however, said that when the constitution was amended in 1920 and art. III, § 20 was added it made it illegal "to deed away" mineral rights on school lands. Reavis v. State, 140 Neb. 442, 447-48, 300 N.W. 344, 346 (1941).

In Butler v. Fitzgerald, 43 Neb. 192, 204, 61 N.W. 640 (1895), the supreme court discussed the word "alienate" as used in connection with property generally.

> The word "alienate" means: "To transfer property to another; to make a thing another man's. In common law to alienate realty is voluntarily to part with ownership in it, by bargain and sale, conveyance, gift or will." "Alienation" means: "An act whereby one man transfers the property and possession of lands, tenements, or other things to another." (Quoting from Anderson's Law Dictionary.)

See also, Hiles v. Benton, 111 Neb. 557, 561-62, 196 N.W. 903, 904 (1924) (quoting 2 C.J. 1035 as saying that the definition of "alienation" includes

"the voluntary and complete transfer of property from one person to another").

When the foregoing common law definitions of "alienate" are considered in light of the court's declaration that art. III, § 20 is meant to prevent the state from "deed[ing] away" the items listed in the constitutional provision, it must be concluded that what is prohibited is the permanent sale and transfer of those particular natural resources. This conclusion is reinforced by the language of art. III, § 20 that specifically permits the "leasing or development" of these resources.

It appears from both the language of LB 235 and your letter that what is contemplated is not a permanent sale or transfer of the right to benefit from carbon sequestration occurring in the soil and vegetation on BELF-managed property. Rather, as noted above, the carbon sequestration rights (or exchange soil credits) would simply be "transferred" or "sold" for a limited period of time. Ultimately, such rights would come back to the "owner" of the land – the people of the state through BELF. If our understanding in this regard is correct, it is unlikely that the "alienation" prohibited by art. III, § 20 would take place. Thus, such arrangements would not be in violation of that constitutional provision.

Conclusion

In response to the two questions you have posed it is our opinion that: (1) carbon sequestration rights (or exchange carbon offsets) are not minerals or natural resources for purposes of Neb. Const. art. III, § 20 and (2) even if carbon sequestration rights were deemed to be "natural resources" within the meaning of art. III, § 20, the time-limited "sale" or "transfer" of such rights, as contemplated by LB 235 and your inquiry, would not be considered an "alienation" of those rights prohibited by the constitutional provision.

Sincerely yours,
JON BRUNING
Attorney General
(Signed) Charles E. Lowe
Assistant Attorney General

cc: Patrick J. O'Donnell
Clerk of the Legislature
17-079-20

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 290, 291, and 293 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 290, 291, and 293.

GENERAL FILE

LEGISLATIVE BILL 579. Title read. Considered.

Committee AM1323, found on page 1771, First Session, 2009, was considered.

Senator Cornett renewed her amendment, AM1566, found on page 347, to the committee amendment.

The Cornett amendment was adopted with 41 ayes, 0 nays, 5 present and not voting, and 3 excused and not voting.

The committee amendment, as amended, was adopted with 43 ayes, 0 nays, 3 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 43 ayes, 0 nays, 3 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 690. Title read. Considered.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 691. Title read. Considered.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 736. Title read. Considered.

SENATOR ROGERT PRESIDING

Advanced to Enrollment and Review Initial with 31 ayes, 1 nay, 13 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 751. Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 650. Title read. Considered.

Committee AM1582, found on page 275, was considered.

Senator Christensen renewed his amendment, AM1593, found on page 347, to the committee amendment.

The Christensen amendment was adopted with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

The committee amendment, as amended, was adopted with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 698. Title read. Considered.

SENATOR STUTHMAN PRESIDING

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 226. Title read. Considered.

Committee AM1590, found on page 309, was considered.

Senator Rogert offered the following amendment to the committee amendment:
AM1633
(Amendments to Standing Committee amendments, AM1590)
1. On page 1, line 11, after "age" insert "and who is not a ward of the state"; and in line 22 after "older" insert "and who is not a ward of the state".

Pending.

COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 183. Placed on Final Reading.
LEGISLATIVE BILL 254. Placed on Final Reading.
LEGISLATIVE BILL 261. Placed on Final Reading.

LEGISLATIVE BILL 325. Placed on Final Reading.
ST9066
The following changes, required to be reported for publication in the Journal, have been made:

1. In the E & R amendments, ER8138, on page 9, line 17, the first "and" has been struck and "and 32-1002," has been inserted after the second comma; in line 20 the second "and" has been struck; and in line 21 "and 32-1002," has been inserted after the first comma.

LEGISLATIVE BILL 522. Placed on Final Reading.

(Signed) Jeremy Nordquist, Chairperson

COMMITTEE REPORTS

Government, Military and Veterans Affairs

LEGISLATIVE BILL 721. Placed on General File.

LEGISLATIVE BILL 722. Placed on General File with amendment.
AM1616

1. On page 5, line 23; and page 6, lines 2 and 4, after "building" insert "or land".

LEGISLATIVE BILL 791. Placed on General File with amendment.
AM1617

1. Insert the following new sections:

Sec. 2. Section 21-2003, Revised Statutes Supplement, 2009, is amended to read:

21-2003 (1) A document shall satisfy the requirements of this section and of any other provision of law that adds to or varies these requirements to be entitled to filing by the Secretary of State.

(2) The Business Corporation Act shall require or permit filing the document in the office of the Secretary of State.

(3) The document shall contain the information required by the act. It may contain other information as well.

(4) The document shall be typewritten or printed.

(5) The document shall be in the English language. A corporate name shall not be required to be in English if written in English letters or Arabic or Roman numerals. The certificate of existence required of foreign corporations shall not be required to be in English if accompanied by a reasonably authenticated English translation.

(6) The document shall be executed:

(a) By the chairperson of the board of directors of a domestic or foreign corporation, by its president, or by another of its officers;

(b) If directors have not been selected or the corporation has not been formed, by an incorporator; or

(c) If the corporation is in the hands of a receiver, trustee, or other court-appointed fiduciary, by that fiduciary.

(7) The person executing the document shall sign it and state beneath or opposite his or her signature his or her name

and the capacity in which he or she signs. The document may, but shall not be required to, contain (a) the corporate seal, (b) an attestation by the secretary or an assistant secretary, and (c) an acknowledgment, verification, or proof.

(8) If the Secretary of State has prescribed a mandatory form for the document under section 21-2004, the document shall be in or on the prescribed form.

(9) The document shall be delivered to the Secretary of State for filing and shall be accompanied by one exact or conformed copy, except as provided in sections 21-2033 and 21-20,176, the correct filing fee, and any tax, license fee, or penalty required by law. ~~For purposes of this subsection, delivered means physical delivery of the document by hand, mail, or commercial delivery and does not include delivery by electronic transmission.~~

Sec. 3. Original section 21-2003, Revised Statutes Supplement, 2009, is repealed.

(Signed) Bill Avery, Chairperson

NOTICE OF COMMITTEE HEARINGS

Appropriations

Room 1524

Tuesday, February 2, 2010 1:30 p.m.

LB1030
LB1063

(Signed) Lavon Heidemann, Chairperson

Education

Room 1525

Tuesday, February 2, 2010 1:30 p.m.

LB937
LB974
LB1070
LB1095
LB1069

(Signed) Greg Adams, Chairperson

Agriculture

Room 1524

Tuesday, February 9, 2010 1:30 p.m.

LB910

Room 2102

Tuesday, February 16, 2010 1:30 p.m.

Sallie Atkins - Nebraska State Fair Board
Linda Lovgren - Nebraska State Fair Board

(Signed) Tom Carlson, Chairperson

Health and Human Services

Room 1510

Wednesday, February 3, 2010 1:30 p.m.

LR289CA
LB938
LB921

Thursday, February 4, 2010 1:30 p.m.

LB812
LB733
LB857
LB734
LB849

(Signed) Tim Gay, Chairperson

Executive Board

Room 2102

Tuesday, February 2, 2010 12:00 p.m.

LB685
LB717
LB770

Thursday, February 4, 2010 12:00 p.m.

LB1109
LB1101

(Signed) John Wightman, Chairperson

Banking, Commerce and Insurance

Room 1507

Monday, February 8, 2010 1:30 p.m.

LB759
LB760
LB1068
LB1074

Tuesday, February 9, 2010 1:30 p.m.

LB818
LB931
LB1051
LB959

Tuesday, February 16, 2010 1:30 p.m.

LB1083
LB813
LB1017
LB1088

(Signed) Rich Pahls, Chairperson

UNANIMOUS CONSENT - Add Cointroducers

Senator McCoy asked unanimous consent to add his name as cointroducer to LB258. No objections. So ordered.

Senator Council asked unanimous consent to add her name as cointroducer to LB872. No objections. So ordered.

Senator Janssen asked unanimous consent to add his name as cointroducer to LB996. No objections. So ordered.

Senators Avery and Carlson asked unanimous consent to add their names as cointroducers to LB1014. No objections. So ordered.

VISITOR

The Doctor of the Day was Dr. Hal Pumphrey from Lincoln.

ADJOURNMENT

At 11:42 a.m., on a motion by Speaker Flood, the Legislature adjourned until 10:00 a.m., Wednesday, January 27, 2010.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

FOURTEENTH DAY - JANUARY 27, 2010

LEGISLATIVE JOURNAL

ONE HUNDRED FIRST LEGISLATURE
SECOND SESSION

FOURTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 27, 2010

PRAYER

The prayer was offered by Senator Hansen.

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 Ashford, Christensen, Louden, and Schilz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirteenth day was approved.

COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 139. Placed on Final Reading.

LEGISLATIVE BILL 197. Placed on Final Reading.
ST9067
The following changes, required to be reported for publication in the Journal, have been made:
1. In the Fulton amendment, AM1578:
a. Sections 2 and 4 have been struck and sections 5, 6, and 9 have been renumbered as sections 8, 9, and 12 respectively;
b. On page 10, the matter beginning with the semicolon in line 25 through line 27 has been struck; and
c. On page 11, lines 1 through 3 have been struck; and in line 4 "after the period" has been struck and "before '<u>Any</u>' " inserted.
2. In the Gay-Fulton amendment, AM1588:
a. On page 13, line 17, "<u>and excluding the administrative fund and the expense fund</u>" has been inserted after "fund"; and
b. On page 14, line 9, "<u>effective</u>" has been struck and "<u>operative</u>" inserted.
3. In the E & R amendments, ER8142:

a. On page 1, line 2, the matter beginning with "2" through the second occurrence of "line" has been struck; and in line 4 the matter beginning with "Legislative" through "First" has been struck; and

b. Amendment 2 has been struck.

4. In the Standing Committee amendments, AM464, section 3 has been struck and the following new section inserted:

Sec. 10. Original sections 77-2716, 85-1801, 85-1802, 85-1804, 85-1807, 85-1808, and 85-1813, Reissue Revised Statutes of Nebraska, and Laws 2009, First Special Session, LB 1, section 228, are repealed.

5. On page 1, lines 2 through 5 have been struck and "to amend sections 77-2716, 85-1801, 85-1802, 85-1804, 85-1807, 85-1808, and 85-1813, Reissue Revised Statutes of Nebraska, and Laws 2009, First Special Session, LB 1, section 228; to redefine terms; to create and eliminate funds; to change and eliminate provisions relating to the use of funds; to provide for and change transfers of funds; to harmonize provisions; to provide an operative date; to repeal the original sections; to outright repeal section 85-1803, Reissue Revised Statutes of Nebraska, as amended by section 95, Legislative Bill 3, One Hundred First Legislature, First Special Session, 2009; and to declare an emergency." inserted.

LEGISLATIVE BILL 210. Placed on Final Reading.
LEGISLATIVE BILL 279. Placed on Final Reading.
LEGISLATIVE BILL 475. Placed on Final Reading.
LEGISLATIVE BILL 550. Placed on Final Reading.

(Signed) Jeremy Nordquist, Chairperson

COMMITTEE REPORTS

Transportation and Telecommunications

LEGISLATIVE BILL 749. Placed on General File with amendment.
AM1587

1. On page 2, line 21, strike "the" and insert "a"; and in line 22 strike "in Box Butte County".

LEGISLATIVE BILL 816. Placed on General File with amendment.
AM1619

1. Strike original section 34 and insert the following new section:

Sec. 34. Line-make means a collection of models, series, or groups of motor vehicles manufactured by or for a particular manufacturer, distributor, or importer that are offered for sale, lease, or distribution pursuant to a common brand name or mark, except that:

(1) Multiple brand names or marks may constitute a single line-make, but only when included in a common dealer agreement and the manufacturer, distributor, or importer offers such vehicles bearing the multiple names or marks together only, and not separately, to its authorized dealers; and

(2) Motor vehicles bearing a common brand name or mark may constitute separate line-makes when pertaining to motor vehicles subject to separate dealer agreements or when such vehicles are intended for different types of use.

2. On page 60, lines 6 through 10, strike the new matter.

3. On page 86, line 24, after the period insert "This section shall not apply to a termination or noncontinuation of a franchise that is implemented as a result of the sale of the assets or stock of the franchisee.".

4. On page 88, after line 25 insert the following new subdivision:

"(d) This subsection does not apply to the termination of a line-make by a franchisor of recreational vehicles.".

5. On page 92, line 14, after "facilities" insert ", except that this subdivision does not prohibit a manufacturer from requiring exclusive sales facilities that are in compliance with reasonable requirements for the facilities".

6. On page 96, line 2, strike "actual"; in lines 8 and 9 strike "had actual knowledge" and insert "knew"; and in line 19 strike the first occurrence of "in this state".

7. On page 100, line 2, after the period insert "If a claim is rejected for a clerical error, the dealer may resubmit a corrected claim in a timely manner.".

(Signed) Deb Fischer, Chairperson

General Affairs

LEGISLATIVE BILL 788. Placed on General File.

(Signed) Russ Karpisek, Chairperson

MESSAGE FROM THE GOVERNOR

January 22, 2010

Mr. President, Speaker Flood and
Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Board of Emergency Medical Services:

Bernard Kanger Jr., 14705 Manderson Plz, #104, Omaha, NE 68116

The aforementioned appointee is respectfully submitted for your

consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

RESOLUTION

Pursuant to Rule 4, Sec. 5(b), LR294 was adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LR294.

MOTION - Approve Appointment

Senator Cornett moved the adoption of the Revenue Committee report for the confirmation of the following appointment(s) found on page 332:

Tax Equalization and Review Commission
Robert W. Hotz

Voting in the affirmative, 36:

Adams	Dubas	Hansen	Mello	Sullivan
Carlson	Fischer	Harms	Nelson	Utter
Coash	Flood	Howard	Nordquist	Wallman
Conrad	Gay	Krist	Pahls	White
Cook	Giese	Langemeier	Pankonin	
Cornett	Gloor	Lautenbaugh	Pirsch	
Council	Haar	McCoy	Rogert	
Dierks	Hadley	McGill	Stuthman	

Voting in the negative, 0.

Present and not voting, 9:

Avery	Fulton	Janssen	Lathrop	Wightman
Campbell	Heidemann	Karpisek	Price	

Excused and not voting, 4:

Ashford	Christensen	Louden	Schilz

The appointment was confirmed with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 226. Senator Rogert renewed his amendment, AM1633, found on page 362, to the committee amendment.

The Rogert amendment was adopted with 41 ayes, 0 nays, and 8 present and not voting.

Committee AM1590, found on page 309 and considered on page 362, as amended, was renewed.

The committee amendment, as amended, was adopted with 40 ayes, 0 nays, and 9 present and not voting.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, and 8 present and not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 190A. Introduced by Avery, 28.

A BILL FOR AN ACT relating to appropriations; to provide for a transfer; and to appropriate funds to aid in carrying out the provisions of Legislative Bill 190, One Hundred First Legislature, Second Session, 2010.

AMENDMENTS - Print in Journal

Senator Avery filed the following amendment to LB190:
AM1621

(Amendments to E & R amendments, ER8149)

1. On page 1, line 16 strike ", especially sex offenses," and show as stricken.

2. On page 5, line 13, after "confinement" insert "or probation"; and in line 16 after "confinement" insert "or revocation or discharge from his or her probation".

Senator Avery filed the following amendment to LB190:
AM1627

(Amendments to E & R amendments, ER8149)

1. Insert the following new section:

Sec. 6. Section 59-1608.04, Revised Statutes Cumulative Supplement, 2008, as amended by section 34, Legislative Bill 3, One Hundred First Legislature, First Special Session, 2009, is amended to read:

59-1608.04 The State Settlement Cash Fund is created. The fund shall be maintained by the Department of Justice and administered by the Attorney General. Except as otherwise provided

by law, the fund shall consist of all recoveries received pursuant to the Consumer Protection Act, including any money, funds, securities, or other things of value in the nature of civil damages or other payment, except criminal penalties, whether such recovery is by way of verdict, judgment, compromise, or settlement in or out of court, or other final disposition of any case or controversy, or any other payments received on behalf of the state by the Department of Justice and administered by the Attorney General for the benefit of the state or the general welfare of its citizens, but excluding all funds held in a trust capacity where specific benefits accrue to specific individuals, organizations, or governments. All money in the fund shall be subject to legislative review and shall be appropriated and expended for any allowable legal purposes as determined by the Legislature. The fund shall only be appropriated to a separate and distinct budget program and such appropriations shall only be expended from a separate and distinct budget subprogram and shall not be commingled with any other revenue or expenditure. Transfers may be made from the fund to the General Fund <u>and the State DNA Sample and Data Base Fund</u> at the direction of the Legislature. To provide necessary financial accountability and management oversight, revenue from individual settlement agreements or other separate sources credited to the State Settlement Cash Fund may be tracked and accounted for within the state accounting system through the use of separate and distinct funds, subfunds, or any other available accounting mechanism specifically approved by the Accounting Administrator for use by the Department of Justice. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

2. On page 6, line 4, after the last comma insert "and section 59-1608.04, Revised Statutes Cumulative Supplement, 2008, as amended by section 34, Legislative Bill 3, One Hundred First Legislature, First Special Session, 2009,".

3. Renumber the remaining section accordingly.

NOTICE OF COMMITTEE HEARINGS

Government, Military and Veterans Affairs

Room 1507

Wednesday, February 3, 2010 1:30 p.m.

Reynold McMeen - State Emergency Response Commission

LB987
LB1035
LB715

(Signed) Bill Avery, Chairperson

Urban Affairs

Room 1510

Tuesday, February 9, 2010 1:30 p.m.

LB997
LB1098
LB1099

Tuesday, February 16, 2010 1:30 p.m.

LB943
LB969
LB1064
LR297CA

(Signed) Amanda McGill, Chairperson

Natural Resources

Room 1525

Wednesday, February 3, 2010 1:30 p.m.

LB764
LB862
LB932

(Signed) Chris Langemeier, Chairperson

COMMITTEE REPORT
Transportation and Telecommunications

LEGISLATIVE BILL 200. Placed on General File.

(Signed) Deb Fischer, Chairperson

GENERAL FILE

LEGISLATIVE BILL 635. Title read. Considered.

Committee AM1140, found on page 1548, First Session, 2009, was considered.

Senator Mello offered the following amendment to the committee amendment:

FA58
Amend AM1140
Strike "or political party committee" on page 8, line 5

Pending.

COMMITTEE REPORTS
Transportation and Telecommunications

LEGISLATIVE BILL 705. Placed on General File.

LEGISLATIVE BILL 725. Placed on General File with amendment.
AM1630

1. Insert the following new section:

Section 1. Section 60-363, Revised Statutes Cumulative Supplement, 2008, is amended to read:

60-363 No person shall operate or park a motor vehicle or tow or park a trailer on the highways unless such motor vehicle or trailer at all times carries in or upon it, subject to inspection by any peace officer, the registration certificate issued for it, except fertilizer trailers as defined in section 60-326. The registration certificate for a fertilizer trailer shall be kept at the principal place of business of the owner of the fertilizer trailer. In the case of a motorcycle, the registration certificate shall be carried either in plain sight, affixed to the motorcycle, or in the tool bag or some convenient receptacle attached to the motorcycle.

2. On page 18, line 18, after the comma insert "and section 60-363, Revised Statutes Cumulative Supplement, 2008,".

3. Renumber the remaining sections accordingly.

(Signed) Deb Fischer, Chairperson

NOTICE OF COMMITTEE HEARINGS
Judiciary

Room 1113

Wednesday, February 3, 2010 1:30 p.m.

LB756
LB757
LB758
LB1026
LB1047
LB1104
LB727

(Signed) Brad Ashford, Chairperson

Health and Human Services

Room 1510

Wednesday, February 3, 2010 1:30 p.m.

LB1106

(Signed) Tim Gay, Chairperson

Government, Military and Veterans Affairs

Room 1507

Thursday, February 4, 2010 1:30 p.m.

LB978
LB980
LB948

Friday, February 5, 2010 1:30 p.m.

LR278CA
LR284CA

(Signed) Bill Avery, Chairperson

AMENDMENTS - Print in Journal

Senator McCoy filed the following amendment to LB635:
AM1659
(Amendments to Standing Committee amendments, AM1140)
1. Strike the Mello amendment, AM1603.
2. Insert the following new section:
Sec. 6. Since an emergency exists, this act takes effect when passed and approved according to law.

Senator McCoy filed the following amendment to LB635:
AM1653
(Amendments to Standing Committee amendments, AM1140)
1. Insert the following new amendment:
3. On page 4, line 21, after "treasurer" insert ". No treasurer of an independent committee may also serve as treasurer of any other independent committee during a specific election cycle.".

Senator McCoy filed the following amendment to LB635:
AM1654

(Amendments to Standing Committee amendments, AM1140)

1. Insert the following new section:

Sec. 4. The total contributions of an independent committee to another independent committee shall not exceed five thousand dollars in any specific election cycle.

2. Renumber the remaining sections accordingly.

Senator McCoy filed the following amendment to LB635:
AM1655

(Amendments to Standing Committee amendments, AM1140)

1. Insert the following new amendment:

3. On page 5, line 13, after "statement" insert ", not including political party statements".

Senator McCoy filed the following amendment to LB635:
AM1656

(Amendments to Standing Committee amendments, AM1140)

1. Insert the following new amendment:

3. On page 8, line 19, strike "two" and insert "seven".

Senator McCoy filed the following amendment to LB635:
AM1658

(Amendments to Standing Committee amendments, AM1140)

1. Insert the following new section:

Sec. 4. A member of the Legislature, his or her staff and candidate committee, and any independent committee founded by the member shall be prohibited from financially contributing to an independent committee during such member's tenure in the Legislature.

2. Renumber the remaining sections accordingly.

UNANIMOUS CONSENT - Add Cointroducers

Senators Fischer and Krist asked unanimous consent to add their names as cointroducers to LB650. No objections. So ordered.

Senator Conrad asked unanimous consent to add her name as cointroducer to LB709. No objections. So ordered.

Senators McGill and Mello asked unanimous consent to add their names as cointroducers to LB778. No objections. So ordered.

Senator Council asked unanimous consent to add her name as cointroducer to LB800. No objections. So ordered.

Senator Conrad asked unanimous consent to add her name as cointroducer to LB850, LB961, and LB1074. No objections. So ordered.

Senator Mello asked unanimous consent to add his name as cointroducer to LB986. No objections. So ordered.

Senators Fischer, Gay, Giese, Janssen, McCoy, and Wallman asked unanimous consent to add their names as cointroducers to LB987. No objections. So ordered.

Senator Fulton asked unanimous consent to add his name as cointroducer to LB1103. No objections. So ordered.

VISITORS

Visitors to the Chamber were 23 eleventh grade students and teacher from Kearney Catholic School; and Carol Maxson from Ogallala, Sue Chipman from McCook, and Denny Carr from Seward.

The Doctor of the Day was Dr. Gerald Matzke from Gothenburg.

ADJOURNMENT

At 11:57 a.m., on a motion by Senator Hadley, the Legislature adjourned until 10:00 a.m., Thursday, January 28, 2010.

Patrick J. O'Donnell
Clerk of the Legislature

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FIFTEENTH DAY - JANUARY 28, 2010

LEGISLATIVE JOURNAL

ONE HUNDRED FIRST LEGISLATURE
SECOND SESSION

FIFTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 28, 2010

PRAYER

The prayer was offered by Pastor Rick Johnson, St. Paul's Lutheran Church, DeWitt.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Speaker Flood presiding.

The roll was called and all members were present except Senators Fischer and Pahls who were excused; and Senators Ashford and Cornett who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fourteenth day was approved.

COMMITTEE REPORTS
Revenue

LEGISLATIVE BILL 708. Placed on General File.
LEGISLATIVE BILL 806. Placed on General File.
LEGISLATIVE BILL 873. Placed on General File.

LEGISLATIVE BILL 823. Indefinitely postponed.

(Signed) Abbie Cornett, Chairperson

NOTICE OF COMMITTEE HEARINGS
Natural Resources

Room 1525

Thursday, February 4, 2010 1:30 p.m.

LB1048 (Wind Briefing) Invited testimony on amendment to LB1048 only

Friday, February 5, 2010 1:30 p.m.

LB1057
LB1076

(Signed) Chris Langemeier, Chairperson

GENERAL FILE

LEGISLATIVE BILL 190A. Title read. Considered.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 5 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 235. ER8140, found on page 266, was adopted.

Senator Adams offered the following amendment:
AM1640

1. Strike the original sections and all amendments thereto and insert the following new sections:

Section 1. Leases involving the production of wind or solar energy on lands under the control of the Board of Educational Lands and Funds shall be regulated by sections 1 to 5 of this act.

Sec. 2. For purposes of sections 1 to 5 of this act:

(1) Board means the Board of Educational Lands and Funds;

(2) Lease means any lease, easement, covenant, or other such contractual arrangement;

(3) Lessee means any individual, corporation, or other entity that enters into a lease with the board;

(4) Solar energy means radiant energy, direct, diffuse, or reflected, received from the sun at wavelengths suitable for conversion into thermal, chemical, or electrical energy; and

(5) Wind energy means the use of wind to produce electricity.

Sec. 3. The board may authorize leases of any school or public lands belonging to the state and under its control for exploration and development of wind or solar energy for such durations and under such terms and conditions as the board shall deem appropriate, except that the initial term for any such wind energy lease and any amendment thereto shall not exceed forty years. In making such determinations, the board shall consider comparable arrangements involving other lands similarly situated and any other relevant factors bearing upon such leases. Any such lease authorized by the board shall be created in writing and shall be filed, duly recorded, and indexed in the office of the register of deeds of the county in which the real property subject to the

lease is located. Such leases shall run with the land benefited and burdened and shall include, as applicable, the contents specified in sections 66-911 and 66-911.01.

Sec. 4. (1) If a wind or solar energy lease is authorized by the board on land already being leased for agricultural or other purposes by a prior lessee, the existing rights of the prior lessee shall not be impaired, and the board shall reduce the rental amount due from such prior lessee in proportion to the amount of land that is removed from use as a result of the wind or solar energy lease.

(2) A lessee for agricultural or other purposes shall be compensated for all damages to personal property owned by such lessee or to growing crops, including grass, caused by operations under a concurrent lease of such land for wind or solar energy purposes, and the board shall require the lessee under the wind or solar energy lease to provide such insurance and indemnity agreements which the board determines are necessary for the protection of the state and its lessees.

(3) If a wind or solar energy lease is authorized by the board on land concurrently being leased for agricultural purposes, the lessee for agricultural purposes shall have priority as to the use of the water on the land, but lessees for other purposes, including wind or solar lessees, shall be allowed reasonable use of the water on the land.

Sec. 5. The board may adopt and promulgate such rules and regulations as it shall deem necessary and proper to regulate the leasing of school and public lands for wind or solar energy exploration and development pursuant to sections 1 to 5 of this act and to prescribe such terms and conditions, including bonds, as it shall deem necessary in order to protect the interests of the state and its lessees.

The Adams amendment was adopted with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

Senator Heidemann offered the following amendment:
AM1649

1. Insert the following new section:

Sec. 7. Since an emergency exists, this act takes effect when passed and approved according to law.

The Heidemann amendment was adopted with 40 ayes, 0 nays, 6 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 552. ER8146, found on page 314, was adopted.

Senator White offered the following amendment:
AM1629

(Amendments to E & R amendments, ER8146)

1. Insert the following new sections:

Sec. 11. Section 81-2402, Reissue Revised Statutes of Nebraska, is amended to read:

81-2402 As used in the Prompt Payment Act, unless the context otherwise requires:

(1) Agency shall mean the state and any agency, department, office, commission, board, panel, or division of the state. Agency shall include the University of Nebraska and the Nebraska state colleges;

(2) Bill shall mean a proper billing or invoice which requests a payment and which is supplemented by all necessary verification and forms required by agency rules and regulations to process payments;

(3) Creditor shall mean any person, corporation, association, or other business concern engaged in a trade or business, either on a for-profit or not-for-profit basis, and providing any goods or services to an agency;

(4) Good faith dispute shall mean:

(a) A contention by the agency that goods delivered or services rendered were of less quantity or quality than ordered or specified by contract, faulty, or installed improperly; or

(b) Any other reason giving cause for the withholding of payment by the agency until the dispute is settled, except that failure to give notice as prescribed in section 81-2405 shall preclude an agency from claiming a good faith dispute in the case of a defective or improper billing;

(5) Goods shall mean any goods, supplies, materials, equipment, or other personal property but shall not mean any real property; and

(6) Services shall mean any contractual services, including, but not limited to, architectural, engineering, medical, financial consulting, or other professional services, any construction services, and any other personal services but shall not mean any services performed as an officer or employee of any agency.

Sec. 13. Original section 81-2402, Reissue Revised Statutes of Nebraska, is repealed.

2. On page 2, line 22; and page 4, line 3, strike "forty-five" and insert "thirty".

3. On page 7, line 1, strike "23, and 81" and insert "and 23".

4. Renumber the remaining section accordingly.

The White amendment was adopted with 40 ayes, 0 nays, 6 present and not

voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 216. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 147. ER8147, found on page 339, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 181. ER8148, found on page 343, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 190. ER8149, found on page 344, was adopted.

Senator Avery renewed his amendment, AM1621, found on page 373.

The Avery amendment was adopted with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

Senator Avery renewed his amendment, AM1627, found on page 373.

The Avery amendment was adopted with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

COMMITTEE REPORTS

Agriculture

LEGISLATIVE BILL 667. Placed on General File with amendment.
AM1575

1. Strike the original sections and insert the following new sections:

Section 1. <u>The Legislature finds the duty of adjoining landowners for the construction and maintenance of division fences to be beneficial to the public interest and welfare. Such benefits are not confined to historical and traditional societal benefits that accrue from the proper constraint of livestock, but also include suppression of civil disputes and public and private nuisances and the protection of public safety. Division fences promote the peace and security of society by the demarcation of rural boundaries, physical separation of conflicting land uses, enhancement of privacy, diminishment of frequency of public burden imposed by incidences of trespass and adverse possession, and the mitigation of impacts of conflicting land use intrusion into those areas of the state devoted to agricultural and horticultural use.</u>

Sec. 2. Section 34-102, Reissue Revised Statutes of Nebraska, is amended to read:

34-102 (1) When there are two or more adjoining landowners, each of them shall construct and maintain a just proportion of the division fence between them. Just proportion means an equitable allocation of the portion of the fenceline to be physically constructed and maintained by each landowner or, in lieu thereof, an equitable contribution to the costs to construct and maintain the division fence to be made by either landowner. Unless otherwise specified in statute or by agreement of the parties, such equitable allocation shall be one which results in an equal burden of construction and maintenance of the division fence. ~~, except that if the adjoining landowners each cause or allow the use of the division fence to confine livestock upon their respective properties, each landowner shall construct and maintain the division fence between them in equal shares.~~ This section shall not be construed to compel the erection and maintenance of a division fence if neither of the adjoining landowners desires such division fence.

(2) Unless the adjoining landowners have agreed otherwise, such fence shall be a ~~lawful~~ wire fence~~,~~ as defined in subsection (5) of section 34-115.

~~(3) The duty assigned to adjoining landowners by this section applies (a) when either or both of the adjoining lands lie within an area zoned for agricultural or horticultural purposes as defined in section 77-1359 and either or both of the adjoining lands are utilized as agricultural or horticultural land and (b) in all other areas of the state when both of the adjoining lands are utilized as agricultural or horticultural land.~~

Sec. 3. Original section 34-102, Reissue Revised Statutes of Nebraska, is repealed.

(Signed) Tom Carlson, Chairperson

Education

LEGISLATIVE BILL 711. Placed on General File.

(Signed) Greg Adams, Chairperson

REFERENCE COMMITTEE REPORT

The Executive Board submits the following report:

Kanger, Bernard, Jr. - Board of Emergency Medical Services - Health and Human Services

(Signed) John Wightman, Chairperson
Executive Board

GENERAL FILE

LEGISLATIVE BILL 635. Senator Lautenbaugh offered the following motion:
MO76
Bracket until April 14, 2010.

SENATOR LANGEMEIER PRESIDING

SPEAKER FLOOD PRESIDING

Senator Lautenbaugh moved for a call of the house. The motion prevailed with 37 ayes, 0 nays, and 12 not voting.

Senator Lautenbaugh requested a roll call vote on his motion to bracket.

Voting in the affirmative, 25:

Adams	Fulton	Heidemann	Louden	Price
Carlson	Gloor	Janssen	McCoy	Schilz
Christensen	Hadley	Krist	Nelson	Stuthman
Coash	Hansen	Langemeier	Pankonin	Utter
Flood	Harms	Lautenbaugh	Pirsch	Wightman

Voting in the negative, 12:

Conrad	Giese	Lathrop	Nordquist
Cook	Haar	McGill	Rogert
Council	Howard	Mello	Wallman

Present and not voting, 6:

Ashford	Dierks	Karpisek
Avery	Gay	Sullivan

Absent and not voting, 1:

Cornett

Excused and not voting, 5:

Campbell	Dubas	Fischer	Pahls	White

The Lautenbaugh motion to bracket prevailed with 25 ayes, 12 nays, 6 present and not voting, 1 absent and not voting, and 5 excused and not voting.

The Chair declared the call raised.

NOTICE OF COMMITTEE HEARING
Judiciary

Room 1113

Thursday, February 4, 2010 1:30 p.m.

LB905
LB889
LB1033
LB860
LB842
LB843

(Signed) Brad Ashford, Chairperson

AMENDMENTS - Print in Journal

Senator Avery filed the following amendment to LB190:
AM1677

(Amendments to E & R amendments, ER8149)

1. Insert the following new section:

Section 1. Section 29-2262, Reissue Revised Statutes of Nebraska, is amended to read:

29-2262 (1) When a court sentences an offender to probation, it shall attach such reasonable conditions as it deems necessary or likely to insure that the offender will lead a law-abiding life. No offender shall be sentenced to probation if he or she is deemed to be a habitual criminal pursuant to section 29-2221.

(2) The court may, as a condition of a sentence of probation, require the offender:

(a) To refrain from unlawful conduct;

(b) To be confined periodically in the county jail or to return to custody after specified hours but not to exceed (i) for misdemeanors, the lesser of ninety days or the maximum jail term provided by law for the offense and (ii) for felonies, one hundred eighty days;

(c) To meet his or her family responsibilities;

(d) To devote himself or herself to a specific employment or occupation;

(e) To undergo medical or psychiatric treatment and to enter and remain in a specified institution for such purpose;

(f) To pursue a prescribed secular course of study or vocational training;

(g) To attend or reside in a facility established for the instruction, recreation, or residence of persons on probation;

(h) To refrain from frequenting unlawful or disreputable places or consorting with disreputable persons;

(i) To possess no firearm or other dangerous weapon if convicted of a felony, or if convicted of any other offense, to possess no firearm or other dangerous weapon unless granted written permission by the court;

(j) To remain within the jurisdiction of the court and to notify the court or the probation officer of any change in his or her address or his or her employment and to agree to waive extradition if found in another jurisdiction;

(k) To report as directed to the court or a probation officer and to permit the officer to visit his or her home;

(l) To pay a fine in one or more payments as ordered;

(m) To pay for tests to determine the presence of drugs or alcohol, psychological evaluations, offender assessment screens, and rehabilitative services required in the identification, evaluation, and treatment of offenders if such offender has the financial ability to pay for such services;

(n) To perform community service as outlined in sections 29-2277 to 29-2279 under the direction of his or her probation officer;

(o) To be monitored by an electronic surveillance device or system and to pay the cost of such device or system if the offender has the financial ability;

(p) To participate in a community correctional facility or program as provided in the Community Corrections Act;

(q) To successfully complete an incarceration work camp program as determined by the Department of Correctional Services;

(r) To satisfy any other conditions reasonably related to the rehabilitation of the offender;

(s) To make restitution as described in sections 29-2280 and 29-2281; or

(t) To pay for all costs imposed by the court, including court costs and the fees imposed pursuant to section 29-2262.06.

(3) In all cases in which the offender is guilty of violating section 28-416, a condition of probation shall be mandatory treatment and counseling as provided by such section.

(4) In all cases in which the offender is guilty of a crime covered by the DNA Identification Information Act, a condition of probation shall be the collecting of a DNA sample pursuant to the act <u>and the paying of all costs associated with the collection of the DNA sample</u> prior to release ~~on~~ <u>from</u> probation.

2. On page 3, line 18, reinstate the stricken matter; and in line 19 strike the new matter.

3. On page 5, after line 17, insert the following new subsection:

"<u>(3) A person who is serving a term of probation and has a DNA sample collected pursuant to this section shall pay all costs associated with the collection of the DNA sample.</u>".

4. On page 6, lines 3 and 6, after "sections" insert "29-2262,".

5. Renumber the remaining sections and correct internal references accordingly.

Senator Avery filed the following amendment to LB190A:
AM1674

1. Strike the original sections and insert the following new sections:

Section 1. The State Treasurer shall transfer (1) $249,250 from the State Settlement Cash Fund to the State DNA Sample and Data Base Fund on or before August 1, 2010, and (2) $73,250 from the State Settlement Cash Fund to the State DNA Sample and Data Base Fund on or before July 15, 2011.

Sec. 2. There is hereby appropriated $72,800 from the State DNA Sample and Data Base Fund for FY2010-11 to the Department of Correctional Services, for Program 200, to aid in carrying out the provisions of Legislative Bill 190, One Hundred First Legislature, Second Session, 2010.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.

Sec. 3. There is hereby appropriated (1) $176,450 from the State DNA Sample and Data Base Fund for FY2010-11 and (2) $73,250 from the State DNA Sample and Data Base Fund for FY2011-12 to the Nebraska State Patrol, for Program 100, to aid in carrying out the provisions of Legislative Bill 190, One Hundred First Legislature, Second Session, 2010.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.

UNANIMOUS CONSENT - Add Cointroducers

Senator Dubas asked unanimous consent to add her name as cointroducer to LB689. No objections. So ordered.

Senator McCoy asked unanimous consent to add his name as cointroducer to LB747 and LB836. No objections. So ordered.

Senator Nordquist asked unanimous consent to add his name as cointroducer to LB778 and LB988. No objections. So ordered.

Senator Mello asked unanimous consent to add his name as cointroducer to LB800. No objections. So ordered.

Senator Cornett asked unanimous consent to add her name as cointroducer to LB988 and LB990. No objections. So ordered.

VISITORS

Visitor to the Chamber was Ashlea Millsap from Kearney.

The Doctor of the Day was Dr. Jeff Harrison from Papillion.

ADJOURNMENT

At 12:05 p.m., on a motion by Senator Langemeier, the Legislature adjourned until 10:00 a.m., Friday, January 29, 2010.

Patrick J. O'Donnell
Clerk of the Legislature

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SIXTEENTH DAY - JANUARY 29, 2010

LEGISLATIVE JOURNAL

ONE HUNDRED FIRST LEGISLATURE
SECOND SESSION

SIXTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, January 29, 2010

PRAYER

The prayer was offered by Pastor Jim Runnels, Grace Bible Fellowship Church, Stella.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Senator Rogert presiding.

The roll was called and all members were present except Senators Fischer, Pahls, and Sullivan who were excused; and Senators Dubas and Fulton who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifteenth day was approved.

COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 579. Placed on Select File with amendment.
ER8152

1. In the Cornett amendment, AM1566:

a. On page 4, line 2, strike "act" and insert "Professional Employer Organization Registration Act"; and in line 16 strike "subsections" and insert "sections";

b. On page 7, line 12, after "entity" insert an underscored comma;

c. On page 8, line 6, after "Employer" insert "Organization";

d. On page 9, line 7, strike the first comma and insert "or" and strike the second comma;

e. On page 10, line 19; and page 27, line 11, strike "organization";

f. On page 11, line 21, strike the comma;

g. On page 14, line 5; and page 26, line 12, strike

"half" and insert "one-half";

h. On page 15, line 21, after "sharing" insert an underscored comma;

i. On page 18, line 9, strike the first occurrence of "act" and insert "section" and strike the second occurrence of "act" and insert "Professional Employer Organization Registration Act";

j. On page 19, line 7, strike "meet" and insert "meets"; and in line 8 strike "are" and insert "is";

k. On page 24, line 10, after the first comma insert "to";

l. On page 38, line 5, strike "than" and insert "that";

m. On page 46, line 27, strike "act", show as stricken, and insert "Nebraska Workers' Compensation Act";

n. On page 51, line 16, strike the first "of" and insert "or";

o. On page 54, line 12, after the comma insert "to"; and

p. On page 61, line 12, after "employer" insert an underscored comma.

2. On page 1, strike beginning with "48-602" in line 1 through "2008" in line 2 and insert "44-5702, 44-7515, 44-7524, 48-151, and 48-443, Reissue Revised Statutes of Nebraska, sections 44-7504, 48-115, 48-145, 48-146, 48-146.03, 48-602, and 48-628, Revised Statutes Cumulative Supplement, 2008, and sections 48-144.03 and 48-648, Revised Statutes Supplement, 2009"; and in line 4 after "harmonize" insert "insurance, workers' compensation, safety committee, and".

LEGISLATIVE BILL 690. Placed on Select File.
LEGISLATIVE BILL 691. Placed on Select File.
LEGISLATIVE BILL 736. Placed on Select File.
LEGISLATIVE BILL 751. Placed on Select File.

LEGISLATIVE BILL 650. Placed on Select File with amendment.
ER8150

1. In the Standing Committee amendments, AM1582:

a. On page 11, line 14, strike "thereof;", show as stricken, and insert "of the manufacturer's or importer's certificate;"; and

b. On page 45, line 13, strike "said" and show as stricken.

2. On page 1, strike lines 2 through 6 and insert "60-471, 60-501, 60-520, 60-547, 60-6,357, 60-6,358, 60-6,359, 60-6,360, and 60-6,361, Reissue Revised Statutes of Nebraska, sections 60-102, 60-123, 60-136, 60-137, 60-148, 60-149, 60-153, 60-154, 60-154.01, 60-171, 60-302, 60-339, 60-3,100, 60-3,187, 60-3,190, 60-4,126, 60-605, 60-6,355, and 60-6,356, Revised Statutes Cumulative Supplement, 2008, and sections 23-186, 30-24,125, 60-101, 60-144, 60-164, 60-165, 60-301, 60-3,104,

60-601, and 60-1901, Revised Statutes Supplement, 2009; to authorize the operation of minitrucks and utility-type vehicles".

LEGISLATIVE BILL 698. Placed on Select File.

LEGISLATIVE BILL 226. Placed on Select File with amendment.
ER8151

1. In the Standing Committee amendments, AM1590, on page 1, line 13, strike "parent" and insert "parent's".

2. On page 1, strike beginning with "the" in line 1 through line 14 and insert "minors; to amend sections 30-2604 and 43-2101, Reissue Revised Statutes of Nebraska; to provide for authority for certain persons who are eighteen years of age to consent to health care and medical treatment and enter into contracts and leases; to provide an operative date; and to repeal the original sections.".

3. On page 2, strike lines 1 through 8.

LEGISLATIVE BILL 190A. Placed on Select File.

(Signed) Jeremy Nordquist, Chairperson

COMMITTEE REPORTS
Natural Resources

LEGISLATIVE BILL 797. Placed on General File.
LEGISLATIVE BILL 832. Placed on General File.
LEGISLATIVE BILL 911. Placed on General File.

(Signed) Chris Langemeier, Chairperson

NOTICE OF COMMITTEE HEARINGS
Education

Room 1525

Monday, February 8, 2010 1:30 p.m.

LB1014
LB1087
LB1071

Tuesday, February 9, 2010 1:30 p.m.

LB1021
LB962
LB1006

Tuesday, February 16, 2010 1:30 p.m.

LB1096
LB966
LB1007
LB957

Monday, February 22, 2010 1:30 p.m.

LB1034
LB1058
LB1082
LB1072
LR299CA

Tuesday, February 23, 2010 1:30 p.m.

LB1028
LB920
LB965

(Signed) Greg Adams, Chairperson

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of January 28, 2010, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Balch, Mary Spaulding
National Right to Life Committee
Freeman, Jessica
Nebraska Friends of Midwives
Kloepping, Kristen
Nebraska Friends of Midwives
Micek, Cora
Hospital Association, Nebraska (Withdrawn 01/27/2010)
Mines, Mick
3M Traffic Safety Systems
Cameco (formerly Crow Butte) Resources, Inc.
Cargill/Excel
Corn Growers Association, American
Hastings Exposition and Racing, Inc.
Johnson & Johnson
Papio Valley Preservation Association
Swimming Pool Foundation, National

Syngenta
Tobacco & Candy Distributors, Nebraska Association of
Pappas, James E.
Bellevue Public Schools
Independent Cattlemen of Nebraska
League of Human Dignity
Plucker, Julia
Southport West Partners, LLC
Prouty, Nathan Kent
Pharmaceutical Research and Manufacturers of America
Radcliffe, Walter H. of Radcliffe & Associates
WNH, LLC (A Nebraska limited liability company)
Reynolds, Simera
Mothers Against Drunk Driving, Nebraska
Schimek, DiAnna R.
Educational Equity, Nebraskans for
Segura, April
Nebraska Friends of Midwives
Slevin, Elaine L.
Nebraska Friends of Midwives
Swanson, Heather
Nebraska Friends of Midwives

REPORTS

The following reports were received by the Legislature:

Aeronautics, Nebraska Department of
Total Number of Applicants for Public Benefits and the Number of Applicants Rejected Pursuant to Such Sections
Agriculture, Department of
Total Number of Applicants for Public Benefits and the Number of Applicants Rejected Pursuant to Such Sections
Criminal Justice, Commission on Law Enforcement and
Total Number of Applicants for Public Benefits and the Number of Applicants Rejected Pursuant to Such Sections
Education, Department of
Total Number of Applicants for Public Benefits and the Number of Applicants Rejected Pursuant to Such Sections
Energy Office, Nebraska
Total Number of Applicants for Public Benefits and the Number of Applicants Rejected Pursuant to Such Sections
Environmental Quality, Department of
Total Number of Applicants for Public Benefits and the Number of Applicants Rejected Pursuant to Such Sections
Fire Marshal, State
Total Number of Applicants for Public Benefits and the Number of Applicants Rejected Pursuant to Such Sections

Health and Human Services, Department of
Child Support Enforcement License Suspension Annual Report to the Legislature
Child Support Enforcement New Hire Annual Report to the Legislature
Child Support Enforcement State Disbursement Unit Annual Report to the Legislature
Waiver of Training Requirements for Relative Foster Care
Investment Finance Authority, Nebraska (NIFA)
2009 Series A (Taxable) Single Family Housing Revenue Bonds
Motor Vehicles, Department of
Number of Operator's Licenses Suspended Under the License Suspension Act
Patrol, Nebraska State
Total Number of Applicants for Public Benefits and the Number of Applicants Rejected Pursuant to Such Sections
Railway Council, Nebraska
2009 Annual Report
Roads, Nebraska Department of
Annual Report Relating to LB 403
One-Year and Five-Year Programs of Anticipated Design, Construction, Maintenance, and Improvements for our State's Recreation Roads
State College System, Nebraska
Total Number of Applicants for Public Benefits and the Number of Applicants Rejected Pursuant to Such Sections
University of Nebraska
Nebraska Tobacco Settlement Biomedical Research Development Fund
Veterans' Affairs, Department of
Total Number of Applicants for Public Benefits and the Number of Applicants Rejected Pursuant to Such Sections

GENERAL FILE

LEGISLATIVE BILL 798. Title read. Considered.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 6 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 731. Title read. Considered.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 738. Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 814. Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 721. Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 722. Title read. Considered.

Committee AM1616, found on page 363, was adopted with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 791. Title read. Considered.

Committee AM1617, found on page 363, was adopted with 30 ayes, 0 nays, 10 present and not voting, and 9 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 8 present and not voting, and 9 excused and not voting.

COMMITTEE REPORTS

General Affairs

LEGISLATIVE BILL 867. Placed on General File with amendment.
AM1638

1. Strike section 2 and insert the following new sections:

Sec. 2. Section 53-123.15, Revised Statutes Cumulative Supplement, 2008, is amended to read:

53-123.15 (1) No person shall order or receive alcoholic liquor in this state which has been shipped directly to him or her from outside this state by any person other than a holder of a shipping license issued by the commission, except that a licensed wholesaler may receive not more than three gallons of wine in any calendar year from any person who is not a holder of a shipping license.

(2) The commission may issue a shipping license to a manufacturer. Such license shall allow the licensee to ship alcoholic liquor only to a licensed wholesaler, except that a licensed wholesaler may, without a shipping license and for the purposes of subdivision (2) of section 53-161, receive beer in this state which has been shipped from outside the state by a manufacturer in accordance with the Nebraska Liquor Control Act to the wholesaler, then transported by the wholesaler to another state for retail distribution, and then returned by the retailer

to such wholesaler. A person who receives a license pursuant to this subsection shall pay the fee required in subdivision (10) of section 53-124. Such fee shall be collected by the commission and be remitted to the State Treasurer for credit to the General Fund.

(3) The commission may issue a shipping license to any person who deals with vintage wines, which shipping license shall allow the licensee to distribute such wines to a licensed wholesaler in the state. For purposes of distributing vintage wines, a licensed shipper must utilize a designated wholesaler if the manufacturer has a designated wholesaler. For purposes of this section, vintage wine shall mean a wine verified to be ten years of age or older and not available from a primary American source of supply. A person who receives a license pursuant to this subsection shall pay the fee required in subdivision (10) of section 53-124. Such fee shall be collected by the commission and be remitted to the State Treasurer for credit to the General Fund.

(4) The commission may issue a shipping license to any person who sells and ships alcoholic liquor from another state directly to a consumer in this state. A person who receives a license pursuant to this subsection shall pay the fee required in subdivision (11) of section 53-124. Until April 30, 2012, such fee shall be collected by the commission and remitted to the State Treasurer for credit to the Winery and Grape Producers Promotional Fund.

(5) The application for a shipping license shall be in such form as the commission prescribes. The application shall contain all provisions the commission deems proper and necessary to effectuate the purpose of any section of the act and the rules and regulations of the commission that apply to manufacturers and shall include, but not be limited to, provisions that the applicant, in consideration of the issuance of such shipping license, agrees:

(a) To comply with and be bound by section 53-164.01 in making and filing reports, paying taxes, penalties, and interest, and keeping records;

(b) To permit and be subject to all of the powers granted by section 53-164.01 to the commission or its duly authorized employees or agents for inspection and examination of the applicant's premises and records and to pay the actual expenses, excluding salary, reasonably attributable to such inspections and examinations made by duly authorized employees of the commission if within the United States; and

(c) That if the applicant violates any of the provisions of the application or the license, any section of the act, or any of the rules and regulations of the commission that apply to manufacturers, the commission may revoke or suspend such shipping license for such period of time as it may determine.

Sec. 3. Original section 53-123.15, Revised Statutes Cumulative Supplement, 2008, and section 53-124, Revised Statutes Supplement, 2009, are repealed.

LEGISLATIVE BILL 266. Indefinitely postponed.
LEGISLATIVE BILL 600. Indefinitely postponed.

LEGISLATIVE RESOLUTION 6CA. Indefinitely postponed.

(Signed) Russ Karpisek, Chairperson

Urban Affairs

LEGISLATIVE BILL 848. Placed on General File with amendment.
AM1646

1. On page 2, line 4, reinstate the stricken "each year".

(Signed) Amanda McGill, Chairperson

Judiciary

LEGISLATIVE BILL 746. Placed on General File with amendment.
AM1669

1. Strike original section 2 and insert the following new section:

Sec. 2. Section 20-506, Reissue Revised Statutes of Nebraska, is amended to read:

20-506 (1) The Racial Profiling Advisory Committee is created.

~~(2)~~ (2)(a) The committee shall consist of ~~the~~

(i) The executive director of the Nebraska Commission on Law Enforcement and Criminal Justice, who also shall be the chairperson of the committee; ~~, and~~

(ii) The Superintendent of Law Enforcement and Public Safety or his or her designee;

(iii) The executive director of the Commission on Mexican-Americans or his or her designee; and

(iv) The executive director of the Commission on Indian Affairs or his or her designee.

(b) The committee shall also consist of the following persons, each appointed by the Governor from a list of three names submitted to the Governor for each position

~~(a)~~ (i) A representative ~~appointed by~~ of the Fraternal Order of Police;

~~(b)~~ (ii) A representative ~~appointed by~~ of the Nebraska County Sheriffs Association;

~~(c)~~ (iii) A representative ~~appointed by~~ of the Police Officers Association of Nebraska;

~~(d)~~ (iv) A representative ~~appointed by~~ of the American Civil Liberties Union of Nebraska;

~~(e) A representative appointed by the Nebraska State~~

~~Patrol;~~

~~(f)~~ (v) A representative ~~appointed by~~ of the AFL-CIO; ~~and~~

~~(g)~~ (vi) A representative ~~appointed by~~ of the Police Chiefs Association of Nebraska; ~~.~~

(vii) A representative of the Nebraska branches of the National Association for the Advancement of Colored People; and

(viii) A representative of the Minority Justice Committee of the Supreme Court and Nebraska State Bar Association.

(3) The committee shall meet and organize within thirty days after the appointment of the members. The committee shall meet ~~quarterly~~ semiannually at a time and place to be fixed by the committee. Special meetings may be called by the chairperson or at the request of two or more members of the committee.

(4) The committee shall advise the executive director of the commission in the conduct of his or her duties regarding the review required pursuant to subsection (6) of section 20-504, provide an analysis of the review, and make policy recommendations with respect to racial profiling.

(Signed) Brad Ashford, Chairperson

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 147. Placed on Final Reading.
LEGISLATIVE BILL 181. Placed on Final Reading.
LEGISLATIVE BILL 216. Placed on Final Reading.

LEGISLATIVE BILL 235. Placed on Final Reading.
ST9068
The following changes, required to be reported for publication in the Journal, have been made:

1. In the Heidemann amendment, AM1649, section 7 has been renumbered as section 6.

2. In the Adams amendment, AM1640, on page 2, line 27, "energy" has been inserted after "solar".

3. On page 1, the matter beginning with "provide" in line 1 through line 2 and all amendments thereto have been struck and "provide for leases involving the production of solar energy or wind energy; and to declare an emergency." inserted.

LEGISLATIVE BILL 552. Placed on Final Reading.
ST9069
The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, the matter beginning with "amend" in line 1 through line 5 and all amendments thereto have been struck and "amend section 81-2402, Reissue Revised Statutes of Nebraska; to adopt the Nebraska Construction

Prompt Pay Act; to harmonize provisions; to provide an operative date; and to repeal the original section." inserted.

(Signed) Jeremy Nordquist, Chairperson

NOTICE OF COMMITTEE HEARINGS

Judiciary

Room 1113

Friday, February 5, 2010 1:30 p.m.

LB840
LB771
LB886
LB968
LB984

(Signed) Brad Ashford, Chairperson

General Affairs

Room 1510

Monday, February 8, 2010 1:30 p.m.

LB834
LB854
LB883
LB1000
LB942
LB1013

Monday, February 22, 2010 1:30 p.m.

LB887
LB1012
LB744
LR296CA
LB985
LB1023

Michael Hiatt - State Electrical Board
Steve Homan - Nebraska Arts Council

(Signed) Russ Karpisek, Chairperson

AMENDMENT - Print in Journal

Senator Janssen filed the following amendment to LB200:
AM1644
1. On page 2, strike lines 23 through 25.
2. On page 3, strike lines 1 through 3; in line 4 strike "(5)" and insert "(4)"; in line 9 strike "(6)" and insert "(5)"; and strike lines 14 through 17.

UNANIMOUS CONSENT - Add Cointroducers

Senator McCoy asked unanimous consent to add his name as cointroducer to LB741, LB860, LB868, LB889, LB895, LB982, and LR292. No objections. So ordered.

Senators Christensen and McCoy asked unanimous consent to add their names as cointroducers to LB817. No objections. So ordered.

VISITOR

Visitor to the Chamber was Senator Carlson's son, Nathan, from Holdrege.

ADJOURNMENT

At 11:58 a.m., on a motion by Speaker Flood, the Legislature adjourned until 10:00 a.m., Monday, February 1, 2010.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTEENTH DAY - FEBRUARY 1, 2010

LEGISLATIVE JOURNAL

ONE HUNDRED FIRST LEGISLATURE
SECOND SESSION

SEVENTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, February 1, 2010

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 Howard, Langemeier, and Pahls who were excused; and Senators Ashford, Cornett, Dubas, Gay, Karpisek, and Stuthman who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixteenth day was approved.

COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 798. Placed on Select File.
LEGISLATIVE BILL 731. Placed on Select File.
LEGISLATIVE BILL 738. Placed on Select File.
LEGISLATIVE BILL 814. Placed on Select File.

LEGISLATIVE BILL 721. Placed on Select File with amendment.
ER8153
1. On page 1, line 3, strike "qualifications" and insert "qualification".

LEGISLATIVE BILL 722. Placed on Select File.

LEGISLATIVE BILL 791. Placed on Select File with amendment.
ER8154
1. On page 1, strike beginning with "provide" in line 1 through line 2 and insert "amend section 21-2003, Revised Statutes Supplement, 2009; to provide for the electronic filing of documents

as prescribed; to harmonize provisions; and to repeal the original section.".

2. On page 2, line 9, strike the first comma.

(Signed) Jeremy Nordquist, Chairperson

COMMITTEE REPORTS

Banking, Commerce and Insurance

LEGISLATIVE BILL 890. Placed on General File.
LEGISLATIVE BILL 891. Placed on General File.
LEGISLATIVE BILL 892. Placed on General File.

(Signed) Pete Pirsch, Vice Chairperson

Natural Resources

LEGISLATIVE BILL 643. Placed on General File with amendment.
AM1620

1. On page 2, lines 10 and 11; and on page 3, lines 1 and 2, strike "one hundred eighty" and insert "ninety".

2. On page 2, strike lines 16 through 18.

3. On page 3, strike beginning with "If" in line 6 through line 9.

(Signed) Chris Langemeier, Chairperson

NOTICE OF COMMITTEE HEARINGS

Transportation and Telecommunications

Room 1113

Monday, February 8, 2010 1:30 p.m.

LB761
LB772
LB810
LB841
LB924

Tuesday, February 9, 2010 1:30 p.m.

LB697
LB945
LB926
LB982

(Signed) Deb Fischer, Chairperson

MESSAGE FROM THE GOVERNOR

January 27, 2010

Mr. President, Speaker Flood
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individuals are being appointed to the Board of Public Roads Classifications and Standards:

James Litchfield, 201 Highland Street, Wakefield, NE 68784
James Daws, 1091 N. 7th Street, Seward, NE 68434

Contingent upon your approval, the following individuals are being reappointed to the Board of Public Roads Classifications and Standards:

Barbara Keegan, P.O. Box 224, Hemingford, NE 69348
Randall Peters, 916 Fall Creek Road, Lincoln, NE 68510

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 298 and 302 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 298 and 302.

GENERAL FILE

LEGISLATIVE BILL 743. Title read. Considered.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 871. Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 749. Title read. Considered.

Committee AM1587, found on page 370, was adopted with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 816. Title read. Considered.

Committee AM1619, found on page 370, was adopted with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

NOTICE OF COMMITTEE HEARINGS

Business and Labor

Room 2102

Monday, February 8, 2010 1:30 p.m.

LB780
LB829
LB833
LB846
LB872
LB908
LB963
LB994
LB1044
LB961

(Signed) Steve Lathrop, Chairperson

Agriculture

Room 2102

Tuesday, February 16, 2010 1:30 p.m.

LB986

(Signed) Tom Carlson, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 303. Introduced by Nordquist, 7; Ashford, 20.

WHEREAS, local fundraising efforts are being held to provide assistance to the earthquake victims in Haiti; and

WHEREAS, Bancroft Elementary School in Omaha is collecting money to be donated to the American Red Cross; and

WHEREAS, the Legislature recognizes the importance of Nebraska's local fundraising efforts to help the people of Haiti.

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

1. That the Legislature commends Bancroft Elementary School for its fundraising efforts to provide assistance to the earthquake victims in Haiti.

2. That a copy of this resolution be sent to Bancroft Elementary School.

Laid over.

LEGISLATIVE RESOLUTION 304. Introduced by Ashford, 20; Nelson, 6.

WHEREAS, local fundraising efforts are being held to provide assistance to the earthquake victims in Haiti; and

WHEREAS, Creighton Preparatory School in Omaha is holding a special mission collection, with the funds to be donated to the Jesuit Refugee Service; and

WHEREAS, the Legislature recognizes the importance of Nebraska's local fundraising efforts to help the people of Haiti.

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

1. That the Legislature commends Creighton Preparatory School for its fundraising efforts to provide assistance to the earthquake victims in Haiti.

2. That a copy of this resolution be sent to Creighton Preparatory School.

Laid over.

LEGISLATIVE RESOLUTION 305. Introduced by Lathrop, 12; Ashford, 20; Conrad, 46; Council, 11; Flood, 19; Lautenbaugh, 18; Nelson, 6; Pirsch, 4; White, 8; Wightman, 36.

WHEREAS, Judge John T. Grant was born in Omaha, Nebraska, on October 25, 1920, and later attended and graduated from Creighton Preparatory School and Creighton University; and

WHEREAS, Judge Grant served honorably in the Army during World War II, including thirty months overseas; and

WHEREAS, after a lengthy career as a private practice attorney, Judge Grant was appointed to the Douglas County District Court; and

WHEREAS, Judge Grant was later appointed to the Nebraska Supreme Court and served as a member of the court from 1983 to 1992; and

WHEREAS, Judge Grant was known for his many positive attributes, including his serious legal mind, his patience and graciousness, his ability to work well with competing sides, and his wonderful sense of humor; and

WHEREAS, as a lawyer and judge, Judge Grant contributed greatly to the civility and camaraderie between and among lawyers and the judiciary; and

WHEREAS, Judge Grant passed away on January 26, 2010, and is survived by a large and loving family.

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

1. That the Legislature honors the memory of Judge John T. Grant and his many contributions and achievements.

2. That the Legislature expresses and extends its sympathy and condolences to the family of Judge John T. Grant.

3. That a copy of this resolution be sent to the family of Judge John T. Grant.

Laid over.

LEGISLATIVE RESOLUTION 306. Introduced by Lathrop, 12.

WHEREAS, the Boy Scouts of America has been instilling timeless values in our youth since its founding in 1910, with a mission of serving others through its many programs; and

WHEREAS, the Boy Scouts of America is committed to helping millions of youth succeed by providing the support, friendship, and mentoring necessary to live a productive and fulfilling life; and

WHEREAS, Boy Scout troops around the country are celebrating the 100th anniversary of their organization on February 8, 2010; and

WHEREAS, troops from the Lewis and Clark District of the Mid-America Council are joining together to celebrate this occasion.

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

1. That the Legislature congratulates the Boy Scouts of America on celebrating its 100th anniversary.

2. That a copy of this resolution be provided to Troop 377 of the Lewis and Clark District of the Mid-America Council of the Boy Scouts of America.

Laid over.

LEGISLATIVE RESOLUTION 307. Introduced by Pirsch, 4; Ashford, 20.

WHEREAS, local fundraising efforts are being held to provide assistance to the earthquake victims in Haiti; and

WHEREAS, Beveridge Magnet Center in Omaha is holding a number of fundraising efforts, including collecting change during lunch hours, holding candy sales and garage sales, and holding a "Hat for Haiti" day during which students are allowed to wear a hat at school if they make a donation, with all funds to be donated to the American Red Cross; and

WHEREAS, the Legislature recognizes the importance of Nebraska's local fundraising efforts to help the people of Haiti.

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

1. That the Legislature commends Beveridge Magnet Center for its fundraising efforts to provide assistance to the earthquake victims in Haiti.

2. That a copy of this resolution be sent to Beveridge Magnet Center.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 788. Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 200. Title read. Considered.

Senator Janssen renewed his amendment, AM1644, found on page 404.

Pending.

UNANIMOUS CONSENT - Add Cointroducers

Senator Gloor asked unanimous consent to add his name as cointroducer to LB817. No objections. So ordered.

Senator McCoy asked unanimous consent to add his name as cointroducer to LB865. No objections. So ordered.

Senators Gay and Mello asked unanimous consent to add their names as cointroducers to LB1004. No objections. So ordered.

REFERENCE COMMITTEE REPORT

The Executive Board submits the following report:

Daws, James - Board of Public Roads Classifications and Standards - Transportation and Telecommunications
Keegan, Barbara - Board of Public Roads Classifications and Standards - Transportation and Telecommunications
Litchfield, James - Board of Public Roads Classifications and Standards - Transportation and Telecommunications
Peters, Randall - Board of Public Roads Classifications and Standards - Transportation and Telecommunications

(Signed) John Wightman, Chairperson
Executive Board

AMENDMENTS - Print in Journal

Senator Lathrop filed the following amendment to LB200:
FA59
Strike page 2 lines 6 and 7 and page 2 line 21 through page 3 line 17.

Senator Price filed the following amendment to LB200:
AM1693

1. On page 3, after line 17, insert the following new subsections:

"(8) Subsections (1) through (7) of this section terminate on January 1, 2016.

(9) Beginning January 1, 2016, a person shall not operate or be a passenger on a motorcycle or moped on any highway in this state unless such person is wearing a protective helmet of the type and design manufactured for use by an operator of a motorcycle or moped and unless such helmet is secured properly on his or her head with a chin strap while the motorcycle or moped is in motion. Such protective helmets shall be designed to reduce injuries to the user resulting from head impacts and shall be designed to protect the user by remaining on the user's head, deflecting blows, resisting penetration, and spreading the force of impact. Such helmets shall consist of lining, padding, and a chin strap and shall meet or exceed the standards for helmets established in the United States Department of Transportation's Federal Motor Vehicle Safety Standard No. 218, 49 C.F.R. 571.218.".

VISITORS

Visitors to the Chamber were members of Family and Consumer Science Teachers of Nebraska (FCSTN) and Family, Career, and Community Leaders of America (FCCLA) from across the state.

The Doctor of the Day was Dr. Eric Thomsen from Beatrice.

ADJOURNMENT

At 11:58 a.m., on a motion by Speaker Flood, the Legislature adjourned until 9:00 a.m., Tuesday, February 2, 2010.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

EIGHTEENTH DAY - FEBRUARY 2, 2010

LEGISLATIVE JOURNAL

ONE HUNDRED FIRST LEGISLATURE
SECOND SESSION

EIGHTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 2, 2010

PRAYER

The prayer was offered by Father Brendan Kelly, Blessed Sacrament, Lincoln.

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 Senator Pahls who was excused; and Senators Ashford, Christensen, and Wightman who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventeenth day was approved.

NOTICE OF COMMITTEE HEARINGS

Natural Resources

Room 1525

Wednesday, February 10, 2010 1:30 p.m.

Norris Marshall - Game and Parks Commission

LB993
LB1054
LB1056

Thursday, February 11, 2010 1:30 p.m.

LB1010
LB1011
LB1019

(Signed) Chris Langemeier, Chairperson

AMENDMENT - Print in Journal

Senator Avery filed the following amendment to LB190:
AM1715

(Amendments to E & R amendments, ER8149)

1. Insert the following new section:

Section 1. Section 29-2262, Reissue Revised Statutes of Nebraska, is amended to read:

29-2262 (1) When a court sentences an offender to probation, it shall attach such reasonable conditions as it deems necessary or likely to insure that the offender will lead a law-abiding life. No offender shall be sentenced to probation if he or she is deemed to be a habitual criminal pursuant to section 29-2221.

(2) The court may, as a condition of a sentence of probation, require the offender:

(a) To refrain from unlawful conduct;

(b) To be confined periodically in the county jail or to return to custody after specified hours but not to exceed (i) for misdemeanors, the lesser of ninety days or the maximum jail term provided by law for the offense and (ii) for felonies, one hundred eighty days;

(c) To meet his or her family responsibilities;

(d) To devote himself or herself to a specific employment or occupation;

(e) To undergo medical or psychiatric treatment and to enter and remain in a specified institution for such purpose;

(f) To pursue a prescribed secular course of study or vocational training;

(g) To attend or reside in a facility established for the instruction, recreation, or residence of persons on probation;

(h) To refrain from frequenting unlawful or disreputable places or consorting with disreputable persons;

(i) To possess no firearm or other dangerous weapon if convicted of a felony, or if convicted of any other offense, to possess no firearm or other dangerous weapon unless granted written permission by the court;

(j) To remain within the jurisdiction of the court and to notify the court or the probation officer of any change in his or her address or his or her employment and to agree to waive extradition if found in another jurisdiction;

(k) To report as directed to the court or a probation officer and to permit the officer to visit his or her home;

(l) To pay a fine in one or more payments as ordered;

(m) To pay for tests to determine the presence of drugs or alcohol, psychological evaluations, offender assessment screens, and rehabilitative services required in the identification,

evaluation, and treatment of offenders if such offender has the financial ability to pay for such services;

(n) To perform community service as outlined in sections 29-2277 to 29-2279 under the direction of his or her probation officer;

(o) To be monitored by an electronic surveillance device or system and to pay the cost of such device or system if the offender has the financial ability;

(p) To participate in a community correctional facility or program as provided in the Community Corrections Act;

(q) To successfully complete an incarceration work camp program as determined by the Department of Correctional Services;

(r) To satisfy any other conditions reasonably related to the rehabilitation of the offender;

(s) To make restitution as described in sections 29-2280 and 29-2281; or

(t) To pay for all costs imposed by the court, including court costs and the fees imposed pursuant to section 29-2262.06.

(3) In all cases in which the offender is guilty of violating section 28-416, a condition of probation shall be mandatory treatment and counseling as provided by such section.

(4) In all cases in which the offender is guilty of a crime covered by the DNA Identification Information Act, a condition of probation shall be the collecting of a DNA sample pursuant to the act and the paying of all costs associated with the collection of the DNA sample prior to release ~~on~~ from probation.

2. On page 3, line 18, reinstate the stricken matter; and in line 19 strike the new matter.

3. On page 4, line 21, after "shall" insert ", at his or her own expense,".

4. On page 5, after line 17, insert the following new subsection:

"(3) A person who is serving a term of probation and has a DNA sample collected pursuant to this section shall pay all costs associated with the collection of the DNA sample.".

5. On page 6, lines 3 and 6, after "sections" insert "29-2262,".

6. Renumber the remaining sections and correct internal references accordingly.

GENERAL FILE

LEGISLATIVE BILL 200. Senator Janssen asked unanimous consent to withdraw his amendment, AM1644, found on page 404 and considered on page 411, and replace it with his substitute amendment, AM1720. No objections. So ordered.

AM1720

1. Strike the original sections and all amendments thereto and insert the following new sections:

Section 1. Section 60-387, Revised Statutes Cumulative Supplement, 2008, is amended to read:

60-387 (1) An application for registration of a motor vehicle shall be accompanied by proof of financial responsibility or evidence of insurance covering the motor vehicle. Proof of financial responsibility shall be evidenced by a copy of proof of financial responsibility filed pursuant to subdivision (2), (3), or (4) of section 60-528 bearing the seal of the department. Evidence of insurance shall give the effective dates of the automobile liability policy, which dates shall be evidence that the coverage is in effect on and following the date of registration, and shall designate, by explicit description or by appropriate reference, all motor vehicles covered. Evidence of insurance in the form of a certificate of insurance for fleet vehicles may include, as an appropriate reference, a designation that the insurance coverage is applicable to all vehicles owned by the named insured, or wording of similar effect, in lieu of an explicit description. Proof of financial responsibility also may be evidenced by ~~(1)~~ (a) a check by the department or its agents of the motor vehicle insurance data base created under section 60-3,136 or ~~(2)~~ (b) any other automated or electronic means as prescribed or developed by the department. For purposes of this section, fleet means a group of at least five vehicles that belong to the same owner.

(2) If a motorcycle is being registered, an application for registration of the motorcycle shall be accompanied by, in addition to the requirements of subsection (1) of this section, proof of current and effective medical reimbursement insurance coverage of no less than one million dollars.

Sec. 2. Section 60-390, Revised Statutes Cumulative Supplement, 2008, is amended to read:

60-390 The certificate of registration shall contain upon the face thereof the name of the registered owner of the motor vehicle or trailer, his or her residential mailing address, a description of the motor vehicle or trailer as set forth in the application for registration, and whether alternative fuel was used to propel the motor vehicle and, if so, the type of fuel. The certificate of registration shall have and contain the identical registration number denoted on the license plate in connection with which such certificate of registration is issued and shall be valid only for the registration period for which it is issued. On the back of the certificate, the certificate of registration shall include a statement in boldface print that an automobile liability policy or proof of financial responsibility is required in Nebraska. On the back of the certificate for a motorcycle, the certificate of registration shall include a statement in boldface print that an automobile liability policy or proof of financial responsibility and proof of insurance as provided in subsection (2) of section 60-387 is required in Nebraska. By paying the required registration fees, every person whose name appears on

the registration of the motor vehicle or trailer certifies that a current and effective automobile liability policy or proof of financial responsibility will be maintained for the motor vehicle or trailer at the time of registration and while the motor vehicle or trailer is operated on a highway of this state and that he or she will also provide a current and effective automobile liability policy, evidence of insurance, or proof of financial responsibility for the motor vehicle or trailer upon demand. By paying the required registration fees, every person whose name appears on the registration of a motorcycle certifies that a current and effective automobile liability policy or proof of financial responsibility and proof of insurance as provided in subsection (2) of section 60-387 will be maintained for the motor vehicle or trailer at the time of registration and while the motor vehicle or trailer is operated on a highway of this state and that he or she will also provide a current and effective automobile liability policy, evidence of insurance, or proof of financial responsibility and proof of insurance as provided in subsection (2) of section 60-387 for the motorcycle upon demand.

Sec. 3. Section 60-3,167, Revised Statutes Cumulative Supplement, 2008, is amended to read:

60-3,167 (1) It shall be unlawful for any owner of a motor vehicle or trailer which is being operated or towed with In Transit stickers pursuant to section 60-376, which is being operated or towed pursuant to section 60-365 or 60-369, or which is required to be registered in this state and which is operated or towed on a public highway of this state to allow the operation or towing of the motor vehicle or trailer on a public highway of this state without having a current and effective automobile liability policy, evidence of insurance, or proof of financial responsibility. With respect to the operation of a motorcycle under this subsection, the owner shall also be required to have insurance coverage as provided in subsection (2) of section 60-387. The owner shall be presumed to know of the operation or towing of his or her motor vehicle or trailer on a highway of this state in violation of this section when the motor vehicle or trailer is being operated or towed by a person other than the owner.

(2) An owner of a motor vehicle or trailer who operates or tows the motor vehicle or trailer or allows the operation or towing of the motor vehicle or trailer in violation of this section shall be guilty of a Class II misdemeanor and shall be advised by the court that his or her motor vehicle operator's license, motor vehicle certificate of registration, and license plates will be suspended by the department until he or she complies with sections 60-505.02 and 60-528. Upon conviction the owner shall have his or her motor vehicle operator's license, motor vehicle certificate of registration, and license plates suspended by the department until he or she complies with sections 60-505.02 and 60-528. The owner shall also be required to comply with section 60-528

for a continuous period of three years after the violation. This subsection shall not apply to motor vehicles or trailers registered in another state.

~~(2)~~ (3) An owner who is unable to produce a current and effective automobile liability policy, evidence of insurance, or proof of financial responsibility upon the request of a law enforcement officer shall be allowed ten days after the date of the request to produce proof to the appropriate prosecutor or county attorney that a current and effective automobile liability policy or proof of financial responsibility was in existence for the motor vehicle or trailer at the time of such request. An owner of a motorcycle who is unable to produce a current and effective automobile liability policy, evidence of insurance, or proof of financial responsibility and proof of insurance as provided in subsection (2) of section 60-387 upon the request of a law enforcement officer shall be allowed ten days after the date of the request to produce proof to the appropriate prosecutor or county attorney that a current and effective automobile liability policy or proof of financial responsibility and proof of insurance as provided in subsection (2) of section 60-387 was in existence for the motor vehicle or trailer at the time of such request. Upon presentation of such proof, the citation shall be dismissed by the prosecutor or county attorney without cost to the owner and no prosecution for the offense cited shall occur.

~~(3)~~ (4) The department shall, for any person convicted for a violation of this section, reinstate such person's operator's license, motor vehicle certificate of registration, and license plates and rescind any order requiring such person to comply with section 60-528 without cost to such person upon presentation to the director that, at the time such person was cited for a violation of this section, a current and effective automobile liability policy or proof of financial responsibility or proof of insurance as provided in subsection (2) of section 60-387 was in existence for the motor vehicle or trailer at the time the citation was issued.

Sec. 4. Section 60-6,279, Reissue Revised Statutes of Nebraska, is amended to read:

60-6,279 (1) A person shall not operate or be a passenger on a motorcycle or moped on any highway in this state unless such person is wearing eye protection.

(2) Except as otherwise provided in subsection (3) of this section, a ~~A~~ person shall not operate or be a passenger on a motorcycle or moped on any highway in this state unless such person is wearing a protective helmet of the type and design manufactured for use by operators of such vehicles and unless such helmet is secured properly on his or her head with a chin strap while the vehicle is in motion. All such protective helmets shall be designed to reduce injuries to the user resulting from head impacts and shall be designed to protect the user by remaining on the user's head, deflecting blows, resisting penetration, and spreading the

force of impact. Each such helmet shall consist of lining, padding, and chin strap and shall meet or exceed the standards established in the United States Department of Transportation's Federal Motor Vehicle Safety Standard No. 218, 49 C.F.R. 571.218, for motorcycle helmets.

(3) A person who is at least twenty-one years of age is exempt from subsection (2) of this section.

(4) Except for the eye protection requirements of this section, enforcement of this section by state or local law enforcement agencies shall be accomplished only as a secondary action when an operator or passenger has been cited or charged with another violation of the Nebraska Rules of the Road.

(5) For purposes of this section, eye protection means glasses that cover the orbital region of a person's face, a protective face shield attached to a protective helmet, goggles, or a windshield on the motorcycle that protects the operator's and passenger's horizontal line of vision in all operating positions.

(6) Subsections (1) through (5) of this section terminate on January 1, 2016.

(7) Beginning January 1, 2016, a person shall not operate or be a passenger on a motorcycle or moped on any highway in this state unless such person is wearing a protective helmet of the type and design manufactured for use by an operator of a motorcycle or moped and unless such helmet is secured properly on his or her head with a chin strap while the motorcycle or moped is in motion. Such protective helmets shall be designed to reduce injuries to the user resulting from head impacts and shall be designed to protect the user by remaining on the user's head, deflecting blows, resisting penetration, and spreading the force of impact. Such helmets shall consist of lining, padding, and a chin strap and shall meet or exceed the standards for helmets established in the United States Department of Transportation's Federal Motor Vehicle Safety Standard No. 218, 49 C.F.R. 571.218.

Sec. 5 Original section 60-6,279, Reissue Revised Statutes of Nebraska, and sections 60-387, 60-390, and 60-3,167, Revised Statutes Cumulative Supplement, 2008, are repealed.

Senator Coash offered the following amendment to the Janssen amendment:
FA60
Amend AM1720
On page 2, line 7 insert after dollars, "and long term care insurance".

SPEAKER FLOOD PRESIDING

PRESIDENT SHEEHY PRESIDING

Senator Coash moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 3 nays, and 19 not voting.

Senator Coash moved for a call of the house. The motion prevailed with 39 ayes, 0 nays, and 10 not voting.

Senator Coash requested a roll call vote on his amendment.

Voting in the affirmative, 30:

Avery	Fischer	Janssen	Mello	Schilz
Carlson	Flood	Karpisek	Nelson	Stuthman
Christensen	Fulton	Krist	Pankonin	Utter
Coash	Giese	Langemeier	Pirsch	Wallman
Cook	Hadley	Lautenbaugh	Price	White
Dubas	Heidemann	McCoy	Rogert	Wightman

Voting in the negative, 11:

Adams	Dierks	Harms	Nordquist
Ashford	Gay	Howard	Sullivan
Campbell	Hansen	Lathrop	

Present and not voting, 7:

Conrad	Council	Haar	McGill
Cornett	Gloor	Louden	

Excused and not voting, 1:

Pahls

The Coash amendment was adopted with 30 ayes, 11 nays, 7 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Pending.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 743. Placed on Select File.
LEGISLATIVE BILL 871. Placed on Select File.
LEGISLATIVE BILL 749. Placed on Select File.

(Signed) Jeremy Nordquist, Chairperson

COMMITTEE REPORTS

Government, Military and Veterans Affairs

LEGISLATIVE BILL 686. Placed on General File with amendment.
AM1598

1. Strike original section 4 and insert the following new section:

Sec. 4. Section 33-109, Reissue Revised Statutes of Nebraska, is amended to read:

33-109 (1) The register of deeds and the county clerk shall receive for recording a deed, mortgage, or release, recording and indexing of a will, recording and indexing of a decree in a testate estate, recording proof of publication, or recording any other instrument, a fee of ~~five dollars per page.~~ ten dollars for the first page and six dollars for each additional page. Two dollars and fifty cents of the ten-dollar fee for recording the first page and fifty cents of the six-dollar fee for recording each additional page shall be used exclusively for the purposes of preserving and maintaining public records of the office of the register of deeds and for modernization and technology needs relating to such records. The funds allocated under this subsection shall not be substituted for other allocations of county general funds to the register of deeds for the purposes enumerated in this subsection.

(2) The cost for a certified copy of any instrument filed or recorded in the office of county clerk or register of deeds shall be one dollar and fifty cents per page.

(Signed) Bill Avery, Chairperson

General Affairs

LEGISLATIVE RESOLUTION 277CA. Placed on General File.

(Signed) Russ Karpisek, Chairperson

Health and Human Services

LEGISLATIVE BILL 146. Indefinitely postponed.
LEGISLATIVE BILL 214. Indefinitely postponed.
LEGISLATIVE BILL 247. Indefinitely postponed.
LEGISLATIVE BILL 291. Indefinitely postponed.
LEGISLATIVE BILL 319. Indefinitely postponed.
LEGISLATIVE BILL 444. Indefinitely postponed.
LEGISLATIVE BILL 519. Indefinitely postponed.
LEGISLATIVE BILL 541. Indefinitely postponed.
LEGISLATIVE BILL 590. Indefinitely postponed.
LEGISLATIVE BILL 610. Indefinitely postponed.
LEGISLATIVE BILL 656. Indefinitely postponed.

LEGISLATIVE BILL 790. Indefinitely postponed.

(Signed) Tim Gay, Chairperson

MESSAGE FROM THE GOVERNOR

January 29, 2010

Mr. President, Speaker Flood and
Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Public Employees Retirement Board:

The Honorable Randall Rehmeier, 705 Wildwood Lane, Nebraska City, NE 68410

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 650A. Introduced by Christensen, 44.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 650, One Hundred First Legislature, Second Session, 2010.

RESOLUTIONS

LEGISLATIVE RESOLUTION 308. Introduced by Ashford, 20; Avery, 28; Conrad, 46; Cook, 13; Council, 11; Howard, 9; Lathrop, 12; Lautenbaugh, 18; McGill, 26; Mello, 5; Nordquist, 7; White, 8.

WHEREAS, Kathleen Munnelly Cavanaugh was born in Omaha, Nebraska, on October 13, 1919, and lived there all her life; and

WHEREAS, Kathleen Munnelly Cavanaugh and her husband, John J. Cavanaugh, raised six children, all of whom still reside in and contribute to the prosperity of the State of Nebraska; and

WHEREAS, Kathleen Munnelly Cavanaugh had a long and distinguished career in public service at the Omaha Housing Authority and the Eastern Nebraska Office on Aging; and

WHEREAS, Kathleen Munnelly Cavanaugh dedicated her public service career to helping individuals, especially the poor and the aged; and

WHEREAS, Kathleen Munnelly Cavanaugh was one of the main organizers of the first White House Conference on Aging in 1977; and

WHEREAS, Kathleen Munnelly Cavanaugh had a son and a brother who served in the Nebraska Unicameral Legislature; and

WHEREAS, Kathleen Munnelly Cavanaugh also inspired the public service careers of her husband, her brothers, and her children on the local, state, and national levels; and

WHEREAS, Kathleen Munnelly Cavanaugh lived a rich, simple, and productive life dedicated to faith, family, and friends; and

WHEREAS, Kathleen Munnelly Cavanaugh, by her example and her countless deeds of individual kindness, immeasurably enriched the tradition of the nobility of public service and the necessity of civic involvement in Nebraska life; and

WHEREAS, Kathleen Munnelly Cavanaugh quietly and peacefully passed away at the age of ninety on October 29, 2009.

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

1. That the Legislature extends its condolences to the family of Kathleen Munnelly Cavanaugh.

2. That a copy of this resolution be sent to the family of Kathleen Munnelly Cavanaugh.

Laid over.

LEGISLATIVE RESOLUTION 309. Introduced by Coash, 27.

WHEREAS, Ryan Mahoney, a teacher at Southwest High School in Lincoln, Nebraska, is a recipient of the 2009 Milken Family Foundation National Educator Award; and

WHEREAS, the Milken Family Foundation National Educator Award is the largest teacher recognition program in the United States, annually honoring K-12 teachers, principals, and specialists across America; and

WHEREAS, the criteria for selection include: Exceptional educational talent as evidenced by effective instructional practices and student learning results in the classroom; exemplary educational accomplishments beyond the classroom that provide models of excellence for the profession; strong long-range potential for professional and policy leadership; and an engaging and inspiring presence that motivates and impacts students, colleagues, and the community.

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

1. That the Legislature congratulates Ryan Mahoney for receiving a 2009 Milken Family Foundation National Educator Award.

2. That a copy of this resolution be sent to Ryan Mahoney.

Laid over.

AMENDMENT - Print in Journal

Senator Avery filed the following amendment to LB200:

AM1708

1. On page 2, strike beginning with "A" in line 3 through "(2)" in line 6; in lines 6 and 21 strike "(3)" and insert "(2)"; in lines 7 and 23 strike "(4)" and insert "(3)"; and in lines 22 and 24 strike "(2)" and insert "(1)".

2. On page 3, strike beginning with "(5)" in line 4 through "enforcement" in line 5 and insert "(4) Enforcement"; strike lines 9 through 13; and in line 14 strike "(7)" and insert "(5)" and strike "(2)" and insert "(1)".

UNANIMOUS CONSENT - Add Cointroducers

Senator McCoy asked unanimous consent to add his name as cointroducer to LB88, LB762, and LB966. No objections. So ordered.

Senator Lathrop asked unanimous consent to add his name as cointroducer to LB571. No objections. So ordered.

Senator Langemeier asked unanimous consent to add his name as cointroducer to LB696, LB751, and LB912. No objections. So ordered.

Senator Fischer asked unanimous consent to add her name as cointroducer to LB697. No objections. So ordered.

Senator Pirsch asked unanimous consent to add his name as cointroducer to LB752, LB890, LB891, and LB892. No objections. So ordered.

Senator Avery asked unanimous consent to add his name as cointroducer to LB826. No objections. So ordered.

Senators Coash and Krist asked unanimous consent to add their names as cointroducers to LB1103. No objections. So ordered.

VISITOR

The Doctor of the Day was Dr. David J. Hoelting from Pender.

ADJOURNMENT

At 12:01 p.m., on a motion by Speaker Flood, the Legislature adjourned until 9:00 a.m., Wednesday, February 3, 2010.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

NINETEENTH DAY - FEBRUARY 3, 2010

LEGISLATIVE JOURNAL

ONE HUNDRED FIRST LEGISLATURE
SECOND SESSION

NINETEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 3, 2010

PRAYER

The prayer was offered by Senator Carlson.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Langemeier presiding.

The roll was called and all members were present except Senator Pahls who was excused; and Senators Ashford, Conrad, Cornett, Gloor, Haar, Hansen, Louden, and Sullivan who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eighteenth day was approved.

COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 816. Placed on Select File with amendment.
ER8155
1 1. On page 2, line 1, strike the first comma; and
2 in line 5 after the first semicolon insert "to delete obsolete
3 provisions;".
4 2. On page 21, lines 8 and 11, after "distributor" insert
5 an underscored comma.
6 3. On page 40, line 17, after "seq." insert an
7 underscored comma.
8 4. On page 56, line 4, after the comma insert "or".
9 5. On page 77, line 22, strike ", his", show as stricken,
10 and insert "and the defendant's".
11 6. On page 79, line 7; and page 105, line 15, strike the
12 last comma and show as stricken.
13 7. On page 80, line 17, strike the comma and show as
14 stricken.
15 8. On page 85, line 19, after "metal" insert an

underscored comma.

9. On page 103, line 25, strike the semicolon and insert an underscored colon.

LEGISLATIVE BILL 788. Placed on Select File.

(Signed) Jeremy Nordquist, Chairperson

NOTICE OF COMMITTEE HEARINGS

Judiciary

Room 1113

Wednesday, February 10, 2010 1:30 p.m.

LB795
LB880
LB881
LB868
LB1102
LB874

Thursday, February 11, 2010 1:30 p.m.

LB1094
LB901
LB936
LB876
LB835

(Signed) Brad Ashford, Chairperson

Government, Military and Veterans Affairs

Room 1507

Wednesday, February 10, 2010 1:30 p.m.

LB1015
LB718
LB1059

Thursday, February 11, 2010 1:30 p.m.

LB1009
LB970
LB1039
LB767
LB947

(Signed) Bill Avery, Chairperson

GENERAL FILE

LEGISLATIVE BILL 650A. Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 8 present and not voting, and 9 excused and not voting.

WITHDRAW - Amendment to LB190

Senator Avery withdrew his amendment, AM1677, found on page 388, to LB190.

MOTION - Return LB190 to Select File

Senator Avery moved to return LB190 to Select File for his specific amendment, AM1715, found on page 416.

The Avery motion to return prevailed with 43 ayes, 0 nays, 4 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 190. The Avery specific amendment, AM1715, found on page 416, was adopted with 37 ayes, 2 nays, 8 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

NOTICE OF COMMITTEE HEARINGS

Health and Human Services

Room 1510

Wednesday, February 10, 2010 1:30 p.m.

Nancy Oltman - Commission for the Blind and Visually Impaired
Darrell Walla - Commission for the Blind and Visually Impaired

LB858
LB1036
LB1022
LB1067

(Signed) Tim Gay, Chairperson

Transportation and Telecommunications

Room 2102

Friday, February 19, 2010 1:00 p.m.

Barbara Keegan - Board of Public Roads Classifications and Standards
Randall Peters - Board of Public Roads Classifications and Standards
James Daws - Board of Public Roads Classifications and Standards
James Litchfield - Board of Public Roads Classifications and Standards

(Signed) Deb Fischer, Chairperson

COMMITTEE REPORTS
Transportation and Telecommunications

LEGISLATIVE BILL 723. Placed on General File.
LEGISLATIVE BILL 787. Placed on General File.
LEGISLATIVE BILL 914. Placed on General File.

(Signed) Deb Fischer, Chairperson

Executive Board

LEGISLATIVE BILL 685. Placed on General File.

LEGISLATIVE BILL 770. Placed on General File with amendment.
AM1714

1. Insert the following new section:

Sec. 3. Section 49-617, Revised Statutes Cumulative Supplement, 2008, is amended to read:

49-617 The Revisor of Statutes shall cause the statutes to be printed. The printer shall deliver all completed copies to the Supreme Court. These copies shall be held and disposed of by the court as follows: Sixty copies to the State Library to exchange for statutes of other states; five copies to the State Library to keep for daily use; not to exceed twenty-five copies to the Legislative Council for bill drafting and related services to the Legislature and executive state officers; as many copies to the Attorney General as he or she has attorneys on his or her staff; as many copies to the Commission on Public Advocacy as it has attorneys on its staff; up to sixteen copies to the State Court Administrator; thirteen copies to the Tax Commissioner; eight copies to the Nebraska Publications Clearinghouse; six copies to the Public Service Commission; four copies to the Secretary of State; four copies to the Tax Equalization and Review Commission; four copies to the Clerk of the Legislature for use in his or her office and three copies to be maintained in the legislative chamber, one copy on each side of the chamber and one copy at

the desk of the Clerk of the Legislature, under control of the sergeant at arms; ~~three copies to the Auditor of Public Accounts;~~ three copies to the Department of Health and Human Services; two copies each to the Governor of the state, the Chief Justice and each judge of the Supreme Court, each judge of the Court of Appeals, the Clerk of the Supreme Court, the Reporter of the Supreme Court and Court of Appeals, the Commissioner of Labor, the Auditor of Public Accounts, and the Revisor of Statutes; one copy each to the Secretary of State of the United States, each Indian tribal court located in the State of Nebraska, the library of the Supreme Court of the United States, the Adjutant General, the Air National Guard, the Commissioner of Education, the State Treasurer, the Board of Educational Lands and Funds, the Director of Agriculture, the Director of Administrative Services, the Director of Aeronautics, the Director of Economic Development, the director of the Nebraska Public Employees Retirement ~~Board,~~ Systems, the Director-State Engineer, the Director of Banking and Finance, the Director of Insurance, the Director of Motor Vehicles, the Director of Veterans' Affairs, the Director of Natural Resources, the Director of Correctional Services, the Nebraska Emergency Operating Center, each judge of the Nebraska Workers' Compensation Court, each commissioner of the Commission of Industrial Relations, the Nebraska Liquor Control Commission, the State Real Estate Commission, the secretary of the Game and Parks Commission, the Board of Pardons, each state institution under the Department of Health and Human Services, each state institution under the State Department of Education, the State Surveyor, the Nebraska State Patrol, the materiel division of the Department of Administrative Services, the personnel division of the Department of Administrative Services, the Nebraska Motor Vehicle Industry Licensing Board, the Board of Trustees of the Nebraska State Colleges, each of the Nebraska state colleges, each district judge of the State of Nebraska, each judge of the county court, each judge of a separate juvenile court, the Lieutenant Governor, each United States Senator from Nebraska, each United States Representative from Nebraska, each clerk of the district court for the use of the district court, the clerk of the Nebraska Workers' Compensation Court, each clerk of the county court, each county attorney, each county public defender, each county law library, and the inmate library at all state penal and correctional institutions, and each member of the Legislature shall be entitled to two complete sets, and two complete sets of such volumes as are necessary to update previously issued volumes, but each member of the Legislature and each judge of any court referred to in this section shall be entitled, on request, to an additional complete set. Copies of the statutes distributed without charge, as listed in this section, shall be the property of the state or governmental subdivision of the state and not the personal property of the particular person receiving a copy. Distribution of statutes to the

library of the College of Law of the University of Nebraska shall be as provided in sections 85-176 and 85-177.

2. On page 2, line 25, after "Nebraska" insert ", and section 49-617, Revised Statutes Cumulative Supplement, 2008".

3. Renumber the remaining sections accordingly.

(Signed) John Wightman, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 888. Placed on General File.
LEGISLATIVE BILL 912. Placed on General File.

(Signed) Pete Pirsch, Vice Chairperson

GENERAL FILE

LEGISLATIVE BILL 200. Senator Janssen offered the following motion:
MO77
Reconsider the vote on FA60.

SPEAKER FLOOD PRESIDING

SENATOR LANGEMEIER PRESIDING

Senator Schilz moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

Senator Janssen moved for a call of the house. The motion prevailed with 39 ayes, 0 nays, and 10 not voting.

Senator Janssen requested a roll call vote on his motion to reconsider.

Voting in the affirmative, 42:

Adams	Dubas	Harms	McCoy	Schilz
Campbell	Fischer	Heidemann	McGill	Stuthman
Carlson	Flood	Howard	Mello	Sullivan
Christensen	Fulton	Janssen	Nelson	Utter
Coash	Gay	Karpisek	Nordquist	White
Conrad	Giese	Krist	Pankonin	Wightman
Cook	Gloor	Langemeier	Pirsch	
Council	Hadley	Lautenbaugh	Price	
Dierks	Hansen	Louden	Rogert	

Voting in the negative, 2:

Ashford	Avery

Present and not voting, 4:

Cornett Haar Lathrop Wallman

Excused and not voting, 1:

Pahls

The Janssen motion to reconsider prevailed with 42 ayes, 2 nays, 4 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Senator McCoy offered the following motion:
MO78
Bracket until February 9, 2010.

The McCoy motion to bracket prevailed with 34 ayes, 0 nays, 9 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 705. Title read. Considered.

Senator Pirsch offered the following amendment:
AM1729

1. Insert the following new sections:

Section 1. Section 60-3,122, Revised Statutes Supplement, 2009, is amended to read:

60-3,122 (1) Any person may, in addition to the application required by section 60-385, apply to the department for license plates designed by the department to indicate that he or she is a survivor of the Japanese attack on Pearl Harbor if he or she:

(a) Was a member of the United States Armed Forces on December 7, 1941;

(b) Was on station on December 7, 1941, during the hours of 7:55 a.m. to 9:45 a.m. Hawaii time at Pearl Harbor, the island of Oahu, or offshore at a distance not to exceed three miles;

(c) Was discharged or otherwise separated with a characterization of honorable from the United States Armed Forces; and

(d) Holds a current membership in a Nebraska Chapter of the Pearl Harbor Survivors Association.

(2) The license plates shall be issued upon the applicant paying the regular license fee and an additional fee of five dollars and furnishing proof satisfactory to the department that the applicant fulfills the requirements provided by subsection (1) of this section. The additional fee shall be remitted to the State Treasurer for credit to the Nebraska Veteran Cemetery System

Operation Fund. ~~Only one motor vehicle, trailer, semitrailer, or cabin trailer owned by the applicant shall be so licensed at any one time.~~ Any number of motor vehicles, trailers, semitrailers, or cabin trailers owned by the applicant may be so licensed at any one time. Motor vehicles and trailers registered under section 60-3,198 shall not be so licensed.

(3) If the license plates issued pursuant to this section are lost, stolen, or mutilated, the recipient of the plates shall be issued replacement license plates upon request and without charge.

Sec. 2. Section 60-3,123, Revised Statutes Supplement, 2009, is amended to read:

60-3,123 (1) Any person who was captured and incarcerated by an enemy of the United States during a period of conflict with such enemy and who was discharged or otherwise separated with a characterization of honorable from or is currently serving in the United States Armed Forces may, in addition to the application required in section 60-385, apply to the department for license plates designed to indicate that he or she is a former prisoner of war.

(2) The license plates shall be issued upon the applicant paying the regular license fee and an additional fee of five dollars and furnishing proof satisfactory to the department that the applicant was formerly a prisoner of war. The additional fee shall be remitted to the State Treasurer for credit to the Nebraska Veteran Cemetery System Operation Fund. ~~Only one motor vehicle, trailer, semitrailer, or cabin trailer owned by an applicant shall be so licensed at any one time.~~ Any number of motor vehicles, trailers, semitrailers, or cabin trailers owned by the applicant may be so licensed at any one time. Motor vehicles and trailers registered under section 60-3,198 shall not be so licensed.

(3) If the license plates issued under this section are lost, stolen, or mutilated, the recipient of the license plates shall be issued replacement license plates upon request and without charge.

2. On page 3, line 3, strike "section 60-3,124" and insert "sections 60-3,122, 60-3,123, and 60-3,124"; and in line 4 strike "is" and insert "are".

3. Renumber the remaining sections accordingly.

SENATOR CARLSON PRESIDING

The Pirsch amendment was adopted with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 6 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 725. Title read. Considered.

Committee AM1630, found on page 376, was considered.

Pending.

RESOLUTIONS

LEGISLATIVE RESOLUTION 310. Introduced by Krist, 10; Avery, 28; Coash, 27; Conrad, 46; Fulton, 29; Giese, 17; Haar, 21; Hadley, 37; Janssen, 15; Karpisek, 32; McGill, 26; Price, 3; Sullivan, 41.

WHEREAS, the 155th Air Refueling Wing of the Nebraska Air National Guard distinguished itself as an Air Force Outstanding Unit through exceptionally meritorious service during the period of July 1, 2007, through June 30, 2009; and

WHEREAS, during this same period, the unit distinguished itself by successfully employing its mobilized and volunteer-unit members in support of homeland defense, Operations Noble Eagle, Enduring Freedom, and Iraqi Freedom, and a host of expeditionary combat-support deployments; and

WHEREAS, the unit's personnel and assigned Stratotanker aircraft performed brilliantly in the execution of worldwide missions of vital importance to our strategic national interests and excelled in operational readiness, flying and ground safety, energy conservation, environmental protection, community involvement, and compliance inspections; and

WHEREAS, the unit flew more than five thousand seven hundred hours of operational training with over one thousand two hundred hours of combat or combat-support missions; and

WHEREAS, fifty-eight aircrew members were recognized with Flying Hour Safety Award milestones by the AMC Safety Center, and the unit has accumulated over one hundred fifteen thousand Class A/B mishap-free flying hours while performing global combat, combat support, and training missions; and

WHEREAS, the unit maintained a 95.9% retention rate and 104% unit strength; and

WHEREAS, the unit received the Air National Guard Director's Challenge Award for exceeding 120% of individual recruiting goals in fiscal year 2008; and

WHEREAS, the unit received inspection ratings of Excellent, Outstanding, 100% Compliance, Best Seen to Date, and Best and was validated well above the bar for Mission Readiness; and

WHEREAS, the unit continued its history of outstanding community service by providing orientation flights for over five hundred community leaders, hosting events for more than one thousand American Legion Boys and Girls State participants, providing aerospace instruction to more than two thousand at risk fifth-grade students through STARBASE Nebraska, holding community blood drives, supporting the 2008 National Veterans Wheelchair Games, and being recognized as the largest regional contributor

to the Combined Federal Campaign and for increasing participation in the campaign by 50%; and

WHEREAS, sections and individual unit members have been recognized for superior achievement, including 2008 Air National Guard Comptroller Organization of the Year, 2007 Kenneth W. Disney Award, Air National Guard Best Food Services Program, thirty-eight Nebraska National Guard Emergency Service awards for support of Hurricane Gustav, Public Affairs writing awards, and the Air National Guard Chief of Staff Team Spirit Excellence Award.

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

1. That the Legislature hereby congratulates and extends its appreciation to the men and women of the 155th Air Refueling Wing of the Nebraska Air National Guard on earning their tenth Air Force Outstanding Unit Award and thanks them for their excellent service to this state and nation.

2. That a copy of this resolution be sent to the Adjutant General of the Nebraska National Guard, Brigadier General Judd H. Lyons.

Laid over.

LEGISLATIVE RESOLUTION 311. Introduced by Flood, 19.

WHEREAS, the NEBRASKAland Foundation, on Saturday, February 27, 2010, at the annual Statehood Day Dinner held in the Nebraska State Capitol, will present the Distinguished NEBRASKAlander Award, along with the Wagonmaster, Trailblazer, and Pioneer Awards; and

WHEREAS, the Wagonmaster Award is presented to Dick Mercer, a resident of Kearney who has a distinguished career as a progressive farmer, cattleman, and steward of our soil and water resources. He has served as chairman of the Central Platte Natural Resources District, as a longtime natural resources district board member, as president of the Nebraska Livestock Feeders, and as a member of the Nebraska Environmental Trust Board. He has received various awards including the Farm Family of the Year, Nebraska Cattleman of the Year, Knights of Ak-Sar-Ben Court of Honor, and the Public Service to Agriculture Award; and

WHEREAS, the Pioneer Award is presented to Maxine Moul, a resident of Lincoln who was recently appointed by President Barack Obama to serve as the Nebraska State Director of the United States Department of Agriculture Rural Development. Maxine has founded a printing and publishing firm in Syracuse, served as Lieutenant Governor under former Governor Ben Nelson from 1991-93, directed the Department of Economic Development from 1993-99, served as chief executive officer of the Nebraska Community Foundation, and served as coordinator of EndowNebraska; and

WHEREAS, the Trailblazer Award is presented to Dick Davis, a resident of Omaha who has distinguished himself as an athlete, school administrator, businessman, entrepreneur, and education advocate. Following his National Football League playing days, he was an Omaha Public Schools

administrator, an executive with Northern Plains Natural Gas Company, and currently is chief executive officer of Davis Companies; and

WHEREAS, the Distinguished NEBRASKAlander Award is presented to Dick Holland, a resident of Omaha whose philanthropic actions have forever changed the way of life in Omaha and the state. The focus of his giving, and before her death, the focus of his wife Mary's giving, as well, is on children and the arts. The generous giving of the Hollands has resulted in the Holland Performing Arts Center, the Holland Computing Center at the Peter Kiewit Institute, an expansion to the Child Saving Institute, and most recently, the Building Bright Futures Educational Initiative.

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

1. That the Legislature extends its appreciation to the honorees for their service to the State of Nebraska.

2. That a copy of this resolution be given to all honorees.

Laid over.

REFERENCE COMMITTEE REPORT

The Executive Board submits the following report:

Rehmeier, Randall - Public Employees Retirement Board - Nebraska Retirement Systems

(Signed) John Wightman, Chairperson
Executive Board

COMMITTEE REPORTS

Transportation and Telecommunications

LEGISLATIVE BILL 735. Placed on General File with amendment.
AM1747

1. On page 2, strike lines 8 through 11 and insert "(2) Law enforcement agency means a police department, a town marshal, the office of sheriff, and the Nebraska State Patrol;".

2. On page 3, strike beginning with "in" in line 1 through "and" in line 2 and insert "at the request of a law enforcement agency"; and in line 5 before the period insert "while acting at the request of a law enforcement agency".

LEGISLATIVE BILL 821. Placed on General File with amendment.
AM1741

1. On page 2, line 11, strike "and maintenance" and after "system" insert "asset".

(Signed) Deb Fischer, Chairperson

AMENDMENTS - Print in Journal

Senator Lathrop filed the following amendment to LB200:
FA61
Amend AM1720
On page 2, line 7 strike "one" and insert "five".

Senator Lathrop filed the following amendment to LB200:
FA62
Amend AM1720
Add page 3, line 20 after "demand" it shall be a class three misdemeanor to operate a motorcycle without the policy coverages provided for herein.

Senator Lathrop filed the following amendment to LB200:
FA63
Amend AM1720
Strike section 4 paragraph (4) page 6 line 26 through page 7 line 3.

Senator Avery filed the following amendment to LB200:
AM1750

(Amendments to AM1720)

1. On page 6, strike beginning with "A" in line 6 through "(2)" in line 9; in lines 9 and 24 strike "(3)" and insert "(2)"; in line 25 strike "(2)" and insert "(1)"; and strike beginning with "(4)" in line 26 through "enforcement" in line 27 and insert "(3) Enforcement".

2. On page 7, strike lines 4 through 8; in line 9 strike "(6)" and insert "(4)" and strike "(5)" and insert "(3)"; and in line 11 strike "(7)" and insert "(5)".

UNANIMOUS CONSENT - Add Cointroducers

Senator Price asked unanimous consent to add his name as cointroducer to LB865. No objections. So ordered.

Senator Schilz asked unanimous consent to add his name as cointroducer to LB1103. No objections. So ordered.

Senator Gloor asked unanimous consent to add his name as cointroducer to LR310. No objections. So ordered.

VISITORS

Visitors to the Chamber were Suzanne Kemp and John Maag from Lincoln; Mike McCabe from Lombard, Illinois; 18 twelfth-grade students, teacher, and sponsors from Hartington; Roger Brede from Long Pine and Dale Caskey from Bassett; members of Scottsbluff/Gering United Chamber, Leadership Scotts Bluff from Scottsbluff and Gering, and Leadership Box

Butte from Alliance; and scout members of Cornhusker, Mid-America, and Overland Trails Councils and sponsors from across the state.

The Doctor of the Day was Dr. Bob Ranner from Lincoln.

ADJOURNMENT

At 11:59 a.m., on a motion by Speaker Flood, the Legislature adjourned until 9:00 a.m., Thursday, February 4, 2010.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

TWENTIETH DAY - FEBRUARY 4, 2010

LEGISLATIVE JOURNAL

ONE HUNDRED FIRST LEGISLATURE
SECOND SESSION

TWENTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 4, 2010

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 Senator Pahls who was excused; and Senators Gay, Louden, and Price who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the nineteenth day was approved.

COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 650A. Placed on Select File.

LEGISLATIVE BILL 705. Placed on Select File with amendment.
ER8156

1. On page 1, strike beginning with "section" in line 1 through line 4 and insert "sections 60-3,122, 60-3,123, and 60-3,124, Revised Statutes Supplement, 2009; to remove a limitation on issuance of Pearl Harbor, prisoner-of-war, and disabled veteran license plates as prescribed; and to repeal the original sections.".

(Signed) Jeremy Nordquist, Chairperson

COMMITTEE REPORT

Banking, Commerce and Insurance

LEGISLATIVE BILL 730. Placed on General File with amendment.
AM1749

1. On page 3, after line 17, insert the following new subsection:

"(8) This section provides the exclusive remedy by which a person seeking to enforce a judgment against a member or transferee may, in the capacity of judgment creditor, satisfy the judgment from the judgment debtor's transferable interest."; and strike lines 18 through 25 and show the old matter as stricken.

2. On page 4, strike lines 1 through 12 and show the old matter as stricken.

(Signed) Pete Pirsch, Vice Chairperson

MESSAGE FROM THE GOVERNOR

February 1, 2010

Mr. President, Speaker Flood
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individuals are being appointed to the Crime Victim's Reparations Committee:

Candice Batton, 18633 Midway Road, Walton, NE 68461
Brenda Smith, 3310 North 147th Ct., #2309, Omaha, NE 68107

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

GENERAL FILE

LEGISLATIVE BILL 725. Committee AM1630, found on page 376 and considered on page 437, was renewed.

The committee amendment was adopted with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 5 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 762. Title read. Considered.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 708. Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 806. Title read. Considered.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 873. Title read. Considered.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 11 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 667. Title read. Considered.

Committee AM1575, found on page 385, was adopted with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 711. Title read. Considered.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 190. Placed on Final Reading.
ST9070
The following changes, required to be reported for publication in the Journal, have been made:

1. In the E & R amendments, ER8149:

a. On page 1, line 5, "5" has been struck and "6" inserted; and

b. On page 6, line 7, ", and section 59-1608.04, Revised Statutes Cumulative Supplement, 2008, as amended by section 34, Legislative Bill 3, One Hundred First Legislature, First Special Session, 2009; to change and eliminate definitions" has been inserted after "Nebraska"; in line 8 "and individuals released on probation; to require such individuals to pay the costs of such collection" has been inserted after "offenses"; and in line 9 "to provide for transfers from the State Settlement Cash Fund;" has been inserted after the second semicolon.

(Signed) Jeremy Nordquist, Chairperson

NOTICE OF COMMITTEE HEARINGS
Government, Military and Veterans Affairs

Room 1507

Wednesday, February 17, 2010 1:30 p.m.

LR300CA
LR301CA
LR279CA

Friday, February 19, 2010 1:30 p.m.

LR292
LR273

Wednesday, February 24, 2010 1:30 p.m.

LB777
LB852
LB1003

(Signed) Bill Avery, Chairperson

Health and Human Services

Room 1510

Thursday, February 11, 2010 1:30 p.m.

LB992
LB940

(Signed) Tim Gay, Chairperson

COMMITTEE REPORTS

Education

LEGISLATIVE BILL 713. Placed on General File with amendment.
AM1687

1. Insert the following new section:

Sec. 4. Section 79-252, Reissue Revised Statutes of Nebraska, is amended to read:

79-252 ~~The~~ In lieu of conducting the inspections required by section 79-248, the board of education or school board of any school district may employ regularly licensed physicians to make ~~physical examinations or inspections in lieu of school health inspections required by section 79-248.~~ such inspections.

2. On page 2, strike beginning with "No" in line 19 through line 25, show as stricken, and insert "A child shall not be required to submit to an inspection required by this section if his or her parent or guardian provides school authorities with a statement signed by a physician, a physician assistant, or an advanced practice registered nurse practicing under and in accordance with his or her respective credentialing act, stating that such child has undergone such required inspection within the past six months. A child shall submit to any required inspection for which such a statement is not received.".

3. Renumber the remaining section and amend the repealer accordingly.

(Signed) Greg Adams, Chairperson

Judiciary

LEGISLATIVE BILL 252. Placed on General File with amendment.
AM1761

1. Strike the original sections and insert the following new sections:

Section 1. Section 28-101, Revised Statutes Supplement, 2009, is amended to read:

28-101 Sections 28-101 to 28-1356 and section 2 of this act shall be known and may be cited as the Nebraska Criminal Code.

Sec. 2. (1) No person shall knowingly or intentionally own or possess animal fighting paraphernalia with the intent to commit a violation of section 28-1005.

(2)(a) For purposes of this section, except as provided in subdivision (b) of this subsection, animal fighting paraphernalia means equipment, products, and materials of any kind that are used, intended for use, or designed for use in the training, preparation, conditioning, or furtherance of the pitting of an animal against another as defined in section 28-1004. Animal fighting paraphernalia includes, but is not limited to, the following:

(i) A breaking stick, which means a device designed for insertion behind the molars of a dog for the purpose of breaking the dog's grip on another animal or object;

(ii) A cat mill, which means a device that rotates around a central support with one arm designed to secure a dog and one arm designed to secure a cat, rabbit, or other small animal beyond the grasp of the dog;

(iii) A treadmill, jenni, or hot walker, which means an exercise device consisting of an endless belt on which the animal walks or runs without changing place;

(iv) A fighting pit, which means a walled area designed to contain an animal fight;

(v) A springpole, which means a biting surface attached to a stretchable device, suspended at a height sufficient to prevent a dog from reaching the biting surface while touching the ground;

(vi) Unprescribed veterinary medicine that is a controlled substance as defined in section 28-401;

(vii) A heel, which means any edged or pointed instrument designed to be attached to the leg of a fowl or other animal;

(viii) A boxing glove or muff, which means a fitted protective covering for the spurs of a fowl; and

(ix) Any other instrument commonly used in the furtherance of pitting an animal against another.

(b) Animal fighting paraphernalia does not include equipment, products, or materials of any kind used by a veterinarian licensed to practice veterinary medicine and surgery in this state.

(3) Any person violating subsection (1) of this section is guilty of a Class I misdemeanor.

Sec. 3. Section 28-1006, Reissue Revised Statutes of Nebraska, is amended to read:

28-1006 (1) It shall be the duty of the sheriff, a police officer, or the Nebraska State Patrol to make prompt investigation of and arrest for any violation of section 28-1005 or section 2 of this act.

(2) Any animal, equipment, device, or other property or things involved in any violation of section 28-1005 or section 2

of this act shall be subject to seizure, and disposition may be made in accordance with the method of disposition directed for contraband in section 29-820.

(3) Any animal involved in any violation of section 28-1005 or section 2 of this act shall be subject to seizure. Distribution or disposition may be made in such manner as the court may direct. The court may give preference to adoption alternatives through humane societies or comparable institutions and to the protection of such animal's welfare. For a humane society or comparable institution to be considered as an adoption alternative under this subsection, it must first be licensed by the Department of Agriculture as having passed the inspection requirements in the Commercial Dog and Cat Operator Inspection Act and paid the fee for inspection under the act. The court may prohibit an adopting or purchasing party from selling such animal for a period not to exceed one year.

(4) In addition to any other sentence given for a violation of section 28-1005 or section 2 of this act, the sentencing court may order the defendant to reimburse a public or private agency for expenses incurred in conjunction with the care, impoundment, or disposal, including adoption, of an animal involved in the violation of ~~such~~ section 28-1005 or section 2 of this act. Whenever the court believes that such reimbursement may be a proper sentence or the prosecuting attorney requests, the court shall order that the presentence investigation report include documentation regarding the nature and amount of the expenses incurred. The court may order that reimbursement be made immediately, in specified installments, or within a specified period of time, not to exceed five years after the date of judgment.

Sec. 4. Section 28-1007, Reissue Revised Statutes of Nebraska, is amended to read:

28-1007 Sections 28-1004 to 28-1006 and section 2 of this act shall not be construed to amend or in any manner change the authority of the Game and Parks Commission under the Game Law, to prohibit any conduct authorized or permitted in the Game Law, or to prohibit the training of ~~dogs~~ animals for any purpose not prohibited by law.

Sec. 5. Section 28-1019, Reissue Revised Statutes of Nebraska, is amended to read:

28-1019 (1)(a) If a person is convicted of a Class IV felony under section 28-1005 or 28-1009, the sentencing court shall order such person not to own, possess, or reside with any animal for at least five years after the date of conviction, but such time restriction shall not exceed fifteen years. Any person violating such court order shall be guilty of a Class I misdemeanor.

(b) If a person is convicted of a Class I misdemeanor under subdivision (2)(a) of section 28-1009 or section 2 of this act or a Class III misdemeanor under section 28-1010, the

sentencing court may order such person not to own, possess, or reside with any animal after the date of conviction, but such time restriction, if any, shall not exceed five years. Any person violating such court order shall be guilty of a Class IV misdemeanor.

(c) Any animal involved in a violation of a court order under subdivision (a) or (b) of this subsection shall be subject to seizure by law enforcement.

(2) This section shall not apply to any person convicted under section 28-1005 or 28-1009 <u>or section 2 of this act</u> if a licensed physician confirms in writing that ownership or possession of or residence with an animal is essential to the health of such person.

Sec. 6. Original sections 28-1006, 28-1007, and 28-1019, Reissue Revised Statutes of Nebraska, and section 28-101, Revised Statutes Supplement, 2009, are repealed.

(Signed) Brad Ashford, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 312. Introduced by Pirsch, 4.

WHEREAS, local fundraising efforts are being held to provide assistance to the earthquake victims in Haiti; and

WHEREAS, St. Vincent de Paul Catholic School in Omaha is allowing students to dress down for a day if they make a donation, with all funds to be donated to the American Red Cross; and

WHEREAS, the Legislature recognizes the importance of Nebraska's local fundraising efforts to help the people of Haiti.

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

1. That the Legislature commends St. Vincent de Paul Catholic School for its fundraising efforts to provide assistance to the earthquake victims in Haiti.

2. That a copy of this resolution be sent to St. Vincent de Paul Catholic School.

Laid over.

REFERENCE COMMITTEE REPORT

The Executive Board submits the following report:

Batton, Candice - Crime Victim's Reparations Committee - Judiciary
Smith, Brenda - Crime Victim's Reparations Committee - Judiciary

(Signed) John Wightman, Chairperson
Executive Board

MOTION - Print in Journal

Senator Hadley filed the following motion to LB946:
MO79
Withdraw bill.

GENERAL FILE

LEGISLATIVE BILL 797. Title read. Considered.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 832. Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 911. Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 867. Title read. Considered.

Committee AM1638, found on page 399, was considered.

Pending.

COMMITTEE REPORT
Agriculture

LEGISLATIVE BILL 865. Placed on General File with amendment.
AM1739

1. On page 2, strike beginning with "conducted" in line 23 through "request" in line 25.

2. On page 6, line 7, strike "2003" and insert "2010"; in line 15, strike "and"; in line 16 strike the period and insert "; and"; and after line 16 insert

"(7) Commonly accepted practices occurring in conjunction with sanctioned rodeos and animal racing and pulling contests.".

3. On page 8, line 12, strike "(5)" and insert "(6)".

4. On page 13, line 23, strike "2003", show as stricken, and insert "2010".

5. On page 14, strike lines 1 and 2 and show as stricken; in line 3 strike "(6)", show as stricken, and insert "(5)"; in

line 11 strike "(7)" and insert "(6)"; in line 16 strike "(8)" and insert "(7)"; and in line 19 strike "(9)" and insert "(8)".

(Signed) Tom Carlson, Chairperson

UNANIMOUS CONSENT - Add Cointroducers

Senator Hadley asked unanimous consent to add his name as cointroducer to LB1053. No objections. So ordered.

Senator Coash asked unanimous consent to add his name as cointroducer to LB1068 and LB1073. No objections. So ordered.

Senators Heidemann and Utter asked unanimous consent to add their names as cointroducers to LB1103. No objections. So ordered.

WITHDRAW - Cointroducer

Senator Janssen withdrew his name as cointroducer to LB836.

VISITORS

Visitors to the Chamber were 18 students and sponsors from Rising City; and members of UNL Leadership Groups from across the state.

ADJOURNMENT

At 11:14 a.m., on a motion by Senator Hansen, the Legislature adjourned until 10:00 a.m., Friday, February 5, 2010.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

TWENTY-FIRST DAY - FEBRUARY 5, 2010

LEGISLATIVE JOURNAL

ONE HUNDRED FIRST LEGISLATURE
SECOND SESSION

TWENTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Friday, February 5, 2010

PRAYER

The prayer was offered by Senator Heidemann.

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 Council, Krist, and Pahls who were excused; and Senator McGill who was excused until she arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the twentieth day was approved.

COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 725. Placed on Select File with amendment.
ER8158

1. On page 1, line 1, strike "motor carriers" and insert "agricultural vehicles"; in line 2 after "Nebraska" insert ", and section 60-363, Revised Statutes Cumulative Supplement, 2008; to change provisions relating to fertilizer trailer registration certificates".

2. On page 17, line 24, strike "(7)", show as stricken, and insert "(8)".

LEGISLATIVE BILL 762. Placed on Select File.
LEGISLATIVE BILL 708. Placed on Select File.
LEGISLATIVE BILL 806. Placed on Select File.
LEGISLATIVE BILL 873. Placed on Select File.

LEGISLATIVE BILL 667. Placed on Select File with amendment.
ER8157
1. In the Standing Committee amendments, AM1575, on page 2, line 14, strike "subsection" and insert "subdivision".

LEGISLATIVE BILL 711. Placed on Select File.
LEGISLATIVE BILL 797. Placed on Select File.
LEGISLATIVE BILL 832. Placed on Select File.
LEGISLATIVE BILL 911. Placed on Select File.

(Signed) Jeremy Nordquist, Chairperson

COMMITTEE REPORTS

Government, Military and Veterans Affairs

LEGISLATIVE BILL 768. Placed on General File.
LEGISLATIVE BILL 850. Placed on General File.

The Government, Military and Veterans Affairs 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.

Reynold McMeen - State Emergency Response Commission

Aye: 7 Senators Avery, Giese, Janssen, Karpisek, Krist, Price, Sullivan. Nay: 0. Absent: 1 Senator Pahls.

(Signed) Bill Avery, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 313. Introduced by McCoy, 39.

WHEREAS, the Boy Scouts of America has been instilling timeless values in our youth since its founding in 1910, with a mission of serving others through its many programs; and

WHEREAS, the Boy Scouts of America is committed to helping millions of youth succeed by providing the support, friendship, and mentoring necessary to live a productive and fulfilling life; and

WHEREAS, the 100th anniversary of the Boy Scouts of America is on February 8, 2010, and troops around the country will be celebrating this occasion throughout 2010 in a number of events and programs; and

WHEREAS, scouts from the Cornhusker Council, Mid-America Council, and Overland Trails Council, a group which represents eighty-three of Nebraska's ninety-three counties, are gathering together on February 3, 2010, to celebrate this occasion.

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

1. That the Legislature congratulates the Boy Scouts of America on celebrating its 100th anniversary.

2. That a copy of this resolution be sent to the Cornhusker Council, Mid-America Council, and Overland Trails Council of the Boy Scouts of America.

Laid over.

LEGISLATIVE RESOLUTION 314. Introduced by Dubas, 34.

WHEREAS, Mitchell George Moeller 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 achievement 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, Mitchell George Moeller 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; and

WHEREAS, only five percent of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout.

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

1. That the Legislature congratulates Mitchell George Moeller on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Mitchell George Moeller.

Laid over.

MESSAGES FROM THE GOVERNOR

February 2, 2010

Mr. President, Speaker Flood and
Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed

to the Child Abuse Prevention Fund Board:

Camille Ohri, 923 E. Tipperary, O'Neill, NE 68763

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

February 4, 2010

Mr. President, Speaker Flood and
Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individual is being reappointed to the Commission for the Deaf and Hard of Hearing:

Raymond Meester, 4300 Everett St., Lincoln, NE 68506

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

AMENDMENT - Print in Journal

Senator Langemeier filed the following amendment to LB912:
AM1748
1. Strike section 5.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of February 4, 2010, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Bromm, Curt
Good Samaritan Hospital
Byers, Thomas L.
Magellan Midstream Partners
Cook, Autumn Foster
Nebraska Friends of Midwives
Cutshall & Nowka
Shelton Wholesale, Inc.
Goc, John J.
Appraisers, Nebraska Coalition of
Harding, William A.
League of Nebraska Municipalities
Johnson, DeMaris
Good Samaritan Hospital
Kidman, Victoria
State Farm Insurance Companies
Kulesher Jarecke, Kate M.
Brain Injury Group of Nebraska (BIG-N)
Plucker, Julia
Brodersen, Roger
Ruth Mueller Robak LLC
Good Samaritan Hospital
Home Builders Association, Nebraska State
Stewart, Chandra
Nebraska Friends of Midwives
Winston, Ken
Wachiska Audubon Society

REPORTS

The following reports were received by the Legislature:

Coordinating Commission for Postsecondary Education
Total Number of Applicants for Public Benefits and the Number of Applicants Rejected Pursuant to Such Sections
Economic Development, Department of
Total Number of Applicants for Public Benefits and the Number of Applicants Rejected Pursuant to Such Sections
Health and Human Services, Department of

Total Number of Applicants for Public Benefits and the Number of Applicants Rejected Pursuant to Such Sections

Labor, Department of

Total Number of Applicants for Public Benefits and the Number of Applicants Rejected Pursuant to Such Sections

Motor Vehicles, Department of

Total Number of Applicants for Public Benefits and the Number of Applicants Rejected Pursuant to Such Sections

Real Estate Commission, Nebraska

Total Number of Applicants for Public Benefits and the Number of Applicants Rejected Pursuant to Such Sections

University of Nebraska

Total Number of Applicants for Public Benefits and the Number of Applicants Rejected Pursuant to Such Sections

MOTION - Withdraw LB946

Senator Hadley renewed his motion, MO79, found on page 451, to withdraw LB946.

The Hadley motion to withdraw the bill prevailed with 38 ayes, 0 nays, 6 present and not voting, and 5 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 682.

A BILL FOR AN ACT relating to the Department of Natural Resources; to eliminate a terminated fund; and to outright repeal section 61-217, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

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

Voting in the negative, 0.

Excused and not voting, 4:

Council	Krist	Lautenbaugh	Pahls

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 683.

A BILL FOR AN ACT relating to the Department of Natural Resources; to eliminate an obsolete intent provision; and to outright repeal section 61-219, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Adams	Cornett	Haar	Lathrop	Rogert
Ashford	Dierks	Hadley	Louden	Schilz
Avery	Dubas	Hansen	McCoy	Stuthman
Campbell	Fischer	Harms	McGill	Sullivan
Carlson	Flood	Heidemann	Nelson	Utter
Christensen	Fulton	Howard	Nordquist	Wallman
Coash	Gay	Janssen	Pankonin	White
Conrad	Giese	Karpisek	Pirsch	Wightman
Cook	Gloor	Langemeier	Price	

Voting in the negative, 0.

Present and not voting, 1:

Mello

Excused and not voting, 4:

Council	Krist	Lautenbaugh	Pahls

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB684 with 44 ayes, 0 nays, 1 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 684.

A BILL FOR AN ACT relating to social security; to amend sections 68-601, 68-602, 68-603, 68-604, 68-605, 68-608, 68-610, 68-620, 68-621, 68-622, and 68-631, Reissue Revised Statutes of Nebraska; to eliminate two terminated funds; to harmonize provisions; to repeal the original sections; and to outright repeal sections 68-612 and 68-613, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Adams	Dierks	Hadley	McCoy	Schilz
Ashford	Dubas	Hansen	McGill	Stuthman
Avery	Fischer	Harms	Mello	Sullivan
Campbell	Flood	Heidemann	Nelson	Utter
Carlson	Fulton	Janssen	Nordquist	Wallman
Christensen	Gay	Karpisek	Pankonin	White
Coash	Giese	Langemeier	Pirsch	Wightman
Conrad	Gloor	Lathrop	Price	
Cook	Haar	Louden	Rogert	

Voting in the negative, 0.

Present and not voting, 2:

Cornett	Howard

Excused and not voting, 4:

Council	Krist	Lautenbaugh	Pahls

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

ANNOUNCEMENTS

The Chair announced today is Senator Dubas' birthday.

The Chair announced February 6 is Senator Wallman's birthday.

BILLS ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 183.

A BILL FOR AN ACT relating to the Nebraska Telecommunications Regulation Act; to amend section 86-101, Reissue Revised Statutes of Nebraska; to provide requirements for the sale of an exchange by a telecommunications company; to provide powers and duties for the Public Service Commission; to harmonize provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

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

Voting in the negative, 0.

Excused and not voting, 4:

Council	Krist	Lautenbaugh	Pahls

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB254 with 42 ayes, 0 nays, 3 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 254. With Emergency Clause.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-2622 and 2-2626, Reissue Revised Statutes of Nebraska, and section 2-2646, Revised

Statutes Supplement, 2009; to require Nebraska aerial pesticide business licenses for aerial pesticide application; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Adams	Cornett	Haar	Louden	Rogert
Ashford	Dierks	Hadley	McCoy	Schilz
Avery	Dubas	Hansen	McGill	Stuthman
Campbell	Fischer	Harms	Mello	Sullivan
Carlson	Flood	Heidemann	Nelson	Utter
Christensen	Fulton	Howard	Nordquist	Wallman
Coash	Gay	Karpisek	Pankonin	White
Conrad	Giese	Langemeier	Pirsch	Wightman
Cook	Gloor	Lathrop	Price	

Voting in the negative, 0.

Present and not voting, 1:

Janssen

Excused and not voting, 4:

Council	Krist	Lautenbaugh	Pahls

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 261.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend section 60-4,111.01, Reissue Revised Statutes of Nebraska; to provide for use of machine-readable information encoded on an operator's license or a state identification card; to provide penalties; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 34:

Adams	Cook	Gloor	McCoy	Rogert
Avery	Cornett	Hadley	McGill	Schilz
Campbell	Dubas	Heidemann	Mello	Sullivan
Carlson	Fischer	Janssen	Nelson	Utter
Christensen	Flood	Karpisek	Nordquist	Wallman
Coash	Gay	Langemeier	Pirsch	Wightman
Conrad	Giese	Lathrop	Price	

Voting in the negative, 10:

Ashford	Fulton	Hansen	Louden	Stuthman
Dierks	Haar	Howard	Pankonin	White

Present and not voting, 1:

Harms

Excused and not voting, 4:

Council	Krist	Lautenbaugh	Pahls

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 325.

A BILL FOR AN ACT relating to elections; to amend sections 32-328, 32-329, 32-914.02, 32-915, 32-930, and 32-1002, Reissue Revised Statutes of Nebraska, and section 32-607, Revised Statutes Supplement, 2009; to change provisions relating to clerical errors on the precinct list of registered voters, updates of registration records due to change of address, candidate filing forms, provisional ballots, and challenges to voters; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

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

Voting in the negative, 0.

Excused and not voting, 4:

Council	Krist	Lautenbaugh	Pahls

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 522.

A BILL FOR AN ACT relating to volunteer fire and rescue departments; to amend section 35-901, Reissue Revised Statutes of Nebraska; to change provisions relating to the use of funds, fees, and charges; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

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

Voting in the negative, 0.

Excused and not voting, 4:

Council	Krist	Lautenbaugh	Pahls

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 139.

A BILL FOR AN ACT relating to the Commission on Mexican-Americans; to amend sections 81-8,262, 81-8,265, 81-8,270, and 81-8,271.01, Reissue Revised Statutes of Nebraska; to rename the commission and a fund; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 38:

Adams	Cornett	Gloor	Lathrop	Price
Ashford	Dierks	Haar	McCoy	Rogert
Avery	Dubas	Hadley	McGill	Schilz
Campbell	Fischer	Harms	Mello	Sullivan
Carlson	Flood	Heidemann	Nelson	White
Christensen	Fulton	Howard	Nordquist	Wightman
Coash	Gay	Janssen	Pankonin	
Conrad	Giese	Langemeier	Pirsch	

Voting in the negative, 5:

Hansen	Karpisek	Louden	Stuthman	Wallman

Present and not voting, 2:

Cook	Utter

Excused and not voting, 4:

Council	Krist	Lautenbaugh	Pahls

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB197 with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 197. With Emergency Clause.

A BILL FOR AN ACT relating to the Nebraska educational savings plan trust; to amend sections 77-2716, 85-1801, 85-1802, 85-1804, 85-1807, 85-1808, and 85-1813, Reissue Revised Statutes of Nebraska, and Laws 2009, First Special Session, LB 1, section 228; to redefine terms; to create and eliminate funds; to change and eliminate provisions relating to the use of funds; to provide for and change transfers of funds; to harmonize provisions; to provide an operative date; to repeal the original sections; to outright repeal section 85-1803, Reissue Revised Statutes of Nebraska, as amended by section 95, Legislative Bill 3, One Hundred First Legislature, First Special Session, 2009; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure

having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Adams	Cornett	Haar	Lathrop	Price
Ashford	Dierks	Hadley	Louden	Rogert
Avery	Dubas	Hansen	McCoy	Schilz
Campbell	Fischer	Harms	McGill	Stuthman
Carlson	Flood	Heidemann	Mello	Sullivan
Christensen	Fulton	Howard	Nelson	Wallman
Coash	Gay	Janssen	Nordquist	White
Conrad	Giese	Karpisek	Pankonin	Wightman
Cook	Gloor	Langemeier	Pirsch	

Voting in the negative, 0.

Present and not voting, 1:

Utter

Excused and not voting, 4:

Council	Krist	Lautenbaugh	Pahls

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 210. With Emergency Clause.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-27,137.02, Reissue Revised Statutes of Nebraska; to change provisions relating to aid to natural resources districts; to provide an operative date; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Adams	Cornett	Haar	Lathrop	Rogert
Ashford	Dierks	Hadley	McCoy	Schilz
Avery	Dubas	Hansen	McGill	Stuthman
Campbell	Fischer	Harms	Mello	Sullivan
Carlson	Flood	Heidemann	Nelson	Utter
Christensen	Fulton	Howard	Nordquist	Wallman
Coash	Gay	Janssen	Pankonin	White
Conrad	Giese	Karpisek	Pirsch	Wightman
Cook	Gloor	Langemeier	Price	

Voting in the negative, 0.

Present and not voting, 1:

Louden

Excused and not voting, 4:

Council	Krist	Lautenbaugh	Pahls

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 279.

A BILL FOR AN ACT relating to land-use planning; to amend sections 14-407, 15-1103, and 19-923, Reissue Revised Statutes of Nebraska; to require notification of military installations regarding development of real property; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Adams	Cornett	Haar	Lathrop	Price
Ashford	Dierks	Hadley	Louden	Rogert
Avery	Dubas	Hansen	McCoy	Stuthman
Campbell	Fischer	Harms	McGill	Sullivan
Carlson	Flood	Heidemann	Mello	Utter
Christensen	Fulton	Howard	Nelson	Wallman
Coash	Gay	Janssen	Nordquist	White
Conrad	Giese	Karpisek	Pankonin	Wightman
Cook	Gloor	Langemeier	Pirsch	

Voting in the negative, 0.

Present and not voting, 1:

Schilz

Excused and not voting, 4:

Council	Krist	Lautenbaugh	Pahls

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 475.

A BILL FOR AN ACT relating to county government; to amend section 23-1401, Reissue Revised Statutes of Nebraska; to change a provision relating to duties of the county comptroller; to create the office of auditor; to provide an operative date; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

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

Voting in the negative, 0.

Excused and not voting, 4:

Council	Krist	Lautenbaugh	Pahls

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 550.

A BILL FOR AN ACT relating to the Military Code; to amend sections 55-101, 55-120, 55-121, 55-125, 55-126, and 55-135, Reissue Revised Statutes of Nebraska; to change provisions relating to Military Department personnel; to provide peace officer powers and duties to National Guard members; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure

having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

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

Voting in the negative, 0.

Excused and not voting, 4:

Council	Krist	Lautenbaugh	Pahls

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 147.

A BILL FOR AN ACT relating to change of name; to amend sections 25-21,271 and 28-376, Reissue Revised Statutes of Nebraska, and sections 28-718 and 29-4004, Revised Statutes Supplement, 2009; to change petition requirements for a change of name; to require delivery of court orders regarding name changes; to require inclusion and notification of name changes for the Adult Protective Services Central Registry, the central register of child protection cases, and the central registry of sex offenders; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

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

Voting in the negative, 0.

Excused and not voting, 4:

Council	Krist	Lautenbaugh	Pahls

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 181.

A BILL FOR AN ACT relating to the Nebraska Telecommunications Regulation Act; to amend section 86-101, Reissue Revised Statutes of Nebraska; to provide requirements for wire-crossing agreements between railroad carriers and telecommunications carriers as prescribed; to harmonize provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

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

Voting in the negative, 0.

Excused and not voting, 4:

Council	Krist	Lautenbaugh	Pahls

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 216.

A BILL FOR AN ACT relating to civil liability; to eliminate motor vehicle and aircraft guest statutes; to harmonize provisions; and to outright repeal sections 3-129.01, 25-21,237, and 25-21,238, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure

having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 36:

Adams	Cornett	Haar	McCoy	Stuthman
Ashford	Dierks	Hadley	McGill	Sullivan
Campbell	Dubas	Harms	Mello	Wallman
Carlson	Fischer	Heidemann	Nordquist	White
Christensen	Flood	Howard	Pankonin	
Coash	Gay	Karpisek	Pirsch	
Conrad	Giese	Lathrop	Price	
Cook	Gloor	Louden	Rogert	

Voting in the negative, 8:

Fulton	Janssen	Nelson	Utter
Hansen	Langemeier	Schilz	Wightman

Present and not voting, 1:

Avery

Excused and not voting, 4:

Council	Krist	Lautenbaugh	Pahls

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 235. With Emergency Clause.

A BILL FOR AN ACT relating to school lands; to provide for leases involving the production of solar energy or wind energy; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

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

Voting in the negative, 0.

Excused and not voting, 4:

Council	Krist	Lautenbaugh	Pahls

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 552.

A BILL FOR AN ACT relating to construction; to amend section 81-2402, Reissue Revised Statutes of Nebraska; to adopt the Nebraska Construction Prompt Pay Act; to harmonize provisions; to provide an operative date; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

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

Voting in the negative, 0.

Excused and not voting, 4:

Council	Krist	Lautenbaugh	Pahls

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 682, 683, 684, 183, 254, 261, 325, 522, 139, 197, 210, 279, 475, 550, 147, 181, 216, 235, and 552.

NOTICE OF COMMITTEE HEARINGS

Natural Resources

Room 1525

Wednesday, February 17, 2010 1:30 p.m.

LB755
LB964

Thursday, February 18, 2010 1:30 p.m.

LB785
LB1016
LB1025

Wednesday, February 24, 2010 1:30 p.m.

Jerrod Burke - Game and Parks Commission

LB1048

(Signed) Chris Langemeier, Chairperson

REFERENCE COMMITTEE REPORT

The Executive Board submits the following report:

Meester, Raymond - Commission for the Deaf and Hard of Hearing - Health and Human Services
Ohri, Camille - Child Abuse Prevention Fund Board - Health and Human Services

(Signed) John Wightman, Chairperson
Executive Board

AMENDMENTS - Print in Journal

Senator Christensen filed the following amendment to LB650:
AM1682

(Amendments to Standing Committee amendments, AM1582)

1. Strike section 10 and insert the following new section:

Sec. 10. If a minitruck does not have a manufacturer's vehicle identification number, the owner of the minitruck may apply for a certificate of title by presenting (1)(a) a manufacturer's statement of origin for the minitruck or (b)(i) a bill of sale or a manufacturer's or importer's certificate for a minitruck purchased before January 1, 2011, or a manufacturer's or importer's certificate for a minitruck purchased on or after January 1, 2011, and (ii) an affidavit by the owner affirming ownership for the minitruck, (2) a statement that an inspection has been conducted on the minitruck, and (3) a vehicle identification number as described in section 60-148. The certificate of title shall indicate the make and model year of the minitruck. If the model year cannot be determined, the model year of the minitruck shall be the year application for title was made.

Senator Avery filed the following amendment to LB722:
AM1771

1. On page 6, strike beginning with "use" in line 4 through line 5 and all amendments thereto and insert "maintain the historic and cultural integrity of the building or land.".

GENERAL FILE

LEGISLATIVE BILL 867. Committee AM1638, found on page 399 and considered on page 451, was renewed.

The committee amendment was adopted with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 848. Title read. Considered.

Committee AM1646, found on page 401, was adopted with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 746. Title read. Considered.

Committee AM1669, found on page 401, was considered.

SENATOR ROGERT PRESIDING

The committee amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

COMMITTEE REPORTS

Natural Resources

LEGISLATIVE BILL 689. Placed on General File.

LEGISLATIVE BILL 764. Placed on General File with amendment.
AM1751

1. On page 2, line 20, strike "on or before October 1"; and strike beginning with "maintain" in line 24 through "appropriated" in line 25 and insert "manage such river basin, subbasin, or reach to achieve and sustain a balance between water uses and water supplies for the long term".

LEGISLATIVE BILL 885. Indefinitely postponed.

(Signed) Chris Langemeier, Chairperson

AMENDMENTS - Print in Journal

Senator Avery filed the following amendment to LB190A:
AM1769

1. Strike the original sections and insert the following new sections:

Section 1. The State Treasurer shall transfer $176,000 from the State Settlement Cash Fund to the State DNA Sample and Data Base Fund on or before August 1, 2010.

Sec. 2. There is hereby appropriated $72,800 from the State DNA Sample and Data Base Fund for FY2010-11 to the Department of Correctional Services, for Program 200, to aid in carrying out the provisions of Legislative Bill 190, One Hundred First Legislature, Second Session, 2010.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.

Sec. 3. There is hereby appropriated $103,200 from the State DNA Sample and Data Base Fund for FY2010-11 to the Nebraska State Patrol, for Program 100, to aid in carrying out the

provisions of Legislative Bill 190, One Hundred First Legislature, Second Session, 2010.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.

Sec. 4. There is hereby appropriated (1) $50,000 from the Department of Correctional Services Facility Cash Fund for FY2010-11 and (2) $50,000 from the Department of Correctional Services Facility Cash Fund for FY2011-12 to the Department of Correctional Services, for Program 200, to aid in carrying out the provisions of Legislative Bill 190, One Hundred First Legislature, Second Session, 2010.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.

Sec. 5. There is hereby appropriated (1) $34,500 from the Nebraska State Patrol Cash Fund for FY2010-11 and (2) $34,500 from the Nebraska State Patrol Cash Fund for FY2011-12 to the Nebraska State Patrol, for Program 100, to aid in carrying out the provisions of Legislative Bill 190, One Hundred First Legislature, Second Session, 2010.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.

Senator Dubas filed the following amendment to LB297:
AM1782

(Amendments to E & R amendments, ER8144)

1. On page 4, line 9, strike "two million dollars in FY2010-11,"; in line 10, after the second comma insert "and"; and strike beginning with the first comma in line 11 through "FY2019-20" in line 14.

2. On page 6, line 20, after the period insert "Such interest rate shall not fall below zero percent.".

3. On page 8, line 10, strike "2020" and insert "2014"; and in line 11 strike "January" and insert "July".

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 5, 2010, at 11:32 a.m. were the following: LBs 682, 683, 684, 183, 254e, 261, 325, 522, 139, 197e, 210e, 279, 475, 550, 147, 181, 216, 235e, and 552.

(Signed) Jamie Kruse
Clerk of the Legislature's Office

UNANIMOUS CONSENT - Add Cointroducers

Senator Dubas asked unanimous consent to add her name as cointroducer to LB650 and LB1103. No objections. So ordered.

Senators Stuthman, Sullivan, and Wallman asked unanimous consent to add their names as cointroducers to LB1103. No objections. So ordered.

ADJOURNMENT

At 11:46 a.m., on a motion by Speaker Flood, the Legislature adjourned until 10:00 a.m., Monday, February 8, 2010.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

TWENTY-SECOND DAY - FEBRUARY 8, 2010

LEGISLATIVE JOURNAL

ONE HUNDRED FIRST LEGISLATURE
SECOND SESSION

TWENTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Monday, February 8, 2010

PRAYER

The prayer was offered by Senator Carlson.

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 Council, Pahls, and Schilz who were excused; and Senator Giese who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-first day was approved.

COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 867. Placed on Select File with amendment.
ER8159

1. In the Standing Committee amendments, AM1638, renumber section 2 as section 1.
2. On page 1, line 1, after "amend" insert "section 53-123.15, Revised Statutes Cumulative Supplement, 2008, and"; in line 2 after the semicolon insert "to provide for placement of certain shipping license fees in the General Fund;"; and in line 3 strike "section" and insert "sections".
3. Renumber original section 1 as section 2.

LEGISLATIVE BILL 848. Placed on Select File.

LEGISLATIVE BILL 746. Placed on Select File with amendment.
ER8160

1. In the Standing Committee amendments, AM1669, on page 1, line 13, strike "<u>executive</u>".

2. On page 1, line 3, after the semicolon insert "to change the membership of the Racial Profiling Advisory Committee; to change and provide powers and duties;".

(Signed) Jeremy Nordquist, Chairperson

ANNOUNCEMENT

Senator Janssen designates LB200 as his priority bill.

RESOLUTION

LEGISLATIVE RESOLUTION 315. Introduced by Lautenbaugh, 18; Ashford, 20; Council, 11; White, 8.

WHEREAS, Cornelius "Neal" John Mosser passed away February 1, 2010, at the age of ninety; and

WHEREAS, Neal Mosser faithfully served his country as a technical sergeant in the United States Marine Corps during World War II; and

WHEREAS, Neal Mosser amassed numerous athletic accomplishments in his career, including setting state college basketball scoring records in two seasons at St. Joseph College, as well as playing for the University of Nebraska-Lincoln from 1946 to 1948, serving as team captain in 1947; and

WHEREAS, Neal Mosser served as coach to the now-closed Omaha Technical High School from 1949 to 1967; and

WHEREAS, Neal Mosser, as coach of Omaha Technical High School, made the team a dominant force in Nebraska high school basketball, amassing a 230-120 overall record and finishing in the Omaha World-Herald Top 10 in all but two seasons and finishing eight times in the top three; and

WHEREAS, Coach Mosser's 1963 team, one of the best ever in the state, went 22-2 for the season and beat Omaha Creighton Prep 91-73 to win a Nebraska State High School Boys Basketball Championship in a tournament in which the team averaged eighty-three points per game; and

WHEREAS, during his tenure as coach of Omaha Technical High School, Coach Mosser was an instrumental force in helping to integrate high school basketball, coaching on fairness and merit, as well as standing up to injustices he observed on the court; and

WHEREAS, Coach Mosser has been inducted into the Omaha Technical High School, St. Joseph College, and Nebraska High School Sports halls of fame; and

WHEREAS, upon his retirement from his position as counselor at Omaha South High School in 1982, Coach Mosser had given thirty-four years of service to the Omaha public school system; and

WHEREAS, Coach Mosser is survived by four sons, Joe, Tom, Jerry, and Tim, as well as twelve grandchildren and seventeen great-grandchildren.

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

1. That the Legislature posthumously honors Coach Cornelius "Neal" John Mosser for his personal accomplishments as well as for his service to his country, the city of Omaha, and the State of Nebraska.
2. That the Legislature extends its sympathy and condolences to the family of Coach Cornelius "Neal" John Mosser.
3. That a copy of this resolution be sent to the family of Coach Cornelius "Neal" John Mosser.

Laid over.

ATTORNEY GENERAL'S OPINION

Opinion 10006

DATE: February 4, 2010

SUBJECT: Article XVI, § 1 Of The Nebraska Constitution; Authority Of The Nebraska Legislature To Submit Constitutional Amendments To The Electors Of The State At Special Elections After A General Election.

REQUESTED BY: John A. Gale
Nebraska Secretary of State

WRITTEN BY: Jon Bruning, Attorney General
Dale A. Comer, Assistant Attorney General

On May 30, 2007, the 100th Nebraska Legislature, First Session, passed LR 1CA by a four-fifths majority. LR 1CA proposed an amendment to the Nebraska Constitution which would raise the salaries of members of the Legislature to twenty-two thousand dollars per year, and it also called for that constitutional amendment to be presented to the electors of the state at a special election to be held in conjunction with the statewide primary election in 2010. Similarly, the 100th Nebraska Legislature, Second Session, passed LR 5CA by a four-fifths majority on February 1, 2008. LR 5CA proposed an amendment to the Nebraska Constitution which would allow the Legislature to authorize governmental subdivisions in Nebraska to own and finance real and personal property to be used by nonprofit enterprises through the issuance of revenue bonds. LR 5CA was also to be submitted to the electors of Nebraska "[a]t the primary election in May 2010."

On January 11, 2010, Michael J. Flood, Speaker of the Nebraska Legislature, wrote to you and indicated that members of the Legislature "feel that a pay increase for state senators, while important to our institution, is not appropriate at this time" because of the "difficult financial times" and the fact that Nebraska families are "struggling to make ends meet." Speaker Flood then indicated that, based upon a previous opinion of this office and the Legislature's own research, the Legislature's practice of directing that a proposed constitutional amendment be placed on a ballot in the future

instead of at the next election might be "constitutionally flawed." As a result, Speaker Flood requested that you seek our opinion "to determine the effect of the delayed submission." He also stated, "[w]e believe that a delayed submission date is constitutionally suspect and as such, LR 1 CA should not appear on the 2010 Primary Election Ballot."

Speaker Flood's correspondence caused you to review our opinion set out at 1969-70 Rep. Att'y Gen. 102 (Opinion No. 67, dated August 8, 1969). Your reading of that opinion suggested that "a special election [for a proposed constitutional amendment] requested by the Legislature should occur sometime prior to the next regular General Election to accommodate the 'unusual importance or urgency' of the proposed measure." On that basis, you asked us if the scheduling of elections for LR 1 CA and LR 5 CA was improper so that those measures should not be placed on the 2010 Primary Election ballot. For the reasons discussed at length below, we believe that neither of those proposed constitutional amendments should be placed on the ballot for the 2010 Primary Election in Nebraska.

Before we turn to an analysis of the question you posed to us, we will briefly discuss the Legislature's role in submitting constitutional amendments to the people for their approval. Under art. XVI, § 1 of the Nebraska Constitution, the Legislature may propose amendments to the constitution for submission to the electors of Nebraska. When such a proposal for amendment to a state constitution is submitted, a legislature is not exercising its legislative power, but is acting under a limited power conferred by the people, i.e., submission of a proposed constitutional amendment to the people is not a legislative act. Morris v. Governor of Maryland, 263 Md. 20, 281 A.2d 216 (1971); Bourbon v. Governor of Maryland, 258 Md. 252, 265 A.2d 477 (1970); Hutcheson v. Gonzales, 41 N.M. 474, 71 P.2d 140 (1937); Weston v. Ryan, 70 Neb. 211, 97 N.W. 347 (1903); In re Senate File 31, 25 Neb. 864, 41 N.W. 981 (1889); 16 Am. Jur.2d Constitutional Law § 26 (2008). As a result, the power of the legislature to initiate changes in a state constitution is a delegated power rather than a plenary one, and it must be strictly construed. State of Alabama v. Manley, 441 So.2d. 864 (Ala. 1983); Bourbon v. Governor of Maryland, 258 Md. 252, 265 A.2d 477 (1970); Leach v. Brown, 167 Ohio St. 1, 145 N.E.2d 525 (1957); 16 Am. Jur.2d Constitutional Law § 26 (2008). In proposing a constitutional amendment, a legislature acts in the character and capacity of a constitutional convention and not in the exercise of its normal legislative authority. Chaney v. Bryant; 259 Ark. 294, 532 S.W.2d 741 (1976). The adoption of a proposed constitutional amendment by the Legislature does not amend the constitution; it is a mere proposal which possesses no validity until ratified by a majority vote of the people. Cunningham v. Exon, 207 Neb. 513, 300 N.W.2d 6 (1980); In re Senate File 31, 25 Neb. 864, 41 N.W. 981 (1889).

Art. XVI, §1, the constitutional provision at issue in this instance, provides, as is pertinent:

> The Legislature may propose amendments to this Constitution. If the same be agreed to by three-fifths of the members elected to the Legislature, such proposed amendments shall be entered on the journal, with yeas and nays, and published once each week for three consecutive weeks, in at least one newspaper in each county, where a newspaper is published, immediately preceding the next election of members of the Legislature or a special election called by the vote of four-fifths of the members elected to the Legislature for the purpose of submitting such proposed amendments to the electors. At such election said amendments shall be submitted to the electors for approval or rejection upon a ballot separate from that upon which the names of candidates appear.

The plain language of art. XVI, § 1 suggests that three-fifths of the members of the Legislature can propose a constitutional amendment which will be presented to the people at the next election of members of the Legislature (the next General Election), or at a special election called for that purpose, when four-fifths of the members of the Legislature vote for the special election process. It also seems to us that the language of that constitutional provision suggests some immediacy or urgency in connection with its special election provisions, based upon the four-fifths, super-majority requirement.

In determining the meaning of constitutional language, effect must be given to the intent of the framers of the organic law and of the people who adopted it. In re Applications A-16027, 243 Neb. 419, 499 N.W.2d 548 (1993). It is permissible to consider the facts of history and "historical or operative facts" in determining the meaning of language of the Constitution, including the historical and operative facts in connection with its adoption. Pig Pro Nonstock Cooperative v. Moore, 253 Neb. 72, 568 N.W.2d 217 (1997); Omaha National Bank v. Spire, 223 Neb. 209, 389 N.W.2d 269 (1986).

> It is also appropriate and helpful to consider, in connection with the historical background, the evil and mischief attempted to be remedied, the objects sought to be accomplished, and scope of the remedy its terms imply.

State ex rel. Spire v. Beermann, 235 Neb. 384, 390, 455 N.W.2d 749, 752 (1990) (quoting State Railway Commission v. Ramsey, 151 Neb. 333, 340-41, 37 N.W.2d 502, 507 (1949)). Accordingly, we have reviewed the historical facts and background pertaining to the special election language in art. XVI, § 1 in order to ascertain its meaning.

The provisions in art. XVI, § 1 which allow the Legislature to present a constitutional amendment to the electors at a special election if four-fifths of the members of that body vote to do so were placed in the Nebraska Constitution in 1968 as a result of 1967 Neb. Laws LB 217. LB 217 was introduced by state Senator Terry Carpenter, and portions of the legislative

history of that bill offer some sense of the objects he sought to accomplish with the proposed constitutional change.

During the public hearing on LB 217, Senator Carpenter introduced the bill, and made the following comments:

> We'll take up LB 217. . . . The amendment I have, (See Exhibit J) after I gave some consideration and thought to the matter goes further than that, in that it says that by three-fourths vote of the Legislature like any other Constitutional amendment the Legislature by that vote can call a special election to amend the Constitution. . . . So at least consider this amendment, to at least getting it out on the floor, in order to see in the judgment of the majority of the Legislature itself for the committee to feel this might be desirable and necessary. Otherwise there is no way in the world between general elections irrespective of the situation that this Legislature either in regular session or special session can submit an amendment to the Constitution, any sooner than every two years. It may be that the three-fifths might be too lacking -- I don't care what the number is -- I am only trying to visualize if and when this circumstance does arise, maybe it never will arise, but if it does we will not have the ability to do this. It is well . . . Submitting a question like this which can be decided within the area of three or four months.

Committee Records on LB 217, 77th Neb. Leg.,12-13 (February 10, 1967)(emphasis added). Subsequently, during floor debate on the bill, Senator Carpenter offered the following:

> Now, what is the purpose of this bill? This legislature today is going through a great deal of mental anguish. . . . we are now confronted in an area in which I am sure none of us really knows what to do. I can foresee by the imaginative mind that I have in the future that this stage (sic) could be confronted with a problem in which we would not be willing to act until we got further advice and consent from the people of this state. . . . As the constitution now says, we cannot amend the constitution except at a general election, which means that every two years. What this bill says and the intent and the expects from it is this, that if a condition arises in which 4/5 of us want too (sic), based upon the number of 40 if none exists, can then submit by special election of the people of this state for further guidance or to amend and constitute the point which at that particular time we feel is not broad enough in order for us to take care of the emergency as might exist. I realize that this is only, so to speak, a law in inventory, so to speak. I realize that it may never exist and I hope that it doesn't. But, if it does you want to tie our hands for two years in order to muddle through and to go through in a state of anguish to a point that we can't do anything until the next general election and I think this bill has extreme importance . . . .

Floor Debate on LB 217, 77th Neb. Leg., 581 (February 24, 1967)(Statement of Sen. Carpenter)(emphasis added). Senator Carpenter also stated:

> On this amendment [LB 217], because of the emergency nature of it, to be used on line 15, we say called by 4/5 of the Legislature. So the 4/5 notes only apply in the event that this Legislature – some Legislature would call a special session for the purposes of the bill.

Floor Debate on LB 217, 77th Neb. Leg., 622 (February 27, 1967)(Statement of Sen. Carpenter)(emphasis added). Finally, the following exchange occurred between Sen. Gerdes and Sen. Carpenter regarding LB 217 during floor debate on February 27, 1967:

> Senator Gerdes: I would like to ask Senator Carpenter a question. As I understand it, and maybe I do not. If we had decided to have a special election, something came up so important, that we have to have a special election, then we would have to have a 4/5 vote of the Legislature to put this before the people.
>
> Senator Carpenter: That is correct.

Floor Debate on LB 217, 77th Neb. Leg., 624 (February 27, 1967) (emphasis added).

From the legislative history discussed above, it is apparent that Senator Carpenter introduced LB 217 to deal with the fact that there was no way under the Nebraska Constitution as it existed in 1967 for the Legislature to quickly submit an amendment to the Nebraska Constitution to the people because, at that time, any amendment proposed by the Legislature could not be voted on until the next General Election. Moreover, LB 217 was designed to allow quick amendment of the Nebraska Constitution in situations where the circumstances involved important and urgent issues which required emergency action.

The opinion of this office which you and Speaker Flood cited is consistent with those conclusions. In 1969-70 Rep. Att'y Gen. 102 (Opinion No. 67, dated August 8, 1969), we considered whether the Legislature was permitted, under art. XVI, § 1, to determine which of several constitutional amendments proposed by the Legislature could be submitted at a particular special election. In the course of that opinion, which was written in 1969 shortly after LB 217 was submitted to the voters, we stated:

> The amendment of 1968 [LB 217] permitted the Legislature to call a special election for the submission of proposed constitutional amendments, where before, such could be submitted only at general elections. . . . .

* * *

> The amendment of 1968, as we have noted, permits the calling of a special election at the discretion of the Legislature. The requirement of a four-fifths majority for the calling thereof suggests a constitutional anticipation that special elections should be held only for proposed amendments of unusual importance or urgency. It would inconsistent with this concept to require the submission of relatively minor proposed amendments merely because a special election had been called for a truly significant measure.
>
> * * *
>
> On the basis of our analysis of Article XVI, Section 1, Constitution of Nebraska, it is our opinion that the Legislature may, by a four-fifths vote, call a special election and may provide which proposed constitutional amendments shall be submitted thereat. All such proposed amendments which are not specifically designated to be submitted at the special election shall be submitted at the next succeeding election of members of the Legislature.

1969-70 Rep. Att'y Gen. 102, 103-104 (Opinion No. 67, dated August 8, 1969).

The historical background of LB 217 discussed above indicates that the evil or mischief which LB 217 was designed to remedy was the fact that there was no way for the Legislature to quickly submit a proposed constitutional amendment to the electors in Nebraska when urgent or important situations required that action. The object of the bill was to create such a process using special elections, to be initiated when a four-fifths majority of the Legislature determined it was necessary. With those conclusions in mind, we will again consider the language of art XVI, § 1.

It is our view that the language of art. XVI, § 1 implicitly means that, in important or urgent situations, a four-fifths majority of the Legislature may submit a constitutional amendment to the electors of Nebraska more quickly than under the usual circumstances. Therefore, since the Legislature acts under a limited, delegated authority when it proposes constitutional amendments, and that authority must be strictly construed, we believe that art. XI, § 1 authorizes four-fifths of the members of the Legislature to submit a constitutional amendment to the people at a special election before the next General Election. We do not believe that it authorizes the Legislature to submit such an amendment to the people in the future, after the next General Election.[1] On that basis, we conclude that LR 1CA and LR 5CA are beyond the constitutional authority of the Legislature, and absent such authority, should not be placed on the ballot for the 2010 General Election.

[1]We note that our conclusion regarding the Legislature's authority to submit constitutional amendments at special elections beyond the next General

Election is consistent with the notion that one legislature cannot bind a succeeding legislature or restrict or limit the power of its successors to enact legislation. State ex rel. Stenberg v. Moore, 249 Neb. 589, 544 N.W.2d 344 (1996).

Sincerely,
JON BRUNING
Attorney General
(Signed) Dale A. Comer
Assistant Attorney General

cc: Patrick J. O'Donnell
Clerk of the Legislature
05-172-20

COMMUNICATION

February 4, 2010

Speaker Mike Flood
Nebraska Legislature
Room 2103
State Capitol
Lincoln, NE 68509

Dear Speaker Flood:

On January 11th of this year, you wrote to me suggesting that I should ask for an Attorney General's Opinion regarding LR1CA (2007) and LR 5CA (2008). Both measures were passed by a 4/5ths majority and had been delivered to my office. Both measures called for a special election to be held in conjunction with the Primary Election to be held in May 2010. Your concern was that it might be improper to place the issues on a ballot for an election that would occur after the next election for members of the Legislature. As you are aware I made that request shortly after receiving your letter.

I have attached a copy of the Attorney General's response. To summarize, the opinion states that special elections for constitutional amendments were intended for situations when the Legislature needs or wants to submit a measure to the voters "more quickly than under the usual circumstances." (See. p. 7) The opinion concludes that LR 1CA (2007) and LR 5CA (2008) were improper and should not be placed on the 2010 Primary Election ballot.

This letter is to inform you, that in accordance with the Attorney General's Opinion, I will not certify LR 1CA and LR 5CA for the 2010 Primary

Election ballot. Should you have questions or comments regarding this decision, I would encourage you to contact my office.

Sincerely
(Signed) John A. Gale
Secretary of State

cc: Patrick O'Donnell, Clerk of the Legislature

NOTICE OF COMMITTEE HEARINGS
Transportation and Telecommunications

Room 1113

Tuesday, February 16, 2010 1:30 p.m.

LB773
LB820
LB896
LB933
LB991

Monday, February 22, 2010 1:30 p.m.

LB1024
LB1004
LB1100

Tuesday, February 23, 2010 1:30 p.m.

LB1060
LB1065
LB1092
LB998

(Signed) Deb Fischer, Chairperson

UNANIMOUS CONSENT - Room Change

Senator Lathrop asked unanimous consent that the Business and Labor Committee conduct its hearing on Monday, February 8, 2010, in Room 1524 instead of Room 2102. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 190A. Senator Avery withdrew his amendment, AM1674, found on page 390.

Senator Avery renewed his amendment, AM1769, found on page 475.

The Avery amendment was adopted with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 297. ER8144, found on page 262, was adopted.

Senator Dubas renewed her amendment, AM1782, found on page 476.

Pending.

COMMITTEE REPORTS

Government, Military and Veterans Affairs

LEGISLATIVE BILL 716. Placed on General File with amendment.
AM1694

1. Strike the original sections and insert the following new sections:

Section 1. Section 32-604, Reissue Revised Statutes of Nebraska, is amended to read:

32-604 (1) Except as provided in subsection (2) or (4) of this section, no person shall be precluded from being elected or appointed to or holding an elective office for the reason that he or she has been elected or appointed to or holds another elective office.

(2) No person serving as a member of the Legislature or in an elective office described in Article IV, section 1 or 20, or Article VII, section 3 or 10, of the Constitution of Nebraska shall simultaneously serve in any other elective office, except that such a person may simultaneously serve in another elective office which is filled at an election held in conjunction with the annual meeting of a public body.

(3) Whenever an incumbent serving as a member of the Legislature or in an elective office described in Article IV, section 1 or 20, or Article VII, section 3 or 10, of the Constitution of Nebraska assumes another elective office, except an elective office filled at an election held in conjunction with the annual meeting of a public body, the office first held by the incumbent shall be deemed vacant.

(4) No person serving in a high elective office shall simultaneously serve in any other high elective office, except that a county attorney may serve as the county attorney for more than one county if appointed under subsection (2) of section 23-1201.01.

(5) Notwithstanding ~~subsections (2) through~~ subsection (4) of this section, any person holding more than one high elective office upon ~~September 13, 1997,~~ the effective date of this act, shall be entitled to serve the remainder of all terms for which he or she was elected or appointed.

(6) For purposes of this section, (a) elective office has the meaning found in section 32-109 and includes an office which is filled at an election held in conjunction with the annual meeting of a public body created by an act of the Legislature but does not include a member of a learning community coordinating council appointed pursuant to subsection (5) or (7) of section 32-546.01 and (b) high elective office means a member of the Legislature, an elective office described in Article IV, section 1 or 20, or Article VII, section 3 or 10, of the Constitution of Nebraska, or a county, city, community college area, learning community, or school district elective office.

Sec. 2. Section 85-1512, Reissue Revised Statutes of Nebraska, is amended to read:

85-1512 Each board shall divide the community college area into five election districts as nearly equal in population as may be practicable and shall transmit the appropriate information pertaining to such election districts to the Secretary of State and to the appropriate election officials within the area. Board members shall be nominated and elected as provided in section 32-514. To be eligible for membership on the board, a person shall be a registered voter and shall have been a resident of the area for six months and, for members representing a district, a resident of the district for six months. ~~No person shall be eligible to membership on a community college board of governors who is an elected or appointed member of any other board relating to education.~~ Each member elected to represent a district shall be a resident of the district.

Sec. 3. Original sections 32-604 and 85-1512, Reissue Revised Statutes of Nebraska, are repealed.

LEGISLATIVE BILL 987. Placed on General File with amendment.
AM1778

1. On page 2, line 7, after the period insert "In consultation with the department, the institute may include any other postsecondary institution in Nebraska which has a college of medicine in the conduct of the study.".

(Signed) Bill Avery, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 316. Introduced by Ashford, 20.

WHEREAS, Mike Kemp has been inducted into the Omaha Hockey Hall of Fame; and

WHEREAS, Mike Kemp helped to start and build the hockey program at the University of Nebraska at Omaha, becoming the school's first head coach of hockey in 1997; and

WHEREAS, Mike Kemp, during his twelve-year tenure as head coach, built the University of Nebraska at Omaha hockey team into an established hockey program and earned a National Collegiate Athletic Association tournament berth in 2006; and

WHEREAS, Mike Kemp currently serves as an Associate Athletic Director at the University of Nebraska at Omaha.

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

1. That the Legislature congratulates Mike Kemp for being inducted into the Omaha Hockey Hall of Fame.
2. That a copy of this resolution be sent to Mike Kemp.

Laid over.

ANNOUNCEMENTS

Senator Gay designates LB735 as his priority bill.

Senator Krist designates LB987 as his priority bill.

The General Affairs Committee designates LR277CA as its priority resolution.

SELECT FILE

LEGISLATIVE BILL 297. The Dubas amendment, AM1782, found on page 476 and considered in this day's Journal, was renewed.

Senator Sullivan moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Dubas amendment was adopted with 25 ayes, 4 nays, 16 present and not voting, and 4 excused and not voting.

Senator Dubas moved for a call of the house. The motion prevailed with 40 ayes, 0 nays, and 9 not voting.

Senator Dubas requested a roll call vote, in reverse order, on the advancement of the bill.

Voting in the affirmative, 22:

Ashford	Dierks	Karpisek	Mello	Wallman
Avery	Dubas	Krist	Nordquist	White
Carlson	Flood	Lathrop	Pirsch	
Conrad	Giese	McCoy	Rogert	
Cook	Haar	McGill	Sullivan	

Voting in the negative, 12:

Adams	Gay	Heidemann	Stuthman
Fischer	Hadley	Louden	Utter
Fulton	Hansen	Nelson	Wightman

Present and not voting, 11:

Campbell	Gloor	Janssen	Pankonin
Christensen	Harms	Langemeier	Price
Cornett	Howard	Lautenbaugh	

Excused and not voting, 4:

Coash	Council	Pahls	Schilz

Failed to advance to Enrollment and Review for Engrossment with 22 ayes, 12 nays, 11 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 373. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 690. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 691. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 736. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 751. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 650. ER8150, found on page 394, was adopted.

Senator Christensen renewed his amendment, AM1682, found on page 474.

The Christensen amendment was adopted with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 650A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 698. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 226. ER8151, found on page 395, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 798. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 731. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 738. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 814. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 721. ER8153, found on page 405, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 722. Senator Avery renewed his amendment, AM1771, found on page 474.

The Avery amendment was adopted with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

Senator Heidemann offered the following amendment:
AM1767
1. On page 5, strike beginning with "Priority" in line 17 through line 22 and show as stricken.

Senator Heidemann withdrew his amendment.

Advanced to Enrollment and Review for Engrossment.

COMMITTEE REPORTS
Revenue

LEGISLATIVE BILL 1078. Placed on General File.

(Signed) Abbie Cornett, Chairperson

Judiciary

LEGISLATIVE BILL 352. Placed on General File with amendment.
AM1799

1. Strike the original sections and insert the following new sections:

Section 1. Section 25-505.01, Revised Statutes Supplement, 2009, is amended to read:

25-505.01 (1) Unless otherwise limited by statute or by the court, a plaintiff may elect to have service made by any of the following methods:

(a) Personal service which shall be made by leaving the summons with the individual to be served;

(b) Residence service which shall be made by leaving the summons at the usual place of residence of the individual to be served, with some person of suitable age and discretion residing therein;

(c) Certified mail service which shall be made by (i) within ten days of issuance, sending the summons to the ~~defendant~~ individual to be served by certified mail with a return receipt requested showing to whom and where delivered and the date of delivery, and (ii) filing with the court proof of service with the signed receipt attached; or

~~(d) By depositing with a designated delivery service authorized pursuant to 26 U.S.C. 7502(f)(2) a copy of the summons and complaint, addressed to the party to be served, delivering to the addressee, and obtaining a delivery receipt. As used in this subdivision, delivery receipt includes an electronic or facsimile receipt.~~

(d) Designated delivery service which shall be made by (i) within ten days of issuance, sending the summons by a designated delivery service to the individual or entity to be served, (ii) obtaining a signed delivery receipt showing to whom and where delivered and the date of delivery, and (iii) filing with the court proof of service with a copy of the signed delivery receipt attached. As used in this subdivision, a designated delivery service means a delivery service designated as such pursuant to 26 U.S.C. section 7502(f) and a signed delivery receipt includes an electronic or facsimile receipt with an image of the recipient's signature.

(2) Failure to make service by the method elected by the plaintiff does not affect the validity of the service.

(3) The State Court Administrator shall maintain on the web site of the Supreme Court a list of designated delivery services.

Sec. 2. Section 25-506.01, Revised Statutes Supplement, 2009, is amended to read:

25-506.01 (1) Unless the plaintiff has elected certified mail service or designated delivery service, the summons shall be

served by the sheriff of the county where service is made, by a person authorized by section 25-507 or otherwise authorized by law, or by a person, corporation, partnership, or limited liability company not a party to the action specially appointed by the court for that purpose.

(2) Certified mail service or designated delivery service shall be made by plaintiff or plaintiff's attorney.

Sec. 3. Section 25-507.01, Revised Statutes Supplement, 2009, is amended to read:

25-507.01 (1) Within twenty days after the date of issue, the person serving the summons, other than by certified mail service or designated delivery service, shall make proof of service to the court stating the time, place, including the address if applicable, name of the person with whom the summons was left, and method of service, or return the unserved summons to the court with a statement of the reason for the failure to serve.

(2) When service is by certified mail service or designated delivery service, the plaintiff or plaintiff's attorney shall file proof of service within ten days after ~~return of~~ the signed receipt is received or is available electronically, whichever occurs first.

(3) Failure to make proof of service or delay in doing so does not affect the validity of the service.

Sec. 4. Section 25-508.01, Reissue Revised Statutes of Nebraska, is amended to read:

25-508.01 (1) An individual party, other than a person under the age of fourteen years, may be served by personal, residence, ~~or~~ certified mail, or designated delivery service.

(2) A party under the age of fourteen years may be served by personal, residence, ~~or~~ certified mail, or designated delivery service upon an adult person with whom the minor resides and who is the minor's parent, guardian, or person having care of the minor. If none of these can be found, a party under the age of fourteen years may be served by personal service.

(3) If the person to be served is an incapacitated person for whom a conservator or guardian has been appointed or is confined in any institution, notice of the service shall be given to the conservator, guardian, or superintendent or similar official of the institution. Failure to give such notice does not affect the validity of the service on the incapacitated person.

Sec. 5. Section 25-509.01, Reissue Revised Statutes of Nebraska, is amended to read:

25-509.01 A corporation may be served by personal, residence, ~~or~~ certified mail, or designated delivery service upon any officer, director, managing agent, or registered agent, or by leaving the process at the corporation's registered office with a person employed therein, or by certified mail or designated delivery service to the corporation's registered office.

Sec. 6. Section 25-510.02, Reissue Revised Statutes of

Nebraska, is amended to read:

25-510.02 (1) The State of Nebraska, any state agency as defined in section 81-8,210, and any employee of the state as defined in section 81-8,210 sued in an official capacity may be served by leaving the summons at the office of the Attorney General with the Attorney General, deputy attorney general, or someone designated in writing by the Attorney General, or by certified mail <u>or designated delivery</u> service addressed to the office of the Attorney General.

(2) Any county, city, or village of this state may be served by personal, residence, ~~or~~ certified mail<u>, or designated delivery</u> service upon the chief executive officer~~,~~ or clerk.

(3) Any political subdivision of this state, as defined in subdivision (1) of section 13-903, other than a county, city, or village, may be served by personal, residence, ~~or~~ certified mail<u>, or designated delivery</u> service upon the chief executive officer, clerk, secretary, or other official whose duty it is to maintain the official records, or any member of the governing board or body, or by certified mail <u>or designated delivery</u> service to the principal office of the political subdivision.

Sec. 7. Section 25-511.02, Reissue Revised Statutes of Nebraska, is amended to read:

25-511.02 A dissolved corporation may be served by personal, residence, ~~or~~ certified mail<u>, or designated delivery</u> service upon any appointed receiver. If there is no receiver, a dissolved corporation may be served by personal, residence, ~~or~~ certified mail<u>, or designated delivery</u> service upon any person who at the time of dissolution was an officer, director, managing agent, or registered agent, or upon any officer or director designated in the last annual report filed with the Secretary of State.

Sec. 8. Section 25-512.01, Reissue Revised Statutes of Nebraska, is amended to read:

25-512.01 A partnership or limited partnership may be served by personal, residence, ~~or~~ certified mail<u>, or designated delivery</u> service upon any partner except a limited partner, or by certified mail <u>or designated delivery</u> service at its usual place of business, or the process may be left at its usual place of business with an employee of the partnership or limited partnership.

Sec. 9. Section 25-513.01, Reissue Revised Statutes of Nebraska, is amended to read:

25-513.01 An unincorporated association may be served by personal, residence, ~~or~~ certified mail<u>, or designated delivery</u> service upon an officer or managing agent, or by certified mail <u>or designated delivery</u> service to the association at its usual place of business, or by leaving the process at its usual place of business with an employee of the unincorporated association.

Sec. 10. Section 25-514.01, Reissue Revised Statutes of Nebraska, is amended to read:

25-514.01 Any party may be served by personal, residence, ~~or~~ certified mail, or designated delivery service upon an agent authorized by appointment or by law to receive service of process.

Sec. 11. Original sections 25-508.01, 25-509.01, 25-510.02, 25-511.02, 25-512.01, 25-513.01, and 25-514.01, Reissue Revised Statutes of Nebraska, and sections 25-505.01, 25-506.01, and 25-507.01, Revised Statutes Supplement, 2009, are repealed.

(Signed) Brad Ashford, Chairperson

AMENDMENTS - Print in Journal

Senator Fischer filed the following amendment to LB743:
AM1797

1. Insert the following new sections:

Sec. 3. Section 37-201, Revised Statutes Supplement, 2009, is amended to read:

37-201 Sections 37-201 to 37-811 and section 4 of this act shall be known and may be cited as the Game Law.

Sec. 4. Property conveyed by the commission pursuant to sections 1 and 2 of this act shall be operated and maintained as follows:

(1) The property shall be maintained so as to appear attractive and inviting to the public;

(2) Sanitation and sanitary facilities shall be maintained in accordance with applicable health standards;

(3) Properties shall be kept reasonably open, accessible, and safe for public use. Fire prevention and similar activities shall be maintained for proper public safety;

(4) Buildings, roads, trails, and other structures and improvements shall be kept in reasonable repair throughout their estimated lifetime to prevent undue deterioration and to encourage public use; and

(5) The facility shall be kept open for public use at reasonable hours and times of the year, according to the type of area or facility.

The commission shall be responsible for compliance and enforcement of the requirements set forth in this section.

Sec. 5. Original section 37-201, Revised Statutes Supplement, 2009, is repealed.

2. Renumber the remaining sections accordingly.

Senator Fulton filed the following amendment to LB873:
AM1765

1. On page 2, line 3, strike "may", show as stricken, and insert "shall".

Senator Pankonin filed the following amendment to LB373:
FA64
Strike the enacting clause.

ANNOUNCEMENT

The Government, Military and Veterans Affairs Committee designates LB951 and LB686 as its priority bills.

UNANIMOUS CONSENT - Add Cointroducers

Senators Fischer, Janssen, and Price asked unanimous consent to add their names as cointroducers to LB1103. No objections. So ordered.

VISITOR

The Doctor of the Day was Dr. Joe Citta from Columbus.

ADJOURNMENT

At 11:59 a.m., on a motion by Speaker Flood, the Legislature adjourned until 10:00 a.m., Tuesday, February 9, 2010.

Patrick J. O'Donnell
Clerk of the Legislature

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TWENTY-THIRD DAY - FEBRUARY 9, 2010

LEGISLATIVE JOURNAL

ONE HUNDRED FIRST LEGISLATURE
SECOND SESSION

TWENTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 9, 2010

PRAYER

The prayer was offered by Pastor Aaron Householder, Southview Baptist Church, Lincoln.

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 Cook and Pahls who were excused; and Senators Heidemann and Karpisek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-second day was approved.

COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 190A. Placed on Final Reading.
LEGISLATIVE BILL 373. Placed on Final Reading.
LEGISLATIVE BILL 690. Placed on Final Reading.
LEGISLATIVE BILL 691. Placed on Final Reading.
LEGISLATIVE BILL 736. Placed on Final Reading.
LEGISLATIVE BILL 751. Placed on Final Reading.

(Signed) Jeremy Nordquist, Chairperson

ANNOUNCEMENTS

Senator Heidemann designates LB771 as his priority bill.

Senator McCoy designates LB742 as his priority bill.

COMMITTEE REPORTS

Government, Military and Veterans Affairs

LEGISLATIVE BILL 737. Indefinitely postponed.
LEGISLATIVE BILL 826. Indefinitely postponed.
LEGISLATIVE BILL 839. Indefinitely postponed.
LEGISLATIVE BILL 1035. Indefinitely postponed.

(Signed) Bill Avery, Chairperson

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 303, 304, 305, 306, and 307 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 303, 304, 305, 306, and 307.

SELECT FILE

LEGISLATIVE BILL 791. ER8154, found on page 405, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 743. Senator Fischer renewed her amendment, AM1797, found on page 497.

The Fischer amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 871. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 749. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 816. ER8155, found on page 429, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 788. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 705. ER8156, found on page 443, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 725. ER8158, found on page 453, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 762. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 708. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 806. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 873. Senator Fulton renewed his amendment, AM1765, found on page 497.

The Fulton amendment was adopted with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 667. ER8157, found on page 454, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 711. Senator Dierks offered the following amendment:
AM1804
1. Insert the following new section:
Sec. 3. Since an emergency exists, this act takes effect when passed and approved according to law.

The Dierks amendment was adopted with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 797. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 832. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 911. Advanced to Enrollment and Review for

Engrossment.

GENERAL FILE

LEGISLATIVE BILL 890. Title read. Considered.

Advanced to Enrollment and Review Initial with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 891. Title read. Considered.

Advanced to Enrollment and Review Initial with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 892. Title read. Considered.

Advanced to Enrollment and Review Initial with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 643. Title read. Considered.

Committee AM1620, found on page 406, was adopted with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 723. Title read. Considered.

Advanced to Enrollment and Review Initial with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

COMMITTEE REPORTS

Judiciary

LEGISLATIVE BILL 703. Placed on General File.

LEGISLATIVE BILL 258. Placed on General File with amendment.
AM1803

1. Strike the original sections and insert the following new sections:

Section 1. Section 53-101, Revised Statutes Cumulative Supplement, 2008, is amended to read:

53-101 Sections 53-101 to 53-1,122 <u>and section 3 of this act</u> shall be known and may be cited as the Nebraska Liquor Control Act.

Sec. 2. Section 53-180.05, Reissue Revised Statutes of Nebraska, is amended to read:

53-180.05 (1) Any person violating section 53-180 shall

be guilty of a Class I misdemeanor. Any person violating any of the provisions of ~~sections 53-180.01 to~~ section 53-180.01 or 53-180.03 shall be guilty of a Class III misdemeanor. Any person older than eighteen years of age and under the age of twenty-one years violating section 53-180.02 is guilty of a Class III misdemeanor. Any person eighteen years of age or younger violating section 53-180.02 is guilty of a misdemeanor as provided in section 3 of this act and shall be punished as provided in such section.

(2) Any person who knowingly manufactures, creates, or alters any form of identification for the purpose of sale or delivery of such form of identification to a person under the age of twenty-one years shall be guilty of a Class I misdemeanor. For purposes of this subsection, form of identification means any card, paper, or legal document that may be used to establish the age of the person named thereon for the purpose of purchasing alcoholic liquor.

(3) When a minor is arrested for a violation of sections 53-180 to 53-180.02 or subsection (2) of this section, the law enforcement agency employing the arresting peace officer shall make a reasonable attempt to notify such minor's parent or guardian of the arrest.

Sec. 3. The penalty for violation of section 53-180.02 by a person eighteen years of age or younger shall be as follows:

(1) If the person convicted or adjudicated of violating such section has one or more licenses or permits issued under the Motor Vehicle Operator's License Act:

(a) For the first offense, such person is guilty of a Class III misdemeanor and the court shall, as a part of the judgment of conviction or adjudication, impound any such licenses or permits for thirty days and require such person to attend an alcohol education class;

(b) For a second offense, such person is guilty of a Class III misdemeanor and the court, as a part of the judgment of conviction or adjudication, shall (i) impound any such licenses or permits for ninety days and (ii) require such person to complete no fewer than twenty and no more than forty hours of community service and to attend an alcohol education class; and

(c) For a third or subsequent offense, such person is guilty of a Class III misdemeanor and the court, as a part of the judgment of conviction or adjudication, shall (i) impound any such licenses or permits for twelve months and (ii) require such person to complete no fewer than sixty hours of community service, to attend an alcohol education class, and to submit to an alcohol assessment by a licensed alcohol and drug counselor.

(2) If the person convicted or adjudicated of violating such section does not have a permit or license issued under the Motor Vehicle Operator's License Act:

(a) For the first offense, such person is guilty of a Class III misdemeanor and the court, as part of the judgment of

conviction or adjudication, shall (i) prohibit such person from obtaining any permit or any license pursuant to the act for which such person would otherwise be eligible until thirty days after the date of such order and (ii) require such person to attend an alcohol education class;

(b) For a second offense, such person is guilty of a Class III misdemeanor and the court, as part of the judgment of conviction or adjudication, shall (i) prohibit such person from obtaining any permit or any license pursuant to the act for which such person would otherwise be eligible until ninety days after the date of such order and (ii) require such person to complete no fewer than twenty hours and no more than forty hours of community service and to attend an alcohol education class; and

(c) For a third or subsequent offense, such person is guilty of a Class III misdemeanor and the court, as part of the judgment of conviction or adjudication, shall (i) prohibit such person from obtaining any permit or any license pursuant to the act for which such person would otherwise be eligible until twelve months after the date of such order and (ii) require such person to complete no fewer than sixty hours of community service, to attend an alcohol education class, and to submit to an alcohol assessment by a licensed alcohol and drug counselor.

(3) A copy of an abstract of the court's conviction or adjudication shall be transmitted to the Director of Motor Vehicles pursuant to sections 60-497.01 to 60-497.04.

Sec. 4. Original section 53-180.05, Reissue Revised Statutes of Nebraska, and section 53-101, Revised Statutes Cumulative Supplement, 2008, are repealed.

(Signed) Brad Ashford, Chairperson

Revenue

LEGISLATIVE BILL 879. Placed on General File with amendment.
AM1798

1. On page 31, line 13, after "under" insert "subsection (3) of".

2. On page 52, line 16, after "to" insert ", but not incorporated into,"; and strike beginning with "incorporated" in line 22 through "to" in line 23 and insert "(A) incorporated into real estate as a part of a project and (B) annexed to, but not incorporated into,".

(Signed) Abbie Cornett, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 759. Placed on General File.
LEGISLATIVE BILL 760. Placed on General File.

(Signed) Pete Pirsch, Vice Chairperson

AMENDMENTS - Print in Journal

Senator Gloor filed the following amendment to LB713:
AM1792
(Amendments to Standing Committee amendments, AM1687)
1. On page 1, line 15, after "act" insert "or other qualified provider as identified by the department in rules and regulations adopted pursuant to section 79-249".

Senator Karpisek filed the following amendment to LB867:
AM1801
1. Insert the following new section:
Sec. 3. Section 53-138.01, Reissue Revised Statutes of Nebraska, is amended to read:
53-138.01 The State Treasurer shall credit forty dollars of each state registration fee to the General Fund and the remaining five dollars to the Nebraska Liquor Control Commission Rule and Regulation Cash Fund to be used for providing licensees with materials pursuant to section 53-117.05. All retail license fees received by the city or village treasurer, as the case may be, shall inure to the school fund of the district lying wholly or partially within the corporate limits of such city or village. ~~The~~ Except as otherwise provided in section 53-123.15, the State Treasurer shall credit all license fees received by the commission for licenses issued pertaining to alcoholic liquor, including beer, to the temporary school fund to be used for the support of the common schools as provided in Article VII, section 5, of the Constitution of Nebraska. All retail license fees received by the county treasurer, as provided in section 53-124, shall be credited to the school fund of the county.
2. Renumber the remaining section and correct the repealer accordingly.

Senator Giese filed the following amendment to LB746:
AM1795
(Amendments to Standing Committee amendments, AM1669)
1. On page 1, line 14, strike "Mexican-Americans" and insert "Latino-Americans".
2. On page 2, strike beginning with "representative" in line 12 through "and" in line 13 and insert "member of the".

GENERAL FILE

LEGISLATIVE BILL 787. Title read. Considered.

SENATOR ROGERT PRESIDING

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 914. Title read. Considered.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 12 present and not voting, and 8 excused and not voting.

COMMITTEE REPORTS

Judiciary

LEGISLATIVE BILL 732. Placed on General File with amendment.
AM1727

1. Insert the following new section:

Sec. 4. Section 76-1009, Reissue Revised Statutes of Nebraska, is amended to read:

76-1009 On the date and at the time and place designated in the notice of sale, the trustee shall sell the property at public auction to the highest bidder. The attorney for the trustee may conduct the sale. Any person, including the beneficiary, may bid at the sale. Every bid shall be deemed an irrevocable offer. If the purchaser refuses to pay the amount bid by him or her for the property struck off to him or her at the sale, the trustee may again sell the property at any time to the highest bidder, except that notice of the sale shall be given again in the same manner as the original notice of sale was required to be given. The party refusing to pay shall be liable for any loss occasioned thereby, and the trustee may also, in his or her discretion, thereafter reject any other bid of such person.

The person conducting the sale may, for any cause he or she deems expedient, postpone the sale of all or any portion of the property from time to time until it is completed and, in every such case, notice of postponement shall be given by public declaration thereof by such person at the time and place last appointed for the sale. <u>The public declaration of the notice of postponement shall include the new date, time, and place of sale.</u> No other notice of the postponed sale need be given unless the sale is postponed for longer than forty-five days beyond the day designated in the notice of sale in which event notice thereof shall be given in the same manner as the original notice of sale is required to be given.

2. On page 2, line 15; page 3, line 17; and page 4, line 17, after the period insert "<u>The public declaration of the notice of postponement shall include the new date, time, and place of</u>

sale.".

3. On page 4, line 22, after the third comma insert "76-1009,".

4. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 1047. Placed on General File with amendment.
AM1812

1. Insert the following new section:

Sec. 2. Since an emergency exists, this act takes effect when passed and approved according to law.

(Signed) Brad Ashford, Chairperson

VISITORS

Visitors to the Chamber were Patrick Gray from Lincoln; Brian, Suzanne, Elizabeth, and Elliott Csipkes from Gretna; Vera and Gary Salmon from Lincoln and Carol Remmers from Beatrice; 40 twelfth-grade students and teachers from Benson High School, Omaha; and members of Scottsbluff Rotary Club from Scottsbluff.

The Doctor of the Day was Dr. Roger Meyer from Utica.

ADJOURNMENT

At 11:55 a.m., on a motion by Speaker Flood, the Legislature adjourned until 10:00 a.m., Wednesday, February 10, 2010.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

TWENTY-FOURTH DAY - FEBRUARY 10, 2010

LEGISLATIVE JOURNAL

ONE HUNDRED FIRST LEGISLATURE
SECOND SESSION

TWENTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 10, 2010

PRAYER

The prayer was offered by Senator Stuthman.

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 Senator Pahls who was excused; and Senator Cornett who was excused until she arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-third day was approved.

COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 226. Placed on Final Reading.

LEGISLATIVE BILL 650. Placed on Final Reading.
ST9071
The following changes, required to be reported for publication in the Journal, have been made:
1. In the Standing Committee amendments, AM1582:
a. On page 44, line 27, "sections 60-501 to 60-569" has been struck, shown as stricken, and "the Motor Vehicle Safety Responsibility Act" inserted; and
b. On page 45, line 3, an underscored comma has been inserted after "death"; and in line 24 an underscored comma has been inserted after "use".
2. On page 1, line 7, "to provide an operative date;" has been inserted after the third semicolon.

LEGISLATIVE BILL 650A. Placed on Final Reading.
LEGISLATIVE BILL 698. Placed on Final Reading.
LEGISLATIVE BILL 721. Placed on Final Reading.

LEGISLATIVE BILL 722. Placed on Final Reading.
LEGISLATIVE BILL 731. Placed on Final Reading.
LEGISLATIVE BILL 738. Placed on Final Reading.
LEGISLATIVE BILL 798. Placed on Final Reading.
LEGISLATIVE BILL 814. Placed on Final Reading.

(Signed) Jeremy Nordquist, Chairperson

COMMITTEE REPORTS

Revenue

LEGISLATIVE BILL 972. Placed on General File.

LEGISLATIVE BILL 893. Indefinitely postponed.

LEGISLATIVE RESOLUTION 271CA. Indefinitely postponed.
LEGISLATIVE RESOLUTION 276CA. Indefinitely postponed.

(Signed) Abbie Cornett, Chairperson

Health and Human Services

LEGISLATIVE BILL 706. Placed on General File.
LEGISLATIVE BILL 766. Placed on General File.

LEGISLATIVE BILL 726. Placed on General File with amendment.
AM1763

1. On page 3, lines 1 through 5, strike the new matter and insert "which shall include, but not be limited to, four hours annually for direct care staff. Such training shall include topics pertaining to the form of care or treatment set forth in the disclosure described in this section. The requirement in this subdivision shall not be construed to increase the aggregate hourly training requirements of the Alzheimer's special care unit".

LEGISLATIVE BILL 828. Placed on General File with amendment.
AM1732

1. Strike the original sections and insert the following new sections:

Section 1. Section 38-1901, Reissue Revised Statutes of Nebraska, is amended to read:

38-1901 Sections 38-1901 to 38-1920 and section 4 of this act shall be known and may be cited as the Medical Radiography Practice Act.

Sec. 2. Section 38-1902, Reissue Revised Statutes of Nebraska, is amended to read:

38-1902 For purposes of the Medical Radiography Practice Act and elsewhere in the Uniform Credentialing Act, unless the context otherwise requires, the definitions found in sections

38-1903 to 38-1913 and section 4 of this act apply.

Sec. 3. Section 38-1908, Reissue Revised Statutes of Nebraska, is amended to read:

38-1908 Medical radiography means the application of radiation to humans for diagnostic purposes, including, but not limited to, ~~adjustment or manipulation of X-ray systems and accessories including image receptors, positioning of patients, processing of films, and any other action that materially affects the radiation dose to patients.~~ utilizing proper:

(1) Radiation protection for the patient, the radiographer, and others;

(2) Radiation generating equipment operation and quality control;

(3) Image production and evaluation;

(4) Radiographic procedures;

(5) Processing of films;

(6) Positioning of patients;

(7) Performance methods to achieve optimum radiographic technique with a minimum of radiation exposure; and

(8) Patient care and management as it relates to the practice of medical radiography.

Sec. 4. Patient care and management, as it relates to the practice of medical radiography, includes, but is not limited to:

(1) Infection control;

(2) Patient transfer and movement;

(3) Assisting patients with medical equipment;

(4) Routine monitoring;

(5) Medical emergencies;

(6) Proper use of contrast media; and

(7) Patient safety and protection, including minimizing and monitoring patient radiation exposure through utilizing proper professional standards and protocols, including the principle of as low as reasonably achievable.

Sec. 5. Section 38-1918, Reissue Revised Statutes of Nebraska, is amended to read:

38-1918 ~~(1)~~ (1)(a) The educational program for medical radiographers shall consist of twenty-four months of instruction in radiography approved by the board which includes, but is not limited to: ~~, radiographic procedures, imaging equipment, image production and evaluation, film processing, radiation physics, radiation protection, radiation biology, radiographic pathology, and quality assurance activities.~~

(i) Radiation protection for the patient, the radiographer, and others;

(ii) Radiation generating equipment operation and quality control;

(iii) Image production and evaluation;

(iv) Radiographic procedures;

(v) Processing of films;

(vi) Positioning of patients;

(vii) Performance methods to achieve optimum radiographic technique with a minimum of radiation exposure; and

(viii) Patient care and management as it relates to the practice of medical radiography.

(b) The board shall recognize equivalent courses of instruction successfully completed by individuals who are applying for licensure as medical radiographers when determining if the requirements of section 38-1915 have been met.

(2) The examination for limited radiographers shall include, but not be limited to:

(a) Radiation protection, radiation generating equipment ~~maintenance and~~ operation and quality control, image production and evaluation, radiographic procedures, and patient care and management; and

(b) The anatomy of, and positioning for, specific regions of the human anatomy. The anatomical regions shall include at least one of the following:

(i) Chest;

(ii) Extremities;

(iii) Skull and sinus;

(iv) Spine; or

(v) Ankle and foot.

(3) The examination for limited radiographers in bone density shall include, but not be limited to, basic concepts of bone densitometry, equipment operation and quality control, radiation safety, and dual X-ray absorptiometry (DXA) scanning of the finger, heel, forearm, lumbar spine, and proximal femur.

(4) The department, with the recommendation of the board, shall adopt and promulgate rules and regulations regarding the examinations required in sections 38-1915 and 38-1916. Such rules and regulations shall provide for (a) the administration of examinations based upon national standards, such as the Examination in Radiography from the American Registry of Radiologic Technologists for medical radiographers, the Examination for the Limited Scope of Practice in Radiography or the Bone Densitometry Equipment Operator Examination from the American Registry of Radiologic Technologists for limited radiographers, or equivalent examinations that, as determined by the board, meet the standards for educational and psychological testing as recommended by the American Psychological Association, the American Educational Research Association, and the National Council on Measurement in Education, (b) procedures to be followed for examinations, (c) the method of grading and the passing grades for such examinations, (d) security protection for questions and answers, and (e) for medical radiographers, the contents of such examination based on the course requirements for medical radiographers prescribed in subsection (1) of this section. Any costs incurred in determining the extent to which examinations meet the examining standards of this subsection

shall be paid by the individual or organization proposing the use of such examination.

(5) No applicant for a license as a limited radiographer may take the examination for licensure, or for licensure for any specific anatomical region, more than three times without first waiting a period of one year after the last unsuccessful attempt of the examination and submitting proof to the department of completion of continuing competency activities as required by the board for each subsequent attempt.

Sec. 6. Original sections 38-1901, 38-1902, 38-1908, and 38-1918, Reissue Revised Statutes of Nebraska, are repealed.

(Signed) Tim Gay, Chairperson

Natural Resources

LEGISLATIVE BILL 696. Placed on General File with amendment.
AM1676

1. Strike the original sections and insert the following new sections:

Section 1. Section 13-2042, Reissue Revised Statutes of Nebraska, is amended to read:

13-2042 (1) A disposal fee of one dollar and twenty-five cents is imposed for each six cubic yards of uncompacted solid waste, one dollar and twenty-five cents for each three cubic yards of compacted solid waste, or one dollar and twenty-five cents per ton of solid waste (a) disposed of at landfills regulated by the department or (b) transported for disposal out of state from a solid waste processing facility holding a permit under the Integrated Solid Waste Management Act. Each operator of a landfill or solid waste processing ~~disposal~~ facility shall make the fee payment quarterly. The fee shall be paid quarterly to the department on or before the forty-fifth day following the end of each quarter. For purposes of this section, landfill has the same definition as municipal solid waste landfill unit in 40 C.F.R. ~~part 258, subpart A, section~~ 258.2.

(2) Each fee payment shall be accompanied by a form prepared and furnished by the department and completed by the permitholder. The form shall state the total volume of solid waste disposed of at ~~that~~ the landfill or transported for disposal out of state from the solid waste processing facility during the payment period and shall provide any other information deemed necessary by the department. The form shall be signed by the permitholder.

(3) If a permitholder fails to make a timely payment of the fee, he or she shall pay interest on the unpaid amount at the rate specified in section 45-104.02, as such rate may from time to time be adjusted.

(4) This section shall not apply to a site used solely for the reclamation of land through the introduction of landscaping rubble or inert material.

(5) Fifty percent of the total of such fees collected in each quarter shall be remitted to the State Treasurer for credit to the Integrated Solid Waste Management Cash Fund and shall be used by the department to cover the direct and indirect costs of responding to spills or other environmental emergencies, of regulating, investigating, remediating, and monitoring facilities during and after operation of facilities, or of performance of regulated activities under the Integrated Solid Waste Management Act, the Livestock Waste Management Act, the Nebraska Litter Reduction and Recycling Act, and the Waste Reduction and Recycling Incentive Act. The department may seek recovery of expenses paid from the fund for responding to spills or other environmental emergencies or for investigation, remediation, and monitoring of a facility from any person who owned, operated, or used the facility in violation of the Integrated Solid Waste Management Act, the Livestock Waste Management Act, the Nebraska Litter Reduction and Recycling Act, and the Waste Reduction and Recycling Incentive Act in a civil action filed in the district court of Lancaster County. Of the amount credited to the Integrated Solid Waste Management Cash Fund, the department may disburse amounts to political subdivisions for costs incurred in response to and remediation of any solid waste disposed of or abandoned at dump sites or discrete locations along public roadways or ditches and on any contiguous area affected by such disposal or abandonment. Such reimbursement shall be by application to the department on forms prescribed by the department. The department shall prepare and make available a schedule of eligible costs and application procedures which may include a requirement of a demonstration of preventive measures to be taken to discourage future dumping. The department may not disburse to political subdivisions an amount which in the aggregate exceeds five percent of total revenue from the disposal fees collected pursuant to this section in the preceding fiscal year. These disbursements shall be made on a fiscal-year basis, and applications received after funds for this purpose have been exhausted may be eligible during the next fiscal year but are not an obligation of the state. Any eligible costs incurred by a political subdivision which are not funded due to a lack of funds shall not be considered an obligation of the state. In disbursing funds under this section, the director shall make efforts to ensure equal geographic distribution throughout the state and may deny reimbursements in order to accomplish this goal.

(6) The remaining fifty percent of the total of such fees collected per quarter shall be remitted to the State Treasurer for credit to the Waste Reduction and Recycling Incentive Fund. For purposes of determining the total fees collected, any amount of fees rebated pursuant to section 13-2042.01 shall be included as if

the fees had not been rebated, and the amount of the fees rebated pursuant to such section shall be deducted from the amount to be credited to the Waste Reduction and Recycling Incentive Fund.

(7) The council shall adopt and promulgate rules and regulations for the distribution of grants under subsection (6) of this section from the proceeds of the fees imposed by this section to counties, municipalities, and agencies for the purposes of planning and implementing facilities and systems to further the goals of the Integrated Solid Waste Management Act. The fees collected pursuant to this section shall not be used as grant proceeds to fund landfill closure site assessments, closure, monitoring, or investigative or corrective action costs for existing landfills or landfills already closed prior to July 15, 1992. The rules and regulations shall base the awarding of grants on a project's reflection of the integrated solid waste management policy and hierarchy established in section 13-2018, the proposed amount of local matching funds, and community need.

Sec. 2. Section 13-2042.01, Revised Statutes Supplement, 2009, is amended to read:

13-2042.01 (1) The Department of Environmental Quality shall rebate to the municipality or county of origin ten cents of the disposal fee required by section 13-2042 for ~~each six cubic yards of uncompacted solid waste, for each three cubic yards of compacted solid waste, or for each ton of~~ solid waste disposed of at landfills regulated by the department ~~and originating~~ or transported for disposal out of state from a solid waste processing facility holding a permit under the Integrated Solid Waste Management Act when such solid waste originated in a municipality or county with a purchasing policy approved by the department. The fee shall be rebated on a schedule agreed upon between the municipality or county and the department. The schedule shall be no more often than quarterly and no less often than annually.

(2) Any municipality or county may apply to the department for the rebate authorized in subsection (1) of this section if the municipality or county has a written purchasing policy in effect requiring a preference for purchasing products, materials, or supplies which are manufactured or produced from recycled material. The policy shall provide that the preference shall not operate when it would result in the purchase of products, materials, or supplies which are of inadequate quality as determined by the municipality or county. Upon receipt of an application, the Department of Environmental Quality shall submit the application to the materiel division of the Department of Administrative Services for review. The materiel division shall review the application for compliance with this section and any rules and regulations adopted pursuant to this section and to determine the probable effectiveness in assuring that a preference is given to products, materials, or supplies which are manufactured

or produced from recycled material. The materiel division shall provide a report of its findings to the Department of Environmental Quality within thirty days after receiving the review request. The Department of Environmental Quality shall approve the application or suggest modifications to the application within sixty days after receiving the application based on the materiel division's report, any analysis by the Department of Environmental Quality, and any factors affecting compliance with this section or the rules and regulations adopted pursuant to this section.

(3) A municipality or county shall file a report complying with the rules and regulations adopted pursuant to this section with the Department of Environmental Quality before April 1 of each year documenting purchasing practices for the past calendar year in order to continue receiving the rebate. The report shall include, but not be limited to, quantities of products, materials, or supplies purchased which were manufactured or produced from recycled material. The department shall provide copies of each report to the materiel division in a timely manner. If the department determines that a municipality or county is not following the purchasing policy presented in the approved application or that the purchasing policy presented in the approved application is not effective in assuring that a preference is given to products, materials, or supplies which are manufactured or produced from recycled material, the department shall suspend the rebate until it determines that the municipality or county is giving a preference to products, materials, or supplies which are manufactured or produced from recycled material pursuant to a written purchasing policy approved by the department subsequent to the suspension. The materiel division may make recommendations to the department regarding suspensions and reinstatements of rebates. The Department of Administrative Services may adopt and promulgate rules and regulations establishing procedures for reviewing applications and for annual reports.

(4) Any suspension of the rebate or denial of an application made under this section may be appealed. The appeal shall be in accordance with the Administrative Procedure Act.

(5) The council shall adopt and promulgate rules and regulations establishing criteria for application procedures, for accepting and denying applications, for required reports, and for suspending and reinstating the rebate. The materiel division shall recommend to the council criteria for accepting and denying applications and for suspending and reinstating the rebate. The materiel division may make other recommendations to the council regarding rules and regulations authorized under this section.

Sec. 3. Original section 13-2042, Reissue Revised Statutes of Nebraska, and section 13-2042.01, Revised Statutes Supplement, 2009, are repealed.

(Signed) Chris Langemeier, Chairperson

Transportation and Telecommunications

LEGISLATIVE BILL 841. Placed on General File.

LEGISLATIVE RESOLUTION 286CA. Placed on General File.

(Signed) Deb Fischer, Chairperson

NOTICE OF COMMITTEE HEARINGS
Health and Human Services

Room 1510

Wednesday, February 17, 2010 1:30 p.m.

LB1038
LB941
LB1005

Thursday, February 18, 2010 1:30 p.m.

LB1093
LB778
LB1027

(Signed) Tim Gay, Chairperson

COMMITTEE REPORT
Health and Human Services

The Health and Human Services 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.

Acela Turco - Foster Care Review Board

Aye: 6 Senators Campbell, Gay, Howard, Pankonin, Stuthman, Wallman. Nay: 0. Absent: 0. Present and not voting: 1 Senator Gloor.

(Signed) Tim Gay, Chairperson

GENERAL FILE

LEGISLATIVE BILL 200. Senator Coash withdrew his amendment FA60, found on page 421 and considered on page 434.

Senator Janssen asked unanimous consent to withdraw his amendment, AM1720, found on page 417, and replace it with his substitute amendment, AM1796. No objections. So ordered.

AM1796

1. Strike the original sections and all amendments thereto and insert the following new sections:

Section 1. Section 60-6,279, Reissue Revised Statutes of Nebraska, is amended to read:

60-6,279 (1) A person shall not operate or be a passenger on a motorcycle or moped on any highway in this state unless such person is wearing eye protection.

(2) A person under twenty-one years of age shall not operate or be a passenger on a motorcycle or moped on any highway in this state unless such person is wearing a protective helmet of the type and design manufactured for use by operators of such vehicles and unless such helmet is secured properly on his or her head with a chin strap while the vehicle is in motion. All such protective helmets shall be designed to reduce injuries to the user resulting from head impacts and shall be designed to protect the user by remaining on the user's head, deflecting blows, resisting penetration, and spreading the force of impact. Each such helmet shall consist of lining, padding, and chin strap and shall meet or exceed the standards established in the United States Department of Transportation's Federal Motor Vehicle Safety Standard No. 218, 49 C.F.R. 571.218, for motorcycle helmets.

(3) A person twenty-one years of age or older who is not wearing a helmet meeting the requirements of subsection (2) of this section while operating or while a passenger on a motorcycle or moped on any highway of this state shall have current and effective medical reimbursement insurance coverage of not less than one million dollars and shall carry proof of such insurance with him or her while operating or while a passenger on the motorcycle or moped.

(4) Except for the eye protection requirements of this section, enforcement of this section by state or local law enforcement agencies shall be accomplished only as a secondary action when an operator or passenger has been cited or charged with another violation of the Nebraska Rules of the Road.

(5) For purposes of this section, eye protection means glasses that cover the orbital region of a person's face, a protective face shield attached to a protective helmet, goggles, or a windshield on the motorcycle that protects the operator's and passenger's horizontal line of vision in all operating positions.

(6) Subsections (1) through (5) of this section terminate on January 1, 2016.

(7) Beginning January 1, 2016, a person shall not operate or be a passenger on a motorcycle or moped on any highway in this state unless such person is wearing a protective helmet of the type and design manufactured for use by an operator of a motorcycle or

moped and unless such helmet is secured properly on his or her head with a chin strap while the motorcycle or moped is in motion. Such protective helmets shall be designed to reduce injuries to the user resulting from head impacts and shall be designed to protect the user by remaining on the user's head, deflecting blows, resisting penetration, and spreading the force of impact. Such helmets shall consist of lining, padding, and a chin strap and shall meet or exceed the standards for helmets established in the United States Department of Transportation's Federal Motor Vehicle Safety Standard No. 218, 49 C.F.R. 571.218.

Sec. 2. Original section 60-6,279, Reissue Revised Statutes of Nebraska, is repealed.

Senator Lathrop offered the following amendment to the Janssen amendment:
AM1832

(Amendments to AM1796)

1. On page 2, strike lines 7 through 11; in lines 12 and 17 strike "(5)" and insert "(4)"; in line 17 strike "(6)" and insert "(5)"; and in line 19 strike "(7)" and insert "(6)".

SPEAKER FLOOD PRESIDING

PRESIDENT SHEEHY PRESIDING

Senator Lautenbaugh offered the following motion:
MO80
Bracket until April 14, 2010.

Pending.

COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 890. Placed on Select File with amendment.
ER8161

1. On page 8, line 10, strike "and" and insert "or".
2. On page 14, line 21, strike the third comma.
3. On page 25, line 5, strike "certified" and show as stricken.

(Signed) Jeremy Nordquist, Chairperson

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 743. Placed on Final Reading.
ST9072
The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, the matter beginning with "authorize" in line 1 through line 5 has been struck and "amend section 37-201, Revised Statutes Supplement, 2009; to authorize the commission to convey certain real estate for park purposes; to prescribe conditions relating to the conveyance, operation, and maintenance of the real estate; to provide duties for the commission; to eliminate conveyance provisions; to harmonize provisions; to repeal the original section; to outright repeal section 90-215, Reissue Revised Statutes of Nebraska; and to declare an emergency." inserted.

LEGISLATIVE BILL 749. Placed on Final Reading.
LEGISLATIVE BILL 791. Placed on Final Reading.
LEGISLATIVE BILL 871. Placed on Final Reading.

(Signed) Jeremy Nordquist, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 317. Introduced by Sullivan, 41; Price, 3; Stuthman, 22.

WHEREAS, Scott Shanle attended school in St. Edward, Nebraska, and played on St. Edward's eight-man football team in high school; and

WHEREAS, Scott Shanle walked on with the Nebraska Cornhusker football team in 1999 and became an award-winning starting linebacker; and

WHEREAS, Scott Shanle was instrumental in leading the New Orleans Saints to their first Super Bowl victory in the team's history; and

WHEREAS, the New Orleans Saints won Super Bowl XLIV against the Indianapolis Colts by a score of 31-17; and

WHEREAS, Scott Shanle's consistent hard work has made him an example to others as well as a key addition to the New Orleans Saints; and

WHEREAS, the Legislature recognizes outstanding athletic achievements made by Nebraskans.

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

1. That the Legislature recognizes and congratulates the excellence, selflessness, dedication, and athletic ability of Nebraska native Scott Shanle, along with his team.
2. That a copy of this resolution be sent to Scott Shanle.

Laid over.

NOTICE OF COMMITTEE HEARING
Judiciary

Room 1113

Wednesday, February 17, 2010 1:30 p.m.

LB699
LB996
LB801
LB907
LB1029
LB1085

(Signed) Brad Ashford, Chairperson

AMENDMENTS - Print in Journal

Senator Avery filed the following amendment to LB200:
AM1836

(Amendments to AM1796)

1. On page 2, line 6, after "moped" insert "and shall be an organ donor, a tissue donor, or both".

Senator Avery filed the following amendment to LB200:
AM1834

(Amendments to AM1796)

1. On page 1, strike beginning with "A" in line 5 through "(2)" in line 8; in line 22 strike "(3)" and insert "(2)"; and in line 23 strike "(2)" and insert "(1)".

2. On page 2, strike beginning with "(4)" in line 7 through "enforcement" in line 8 and insert "(3) Enforcement"; in lines 12 and 17 strike "(5)" and insert "(4)"; in line 17 strike "(6)" and insert "(5)"; and in line 19 strike "(7)" and insert "(6)".

Senator Lathrop filed the following amendment to LB200:
AM1838

(Amendments to AM1796)

1. On page 1, line 8, strike "under twenty-one years of age"; and strike lines 22 and 23.

2. On page 2, strike lines 1 through 6; in line 7 strike "(4)" and insert "(3)"; in line 12 strike "(5)" and insert "(4)"; and strike lines 17 through 27.

3. On page 3, strike lines 1 through 5.

Senator Heidemann filed the following amendment to LB987:
AM1831

1. On page 4, line 20, strike "The State Treasurer shall transfer" and insert "It is the intent of the Legislature to appropriate"; and in line 21 strike "no later than August 1, 2010," and insert "in fiscal year 2010-11".

UNANIMOUS CONSENT - Add Cointroducer

Senator Harms asked unanimous consent to add his name as cointroducer to LB1103. No objections. So ordered.

VISITORS

Visitors to the Chamber were 60 eleventh- and twelfth-grade students and teachers from Elkhorn; Nathan Lore from Lincoln; Brenda Johnson from Norfolk and Laurel Johnson, Liz Samuelsen, and Joanne Jensen from Bloomfield; and Craig, Lisa, Jarid, Jerica, Noah, Isaiah, Lydia, Nathanael, and Rebekah Hamre from Oxford.

The Doctor of the Day was Dr. Kip Anderson from Columbus.

ADJOURNMENT

At 12:01 p.m., on a motion by Speaker Flood, the Legislature adjourned until 10:00 a.m., Thursday, February 11, 2010.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-FIFTH DAY - FEBRUARY 11, 2010

LEGISLATIVE JOURNAL

ONE HUNDRED FIRST LEGISLATURE
SECOND SESSION

TWENTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 11, 2010

PRAYER

The prayer was offered by Pastor Randy Fett, St. Paul's Lutheran Church, Grand Island.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Speaker Flood presiding.

The roll was called and all members were present except Senator Pahls who was excused; and Senators Adams and Ashford who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-fourth day was approved.

COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 891. Placed on Select File with amendment.
ER8163
1. On page 3, line 3, strike the comma.
2. On page 4, lines 13 and 14, strike the underscored semicolon and insert an underscored comma.
3. On page 5, line 19, strike "(i)" and insert "(a)"; in line 21 strike "; (ii)" and insert ", (b)"; and in line 22 strike "; or (iii)" and insert ", or (c)".

LEGISLATIVE BILL 892. Placed on Select File.

LEGISLATIVE BILL 643. Placed on Select File with amendment.
ER8162
1. Strike the original sections and all amendments thereto and insert the following new sections:
Section 1. Section 70-311, Reissue Revised Statutes of

Nebraska, is amended to read:

70-311 (1) Whenever any county or township road construction, widening, repair, or grading project or any road ditch improvement project requires, or can reasonably be expected to require, the performance of any work within ~~six~~ ten feet of any electric transmission or electric distribution line, poles, or anchors, notice to the owner of such line, poles, or anchors shall be given by the respective county or township officers in charge of such projects. Such notice shall be given at least ~~thirty~~ ninety days prior to the start of any work when, because of road construction, widening, repair, or grading or a road ditch improvement project, or for any other reason, it is necessary to relocate such line, poles, or anchors or if such work will compromise the structural integrity of the line, poles, or anchors.

(2) If a natural resources district will be altering a road structure or grading or moving earth for a flood control, recreation, or other project that requires, or can reasonably be expected to require, the performance of any work within ten feet of any electric transmission or electric distribution line, poles, or anchors, notice to the owner of such line, poles, or anchors shall be given by the respective natural resources district in charge of such projects. Such notice shall be given at least ninety days prior to the start of any work when, because of such road structure alteration or grading or moving earth, or for any other reason, it is necessary to relocate such line, poles, or anchors or if such work will compromise the structural integrity of the line, poles, or anchors.

Sec. 2. Original section 70-311, Reissue Revised Statutes of Nebraska, is repealed.

2. On page 1, line 5, strike "resource" and insert "resources".

LEGISLATIVE BILL 723. Placed on Select File.
LEGISLATIVE BILL 787. Placed on Select File.
LEGISLATIVE BILL 914. Placed on Select File.

(Signed) Jeremy Nordquist, Chairperson

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 667. Placed on Final Reading.
LEGISLATIVE BILL 705. Placed on Final Reading.
LEGISLATIVE BILL 708. Placed on Final Reading.
LEGISLATIVE BILL 711. Placed on Final Reading.
LEGISLATIVE BILL 725. Placed on Final Reading.
LEGISLATIVE BILL 762. Placed on Final Reading.
LEGISLATIVE BILL 788. Placed on Final Reading.
LEGISLATIVE BILL 797. Placed on Final Reading.

LEGISLATIVE BILL 806. Placed on Final Reading.
LEGISLATIVE BILL 816. Placed on Final Reading.
LEGISLATIVE BILL 832. Placed on Final Reading.

LEGISLATIVE BILL 873. Placed on Final Reading.
ST9073
The following changes, required to be reported for publication in the Journal, have been made:

1. In the Fulton amendment, AM1765, on page 1, line 1, a comma has been inserted after "may"; and in line 2 an underscored comma has been inserted after "shall".
2. On page 1, line 2, "to require notice of taxes owed on certain property;" has been inserted after the semicolon.

LEGISLATIVE BILL 911. Placed on Final Reading.

(Signed) Jeremy Nordquist, Chairperson

COMMITTEE REPORT
Urban Affairs

LEGISLATIVE RESOLUTION 295CA. Placed on General File.

(Signed) Amanda McGill, Chairperson

NOTICE OF COMMITTEE HEARINGS
Natural Resources

Room 1525

Friday, February 19, 2010 1:30 p.m.

LB1048 - (Wind Briefing) Special briefing

(Signed) Chris Langemeier, Chairperson

Judiciary

Room 1113

Thursday, February 18, 2010 1:30 p.m.

LB894
LB955
LB1050
LB989
LB1062
LB1084

Friday, February 19, 2010 1:30 p.m.

LB939
LB971
LB1037
LB1045
LB1046
LB973

(Signed) Brad Ashford, Chairperson

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of February 10, 2010, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Micek, Cora
Peetz & Company
Sokol, Lawrence J.
National Popular Vote

REPORT

The following report was received by the Legislature:

Educational Lands and Funds, Board of
Annual Report

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 308, 309, 310, and 311 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 308, 309, 310, and 311.

MOTION - Approve Appointment

Senator Gay moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 517:

Foster Care Review Board
Acela Turco

Voting in the affirmative, 41:

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

Voting in the negative, 0.

Present and not voting, 5:

Carlson	Heidemann	Karpisek	Langemeier	White

Excused and not voting, 3:

Adams	Ashford	Pahls

The appointment was confirmed with 41 ayes, 0 nays, 5 present and not voting, and 3 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 200. Senator Lautenbaugh renewed his motion, MO80, found on page 519, to bracket until April 14, 2010.

Senator Lautenbaugh withdrew his motion to bracket.

Senator Lathrop renewed his amendment, AM1832, found on page 519.

Senator Janssen offered the following motion:
MO82
Recommit to the Transportation and Telecommunications Committee.

Senator Janssen withdrew his motion to recommit to committee.

Senator Janssen offered the following motion:
MO81
Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Janssen moved for a call of the house. The motion prevailed with 42 ayes, 0 nays, and 7 not voting.

Senator Janssen requested a roll call vote, in reverse order, on his motion to invoke cloture.

Voting in the affirmative, 27:

Ashford	Fulton	Karpisek	Mello	Stuthman
Carlson	Giese	Krist	Nelson	Sullivan
Christensen	Hadley	Langemeier	Pirsch	White
Coash	Hansen	Lautenbaugh	Price	
Fischer	Heidemann	Louden	Rogert	
Flood	Janssen	McCoy	Schilz	

Voting in the negative, 20:

Adams	Cornett	Gay	Howard	Pankonin
Avery	Council	Gloor	Lathrop	Utter
Campbell	Dierks	Haar	McGill	Wallman
Cook	Dubas	Harms	Nordquist	Wightman

Present and not voting, 1:

Conrad

Excused and not voting, 1:

Pahls

The Janssen motion to invoke cloture failed with 27 ayes, 20 nays, 1 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

COMMITTEE REPORTS

General Affairs

LEGISLATIVE BILL 786. Placed on General File.
LEGISLATIVE BILL 869. Placed on General File.
LEGISLATIVE BILL 1000. Placed on General File.

LEGISLATIVE BILL 883. Placed on General File with amendment.
AM1684

1. Strike original section 2 and insert the following new section:

Sec. 2. Section 53-164.01, Revised Statutes Cumulative Supplement, 2008, is amended to read:

53-164.01 Payment of the tax provided for in section 53-160 on alcoholic liquor shall be paid by the manufacturer or wholesaler as follows:

(1)(a) All manufacturers or wholesalers, except farm winery producers, whether inside or outside this state shall, on or before the twenty-fifth day of each calendar month following the month in which shipments were made, submit a report to the commission upon forms furnished by the commission showing the total amount of alcoholic liquor in gallons or fractional parts thereof shipped by such manufacturer or wholesaler, whether inside or outside this state, during the preceding calendar month;

(b) All beer wholesalers shall, on or before the twenty-fifth day of each calendar month following the month in which shipments were made, submit a report to the commission upon forms furnished by the commission showing the total amount of beer in gallons or fractional parts thereof shipped by all manufacturers, whether inside or outside this state, during the preceding calendar month to such wholesaler;

(c)(i) Except as provided in subdivision (ii) of this subdivision, farm winery producers which paid less than one thousand dollars of excise taxes pursuant to section 53-160 for the previous calendar year and which will pay less than one thousand dollars of excise taxes pursuant to section 53-160 for the current calendar year shall, on or before the twenty-fifth day of the calendar month following the end of the year in which wine was packaged or bottled for sale, submit a report to the commission upon forms furnished by the commission showing the total amount of wine in gallons or fractional parts thereof packaged or bottled by such producer during the preceding calendar year; and

~~(c)~~ (ii) Farm winery producers which paid one thousand dollars or more of excise taxes pursuant to section 53-160 for the previous calendar year or which become liable for one thousand dollars or more of excise taxes pursuant to section 53-160 during the current calendar year shall, on or before the twenty-fifth day of each calendar month following the month in which wine was packaged or bottled for sale, submit a report to the commission upon forms furnished by the commission showing the total amount of wine in gallons or fractional parts thereof packaged or bottled by such producer during the preceding calendar month. A farm winery producer which becomes liable for one thousand dollars or more of excise taxes pursuant to section 53-160 during the current calendar year shall also pay such excise taxes immediately;

(d) A craft brewery shall, on or before the twenty-fifth day of each calendar month following the month in which the beer was produced for sale, submit a report to the commission on forms furnished by the commission showing the total amount of beer in gallons or fractional parts thereof produced for sale by the craft brewery during the preceding calendar month;

(e) A microdistillery shall, on or before the twenty-fifth day of each calendar month following the month in which the distilled liquor was produced for sale, submit a report to the commission on forms furnished by the commission showing the total amount of distilled liquor in gallons or fractional parts thereof produced for sale by the microdistillery during the preceding calendar month; and

(f) Reports submitted pursuant to subdivision (a), (b), or (c) of this subdivision shall also contain a statement of the total amount of alcoholic liquor, except beer, in gallons or fractional parts thereof shipped to licensed retailers inside this state and such other information as the commission may require;

(2) The wholesaler or farm winery producer shall at the time of the filing of the report pay to the commission the tax due on alcoholic liquor, except beer, shipped to licensed retailers inside this state at the rate fixed in accordance with section 53-160. The tax due on beer shall be paid by the wholesaler on beer shipped from all manufacturers;

(3) The tax imposed pursuant to section 53-160 shall be due on the date the report is due less a discount of one percent of the tax on alcoholic liquor for submitting the report and paying the tax in a timely manner. The discount shall be deducted from the payment of the tax before remittance to the commission and shall be shown in the report to the commission as required in this section. If the tax is not paid within the time provided in this section, the discount shall not be allowed and shall not be deducted from the tax;

(4) If the report is not submitted by the twenty-fifth day of the calendar month or if the tax is not paid to the commission by the twenty-fifth day of the calendar month, the following penalties shall be assessed on the amount of the tax: One to five days late, three percent; six to ten days late, six percent; and over ten days late, ten percent. In addition, interest on the tax shall be collected at the rate of one percent per month, or fraction of a month, from the date the tax became due until paid;

(5) No tax shall be levied or collected on alcoholic liquor manufactured inside this state and shipped or transported outside this state for sale and consumption outside this state;

(6) In order to insure the payment of all state taxes on alcoholic liquor, together with interest and penalties, persons required to submit reports and payment of the tax shall, at the time of application for a license under section 53-124, enter

into a surety bond with corporate surety, both the bond form and surety to be approved by the commission. Subject to the limitations specified in this subdivision, the amount of the bond required of any taxpayer shall be fixed by the commission and may be increased or decreased by the commission at any time. In fixing the amount of the bond, the commission shall require a bond equal to the amount of the taxpayer's estimated maximum monthly excise tax ascertained in a manner as determined by the commission. Nothing in this section shall prevent or prohibit the commission from accepting and approving bonds which run for a term longer than the license period. The amount of a bond required of any one taxpayer shall not be less than one thousand dollars. The bonds required by this section shall be filed with the commission; and

(7) When a manufacturer or wholesaler sells and delivers alcoholic liquor upon which the tax has been paid to any instrumentality of the armed forces of the United States engaged in resale activities as provided in section 53-160.01, the manufacturer or wholesaler shall be entitled to a credit in the amount of the tax paid in the event no tax is due on such alcoholic liquor as provided in such section. The amount of the credit, if any, shall be deducted from the tax due on the following monthly report and subsequent reports until liquidated.

(Signed) Russ Karpisek, Chairperson

NOTICE OF COMMITTEE HEARING

Business and Labor

Room 1524

Monday, February 22, 2010 1:30 p.m.

LB700
LB995
LB1040
LB1041
LB1042
LB1090
LB1091

(Signed) Steve Lathrop, Chairperson

ANNOUNCEMENTS

Senator Dubas designates LB689 as her priority bill.

The Banking, Commerce and Insurance Committee designates LB888 as its priority bill.

GENERAL FILE

LEGISLATIVE BILL 735. Title read. Considered.

SENATOR STUTHMAN PRESIDING

Committee AM1747, found on page 439, was adopted with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 258. Title read. Considered.

Committee AM1803, found on page 502, was considered.

Pending.

ANNOUNCEMENT

Pursuant to Rule 8, Sec. 3, the Appropriations Committee presented its preliminary report on February 11, 2010, summarizing the recommended appropriations for the following biennium.

COMMITTEE REPORTS

Urban Affairs

LEGISLATIVE BILL 799. Placed on General File with amendment.
AM1556

1. On page 2, strike lines 19 through 21.

(Signed) Amanda McGill, Chairperson

Education

LEGISLATIVE BILL 1006. Placed on General File with amendment.
AM1816

1. Strike sections 3, 4, and 5.

2. On page 2, line 18; and page 5, line 7, strike "<u>or beginner grade</u>".

3. On page 4, line 14, strike "or beginner grade" and show as stricken.

4. On page 5, line 2, strike "or the beginner grade.", show as stricken, and insert an underscored period; in lines 20 and 24 strike "<u>or the beginner grade</u>"; and strike beginning with "<u>The</u>" in line 24 through line 25.

5. On page 6, strike line 1.

6. Amend the repealer and renumber the remaining section accordingly.

LEGISLATIVE BILL 257. Indefinitely postponed.
LEGISLATIVE BILL 391. Indefinitely postponed.
LEGISLATIVE BILL 546. Indefinitely postponed.

The Education 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.

Martin Demuth - Board of Educational Lands and Funds

Aye: 8 Senators Adams, Ashford, Avery, Cornett, Giese, Haar, Howard, Sullivan. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Greg Adams, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 318. Introduced by Pankonin, 2; Carlson, 38.

WHEREAS, Ann Toner Gottwald passed away on February 6, 2010, at the age of sixty; and

WHEREAS, Ann Toner Gottwald served the agricultural community for nearly forty years in the Midwest as an excellent journalist; and

WHEREAS, Ann Toner Gottwald received her degree in science journalism from Iowa State University; and

WHEREAS, Ann Toner Gottwald was an agricultural journalist for the Lincoln Journal Star in Lincoln, Nebraska, the Omaha World-Herald in Omaha, Nebraska, the Kansas City Star in Kansas City, Missouri, the Cape Coral Daily Breeze in Cape Coral, Florida, the Muscatine Journal in Muscatine, Iowa, the Dubuque Telegraph Herald in Dubuque, Iowa, Agribusiness Newspapers in New Ulm, Minnesota, and the Nebraska Farmer magazine; and

WHEREAS, Ann Toner Gottwald served as president of the North American Agricultural Journalists; and

WHEREAS, Ann Toner Gottwald received recognition by the American Agricultural Editors Association and the Nebraska Press Women and was awarded the Farm Editor of the Year by the North American Agricultural Journalists and Media Person of the Year by the Nebraska Agri-Business Association; and

WHEREAS, Ann Toner Gottwald is survived by her husband, Allen Gottwald, her son, Alex Gottwald, her brother, Michael Toner, and several nieces and nephews.

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

1. That the Legislature posthumously honors Ann Toner Gottwald for her personal accomplishments and service to agriculture.

2. That the Legislature extends its sympathy and condolences to the family of Ann Toner Gottwald.

3. That a copy of this resolution be sent to the family of Ann Toner Gottwald.

Laid over.

UNANIMOUS CONSENT - Add Cointroducers

Senator Ashford asked unanimous consent to add his name as cointroducer to LB381. No objections. So ordered.

Senator Fischer asked unanimous consent to add her name as cointroducer to LB705 and LB735. No objections. So ordered.

Senator Coash asked unanimous consent to add his name as cointroducer to LB754. No objections. So ordered.

VISITORS

Visitors to the Chamber were Karen Rathke from Grand Island; Aaron Davis from Lincoln; and Shanna, Abigaill, Alexis, and Rebecca Wright from Norfolk.

The Doctor of the Day was Dr. Charging Thunder from Omaha.

ADJOURNMENT

At 11:55 a.m., on a motion by Speaker Flood, the Legislature adjourned until 10:00 a.m., Tuesday, February 16, 2010.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-SIXTH DAY - FEBRUARY 16, 2010

LEGISLATIVE JOURNAL

ONE HUNDRED FIRST LEGISLATURE
SECOND SESSION

TWENTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 16, 2010

PRAYER

The prayer was offered by Pastor Rod Lyon, Conestoga Parish United Methodist Churches, Denton, Pleasant Dale, and Raymond.

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 Giese and Pahls who were excused; and Senators Ashford, Cornett, Dierks, and McGill who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-fifth day was approved.

COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 735. Placed on Select File.

(Signed) Jeremy Nordquist, Chairperson

COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 951. Placed on General File.
LEGISLATIVE BILL 978. Placed on General File.

LEGISLATIVE RESOLUTION 278CA. Indefinitely postponed.

(Signed) Bill Avery, Chairperson

MESSAGE FROM THE GOVERNOR

February 11, 2010

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 139, 147, 181, 183, 197e, 210e, 216, 235e, 254e, 261, 279, 325, 475, 522, 550, 552, 682, 683, and 684 were received in my office on February 5, 2010.

These bills were signed and delivered to the Secretary of State on February 11, 2010.

Sincerely,
(Signed) Dave Heineman
Governor

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 312, 313, 314, 315, and 316 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 312, 313, 314, 315, and 316.

MOTION - Approve Appointment

Senator Adams moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 533:

Board of Educational Lands and Funds
Martin Demuth

Voting in the affirmative, 39:

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

Voting in the negative, 0.

Present and not voting, 4:

Campbell	Dubas	Heidemann	Wallman

Excused and not voting, 6:

Ashford	Dierks	McGill
Cornett	Giese	Pahls

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

GENERAL FILE

LEGISLATIVE BILL 258. Committee AM1803, found on page 502 and considered on page 532, was renewed.

Senator Karpisek offered the following amendment to the committee amendment:
AM1888
(Amendments to Standing Committee amendments, AM1803)
1. On page 2, lines 15, 21, and 27; and page 3, lines 10, 17, and 25, strike "shall" and insert "may".

Senator Dubas moved the previous question. The question is, "Shall the debate now close?"

Senator Ashford moved for a call of the house. The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

Senator Ashford requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 19:

Adams	Cook	Fulton	Howard	Nordquist
Ashford	Dierks	Gloor	Lathrop	Stuthman
Avery	Dubas	Hadley	Louden	Wightman
Coash	Flood	Harms	McCoy	

Voting in the negative, 28:

Campbell	Fischer	Karpisek	Nelson	Sullivan
Carlson	Gay	Krist	Pankonin	Utter
Christensen	Haar	Langemeier	Pirsch	Wallman
Conrad	Hansen	Lautenbaugh	Price	White
Cornett	Heidemann	McGill	Rogert	
Council	Janssen	Mello	Schilz	

Excused and not voting, 2:

Giese Pahls

The motion to cease debate failed with 19 ayes, 28 nays, and 2 excused and not voting.

The Chair declared the call raised.

Pending.

NOTICE OF COMMITTEE HEARING
Nebraska Retirement Systems

Room 1525

Thursday, February 25, 2010 08:45 a.m.

Randall Rehmeier - Public Employees Retirement Board

(Signed) Dave Pankonin, Chairperson

COMMITTEE REPORTS
Revenue

LEGISLATIVE BILL 878. Placed on General File with amendment.
AM1872

1. On page 2, line 22, strike "hundred" and insert "thousand".

2. On page 3, line 3, strike "Any", show as stricken, and insert "Except for individual income tax payments required under section 77-2715 and estimated payments for individuals under section 77-2769, any".

3. On page 9, lines 9 and 10, strike the new matter.

4. On page 10, strike beginning with "any" in line 3 through "and" in line 9.

(Signed) Abbie Cornett, Chairperson

Health and Human Services

LEGISLATIVE BILL 702. Placed on General File with amendment.
AM1730

1. On page 2, line 13, after the stricken period insert "If an authorization does not contain an expiration date or specify an event the occurrence of which causes the authorization to expire, the authorization shall expire twelve months after the date the authorization was executed by the patient.".

(Signed) Tim Gay, Chairperson

Judiciary

LEGISLATIVE BILL 687. Placed on General File.
LEGISLATIVE BILL 727. Placed on General File.
LEGISLATIVE BILL 792. Placed on General File.

LEGISLATIVE BILL 695. Placed on General File with amendment.
AM1849
1. On page 2, line 23, strike "five thousand" and insert "three thousand five hundred".

(Signed) Brad Ashford, Chairperson

Agriculture

LEGISLATIVE BILL 910. Placed on General File with amendment.
AM1789
1. Strike sections 4 and 8 and insert the following new section:
Sec. 3. Section 54-603, Revised Statutes Cumulative Supplement, 2008, is amended to read:
54-603 (1) Any county, city, or village shall have authority by ordinance or resolution~~,~~ to impose a license tax in an amount which shall be determined by the appropriate governing body~~,~~ on the owner or harborer of any dog or dogs, to be paid under such regulations as shall be provided by such ordinance or resolutions.
(2) Every service animal shall be licensed as required by local ordinances or resolutions, but no license tax shall be charged. Upon the retirement or discontinuance of the animal as a service animal, the owner of the animal shall be liable for the payment of a license tax as prescribed by local ordinances or resolutions.
(3) Any county, city, or village that imposes a license tax on the owner or harborer of any cat or cats or upon any dog or dogs under this section shall, in addition to the license tax imposed by the licensing jurisdiction, collect from the licensee a fee of one dollar. The person designated by the licensing jurisdiction to collect and administer the license tax shall act as agent for the State of Nebraska in the collection of the fee. From each one dollar fee collected, such person shall retain three cents to be placed in the general fund of the licensing jurisdiction and shall remit the balance to the State Treasurer for credit to the Commercial Dog and Cat Operator Inspection Program Cash Fund. Such remittance shall be made at least annually at the conclusion of the licensing jurisdiction's fiscal year, except that any licensing jurisdiction that collects fifty dollars or less of such fees

during the fiscal year may remit the fees when the cumulative amount of fees collected reaches fifty dollars.

2. On page 10, strike line 15, show as stricken, and insert

"(iii) Fifty-one to one hundred dogs or cats, two hundred fifty dollars;

(iv) One hundred one to one hundred fifty dogs or cats, three hundred dollars;

(v) One hundred fifty-one to two hundred dogs or cats, three hundred fifty dollars;

(vi) Two hundred one to two hundred fifty dogs or cats, four hundred dollars;

(vii) Two hundred fifty-one to three hundred dogs or cats, four hundred fifty dollars;

(viii) Three hundred one to three hundred fifty dogs or cats, five hundred dollars;

(ix) Three hundred fifty-one to four hundred dogs or cats, five hundred fifty dollars;

(x) Four hundred one to four hundred fifty dogs or cats, six hundred dollars;

(xi) Four hundred fifty-one to five hundred dogs or cats, six hundred fifty dollars; and"; and in line 16 strike "(iii)", show as stricken, and insert "(xii)", strike "fifty", show as stricken, and insert "five hundred", and strike "two hundred fifty", show as stricken, and insert "two thousand".

3. On page 11, strike beginning with "The" in line 2 through the period in line 3, show as stricken, and insert: "The maximum fee that may be charged shall not result in a fee for any license category that exceeds the license fee set forth in this subsection by more than one hundred dollars.".

4. Renumber the remaining sections and correct the repealer accordingly.

(Signed) Tom Carlson, Chairperson

Judiciary

LEGISLATIVE BILL 1026. Placed on General File with amendment.
AM1802

1. Strike the original section and insert the following sections:

Section 1. Section 25-410, Reissue Revised Statutes of Nebraska, is amended to read:

25-410 (1) For the convenience of the parties and witnesses or in the interest of justice, a district court of any county, the transferor court, may transfer any civil action to the district court of any other county in this state, the transferee court. The transfer may occur before or after the entry

of judgment, and there shall be no additional fees required for the transfer.

(2) To transfer a civil action, the transferor court shall order transfer of the action to the specific transferee court requested. The clerk of the transferor court shall file with the transferee court within ten days after the entry of the transfer order: Certification of the proceedings; all original documents of the action; certification of the transcript of docket entries; and certification of the payment records of any judgment in the action maintained by the transferor court.

(3) Upon the filing of such documents by the clerk of the transferor court, the clerk of the transferee court shall enter any judgment in the action on the judgment record of the transferee court. The judgment, once filed and entered on the judgment record of the transferee court, shall be a lien on the property of the debtor in any county in which such judgment is filed. Transfer of the action shall not change the obligations of the parties under any judgment entered in the action regardless of the status of the transfer.

(4) If the transferred civil action involves a support order that has payment records maintained by the Title IV-D division, as defined in section 43-3341, the transferor court order shall notify the division to make the necessary changes in the support payment records. Support payments shall commence in the transferee court on the first day of the month following the order of transfer and payments made prior to such date shall be considered payment on a judgment entered by the transferor court and payments made on and after such date shall be considered payment on a judgment entered by the transferee court.

Sec. 2. Original section 25-410, Reissue Revised Statutes of Nebraska, is repealed.

(Signed) Brad Ashford, Chairperson

Natural Resources

The Natural Resources 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.

Norris Marshall - Game and Parks Commission

Aye: 8 Senators Carlson, Cook, Dubas, Fischer, Haar, Langemeier, McCoy, Schilz. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Chris Langemeier, Chairperson

AMENDMENT - Print in Journal

Senator Heidemann filed the following amendment to LB987:
AM1854

1. Insert the following new sections:

Sec. 3. It is the intent of the Legislature to reduce the cash fund appropriation from the Nebraska Health Care Cash Fund by eighty-five thousand dollars in fiscal year 2009-10 and by thirty thousand dollars in fiscal year 2010-11 to Agency No. 3 - Legislative Council, Program No. 122 - Legislative Services.

Sec. 5. Since an emergency exists, this act takes effect when passed and approved according to law.

2. On page 4, line 12, after "(6)" insert "The State Treasurer shall transfer two million six hundred fifty thousand dollars no later than July 15, 2010, from the Nebraska Health Care Cash Fund to the Tobacco Prevention and Control Cash Fund." and strike "2010,", show as stricken, and insert "2011,".

3. Renumber the remaining section accordingly.

MOTION - Print in Journal

Senator Campbell filed the following motion:
Suspend Rule 5, Section 4(c) to permit introduction of a bill (Req. 04451) after the tenth legislative day.

VISITORS

Visitors to the Chamber were members of Leadership Lincoln County from Lincoln County; Mike Hilgers from Lincoln; and members of Leadership Grand Island from Grand Island.

The Doctor of the Day was Dr. Derrick Anderson from Lincoln.

ADJOURNMENT

At 11:58 a.m., on a motion by Speaker Flood, the Legislature adjourned until 9:00 a.m., Wednesday, February 17, 2010.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-SEVENTH DAY - FEBRUARY 17, 2010

LEGISLATIVE JOURNAL

ONE HUNDRED FIRST LEGISLATURE
SECOND SESSION

TWENTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 17, 2010

PRAYER

The prayer was offered by Pastor Bob Lawrence, South Auburn Church of Christ, Auburn.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Rogert presiding.

The roll was called and all members were present except Senators Pahls and Pankonin who were excused; and Senators Adams, Dubas, Gloor, Langemeier, Lathrop, and White who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-sixth day was approved.

ANNOUNCEMENTS

Senator Hadley designates LB918 as his priority bill.

The Urban Affairs Committee designates LB381 as its priority bill.

The Nebraska Retirement Systems Committee designates LB950 and LB979 as its priority bills.

NOTICE OF COMMITTEE HEARINGS

Judiciary

Room 1113

Wednesday, February 24, 2010 1:30 p.m.

LB1075
LB765
LB1105
LB988
LB990

Thursday, February 25, 2010 1:30 p.m.

LB1089
LB1103
LB1043
LB847

(Signed) Brad Ashford, Chairperson

AMENDMENT - Print in Journal

Senator Rogert filed the following amendment to LB226:
AM1894

(Amendments to Final Reading copy)

1. Strike section 3 and insert the following section:

Sec. 4. Since an emergency exists, this act takes effect when passed and approved according to law.

2. Renumber the remaining section accordingly.

3. On page 1, strike beginning with "to" in line 5 through the semicolon in line 6; and in line 6 after "sections" insert "; and to declare an emergency".

RESOLUTION

LEGISLATIVE RESOLUTION 319. Introduced by Louden, 49; Harms, 48.

WHEREAS, Sydney Swanson, an esteemed resident of Alliance, Nebraska, and a student at Alliance High School, has achieved national recognition for exemplary volunteer service by receiving a 2010 Prudential Spirit of Community Award; and

WHEREAS, this prestigious award, presented by Prudential Financial in partnership with the National Association of Secondary School Principals, honors young volunteers across America who have demonstrated an extraordinary commitment to serving their communities; and

WHEREAS, Ms. Swanson earned this award by giving generously of her time and energy to organize the first "Coats for Kids" drive in her town and expanded it to three additional cities the following year, collecting a total of eight hundred seventy-five coats for children in need. Ms. Swanson also created a web site with instructions for teens to start "Coats for Kids" drives in their own communities; and

WHEREAS, the success of the State of Nebraska, the strength of our communities, and the overall vitality of American society depend in great measure upon the dedication of young people like Ms. Swanson who use their considerable talents and resources to serve others.

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

1. That the Legislature congratulates and honors Sydney Swanson as a recipient of a 2010 Prudential Spirit of Community Award, recognizes her outstanding record of volunteer service, peer leadership, and community spirit, and extends best wishes for her continued success and happiness.

2. That a copy of this resolution be sent to Sydney Swanson.

Laid over.

MOTION - Suspend Rules

Senator Campbell renewed her motion, found on page 542, to suspend Rule 5, Section 4(c) to permit introduction of a bill (Req. 04451) after the tenth legislative day.

Senator Price moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

The Campbell motion to suspend the rules prevailed with 36 ayes, 0 nays, 6 present and not voting, and 7 excused and not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1110. Introduced by Campbell, 25.

A BILL FOR AN ACT relating to the medical assistance program; to amend sections 68-901 and 68-915, Reissue Revised Statutes of Nebraska, and section 4-110, Revised Statutes Supplement, 2009; to provide for coverage for certain children as prescribed; to repeal the original sections; and to declare an emergency.

RESOLUTION

LEGISLATIVE RESOLUTION 320. Introduced by Mello, 5; Ashford, 20; Nordquist, 7.

WHEREAS, Omaha Police Officer Rich Gonzalez has admirably served as captain of the Southeast Precinct; and

WHEREAS, throughout his time of service, Captain Rich Gonzalez has strived to improve relations between the Omaha Police Department and the South Omaha community; and

WHEREAS, prior to being named captain of the Southeast Precinct, Rich Gonzalez served as head of the Omaha Gang Unit and worked to build partnerships between the Omaha Police Department, businesses, community organizations, neighborhood associations, and community members; and

WHEREAS, Captain Rich Gonzalez has also served as the Midwest Vice President for the National Latino Peace Officers Association; and

WHEREAS, it was recently announced that Captain Rich Gonzalez will be leaving the Southeast Precinct to join the Criminal Investigations Bureau; and

WHEREAS, the Legislature recognizes outstanding individual achievements of people in public service.

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

1. That the Legislature congratulates Captain Rich Gonzalez and thanks him for his service to the residents of South Omaha.
2. That a copy of this resolution be sent to Captain Rich Gonzalez.

Laid over.

ANNOUNCEMENT

Senator Haar designates LB1014 as his priority bill.

GENERAL FILE

LEGISLATIVE BILL 258. Senator Karpisek renewed his amendment, AM1888, found on page 537, to the committee amendment.

Senator Karpisek moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Senator Karpisek moved for a call of the house. The motion prevailed with 32 ayes, 0 nays, and 17 not voting.

The Karpisek amendment was adopted with 34 ayes, 9 nays, 3 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Committee AM1803, found on page 502 and considered on pages 532 and 537, as amended, was renewed.

The committee amendment, as amended, was adopted with 36 ayes, 1 nay, 8 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 3 present and not voting, and 5 excused and not voting.

ANNOUNCEMENTS

Senator Ashford designates LB1070 as his priority bill.

The Urban Affairs Committee designates LR295CA as its priority resolution.

The Banking, Commerce and Insurance Committee designates LB931 as its priority bill.

NOTICE OF COMMITTEE HEARING

Health and Human Services

Room 1510

Wednesday, February 24, 2010 1:30 p.m.

Bernard Kanger Jr. - Board of Emergency Medical Services

LB953
LB999

(Signed) Tim Gay, Chairperson

REFERENCE COMMITTEE REPORT

The Executive Board submits the following report:

LB/LR	**Committee**
LB1110	Health and Human Services

(Signed) John Wightman, Chairperson
Executive Board

RESOLUTION

LEGISLATIVE RESOLUTION 321. Introduced by Pirsch, 4; Campbell, 25.

WHEREAS, Saint Elizabeth Regional Medical Center of Lincoln has received the Silver Plus Performance Award presented by the American Stroke Association and the American Heart Association; and

WHEREAS, the Silver Plus Performance Award is based on a medical center's commitment and success in implementing a higher standard of stroke care by ensuring that stroke patients receive treatment according to nationally accepted standards and recommendations; and

WHEREAS, by receiving the Silver Plus Performance Award, Saint Elizabeth Regional Medical Center has demonstrated its commitment to excellence in stroke care.

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

1. That the Legislature congratulates Saint Elizabeth Regional Medical Center for receiving the Silver Plus Performance Award.
2. That a copy of this resolution be sent to Saint Elizabeth Regional Medical Center.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 987. Title read. Considered.

SENATOR CARLSON PRESIDING

Committee AM1778, found on page 490, was considered.

Pending.

COMMITTEE REPORT
Transportation and Telecommunications

LEGISLATIVE BILL 924. Placed on General File.

(Signed) Deb Fischer, Chairperson

ANNOUNCEMENTS

The Transportation and Telecommunications Committee designates LB805 as its priority bill.

Senator Fischer designates LB764 as her priority bill.

ANNOUNCEMENT

Senator Karpisek announced the General Affairs Committee will hold an executive session Thursday, February 18, 2010, at 10:30 a.m., in Room 2022.

VISITORS

Visitors to the Chamber were members of Leadership Group from Keith and Cheyenne County; members of Leadership Beatrice from Beatrice; Senator Carlson's wife, Margo, from Holdrege and Patty Price from Hildreth, Denise Smith from Holdrege, Suzi Peterson from Oxford, Jan Hibbs from Smithfield, Sue Young from Bertrand, and Lana Bennett from Elwood; and Mr. and Mrs. Brown and children from Bellevue.

The Doctor of the Day was Dr. Megan Willet from Beatrice.

ADJOURNMENT

At 11:56 a.m., on a motion by Speaker Flood, the Legislature adjourned until 9:00 a.m., Thursday, February 18, 2010.

Patrick J. O'Donnell
Clerk of the Legislature

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TWENTY-EIGHTH DAY - FEBRUARY 18, 2010

LEGISLATIVE JOURNAL

ONE HUNDRED FIRST LEGISLATURE
SECOND SESSION

TWENTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 18, 2010

PRAYER

The prayer was offered by Reverend Dr. Selwyn Bachus, Salem Baptist Church, Omaha.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Rogert presiding.

The roll was called and all members were present except Senators Conrad and Pahls who were excused; and Senators Ashford, Cornett, Dubas, Fischer, Giese, and Haar who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-seventh day was approved.

COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 258. Placed on Select File with amendment.
ER8164

1. Strike the original sections and all amendments thereto and insert the following new sections:

Section 1. Section 53-101, Revised Statutes Supplement, 2009, is amended to read:

53-101 Sections 53-101 to 53-1,122 <u>and section 3 of this act</u> shall be known and may be cited as the Nebraska Liquor Control Act.

Sec. 2. Section 53-180.05, Reissue Revised Statutes of Nebraska, is amended to read:

53-180.05 (1) Any person violating section 53-180 shall be guilty of a Class I misdemeanor. Any person violating any of the provisions of ~~sections 53-180.01 to~~ section 53-180.01 or 53-180.03 shall be guilty of a Class III misdemeanor. <u>Any person older than eighteen years of age and under the age of twenty-one years</u>

violating section 53-180.02 is guilty of a Class III misdemeanor. Any person eighteen years of age or younger violating section 53-180.02 is guilty of a misdemeanor as provided in section 3 of this act and shall be punished as provided in such section.

(2) Any person who knowingly manufactures, creates, or alters any form of identification for the purpose of sale or delivery of such form of identification to a person under the age of twenty-one years shall be guilty of a Class I misdemeanor. For purposes of this subsection, form of identification means any card, paper, or legal document that may be used to establish the age of the person named thereon for the purpose of purchasing alcoholic liquor.

(3) When a minor is arrested for a violation of sections 53-180 to 53-180.02 or subsection (2) of this section, the law enforcement agency employing the arresting peace officer shall make a reasonable attempt to notify such minor's parent or guardian of the arrest.

Sec. 3. The penalty for violation of section 53-180.02 by a person eighteen years of age or younger shall be as follows:

(1) If the person convicted or adjudicated of violating such section has one or more licenses or permits issued under the Motor Vehicle Operator's License Act:

(a) For the first offense, such person is guilty of a Class III misdemeanor and the court may, as a part of the judgment of conviction or adjudication, impound any such licenses or permits for thirty days and require such person to attend an alcohol education class;

(b) For a second offense, such person is guilty of a Class III misdemeanor and the court, as a part of the judgment of conviction or adjudication, may (i) impound any such licenses or permits for ninety days and (ii) require such person to complete no fewer than twenty and no more than forty hours of community service and to attend an alcohol education class; and

(c) For a third or subsequent offense, such person is guilty of a Class III misdemeanor and the court, as a part of the judgment of conviction or adjudication, may (i) impound any such licenses or permits for twelve months and (ii) require such person to complete no fewer than sixty hours of community service, to attend an alcohol education class, and to submit to an alcohol assessment by a licensed alcohol and drug counselor; and

(2) If the person convicted or adjudicated of violating such section does not have a permit or license issued under the Motor Vehicle Operator's License Act:

(a) For the first offense, such person is guilty of a Class III misdemeanor and the court, as part of the judgment of conviction or adjudication, may (i) prohibit such person from obtaining any permit or any license pursuant to the act for which such person would otherwise be eligible until thirty days after

the date of such order and (ii) require such person to attend an alcohol education class;

(b) For a second offense, such person is guilty of a Class III misdemeanor and the court, as part of the judgment of conviction or adjudication, may (i) prohibit such person from obtaining any permit or any license pursuant to the act for which such person would otherwise be eligible until ninety days after the date of such order and (ii) require such person to complete no fewer than twenty hours and no more than forty hours of community service and to attend an alcohol education class; and

(c) For a third or subsequent offense, such person is guilty of a Class III misdemeanor and the court, as part of the judgment of conviction or adjudication, may (i) prohibit such person from obtaining any permit or any license pursuant to the act for which such person would otherwise be eligible until twelve months after the date of such order and (ii) require such person to complete no fewer than sixty hours of community service, to attend an alcohol education class, and to submit to an alcohol assessment by a licensed alcohol and drug counselor.

A copy of an abstract of the court's conviction or adjudication shall be transmitted to the Director of Motor Vehicles pursuant to sections 60-497.01 to 60-497.04.

Sec. 4. Original section 53-180.05, Reissue Revised Statutes of Nebraska, and section 53-101, Revised Statutes Supplement, 2009, are repealed.

2. On page 1, line 3, strike "Cumulative"; and in line 4 strike "2008" and insert "2009".

(Signed) Jeremy Nordquist, Chairperson

NOTICE OF COMMITTEE HEARING

Health and Human Services

Room 1510

Thursday, February 25, 2010 1:30 p.m.

LB1110

(Signed) Tim Gay, Chairperson

ANNOUNCEMENTS

Senator Conrad designates LB1109 as her priority bill.

The Agriculture Committee designates LB910 and LB865 as its priority bills.

Senator Louden designates LB1002 as his priority bill.

MOTIONS - Approve Appointments

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 454:

State Emergency Response Commission

Reynold McMeen

Voting in the affirmative, 35:

Adams	Dierks	Karpisek	McGill	Rogert
Avery	Flood	Krist	Mello	Schilz
Campbell	Fulton	Langemeier	Nelson	Stuthman
Christensen	Gloor	Lathrop	Nordquist	Sullivan
Coash	Hadley	Lautenbaugh	Pankonin	Utter
Cook	Hansen	Louden	Pirsch	Wallman
Council	Howard	McCoy	Price	Wightman

Voting in the negative, 0.

Present and not voting, 6:

Carlson	Harms	Janssen
Gay	Heidemann	White

Excused and not voting, 8:

Ashford	Cornett	Fischer	Haar
Conrad	Dubas	Giese	Pahls

The appointment was confirmed with 35 ayes, 0 nays, 6 present and not voting, and 8 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 541:

Game and Parks Commission

Norris Marshall

Voting in the affirmative, 31:

Adams	Fischer	Lathrop	Nordquist	Utter
Carlson	Gay	Lautenbaugh	Pankonin	Wallman
Christensen	Giese	Louden	Pirsch	Wightman
Coash	Hadley	McCoy	Price	
Cook	Hansen	McGill	Rogert	
Council	Howard	Mello	Schilz	
Dierks	Langemeier	Nelson	Stuthman	

Voting in the negative, 0.

Present and not voting, 11:

Avery	Gloor	Janssen	Sullivan
Campbell	Harms	Karpisek	White
Fulton	Heidemann	Krist	

Excused and not voting, 7:

Ashford	Cornett	Flood	Pahls
Conrad	Dubas	Haar	

The appointment was confirmed with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 686. Title read. Considered.

Committee AM1598, found on page 423, was considered.

PRESIDENT SHEEHY PRESIDING

The committee amendment was adopted with 27 ayes, 6 nays, 12 present and not voting, and 4 excused and not voting.

Senator Wightman moved for a call of the house. The motion prevailed with 34 ayes, 0 nays, and 15 not voting.

Senator Wightman requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 19:

Adams	Carlson	Haar	Karpisek	Sullivan
Ashford	Dierks	Hadley	Louden	Utter
Avery	Gay	Hansen	Pankonin	Wightman
Campbell	Gloor	Harms	Price	

Voting in the negative, 17:

Council	Howard	Lathrop	Pirsch	White
Flood	Janssen	Lautenbaugh	Schilz	
Giese	Krist	McCoy	Stuthman	
Heidemann	Langemeier	McGill	Wallman	

Present and not voting, 10:

Christensen	Cook	Fischer	Mello	Nordquist
Coash	Dubas	Fulton	Nelson	Rogert

Excused and not voting, 3:

Conrad	Cornett	Pahls

Failed to advance to Enrollment and Review Initial with 19 ayes, 17 nays, 10 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

COMMITTEE REPORT

Transportation and Telecommunications

LEGISLATIVE BILL 805. Placed on General File with amendment.
AM1913 is available in the Bill Room.

(Signed) Deb Fischer, Chairperson

PROPOSED RULES CHANGE

Senator Avery offered the following proposed rules change:
To amend Rule 1, Sec. 19, to read as follows:
Sec. 19. Journal, Governor's Messages, Amendments. (a) The Clerk shall prepare a daily Journal of the proceedings of the Legislature, which shall be printed and placed each day upon the desks of the members, and the presiding officer shall call in the regular order of business for corrections thereof. After corrections, if any are made, the Journal shall stand approved without motion.

(b) The Clerk shall enter in the daily Journal messages of the Governor in full, titles of bills, every vote, including the yeas and nays, and a brief statement of the contents of each resolution, petition, memorial, communication, or other paper received from other states presented for the consideration of the Legislature.

(c) The hour at which the Legislature adjourns shall be entered in the daily Journal.

(d) All amendments for which a vote is taken shall be entered in the daily Journal.

(e) All amendments and motions filed with the Clerk prior to the day a bill or resolution is considered shall be recorded in the daily Journal with the name of the introducer or introducers. The text of any amendment whose length is no more than ten pages shall be printed in the daily Journal. All amendments which are approximately ten pages or more shall be noted in the daily Journal as on file in the bill room or the Clerk's office.

(f) Additional copies of the daily Journal, to be mailed at the Clerk's direction, shall be supplied for the use of each member in such manner as shall be provided by the Legislature.

(g) The bound Journal of the session shall be prepared from the corrected daily Journal.

(h) A verbatim record of all debate and questions on all bills and resolutions, and amendments offered thereto, shall be made, transcribed, and preserved under the direction of the Clerk.

(i) A list of lobbyists who are registered shall be set forth in the Journal.

(j) An acknowledgement shall be entered in the daily Journal that a member has filed a Potential Conflict of Interest Statement under the Nebraska Accountability and Disclosure Act, and that such statement is on file in the Clerk of the Legislature's Office.

Referred to the Rules Committee.

ANNOUNCEMENTS

The Executive Board designates LB685 and LB770 as its priority bills.

The Education Committee designates LB1071 and LB1006 as its priority bills.

The General Affairs Committee designates LB861 as its priority bill.

Senator Avery designates LB1021 as his priority bill.

Senator Pankonin designates LB1010 as his priority bill.

GENERAL FILE

LEGISLATIVE RESOLUTION 277CA. Read. Considered.

SENATOR LANGEMEIER PRESIDING

Senator Krist moved the previous question. The question is, "Shall the debate now close?"

Senator Krist moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Senator Krist requested a roll call vote, in reverse order, on the motion to cease debate.

Voting in the affirmative, 32:

Ashford	Fischer	Janssen	McGill	Stuthman
Campbell	Flood	Karpisek	Mello	Sullivan
Carlson	Gay	Krist	Nelson	Wallman
Christensen	Giese	Lathrop	Nordquist	White
Coash	Hadley	Lautenbaugh	Pankonin	
Cornett	Hansen	Louden	Price	
Dierks	Harms	McCoy	Rogert	

Voting in the negative, 11:

Avery	Gloor	Langemeier	Utter
Cook	Haar	Pirsch	Wightman
Council	Howard	Schilz	

Present and not voting, 1:

Dubas

Excused and not voting, 5:

Adams	Conrad	Fulton	Heidemann	Pahls

The motion to cease debate prevailed with 32 ayes, 11 nays, 1 present and not voting, and 5 excused and not voting.

Senator Karpisek requested a roll call vote on the advancement of the resolution.

Voting in the affirmative, 22:

Campbell	Giese	Krist	Nordquist	Wallman
Coash	Gloor	Langemeier	Rogert	White
Cornett	Haar	Louden	Schilz	
Council	Hadley	McGill	Stuthman	
Dierks	Karpisek	Mello	Utter	

Voting in the negative, 11:

Ashford	Gay	Janssen	Pankonin
Avery	Hansen	McCoy	Wightman
Christensen	Harms	Nelson	

Present and not voting, 11:

Carlson	Fischer	Lathrop	Price
Cook	Flood	Lautenbaugh	Sullivan
Dubas	Howard	Pirsch	

Excused and not voting, 5:

Adams	Conrad	Fulton	Heidemann	Pahls

Failed to advance to Enrollment and Review Initial with 22 ayes, 11 nays, 11 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

COMMITTEE REPORTS

Education

LEGISLATIVE BILL 916. Indefinitely postponed.

(Signed) Greg Adams, Chairperson

Revenue

LEGISLATIVE BILL 877. Placed on General File with amendment. AM1877 is available in the Bill Room.

LEGISLATIVE BILL 1002. Placed on General File with amendment.
AM1841

1. Strike the original sections and insert the following new sections:

Section 1. For purposes of sections 1 to 8 of this act:

(1) Census-designated place means a concentration of population identified by the United States Department of Commerce, Bureau of the Census, that lacks a separate municipal government but otherwise physically resembles an incorporated city or village, that is associated with an Indian reservation, and that is in a county with fewer than six thousand four hundred inhabitants according to the most recent federal decennial census;

(2) Commission means the Commission on Indian Affairs;

(3) Indian reservation means a tract of land set apart by the federal government for the use of the Native American people; and

(4) Political subdivision means a city, village, or county within a thirty-mile radius of a census-designated place or a tribal government that owns land within such thirty-mile radius.

Sec. 2. Any political subdivision may annually apply to the commission for state assistance under sections 1 to 8 of this act. The state assistance shall be used for economic development, health care, and law enforcement needs in such political subdivision. The state assistance shall be derived from the state sales tax revenue collected from retailers within a thirty-mile radius of the census-designated place.

Sec. 3. (1) All applications for state assistance under

sections 1 to 8 of this act shall be in writing, include a certified copy of the approving action of the governing body of the applicant describing the proposed use for the state assistance, and be of such form and contain the content as the commission shall prescribe.

(2) Upon receiving an application for state assistance, the commission shall review the application and notify the applicant of any additional information needed for a proper evaluation of the application.

(3) Any state assistance received pursuant to sections 1 to 8 of this act shall be used only for public purposes.

Sec. 4. (1) After reviewing an application submitted under section 3 of this act and upon reasonable notice to the applicant, the commission shall hold a public hearing on the application.

(2) The commission shall give notice of the time, place, and purpose of the public hearing by publication three times in a newspaper of statewide circulation. Such publication shall be not less than ten days prior to the hearing. The notice shall describe generally the use for which state assistance has been requested. The applicant shall pay the cost of the notice.

(3) At the public hearing, representatives of the applicant and any other interested persons may appear and present evidence and argument in support of or in opposition to the application or neutral testimony. The commission may seek expert testimony and may require testimony of persons whom the commission desires to comment on the application. The commission may provide for the acceptance of additional evidence after conclusion of the public hearing.

Sec. 5. (1) After consideration of the application and the evidence, the commission shall issue a finding of whether the use described in the application is eligible for state assistance.

(2) If the commission finds that the use described in the application is a legitimate use and that state assistance is in the best interest of the state, the application shall be approved.

(3) A majority of the commission members constitutes a quorum for the purpose of conducting business. All actions of the commission shall be made by a majority vote of the voting members.

Sec. 6. (1) If an application is approved, the Tax Commissioner shall:

(a) Audit or review audits of any retailer within the thirty-mile radius of the census-designated place to determine the state sales tax revenue collected by such retailers; and

(b) Certify annually the amount of state sales tax revenue collected by such retailers to the State Treasurer beginning with state sales tax revenue collected on and after July 1, 2010.

(2) State sales tax revenue collected by retailers as described in sections 1 to 8 of this act shall be reported on

informational returns developed by the Department of Revenue. The informational returns shall be submitted to the department by the retailer by the twenty-fifth day of the month following the month the sales taxes are collected. The Tax Commissioner shall use the data from the informational returns to determine the appropriate amount of state sales tax revenue.

Sec. 7. (1) Upon the annual certification under section 6 of this act, the State Treasurer shall transfer after the audit the amount certified to the Designated Sales Tax Collection Fund which is hereby created. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

(2) It is the intent of the Legislature to appropriate from the fund to any political subdivision for which an application for state assistance under sections 1 to 8 of this act has been approved an amount not to exceed two hundred fifty thousand dollars annually from the state sales tax revenue collected by retailers within the thirty-mile radius of the census-designated place within which such political subdivision is located. If more than one applicant is approved and each applicant is eligible to receive assistance from state sales tax revenue derived from the same retailer, the commission shall determine the allocation of assistance to be distributed to each applicant.

Sec. 8. Sections 1 to 8 of this act terminate on June 30, 2018.

Sec. 9. Section 81-2504, Reissue Revised Statutes of Nebraska, is amended to read:

81-2504 The functions of the commission shall be to:

(1) Promote state and federal legislation beneficial to the Indian community in Nebraska;

(2) Coordinate existing programs relating to the Indian community in such areas as housing, education, welfare, medical and dental care, employment, economic development, law and order, and related problems;

(3) Work with other state and federal government agencies and federal and state elected officials in the development of new programs in areas mentioned under subdivision (2) of this section;

(4) Keep the Governor's office apprised of the situation in the Indian community;

(5) Administer sections 1 to 8 of this act;

~~(5)~~ (6) Provide the public with information and education relevant to Indian affairs in the State of Nebraska; and

~~(6)~~ (7) Develop programs to encourage the total involvement of Indian people in activities for the common benefit of the Indian community.

Sec. 10. This act becomes operative on July 1, 2011.

Sec. 11. Original section 81-2504, Reissue Revised Statutes of Nebraska, is repealed.

(Signed) Abbie Cornett, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 322. Introduced by Council, 11; Mello, 5; Nordquist, 7.

WHEREAS, Mary Kay Begley was born January 22, 1937, in Omaha, Nebraska, to Harry and Madeline Watson; and

WHEREAS, Mary Kay Begley dedicated her life to assisting those who ran into tough economic times; and

WHEREAS, Mary Kay Begley earned her bachelor's degree in history from Clarke College in Dubuque, Iowa, and earned her master's degree in history from Loyola University Chicago; and

WHEREAS, Mary Kay Begley completed her master's thesis on the Republican Convention of 1860 that nominated President Abraham Lincoln; and

WHEREAS, Mary Kay Begley taught social studies for more than ten years, including teaching at the now-closed Omaha Technical High School; and

WHEREAS, Mary Kay Begley was the first woman elected to the board of directors of the Metropolitan Utilities District in Omaha, serving in that capacity for twenty-one years; and

WHEREAS, Mary Kay Begley was a proud public servant who committed herself to serving low-income people who had trouble paying their heating bills; and

WHEREAS, Mary Kay Begley was a proud member of St. Cecilia Cathedral in Omaha and the Nebraska Democratic Party; and

WHEREAS, Mary Kay Begley was devoted to family, politics, and Notre Dame Fighting Irish football; and

WHEREAS, Mary Kay Begley died on February 15, 2010.

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

1. That the Legislature expresses its deep and sincere appreciation of Mary Kay Begley for her dedication and service to the people of Nebraska.

2. That the Legislature extends its sympathy and condolences to the family of Mary Kay Begley.

3. That a copy of this resolution be sent to the family of Mary Kay Begley.

Laid over.

LEGISLATIVE RESOLUTION 323. Introduced by Gloor, 35; Carlson, 38; Christensen, 44; Dubas, 34; Fischer, 43; Hadley, 37; Sullivan, 41; Utter, 33; Wightman, 36.

WHEREAS, the staff of the Grand Island Veterans' Home, including administrator Alex Willford, are to be congratulated on the improvements made in service, member care, and business operations; and

WHEREAS, a January of 2010 survey administered by the Department of Health and Human Services showed high marks in all patient care categories and that the home was free of deficiencies in medical services, social work, dietary services, activities, laundry services, administration, rehabilitative services, and housekeeping; and

WHEREAS, the home experienced a reduction in members experiencing pressure ulcers. The occurrence of these ulcers dropped to an all-time low of three percent from the 2009 high of eleven percent; and

WHEREAS, the home experienced an improvement in quality measures, including weight loss, pain management, behavioral and emotional patterns, appropriate use of medications, physical functioning, range of motion, and a reduction in the prevalence of falls; and

WHEREAS, the home saw a reduction in mandatory overtime from a high of one thousand six hundred hours in a two-week time period during 2008 to the current low of three hundred sixty total facility overtime hours in a two-week time period; and

WHEREAS, there has been an increase in retention of employees to seventy-three and one-half percent from the previous year's percentage of fifty-two percent; and

WHEREAS, there has been an increase in training opportunities through collaboration with Central Community College, the Nebraska Health Care Association, and the University of Nebraska at Kearney to provide clinical training on site; and

WHEREAS, there has been an increase in donations from the community by seventeen percent through engagement with the community and local and state organizations.

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

1. That the Legislature congratulates administrator Alex Willford and the staff of the Grand Island Veterans' Home for their exemplary work.

2. That the Legislature thanks the residents of the Grand Island Veterans' Home for their years of service to our country and their support of the home's staff.

3. That a copy of this resolution be sent to the Grand Island Veterans' Home.

Laid over.

NOTICE OF COMMITTEE HEARINGS

Judiciary

Room 1113

Thursday, February 25, 2010 1:30 p.m.

LB1089 (cancel)
LB1043 (cancel)
LB847 (cancel)

Thursday, February 25, 2010 12:30 p.m.

LB1089 (reschedule)
LB1043 (reschedule)
LB847 (reschedule)

(Signed) Brad Ashford, Chairperson

ANNOUNCEMENTS

Senator Nordquist designates LB1106 as his priority bill.

Senator Schilz designates LB919 as his priority bill.

The Transportation and Telecommunications Committee designates LB821 as its priority bill.

Senator Cornett designates LB763 as her priority bill.

Senator Carlson designates LB1057 as his priority bill.

UNANIMOUS CONSENT - Add Cointroducers

Senator Stuthman asked unanimous consent to add his name as cointroducer to LB1036. No objections. So ordered.

Senators Coash and Nordquist asked unanimous consent to add their names as cointroducers to LB1110. No objections. So ordered.

ANNOUNCEMENT

Senator Wightman designates LB945 as his priority bill.

VISITORS

Visitors to the Chamber were members of Leadership Sarpy from Sarpy County; members of leadership groups from Hastings, Grand Island, and York; and John Dyson and Melissa Sorensen from Gig Harbor, Washington, and Sara Donaldson from Lincoln.

The Doctor of the Day was Dr. Mindy Lacey from Norfolk.

ADJOURNMENT

At 11:52 a.m., on a motion by Senator Cook, the Legislature adjourned until 9:00 a.m., Friday, February 19, 2010.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

TWENTY-NINTH DAY - FEBRUARY 19, 2010

LEGISLATIVE JOURNAL

ONE HUNDRED FIRST LEGISLATURE
SECOND SESSION

TWENTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, February 19, 2010

PRAYER

The prayer was offered by Pastor Tyler Hauptmeier, St. Peter's Lutheran Church, Wymore.

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 Senators Conrad, Dierks, and Pahls who were excused; and Senators Ashford, Cook, Janssen, Karpisek, and Price who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-eighth day was approved.

COMMITTEE REPORTS

Urban Affairs

LEGISLATIVE BILL 381. Placed on General File with amendment.
AM1609 is available in the Bill Room.

(Signed) Amanda McGill, Chairperson

Revenue

LEGISLATIVE BILL 952. Placed on General File with amendment.
AM1945
1. On page 7, line 24, after "means" insert "the actual cost of".

(Signed) Abbie Cornett, Chairperson

NOTICE OF COMMITTEE HEARING
Rules

Room 1510

Tuesday, February 23, 2010 1:00 p.m.

Senator Avery's proposed rules change
Legislative Journal page 556

(Signed) Scott Lautenbaugh, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 324. Introduced by Cook, 13; Coash, 27; Krist, 10; Lathrop, 12; McGill, 26; Rogert, 16; White, 8.

PURPOSE: The purpose of this interim study is to examine the need for public utility ratepayer assistance programs in the state. The statewide costs for operation, maintenance, and capital improvements to our water, wastewater, natural gas, and electrical utility infrastructure systems are increasing faster than the rate of inflation, and increasing numbers of utility customers are struggling to pay service charges. The study shall focus on the adequacy of existing assistance programs and evaluate alternatives to better meet the future needs of public utility customers in the state.

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

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 325. Introduced by Stuthman, 22.

WHEREAS, Alex Kurtenbach, of Troop 212, 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, Alex 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. Alex earned 26 merit badges and constructed a cabinet for the Columbus Rescue Mission in Columbus, Nebraska, for his Eagle Scout community service project; and

WHEREAS, only five percent of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Alex, through his hard work and perseverance, has joined 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 HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates Alex Kurtenbach on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Alex Kurtenbach.

Laid over.

ANNOUNCEMENTS

Senator White designates LB952 as his priority bill.

Senator Adams designates LB1072 as his priority bill.

Senator McGill designates LB925 as her priority bill.

Senator Flood designates LB1103 as his priority bill.

Senator Cook designates LB975 as her priority bill.

Senator Mello designates LB1081 as his priority bill.

The Health and Human Services Committee designates LB849 and LB1110 as its priority bills.

The Revenue Committee designates LB879 and LB1079 as its priority bills.

The Natural Resources Committee designates LB1048 and LB862 as its priority bills.

Senator Campbell designates LB999 as her priority bill.

REPORTS

The following reports were received by the Legislature:

Criminal Justice, Commission on Law Enforcement and
Nebraska Coalition for Juvenile Justice Annual Report FY08-09
Energy Office, Nebraska
Nebraska Energy Office 2009 Annual Report
Nebraska Energy Statistics

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of February 18, 2010, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Amack, Angela K.
Criminal Defense Attorneys Association, Nebraska
Crepps, Janet
Center for Reproductive Rights
Goldberg, Jordan
Center for Reproductive Rights
Heyl, Dean A.
Direct Selling Association
Howell, Rachel
Nebraska Friends of Midwives
Larsen, Mary
March of Dimes Birth Defects Foundation
Loontjer, Pat
Gambling With the Good Life

MOTION - Return LB226 to Select File

Senator Rogert moved to return LB226 to Select File for his specific amendment, AM1894, found on page 544.

The Rogert motion to return prevailed with 31 ayes, 0 nays, 10 present and not voting, and 8 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 226. The Rogert specific amendment, AM1894, found on page 544, was adopted with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

LEGISLATIVE BILL 512. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 579. ER8152, found on page 393, was adopted.

Senator Cornett offered the following amendment:
AM1952 is available in the Bill Room.

SENATOR LANGEMEIER PRESIDING

The Cornett amendment was adopted with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 867. ER8159, found on page 479, was adopted.

Senator Karpisek renewed his amendment, AM1801, found on page 505.

The Karpisek amendment was adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 848. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 746. ER8160, found on page 479, was adopted.

Senator Giese withdrew his amendment, AM1795, found on page 505.

Senator Giese offered the following amendment:
AM1962

(Amendments to Standing Committee amendments, AM1669)

1. On page 1, line 14, strike "Mexican-Americans" and insert "Latino-Americans".

2. On page 2, strike beginning with "Minority" in line 12 through "and" in line 13; and in line 13 after "Association" insert "appointed by the Governor from a list of attorneys submitted by the executive council of the Nebraska State Bar Association".

The Giese amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 890. ER8161, found on page 519, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 891. ER8163, found on page 523, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 892. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 643. ER8162, found on page 523, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 723. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 787. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 914. Advanced to Enrollment and Review for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 685. Title read. Considered.

SENATOR ROGERT PRESIDING

Senator Wightman moved for a call of the house. The motion prevailed with 37 ayes, 0 nays, and 12 not voting.

Senator Wightman requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 20:

Carlson	Fulton	Hansen	Krist	Price
Christensen	Gay	Harms	Lautenbaugh	Stuthman
Fischer	Gloor	Heidemann	McCoy	Utter
Flood	Hadley	Karpisek	Nelson	Wightman

Voting in the negative, 22:

Adams	Council	Janssen	Nordquist	Wallman
Ashford	Dubas	Langemeier	Pirsch	White
Avery	Giese	Lathrop	Rogert	
Cook	Haar	Louden	Schilz	
Cornett	Howard	McGill	Sullivan	

Present and not voting, 3:

Coash	Mello	Pankonin

Excused and not voting, 4:

Campbell	Conrad	Dierks	Pahls

Failed to advance to Enrollment and Review Initial with 20 ayes, 22 nays, 3 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

COMMITTEE REPORTS

Agriculture

LEGISLATIVE BILL 986. Placed on General File.

LEGISLATIVE BILL 882. Placed on General File with amendment.
AM1853

1. On page 3, after line 25 insert the following new subsection:

"(4) In addition to methods listed in subsections (1) and (2) of this section, animal carcasses or carcass parts may be disposed of by a veterinary clinic or veterinary diagnostic laboratory by alkaline hydrolysis tissue digestion. For purposes of this section, alkaline hydrolysis tissue digestion means a process that utilizes an alkaline agent and heat to catalyze the decomposition and reduction of biological tissues. This section shall not exempt the products of alkaline hydrolysis tissue digestion from any applicable law, rule, or regulation governing disposal of wastes.".

2. On page 4, line 1, strike "(4)", show as stricken, and insert "(5)".

(Signed) Tom Carlson, Chairperson

Revenue

LEGISLATIVE BILL 704. Placed on General File.

(Signed) Abbie Cornett, Chairperson

Judiciary

LEGISLATIVE BILL 817. Placed on General File with amendment.
AM1964

1. Strike the original sections and insert the following new sections:

Section 1. Section 28-1212.04, Revised Statutes Supplement, 2009, is amended to read:

28-1212.04 Any person, within the territorial boundaries of any city~~, incorporated village,~~ of the first class or county containing a city of the metropolitan class or primary class, who unlawfully, knowingly, and intentionally ~~or recklessly~~ discharges a firearm, while in any motor vehicle or in the proximity of any motor vehicle that such person has just exited, at or in the general direction of any person, dwelling, building, structure, occupied motor vehicle, occupied aircraft, inhabited motor home as defined in section 71-4603, or inhabited camper unit as defined in section 60-1801~~,~~ is guilty of a Class IC felony.

Sec. 2. Section 69-2403, Reissue Revised Statutes of Nebraska, is amended to read:

69-2403 (1) Except as provided in this section and section 69-2409, a person shall not purchase, lease, rent, or receive transfer of a handgun until he or she has obtained a certificate in accordance with section 69-2404. Except as provided in this section and section 69-2409, a person shall not sell, lease, rent, or transfer a handgun to a person who has not obtained a certificate.

(2) The certificate shall not be required if:

~~(1)~~ (a) The person acquiring the handgun is a licensed firearms dealer under federal law;

~~(2)~~ (b) The handgun is an antique handgun;

~~(3)~~ (c) The person acquiring the handgun is authorized to do so on behalf of a law enforcement agency;

~~(4)~~ (d) The transfer is a temporary transfer of a handgun and the transferee remains ~~(a)~~ (i) in the line of sight of the transferor or ~~(b)~~ (ii) within the premises of an established shooting facility;~~ or~~

~~(5)~~ (e) The transfer is between a person and his or her spouse, sibling, parent, child, aunt, uncle, niece, nephew, or grandparent;~~.~~

(f) The person acquiring the handgun is a holder of a valid permit under the Concealed Handgun Permit Act; or

(g) The person acquiring the handgun is a peace officer as defined in section 69-2429.

Sec. 3. Original sections 69-2403, Reissue Revised Statutes of Nebraska, and section 28-1212.04, Revised Statutes Supplement, 2009, are repealed.

(Signed) Brad Ashford, Chairperson

Agriculture

The Agriculture 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.

Sallie Atkins - Nebraska State Fair Board

Aye: 8 Senators Carlson, Council, Dierks, Dubas, Karpisek, Price, Schilz, Wallman. Nay: 0. Absent: 0. Present and not voting: 0.

The Agriculture 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.

Linda Lovgren - Nebraska State Fair Board

Aye: 8 Senators Carlson, Council, Dierks, Dubas, Karpisek, Price, Schilz, Wallman. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Tom Carlson, Chairperson

NOTICE OF COMMITTEE HEARING
Nebraska Retirement Systems

Room 1525

Tuesday, March 23, 2010 12:10 p.m.

Nebraska Investment Council Annual Report
Nebraska Public Employees Retirement Systems Annual Report

(Signed) Dave Pankonin, Chairperson

ANNOUNCEMENTS

Senator Gloor designates LB949 as his priority bill.

Senator Giese designates LB709 as his priority bill.

The Judiciary Committee designates LB800 and LB712 as its priority bills.

Senator Lathrop designates LB779 as his priority bill.

The Business and Labor Committee designates LB563 and LB961 as its priority bills.

Senator Stuthman designates LB1036 as his priority bill.

Senator Wallman designates LB780 as his priority bill.

Senator Utter designates LR284CA as his priority resolution.

Senator Rogert designates LB1087 as his priority bill.

Senator Howard designates LB507 as her priority bill.

Senator Coash designates LB1018 as his priority bill.

Senator Sullivan designates LB965 as her priority bill.

Senator Fulton designates LB817 as his priority bill.

Senator Lautenbaugh designates LB1102 as his priority bill.

Senator Dierks designates LB594 as his priority bill.

Senator Price designates LB948 as his priority bill.

Senator Nelson designates LR300CA as his priority resolution.

AMENDMENT - Print in Journal

Senator Adams filed the following amendment to LB711:
AM1951

(Amendments to Final Reading copy)

1. Strike section 2 and insert the following new sections:

Sec. 2. Section 79-1022, Revised Statutes Supplement, 2009, is amended to read:

79-1022 (1) On ~~or before June 1, 2009, on~~ or before March ~~1,~~ 10, 2010, and on or before February 1 of each year thereafter, the department shall determine the amounts to be distributed to each local system and each district pursuant to the Tax Equity and Educational Opportunities Support Act and shall certify the amounts to the Director of Administrative Services, the Auditor of Public Accounts, each learning community, and each district. The amount to be distributed to each district that is not a member of a learning community from the amount certified for a local system shall be proportional based on: (a) For school fiscal years prior to school fiscal year 2008-09, the weighted formula students attributed to each district in the local system; and (b) for school fiscal year 2008-09 and each school fiscal year thereafter, the formula students attributed to each district in the local system. The amount to be distributed to each district that is a member of a learning community from the amount certified for the local system shall be proportional based on the formula needs calculated for

each district in the local system. On ~~or before June 1, 2009, on~~ or before March ~~1,~~ 10, 2010, and on or before February 1 of each year thereafter, the department shall report the necessary funding level to the Governor, the Appropriations Committee of the Legislature, and the Education Committee of the Legislature. Certified state aid amounts, including adjustments pursuant to section 79-1065.02, shall be shown as budgeted non-property-tax receipts and deducted prior to calculating the property tax request in the district's general fund budget statement as provided to the Auditor of Public Accounts pursuant to section 79-1024.

(2) Except as provided in subsection (8) of section 79-1016 and sections 79-1033 and 79-1065.02, the amounts certified pursuant to subsection (1) of this section shall be distributed in ten as nearly as possible equal payments on the last business day of each month beginning in September of each ensuing school fiscal year and ending in June of the following year, except that when a school district is to receive a monthly payment of less than one thousand dollars, such payment shall be one lump-sum payment on the last business day of December during the ensuing school fiscal year.

Sec. 3. Section 79-1023, Revised Statutes Supplement, 2009, as amended by section 11, Legislative Bill 5, One Hundred First Legislature, First Special Session, 2009, is amended to read:

79-1023 (1) On ~~or before June 1, 2009, on~~ or before March ~~1,~~ 10, 2010, and on or before February 1 of each year thereafter, the department shall determine and certify to each school district the maximum general fund budget of expenditures minus the special education budget of expenditures for the immediately following school fiscal year.

(2) Except as provided in section 79-1028.01, no school district shall have a general fund budget of expenditures minus special grant funds and the special education budget of expenditures more than the greater of (a) the product of the difference of the general fund budget of expenditures minus special grant funds and the special education budget of expenditures for the immediately preceding school fiscal year multiplied by (i) except as otherwise provided in subdivision (a)(ii) of this subsection, the sum of one plus the local system's applicable allowable growth rate or (ii) for school fiscal year 2010-11, the sum of one plus seventy-five hundredths of one percent plus the local system's applicable allowable growth rate or (b)(i) except as otherwise provided in subdivision (b)(ii) of this subsection, the difference of one hundred twenty percent of formula need for such school fiscal year minus the product of the sum of one plus the basic allowable growth rate for such school fiscal year multiplied by the special education budget of expenditures as filed on the school district budget statement on or before September 20 for the immediately preceding school fiscal year or (ii) for school fiscal years 2009-10 and 2010-11, the difference of one hundred

sixteen and fifteen-hundredths percent of formula need for such school fiscal year minus the product of the sum of one plus the basic allowable growth rate for such school fiscal year multiplied by the special education budget of expenditures as filed on the school district budget statement on or before September 20 for the immediately preceding school fiscal year.

Sec. 4. Section 79-1026.01, Revised Statutes Supplement, 2009, is amended to read:

79-1026.01 For school fiscal year 2008-09 and each school fiscal year thereafter, ~~on or before June 1, 2009,~~ on or before March ~~1,~~ 10, 2010, and on or before February 1 of each year thereafter, the department shall determine and certify to each Class II, III, IV, or V district an applicable allowable growth rate carried out at least four decimal places as follows:

(1) The department shall establish a target budget level range of general fund operating expenditure levels for each school fiscal year for each school district which shall begin at twenty percent less than the school district's formula need and end at the school district's formula need. The beginning point of the range shall be assigned a number equal to the maximum allowable growth rate established in section 79-1025, and the end point of the range shall be assigned a number equal to the basic allowable growth rate as prescribed in such section such that the lower end of the range shall be assigned the maximum allowable growth rate and the higher end of the range shall be assigned the basic allowable growth rate; and

(2) For each school fiscal year, each school district's general fund operating expenditures shall be compared to its target budget level along the range described in subdivision (1) of this section to arrive at an applicable allowable growth rate as follows: If each school district's general fund operating expenditures fall below the lower end of the range, such applicable allowable growth rate shall be the maximum growth rate identified in section 79-1025. If each school district's general fund operating expenditures are greater than the higher end of the range, the school district's allowable growth rate shall be the basic allowable growth rate identified in such section. If each school district's general fund operating expenditures fall between the lower end and the higher end of the range, the department shall use a linear interpolation calculation between the end points of the range to arrive at the applicable allowable growth rate for the school district.

Sec. 5. Section 79-1027, Revised Statutes Supplement, 2009, is amended to read:

79-1027 No district shall adopt a budget, which includes total requirements of depreciation funds, necessary employee benefit fund cash reserves, and necessary general fund cash reserves, exceeding the applicable allowable reserve percentages

of total general fund budget of expenditures as specified in the schedule set forth in this section.

Average daily membership of district	Allowable reserve percentage
0 - 471	45
471.01 - 3,044	35
3,044.01 - 10,000	25
10,000.01 and over	20

On ~~or before June 1, 2009, on~~ or before March ~~1,~~ 10, 2010, and on or before February 1 each year thereafter, the department shall determine and certify each district's applicable allowable reserve percentage.

Each district with combined necessary general fund cash reserves, total requirements of depreciation funds, and necessary employee benefit fund cash reserves less than the applicable allowable reserve percentage specified in this section may, notwithstanding the district's applicable allowable growth rate, increase its necessary general fund cash reserves such that the total necessary general fund cash reserves, total requirements of depreciation funds, and necessary employee benefit fund cash reserves do not exceed such applicable allowable reserve percentage.

Sec. 6. Section 79-1031.01, Revised Statutes Supplement, 2009, is amended to read:

79-1031.01 The Appropriations Committee of the Legislature shall annually include the amount necessary to fund the state aid that will be certified to school districts ~~on or before June 1, 2009,~~ on or before March ~~1,~~ 10, 2010, and on or before February 1 for each school year thereafter in its recommendations to the Legislature to carry out the requirements of the Tax Equity and Educational Opportunities Support Act.

Sec. 7. Original section 79-4,108, Reissue Revised Statutes of Nebraska, sections 79-1022, 79-1026.01, 79-1027, and 79-1031.01, Revised Statutes Supplement, 2009, and section 79-1023, Revised Statutes Supplement, 2009, as amended by section 11, Legislative Bill 5, One Hundred First Legislature, First Special Session, 2009, are repealed.

2. On page 1, strike beginning with "unified" in line 1 through the semicolon in line 4 and insert "schools; to amend section 79-4,108, Reissue Revised Statutes of Nebraska, sections 79-1022, 79-1026.01, 79-1027, and 79-1031.01, Revised Statutes Supplement, 2009, and section 79-1023, Revised Statutes Supplement, 2009, as amended by section 11, Legislative Bill 5, One Hundred First Legislature, First Special Session, 2009; to change provisions relating to interlocal agreements for unified school systems; to change dates relating to certification of state aid under the Tax Equity and Educational Opportunities Support Act; to

repeal the original sections;".

3. Renumber the remaining section accordingly.

GENERAL FILE

LEGISLATIVE BILL 1006. Title read. Considered.

Committee AM1816, found on page 532, was considered.

SENATOR STUTHMAN PRESIDING

The committee amendment was adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 865. Title read. Considered.

Committee AM1739, found on page 451, was adopted with 30 ayes, 0 nays, 11 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 10 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 910. Title read. Considered.

Committee AM1789, found on page 539, was adopted with 31 ayes, 1 nay, 8 present and not voting, and 9 excused and not voting.

Senator Carlson offered the following amendment:
AM1934

1. Strike original section 13.

2. On page 9, line 8, strike "an animal rescue,", strike "or" and show as stricken, and after "shelter" insert ", or, beginning October 1, 2010, as an animal rescue"; in line 9 after each comma insert "a"; and in line 10 after the first comma insert "an", strike "animal rescue,", strike "or", show as stricken, and insert "an", and after "shelter" insert ", or, beginning October 1, 2010, as an animal rescue".

The Carlson amendment was adopted with 31 ayes, 0 nays, 9 present and not voting, and 9 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 1 nay, 7 present and not voting, and 9 excused and not voting.

COMMITTEE REPORTS

Transportation and Telecommunications

LEGISLATIVE BILL 926. Placed on General File with amendment.
AM1942

1. Strike the original sections and insert the following new sections:

Section 1. Section 39-204, Reissue Revised Statutes of Nebraska, is amended to read:

39-204 (1) Signs, displays, and devices giving specific information of interest to the traveling public shall be erected by or at the direction of the Department of Roads and maintained within the right-of-way at appropriate distances from interchanges on the National System of Interstate and Defense Highways and from roads of the state primary system as shall conform with the rules and regulations adopted and promulgated by the department to carry out this section and section 39-205. Such rules and regulations shall be consistent with national standards promulgated from time to time by the appropriate authority of the federal government pursuant to 23 U.S.C. 131(f).

(2) For purposes of this section, specific information of interest to the traveling public shall mean only information about camping, lodging, food, attractions, and motor fuel and associated services, including trade names.

(3) The minimum service that is required to be available for each type of service shall include:

(a) Motor fuel services including:

(i) Vehicle services, which shall include fuel, oil, ~~tire repair,~~ and water;

(ii) Restroom facilities and drinking water;

(iii) Continuous operation of such services for at least sixteen hours per day, seven days per week, for freeways and expressways and continuous operation of such services for at least twelve hours per day, seven days per week, for conventional roads; and

(iv) Telephone services;

(b) Attraction services including:

(i) An attraction of regional significance with the primary purpose of providing amusement, historical, cultural, or leisure activity to the public;

(ii) Restroom facilities and drinking water; and

(iii) Adequate parking accommodations;

~~(b)~~ (c) Food services including:

(i) Licensing or approval of such services, when required;

(ii) Continuous operation of such services to serve ~~three~~ at least two meals per day, ~~seven~~ six days per week; ~~and~~

(iii) Modern sanitary facilities; and

~~(iii)~~ (iv) Telephone services;

~~(c)~~ (d) Lodging services including:

(i) Licensing or approval of such services, when required;

(ii) Adequate sleeping accommodations; and

(iii) Telephone services; and

~~(d)~~ (e) Camping services including:

(i) Licensing or approval of such services, when required;

(ii) Adequate parking accommodations; and

(iii) Modern sanitary facilities and drinking water.

Sec. 2. Section 39-205, Reissue Revised Statutes of Nebraska, is amended to read:

39-205 (1) Applicants for business signs shall furnish business signs to the Department of Roads and shall pay to the department an annual fee for posting each business sign and the actual cost of material for, fabrication of, and erecting the specific information sign panels where specific information sign panels have not been installed.

(2) Upon receipt of the business signs and the annual fee, the department shall post or cause to be posted the business signs where specific information sign panels have been installed. The applicant shall not be required to remove any advertising device to qualify for a business sign except any advertising device which was unlawfully erected or in violation of section 39-202, 39-203, 39-204, 39-205, 39-206, 39-215, 39-216, or 39-220, any rule or regulation of the department, or any federal rule or regulation relating to informational signs. The specific information sign panels and business signs shall conform to the requirements of the Federal Beautification Act and the Manual on Uniform Traffic Control Devices adopted pursuant to section 60-6,118.

(3) All revenue received for the posting or erecting of business signs or specific information sign panels pursuant to this section shall be deposited in the Highway Cash Fund, except that any revenue received from the annual fee and for posting or erecting such signs in excess of the state's costs shall be deposited in the General Fund.

(4) For purposes of this section, unless the context otherwise requires:

(a) Business sign ~~shall mean~~ means a sign displaying a commercial brand, symbol, trademark, or name, or combination thereof, designating a motorist service. Business signs shall be mounted on a rectangular information panel; and

(b) Specific information sign panel ~~shall mean~~ means a rectangular sign panel with:

(i) The word gas, food, attraction, lodging, or camping;

(ii) Directional information; and

(iii) One or more business signs.

(5) The department shall provide notice of space available for business signs on any specific information sign panel

at least ninety days prior to accepting or approving the posting of any business sign.

Sec. 3. Section 39-210, Reissue Revised Statutes of Nebraska, is amended to read:

39-210 To qualify to appear on a tourist-oriented directional sign panel, an activity shall be licensed and approved by the state and local agencies if required by law and be open to the public at least eight hours per day, five days per week, including Saturdays or Sundays, during the normal season of the activity, <u>except that if the activity is a winery, the winery shall be open at least twenty hours per week</u>. The activity, before qualifying to appear on a sign panel, shall provide to the Department of Roads assurance of its conformity with all applicable laws relating to discrimination based on race, creed, color, sex, national origin, ancestry, political affiliation, or religion. If the activity violates any of such laws, it shall lose its eligibility to appear on a tourist-oriented directional sign panel. In addition, the qualifying activity shall be required to remove any advertising device which was unlawfully erected or which is in violation of section 39-202, 39-203, 39-204, 39-205, 39-206, 39-215, 39-216, or 39-220, any rule or regulation of the department, or any federal rule or regulation relating to tourist-oriented directional sign panels. The tourist-oriented directional sign panels shall conform to the requirements of the Federal Beautification Act and the Manual on Uniform Traffic Control Devices as adopted pursuant to section 60-6,118.

Sec. 4. Original sections 39-204, 39-205, and 39-210, Reissue Revised Statutes of Nebraska, are repealed.

(Signed) Deb Fischer, Chairperson

Appropriations

LEGISLATIVE BILL 1063. Placed on General File with amendment.
AM1961

1. Insert the following new section:

Sec. 3. Section 82-331, Revised Statutes Supplement, 2009, is amended to read:

82-331 (1) There is hereby established in the state treasury a trust fund to be known as the Nebraska Cultural Preservation Endowment Fund. The fund shall consist of funds appropriated or transferred by the Legislature, and only the earnings of the fund may be used as provided in this section.

(2) On August 1, 1998, the State Treasurer shall transfer five million dollars from the General Fund to the Nebraska Cultural Preservation Endowment Fund.

(3) Except as provided in subsection (4) of this section, it is the intent of the Legislature that the State Treasurer shall transfer (a) an amount not to exceed five hundred thousand

dollars from the General Fund to the Nebraska Cultural Preservation Endowment Fund on December 31 of 2009 and 2010 and (b) an amount not to exceed ~~one million~~ five hundred thousand dollars from the General Fund to the Nebraska Cultural Preservation Endowment Fund on December 31 of 2011, ~~and~~ 2012, 2013, 2014, 2015, and 2016.

(4) Prior to the transfer of funds from any state account into the Nebraska Cultural Preservation Endowment Fund, the Nebraska Arts Council shall provide documentation to the budget division of the Department of Administrative Services that qualified endowments have generated a dollar-for-dollar match of new money, up to the amount of state funds authorized by the Legislature to be transferred to the Nebraska Cultural Preservation Endowment Fund. The budget division of the Department of Administrative Services shall notify the State Treasurer to execute a transfer of state funds up to the amount specified by the Legislature, but only to the extent that the Nebraska Arts Council has provided documentation of a dollar-for-dollar match. Funds not transferred shall be carried forward to the succeeding year and be added to the funds authorized for a dollar-for-dollar match during that year.

(5) The Legislature shall not appropriate or transfer money from the Nebraska Cultural Preservation Endowment Fund for any purpose other than the purposes stated in sections 82-330 to 82-333, except that the Legislature may appropriate or transfer money from the fund upon a finding that the purposes of such sections are not being accomplished by the fund.

(6) Any money in the Nebraska Cultural Preservation Endowment Fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

(7) All investment earnings from the Nebraska Cultural Preservation Endowment Fund shall be credited to the Nebraska Arts and Humanities Cash Fund.

2. On page 2, line 24, after the comma insert "and section 82-331, Revised Statutes Supplement, 2009,".

3. Renumber the remaining section accordingly.

(Signed) Lavon Heidemann, Chairperson

Natural Resources

LEGISLATIVE BILL 836. Placed on General File with amendment.
AM1864

1. Strike the original sections and insert the following new sections:

Section 1. Section 37-448, Reissue Revised Statutes of Nebraska, is amended to read:

37-448 (1) Subject to rules and regulations adopted and promulgated by the commission, the secretary of the commission

may designate special deer depredation seasons or extensions of existing deer hunting seasons by executive order. The secretary may designate a depredation season or an extension of an existing deer hunting season whenever he or she determines that deer are causing excessive property damage. The secretary shall specify the number of permits to be issued, the species of deer allowed to be taken, the bag limit for such species, the beginning and ending dates for the depredation season or hunting season extension, shooting hours, the length of the depredation season or hunting season extension, and the geographic area in which hunting will be permitted. ~~Each such permit shall give the holder the right to take one deer.~~ Hunting during a special depredation season or hunting season extension shall be limited to residents, and the rules and regulations shall ~~be restricted to firearms which are~~ allow use of any weapon permissible for use during the regular deer season.

(2) The depredation season may commence not less than five days after the first public announcement that the depredation season has been established. Permits shall be issued ~~beginning not less than three days after the first public announcement of the depredation season and shall be issued~~ in an impartial manner at a location determined by the secretary. The commission shall, pursuant to section 37-327, establish and charge a fee of not more than twenty-five dollars for a special depredation season permit. ~~Fifty percent of the fee shall be paid by the commission to a landowner or operator within the designated area upon satisfactory proof a deer was killed upon his or her farm or ranch during the special depredation season.~~ The commission shall use the income from the sale of special depredation season permits for abatement of damage caused by deer. The commission shall also provide for an unlimited number of free permits for the taking of antlerless deer upon request to any person owning or operating at least twenty acres of farm or ranch land within the geographic area in which hunting will be permitted and to any member of the immediate family of any such person as defined in subdivision (2)(a) of section 37-455. A free permit shall be valid only within such area and only during the designated deer depredation season. Receipt of a depredation season permit shall not in any way affect a person's eligibility for a regular season permit.

Sec. 2. Section 37-523, Revised Statutes Supplement, 2009, is amended to read:

37-523 (1) It shall be unlawful to hunt or trap any form of wild mammal or wild bird within a ~~two-hundred-yard~~ one-hundred-yard radius of an inhabited dwelling or livestock feedlot, or to trap within a two-hundred-yard radius of any passage used by livestock to pass under any highway, road, or bridge.

(2) This section shall not prohibit any owner, tenant, or operator or his or her guests from hunting or trapping any form of wild mammal or wild bird within such radius if the area is under his or her ownership or control. This section shall not prohibit

duly authorized personnel of any county, city, or village health or animal control department from trapping with a humane live box trap or pursuing any form of wild mammal or wild bird, when conducting such activities within the scope of the authorization, within such radius if the area is under the jurisdiction of the county, city, or village.

(3) Any person violating this section shall be guilty of a Class III misdemeanor and shall be fined at least one hundred dollars upon conviction.

Sec. 3. Original section 37-448, Reissue Revised Statutes of Nebraska, and section 37-523, Revised Statutes Supplement, 2009, are repealed.

(Signed) Chris Langemeier, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 326. Introduced by Harms, 48.

WHEREAS, Tanner Manley, of Troop 5, 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, Tanner 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; and

WHEREAS, only five percent of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Tanner, through his hard work and perseverance, has joined 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 HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates Tanner Manley on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Tanner Manley.

Laid over.

LEGISLATIVE RESOLUTION 327. Introduced by Harms, 48.

WHEREAS, Rogelio Munoz, of Troop 17, 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, Rogelio 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; and

WHEREAS, only five percent of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Rogelio, through his hard work and perseverance, has joined 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 HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates Rogelio Munoz on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Rogelio Munoz.

Laid over.

LEGISLATIVE RESOLUTION 328. Introduced by Harms, 48.

WHEREAS, Reynaldo Castro, of Troop 17, 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, Reynaldo 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; and

WHEREAS, only five percent of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Reynaldo, through his hard work and perseverance, has joined 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 HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates Reynaldo Castro on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Reynaldo Castro.

Laid over.

LEGISLATIVE RESOLUTION 329. Introduced by Harms, 48.

WHEREAS, Josh McBride, of Troop 17, 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, Josh 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; and

WHEREAS, only five percent of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Josh, through his hard work and perseverance, has joined 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 HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates Josh McBride on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Josh McBride.

Laid over.

LEGISLATIVE RESOLUTION 330. Introduced by Harms, 48.

WHEREAS, Jacob Douglas, of Troop 13, 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, Jacob 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; and

WHEREAS, only five percent of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Jacob, through his hard work and perseverance, has joined 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 HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates Jacob Douglas on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Jacob Douglas.

Laid over.

ANNOUNCEMENTS

Senator Pirsch designates LB510 as his priority bill.

Senator Langemeier designates LB728 as his priority bill.

Senator Council designates LB1105 as her priority bill.

Senator Hansen designates LB937 as his priority bill.

Senator Karpisek designates LR296CA as his priority resolution.

Senator Christensen designates LB443 as his priority bill.

UNANIMOUS CONSENT - Add Cointroducers

Senator Giese asked unanimous consent to add his name as cointroducer to LB709. No objections. So ordered.

Senator Council asked unanimous consent to add her name as cointroducer to LB992. No objections. So ordered.

Senator Karpisek asked unanimous consent to add his name as cointroducer to LB1002. No objections. So ordered.

Senator Price asked unanimous consent to add his name as cointroducer to LR292. No objections. So ordered.

VISITORS

Visitors to the Chamber were members of the Nebraska State Bar Association Leadership Academy; members of the Attorney General's Youth Advisory Council from across the state; and Representative Charles Key from Oklahoma City, Oklahoma.

The Doctor of the Day was Dr. Kathy Amyot from Hastings.

ADJOURNMENT

At 11:43 a.m., on a motion by Speaker Flood, the Legislature adjourned until 10:00 a.m., Monday, February 22, 2010.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

THIRTIETH DAY - FEBRUARY 22, 2010

LEGISLATIVE JOURNAL

ONE HUNDRED FIRST LEGISLATURE
SECOND SESSION

THIRTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, February 22, 2010

PRAYER

The prayer was offered by Senator Wallman.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Senator Rogert presiding.

The roll was called and all members were present except Senators Ashford, Cornett, Gloor, and Pahls who were excused; and Senators Heidemann, Louden, and Stuthman who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-ninth day was approved.

COMMITTEE REPORTS
Urban Affairs

LEGISLATIVE BILL 997. Placed on General File.

LEGISLATIVE BILL 919. Placed on General File with amendment.
AM1848

1. Strike the original sections and insert the following new sections:

Section 1. Section 17-301, Reissue Revised Statutes of Nebraska, is amended to read:

17-301 (1) Whenever any city of the first class decreases in population until it has a population of less than five thousand inhabitants but not less than four thousand ~~five hundred~~ inhabitants, as ascertained and officially promulgated by the <u>most recent</u> federal decennial census, the mayor of any such city shall certify such fact to the Secretary of State. <u>If the mayor did not have to provide such certification after the previous decennial census, he or she shall include an explanation of the city's plan to increase the city's population in the certification.</u>

(2) Whenever any city of the first class decreases in population until it has a population of less than four thousand ~~five hundred~~ inhabitants but more than eight hundred inhabitants as ascertained and officially promulgated by the most recent federal decennial census, the mayor of any such city shall certify such fact to the Secretary of State.

(3) Whenever the Secretary of State receives a certification pursuant to subsection (1) of this section from the same city after two consecutive federal decennial censuses, he or she shall declare such city to have become a city of the second class as provided in section 17-305.

(4) Whenever the Secretary of State receives a certification pursuant to subsection (2) of this section, he or she shall declare such city to have become a city of the second class as provided in section 17-305.

(5) Beginning on the date upon which a city becomes a city of the second class pursuant to section 17-305, such city shall be governed by the ~~provisions of the statutes of the State of Nebraska~~ laws of this state applicable to cities of the second class.

Sec. 2. Original section 17-301, Reissue Revised Statutes of Nebraska, is repealed.

Sec. 3. Since an emergency exists, this act takes effect when passed and approved according to law.

(Signed) Amanda McGill, Chairperson

Transportation and Telecommunications

LEGISLATIVE BILL 820. Placed on General File with amendment.
AM1932

1. Strike the original sections and insert the following new sections:

Section 1. Section 60-6,298, Revised Statutes Cumulative Supplement, 2008, is amended to read:

60-6,298 (1)(a) The Department of Roads or the Nebraska State Patrol, with respect to highways under its jurisdiction including the National System of Interstate and Defense Highways, and local authorities, with respect to highways under their jurisdiction, may in their discretion upon application and good cause being shown therefor issue a special, continuing, or continuous permit in writing authorizing the applicant or his or her designee:

(i) To operate or move a vehicle, a combination of vehicles, or objects of a size or weight of vehicle or load exceeding the maximum specified by law when such permit is necessary:

(A) To further the national defense or the general welfare;

(B) To permit movement of cost-saving equipment to be used in highway or other public construction or in agricultural land treatment; or

(C) Because of an emergency, an unusual circumstance, or a very special situation;

(ii) To operate vehicles, for a distance up to one hundred twenty miles, loaded up to fifteen percent greater than the maximum weight specified by law, up to ten percent greater than the maximum length specified by law, except that for a truck-tractor semitrailer trailer combination utilized to transport sugar beets which may be up to twenty-five percent greater than the maximum length specified by law, or both, when carrying grain or other seasonally harvested products from the field where such grain or products are harvested to storage, market, or stockpile in the field or from stockpile to market or factory when failure to move such grain or products in abundant quantities would cause an economic loss to the person or persons whose grain or products are being transported or when failure to move such grain or products in as large quantities as possible would not be in the best interests of the national defense or general welfare. The distance limitation may be waived for vehicles when carrying dry beans from the field where harvested to storage or market when dry beans are not normally stored, purchased, or used within the permittee's local area and must be transported more than one hundred twenty miles to an available marketing or storage destination. No permit shall authorize a weight greater than twenty thousand pounds on any single axle;

(iii) To transport an implement of husbandry which does not exceed twelve and one-half feet in width during daylight hours, except that the permit shall not allow transport on holidays;

(iv) To operate one or more recreational vehicles, as defined in section 71-4603, exceeding the maximum width specified by law if movement of the recreational vehicles is prior to retail sale and the recreational vehicles comply with subdivision (2)(k) of section 60-6,288; or

(v) To operate an emergency vehicle for purposes of sale, demonstration, exhibit, or delivery, if the applicant or his or her designee is a manufacturer or sales agent of the emergency vehicle. No permit shall be issued for an emergency vehicle which weighs over sixty thousand pounds on ~~a~~ the tandem axle.

(b) No permit shall be issued under subdivision (a)(i) of this subsection for a vehicle carrying a load unless such vehicle is loaded with an object which exceeds the size or weight limitations, which cannot be dismantled or reduced in size or weight without great difficulty, and which of necessity must be moved over the highways to reach its intended destination. No permit shall be required for the temporary movement on highways other than dustless-surfaced state highways and for necessary access to points on such highways during daylight hours of

cost-saving equipment to be used in highway or other public construction or in agricultural land treatment when such temporary movement is necessary and for a reasonable distance.

(2) The application for any such permit shall specifically describe the vehicle, the load to be operated or moved, whenever possible the particular highways for which permit to operate is requested, and whether such permit is requested for a single trip or for continuous or continuing operation.

(3) The department or local authority is authorized to issue or withhold such permit at its discretion or, if such permit is issued, to limit the number of days during which the permit is valid, to limit the number of trips, to establish seasonal or other time limitations within which the vehicles described may be operated on the highways indicated, or to issue a continuous or continuing permit for use on all highways, including the National System of Interstate and Defense Highways. The permits are subject to reasonable conditions as to periodic renewal of such permit and as to operation or movement of such vehicles. The department or local authority may otherwise limit or prescribe conditions of operation of such vehicle or vehicles, when necessary to assure against undue damage to the road foundations, surfaces, or structures or undue danger to the public safety. The department or local authority may require such undertaking or other security as may be deemed necessary to compensate for any injury to any roadway or road structure.

(4) Every such permit shall be carried in the vehicle to which it refers and shall be open to inspection by any peace officer, carrier enforcement officer, or authorized agent of any authority granting such permit. Each such permit shall state the maximum weight permissible on a single axle or combination of axles and the total gross weight allowed. No person shall violate any of the terms or conditions of such special permit. In case of any violation, the permit shall be deemed automatically revoked and the penalty of the original limitations shall be applied unless:

(a) The violation consists solely of exceeding the size or weight specified by the permit, in which case only the penalty of the original size or weight limitation exceeded shall be applied; or

(b) The total gross load is within the maximum authorized by the permit, no axle is more than ten percent in excess of the maximum load for such axle or group of axles authorized by the permit, and such load can be shifted to meet the weight limitations of wheel and axle loads authorized by such permit. Such shift may be made without penalty if it is made at the state or commercial scale designated in the permit. The vehicle may travel from its point of origin to such designated scale without penalty, and a scale ticket from such scale, showing the vehicle to be properly loaded and within the gross and axle weights authorized by the

permit, shall be reasonable evidence of compliance with the terms of the permit.

(5) The department or local authority issuing a permit as provided in this section may adopt and promulgate rules and regulations with respect to the issuance of permits provided for in this section.

(6) The department shall make available applications for permits authorized pursuant to subdivisions (1)(a)(ii) and (1)(a)(iii) of this section in the office of each county treasurer. The department may make available applications for all other permits authorized by this section to the office of the county treasurer and may make available applications for all permits authorized by this section to any other location chosen by the department.

(7) The department or local authority issuing a permit may require a permit fee of not to exceed twenty-five dollars, except that:

(a) The fee for a continuous or continuing permit may not exceed twenty-five dollars for a ninety-day period, fifty dollars for a one-hundred-eighty-day period, or one hundred dollars for a one-year period; and

(b) The fee for permits issued pursuant to subdivision (1)(a)(ii) of this section shall be twenty-five dollars for a thirty-day permit and fifty dollars for a sixty-day permit. Permits issued pursuant to such subdivision shall be valid for thirty days or sixty days and shall be renewable for a total number of days not to exceed one hundred and twenty days per year.

A vehicle or combination of vehicles for which an application for a permit is requested pursuant to this section shall be registered under section 60-3,147 or 60-3,198 for the maximum gross vehicle weight that is permitted pursuant to section 60-6,294 before a permit shall be issued.

Sec. 2. Original section 60-6,298, Revised Statutes Cumulative Supplement, 2008, is repealed.

(Signed) Deb Fischer, Chairperson

Education

LEGISLATIVE BILL 956. Placed on General File.

LEGISLATIVE BILL 937. Placed on General File with amendment.
AM1949

1. Strike section 1 and insert the following new section:

Section 1. Section 32-546.01, Revised Statutes Supplement, 2009, is amended to read:

32-546.01 (1) Each learning community shall be governed by a learning community coordinating council consisting of eighteen voting members, with twelve members elected on a nonpartisan ballot

from six numbered subcouncil districts created pursuant to section 32-555.01 and with six members appointed from such subcouncil districts pursuant to this section. Each voter shall be allowed to cast votes for one candidate at both the primary and general elections to represent the subcouncil district in which the voter resides. The four candidates receiving the most votes at the primary election shall advance to the general election. The two candidates receiving the most votes at the general election shall be elected. A candidate shall reside in the subcouncil district for which he or she is a candidate. Coordinating council members shall be elected on the nonpartisan ballot.

(2) The initial elected members shall be nominated at the statewide primary election and elected at the statewide general election immediately following the certification of the establishment of the learning community, and subsequent members shall be nominated at subsequent statewide primary elections and elected at subsequent statewide general elections. Except as provided in this section, such elections shall be conducted pursuant to the Election Act.

(3) Vacancies in office for elected members shall occur as set forth in section 32-560. Whenever any such vacancy occurs, the remaining elected members of such council shall appoint an individual residing within the geographical boundaries of the subcouncil district for the balance of the unexpired term.

(4) Members elected to represent odd-numbered districts in the first election for the learning community coordinating council shall be elected for two-year terms. Members elected to represent even-numbered districts in the first election for the learning community coordinating council shall be elected for four-year terms. Members elected in subsequent elections shall be elected for four-year terms and until their successors are elected and qualified.

(5) The appointed members shall be appointed in November of each even-numbered year after the general election. Appointed members shall be school board members of school districts in the learning community either elected to take office the following January or continuing their current term of office for the following two years. For learning communities to be established the following January pursuant to orders issued pursuant to section 79-2102, the Secretary of State shall hold a meeting of the school board members of the school districts in such learning community to appoint one member from such school boards to represent each of the subcouncil districts on the coordinating council of such learning community. For subsequent appointments, the current appointed members of the coordinating council shall hold a meeting of the school board members of such school districts to appoint one member from such school boards to represent each of the subcouncil districts on the coordinating council of the learning community. The appointed members shall be selected by the school board members

of the school districts in the learning community who reside in the subcouncil district to be represented pursuant to a secret ballot, shall reside in the subcouncil district to be represented, and shall be appointed for two-year terms and until their successors are appointed and qualified.

(6) Vacancies in office for appointed members shall occur upon the resignation, death, or disqualification from office of an appointed member. Disqualification from office shall include ceasing membership on the school board for which membership qualified the member for the appointment to the learning community coordinating council or ceasing to reside in the subcouncil district represented by such member of the learning community coordinating council. Whenever such vacancy occurs, the remaining appointed members shall hold a meeting of the school board members of the school districts in such learning community to appoint a member from such school boards who lives in the subcouncil district to be represented to serve for the balance of the unexpired term.

(7) Each learning community coordinating council shall also have a nonvoting member from each member school district which does not have either an elected or an appointed member who resides in the school district on the council. Such nonvoting members shall be appointed by the school board of the school district to be represented to serve for two-year terms, and notice of the nonvoting member selected shall be submitted to the Secretary of State by such board prior to December 31 of each even-numbered year. Each such nonvoting member shall be a resident of the appointing school district and shall not be a school administrator employed by such school district. Whenever a vacancy occurs, the school board of such school district shall appoint a new nonvoting member and submit notice to the Secretary of State and to the learning community coordinating council.

(8) Members of a learning community coordinating council shall take office on the first Thursday after the first Tuesday in January following their election or appointment, except that members appointed to fill vacancies shall take office immediately following administration of the oath of office. Each voting member elected or appointed prior to January 1, 2011, shall be paid a per diem in an amount determined by such council up to two hundred dollars per day for official meetings of the council and the achievement subcouncil for which he or she is a member, for meetings that occur during the term of office for which the election or appointment of the member took place prior to January 1, 2011, up to a maximum of twelve thousand dollars per fiscal year. Each voting member ~~, and~~ shall be eligible for reimbursement of reasonable expenses related to service on the learning community coordinating council.

(Signed) Greg Adams, Chairperson

Transportation and Telecommunications

The Transportation and Telecommunications 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.

James Daws - Board of Public Roads Classifications and Standards
Barbara Keegan - Board of Public Roads Classifications and Standards
James Litchfield - Board of Public Roads Classifications and Standards
Randall Peters - Board of Public Roads Classifications and Standards

Aye: 6 Senators Fischer, Gay, Hadley, Janssen, Lautenbaugh, Louden. Nay: 0. Absent: 2 Senators Campbell, Stuthman. Present and not voting: 0.

(Signed) Deb Fischer, Chairperson

ANNOUNCEMENT

Speaker Flood designates LBs 571, 701, 702, 707, 727, 768, 799, 801, 820, 836, 842, 864, 877, 880, 882, 901, 924, 926, 943, 956, 970, 1051, 1063, 1094, and LR297CA as Speaker priority bills and resolution.

MOTIONS - Approve Appointments

Senator Carlson moved the adoption of the Agriculture Committee report for the confirmation of the following appointment(s) found on page 575:
Nebraska State Fair Board
Sallie Atkins

Voting in the affirmative, 34:

Adams	Dubas	Hansen	McCoy	Rogert
Campbell	Fischer	Harms	McGill	Sullivan
Carlson	Fulton	Howard	Mello	Utter
Coash	Gay	Karpisek	Nordquist	Wallman
Conrad	Giese	Krist	Pankonin	White
Cook	Haar	Langemeier	Pirsch	Wightman
Council	Hadley	Lathrop	Price	

Voting in the negative, 0.

Present and not voting, 8:

Avery	Dierks	Janssen	Nelson
Christensen	Flood	Lautenbaugh	Schilz

Excused and not voting, 7:

Ashford	Gloor	Louden	Stuthman
Cornett	Heidemann	Pahls	

The appointment was confirmed with 34 ayes, 0 nays, 8 present and not voting, and 7 excused and not voting.

Senator Carlson moved the adoption of the Agriculture Committee report for the confirmation of the following appointment(s) found on page 575:

Nebraska State Fair Board
Linda Lovgren

Voting in the affirmative, 35:

Adams	Council	Haar	Langemeier	Price
Campbell	Dierks	Hansen	Lathrop	Rogert
Carlson	Dubas	Harms	McCoy	Sullivan
Christensen	Fischer	Howard	Mello	Utter
Coash	Flood	Janssen	Nordquist	Wallman
Conrad	Fulton	Karpisek	Pankonin	White
Cook	Giese	Krist	Pirsch	Wightman

Voting in the negative, 0.

Present and not voting, 7:

Avery	Hadley	McGill	Schilz
Gay	Lautenbaugh	Nelson	

Excused and not voting, 7:

Ashford	Gloor	Louden	Stuthman
Cornett	Heidemann	Pahls	

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

MOTION - Return LB711 to Select File

Senator Adams moved to return LB711 to Select File for his specific amendment, AM1951, found on page 576.

The Adams motion to return prevailed with 35 ayes, 0 nays, 7 present and not voting, and 7 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 711. The Adams specific amendment, AM1951, found on page 576, was adopted with 36 ayes, 0 nays, 6 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

GENERAL FILE

LEGISLATIVE BILL 770. Title read. Considered.

Committee AM1714, found on page 432, was adopted with 37 ayes, 0 nays, 5 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 5 present and not voting, and 7 excused and not voting.

COMMITTEE REPORTS

Health and Human Services

LEGISLATIVE BILL 701. Placed on General File with amendment.
AM1912

1. On page 3, line 3, strike "FY2009-10" and insert "FY2010-11"; and strike lines 16 through 25 and insert the following new subsection:

"(4) For FY2011-12 and each fiscal year thereafter, proceeds from the tax imposed pursuant to section 68-1803 shall be remitted to the State Treasurer for credit to the ICF/MR Reimbursement Protection Fund for allocation as follows:

(a) First, fifty-five thousand dollars for administration of the fund;

(b) Second, the amount needed to reimburse intermediate care facilities for the mentally retarded for the cost of the tax;

(c) Third, three hundred twelve thousand dollars for community-based services for persons with developmental disabilities;

(d) Fourth, six hundred thousand dollars or such lesser amount as may be available in the fund for non-state-operated intermediate care facilities for the mentally retarded, in addition to any continuation appropriations percentage increase provided by the Legislature to nongovernmental intermediate care facilities for the mentally retarded under the medical assistance program; and

(e) Fifth, the remainder of the proceeds to the General Fund.".

2. On page 4, strike lines 1 through 5.

LEGISLATIVE BILL 1036. Placed on General File with amendment.
AM1839

1. On page 7, line 23, strike "because" and insert "and" and strike "thirteen" and insert "sixteen".

2. On page 14, line 10, after "decedent" insert "other than any medical personnel caring for the decedent at the time of or immediately leading up to the decedent's death".

3. On page 15, line 24, after the semicolon insert "the State Anatomical Board;".

4. On page 16, line 25, strike "and".

5. On page 17, line 3, strike the period and insert "; and"; after line 3 insert the following new subdivision:

"(5) If the gift is any part other than an organ, an eye, or tissue, or the gift is all parts, and the gift is for the purpose of research or education, the gift passes to the State Anatomical Board."; and in line 19 strike "or therapy" and insert ", therapy, research, or education".

6. On page 18, line 1, strike "and"; in line 4 strike the period and insert "; and"; and after line 4 insert the following new subdivision:

"(4) If the gift is for research or education, the gift passes to the State Anatomical Board in accordance with section 71-1002.".

7. On page 21, line 25, after "make" insert "or object to the making of".

8. On page 23, line 4, strike "or therapy" and insert ", therapy, research, or education".

9. On page 24, line 20, after "care" insert "as provided for in sections 30-3401 to 30-3432"; in line 24 strike "a life-support"; and in line 25 strike "system" and insert "life-sustaining treatment".

10. On page 33, line 19, strike beginning with "Organ" through the last comma, show as stricken, and insert "federally designated organ procurement organization for Nebraska and the State Anatomical Board".

The Health and Human Services 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.

Nancy Oltman - Commission for the Blind and Visually Impaired
Darrell Walla - Commission for the Blind and Visually Impaired

Aye: 7 Senators Campbell, Gay, Gloor, Howard, Pankonin, Stuthman, Wallman. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Tim Gay, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 331. Introduced by Fulton, 29.

WHEREAS, Nebraskans celebrate the life and legacy of Mrs. Eunice Kennedy Shriver, who passed away on August 11, 2009, at the age of eighty-eight; and

WHEREAS, Mrs. Eunice Kennedy Shriver embodied the American spirit of service through her life's work to empower the intellectually disabled; and

WHEREAS, Mrs. Eunice Kennedy Shriver's leadership of the Joseph P. Kennedy, Jr. Foundation led to the establishment of the Special Olympics in 1968; and

WHEREAS, Mrs. Eunice Kennedy Shriver's vision of equality and opportunity has fundamentally transformed the lives of many Nebraskans; and

WHEREAS, the State of Nebraska and the city of Lincoln possess the profound honor of hosting the 2010 Special Olympics.

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

1. That the Legislature expresses its deepest sympathy and sincere condolences to the Kennedy and Shriver families.

2. That a copy of this resolution be sent to the Joseph P. Kennedy, Jr. Foundation.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 888. Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 8 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 821. Title read. Considered.

Committee AM1741, found on page 439, was adopted with 34 ayes, 0 nays, 7 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 6 present and not voting, and 7 excused and not voting.

LEGISLATIVE RESOLUTION 295CA. Read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 10 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 689. Title read. Considered.

SENATOR CARLSON PRESIDING

Pending.

COMMITTEE REPORTS
Revenue

LEGISLATIVE BILL 918. Placed on General File with amendment.
AM1905 is available in the Bill Room.

LEGISLATIVE BILL 1018. Placed on General File with amendment.
AM1910

1. Strike original section 35.

2. On page 2, line 1, strike "36" and insert "35".

3. On page 4, strike beginning with "Food" in line 5 through the period in line 7; and strike beginning with "Entertainment" in line 23 through the period in line 25 and insert "Entertainment, food, and drink options and adjacent lodging shall occupy a minimum of sixty percent of the total gross area.".

4. On page 5, line 2, strike "available for lease".

5. On page 18, line 21, strike "A" and insert "Except as provided in subdivision (c) of this subsection for redevelopment projects, a"; and strike beginning with "the" in line 22 through line 23 and insert "all types of purchases on which the local option sales tax is levied".

6. On page 19, line 4, after the comma insert "a refund of"; and strike beginning with "shall" in line 6 through "project" in line 7.

7. On page 20, after line 17 insert the following new subsection:

"(6) The Nebraska Advantage Transformational Tourism and Redevelopment Act Cash Fund is created. The fund shall be used by the department to carry out its duties under this section. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.".

8. Renumber the remaining section accordingly.

LEGISLATIVE BILL 1081. Placed on General File with amendment.
AM1930

1. Strike the original sections and insert the following new sections:

Section 1. Sections 1 to 11 of this act shall be known and may be cited as the Teleworker Job Creation Act.

Sec. 2. The Legislature hereby finds and declares that:

(1) Current economic conditions in the state have resulted in unemployment, loss of jobs, and difficulty in attracting new jobs; and

(2) It is the policy of the state to make revisions in Nebraska's job training structure to encourage businesses to promote the creation of and training for new jobs which can be performed in the home within the state.

Sec. 3. For purposes of the Teleworker Job Creation Act:

(1) Application filing date means the date that the employer files an application for an agreement with the director under the act;

(2) Base year means the year immediately preceding the year during which the application was submitted;

(3) Base-year employee means any individual who was employed in Nebraska and subject to the Nebraska income tax on compensation received from the employer or its predecessors during the base year and who is employed at the project;

(4) Director means the Director of Economic Development;

(5) Employer means a corporation, partnership, limited liability company, cooperative, limited cooperative association, or joint venture, together with such other entities that are, or would be if incorporated, members of the same unitary group as defined in section 77-2734.04, that employs the teleworkers for which the job training reimbursements are applied for under the act;

(6) Qualifying employee means a teleworker who has the following characteristics: (a) The teleworker constitutes an employee of the employer under section 77-2753; (b) the teleworker resides in Nebraska at the time of his or her employment application according to his or her statement on his or her employment application; (c) the teleworker completes a qualified training program; (d) the teleworker is not a base-year employee; (e) the teleworker is not required to purchase a computer from the employer; (f) the teleworker has passed such job-related tests required under the qualified training program; (g) the teleworker has passed a criminal background check as required by the employer; and (h) the teleworker has been allowed to complete the hiring process paperwork from his or her residence, except for any drug testing and notarized proof of identity, which can be performed at such location directed by the employer;

(7) Qualified training program means a training program which has the following features: (a) The program has at least fifteen hours of instruction per trainee, all of which will occur in the trainee's residence; (b) trainees are each paid at least the federal minimum hourly wage per hour of training performed; (c) trainees are being trained as teleworkers; and (d) the program requires the trainees to pass job-related tests established by the employer;

(8) Teleworker means a person who works for the employer from his or her residence through the use of telecommunication systems, such as the telephone and the Internet, for inbound only service and order taking sales calls, which calls may also include the upselling of related products or services; and

(9) Year means the taxable year of the employer.

Sec. 4. (1) To earn the job training reimbursements set forth in the Teleworker Job Creation Act, an employer shall file an application for an agreement with the director.

(2) The application shall contain:

(a) A written statement describing the expected employment of qualifying employees in this state;

(b) Sufficient documents, plans, and specifications as required by the director to support the plan and to define a project;

(c) A copy of the approval letter for the employer's qualified training program from the director; and

(d) An application fee of five hundred dollars. The fee shall be remitted to the State Treasurer for credit to the Nebraska Incentives Fund. The application and all supporting information shall be confidential except for the name of the employer and the amounts of increased employment.

(3)(a) The director shall approve the application and authorize the total amount of job training reimbursements expected to be earned as a result of the project if he or she is satisfied that the plan in the application defines a project that (i) meets the eligibility requirements established within this act and (ii) such requirements will be reached within three hundred sixty-five calendar days after the application filing date. The director shall, in addition to such uses for the Job Training Cash Fund previously authorized, use such fund to provide the reimbursements allowed by the act. The director may also use the subaccount created under subsection (3) of section 81-1201.21 to provide reimbursements allowed by the act for the training of such teleworkers who reside in rural areas of Nebraska or who reside in areas of high concentration of poverty within the corporate limits of a city or village consisting of one or more contiguous census tracts, as determined by the most recent federal decennial census, which contain a percentage of persons below the poverty line of greater than thirty percent, and all census tracts contiguous to such tract or tracts, as determined by the most recent federal decennial census.

(b) The director shall not approve further applications once the director has approved seven project applications filed during fiscal year 2010-11 and the expected job training reimbursements from the approved projects total one million and fifty thousand dollars in fiscal year 2010-11. Applications for reimbursements shall for purposes of this limit be approved in the order in which they are received by the director. The application fee shall be refunded to the applicant if the application is not approved because the expected reimbursements from approved projects exceed such amounts.

(c) An employer and the director may enter into agreements for more than one project, up to a total of five approved project applications filed in fiscal year 2010-11. The projects may be either sequential or concurrent. No new qualifying employees shall be included in more than one project for meeting the project requirements or the creation of job training reimbursements. When projects overlap and the plans do not

clearly specify, the employer shall specify to which project the employment belongs. The employer has until its income or franchise tax return filing date for the applicable year to designate to which project a qualifying employee belongs. The employer may not receive job training reimbursements for a qualifying employee until the employer designates to which project that qualifying employee belongs. Such designation shall be made on such form to be filed with the director as the director shall direct.

(d) The director shall approve or deny an application for reimbursements under this section within thirty days after the application was filed or it shall be deemed to be approved, unless the employer and director agree to extend the thirty-day period.

(4) After approval, the employer and the director shall enter into a written agreement. The employer shall agree to complete the project, and the director, on behalf of the State of Nebraska, shall designate the approved plans of the employer as a project and, in consideration of the employer's agreement, agree to allow the employer to receive the job training reimbursements contained in the act up to the total amount of job training reimbursements that were authorized by the director. The application and all supporting documentation, to the extent approved, shall be considered a part of the agreement. The agreement shall state:

(a) The number of qualifying employees required by the act for the project;

(b) The time period under the act in which the required level must be met;

(c) The documentation the employer will need to supply when requesting the job training reimbursements under the act;

(d) The date the application was filed; and

(e) The maximum amount of job training reimbursements authorized.

Sec. 5. (1) To be eligible to file an application for an agreement with the director under the Teleworker Job Creation Act, the employer shall submit a description of its training program to the director for review.

(2) If the employer's training program meets the requirements to constitute a qualified training program under the act, the director shall approve such program and provide the employer with an approval letter. A copy of this approval letter shall be attached with the employer's application for an agreement with the director under the act.

(3) The director shall approve or refuse to approve a training program, and such decision shall be received by the employer within thirty days after the employer submits the training program for review or the training program shall be deemed to be approved, unless the employer and director agree to extend the thirty-day period. If the thirty-day period, or such extended period, lapses without receipt of the approval or denial by the

director, the employer may file its application for an agreement with the director under the act with a statement signed by a corporate officer, partner, member, or owner of the employer, stating that the director failed to issue an approval of or refusal to approve the employer's training program within the time period established by this section. This statement shall be accepted by the director in lieu of an approval letter.

Sec. 6. (1) Job training reimbursements shall be made to any employer who has an approved application pursuant to the Teleworker Job Creation Act and who:

(a) Trains at least four hundred qualifying employees in a qualified training program within three hundred sixty-five calendar days from the application filing date and offers employment to those qualifying employees to work for the employer as a teleworker. The employer shall, to the extent of available job positions, give a hiring priority preference, over other similarly qualified applicants, to those applicants who: (i) Reside in Nebraska counties of less than one hundred thousand inhabitants, as determined by the most recent federal decennial census, with such residence as determined by the statement of the qualifying employee on his or her employment application; or (ii) reside in areas of high concentration of poverty within the corporate limits of a city or village consisting of one or more contiguous census tracts, as determined by the most recent federal decennial census, which contain a percentage of persons below the poverty line of greater than thirty percent, and all census tracts contiguous to such tract or tracts, as determined by the most recent federal decennial census; and

(b) Such job positions pay a wage of at least the then required minimum hourly wage required by federal law.

(2) The amount of the job training reimbursements allowed under subsection (1) of this section shall be three hundred dollars for each new qualifying employee hired by the employer after the application filing date, up to a total of five hundred qualifying employees per project, resulting in a maximum credit per project of one hundred fifty thousand dollars.

Sec. 7. A request for job training reimbursements may be filed annually or quarterly by the employer on such form required by the director. Each request shall contain verification of the number of qualifying employees, designated by project, for which the employer has met the requirements of the Teleworker Job Creation Act, and such amounts shall be paid to the employer upon approval by the director.

Sec. 8. The director may audit for compliance with the provisions of the Teleworker Job Creation Act within the statute of limitations applicable to the income or franchise tax returns filed by the employer under the income or franchise tax provisions of the Nebraska Revenue Act of 1967.

Sec. 9. The right to job training reimbursements and

the agreement under the Teleworker Job Creation Act shall not be transferable except in the following situations:

(1) The job training reimbursements and the future allowance of reimbursements may be transferred when a project covered by an agreement is transferred by sale or lease to another employer or in an acquisition of assets qualifying under section 381 of the Internal Revenue Code of 1986;

(2) The acquiring employer, as of the date of notification of the director of the completed transfer, shall be entitled to any unused job training reimbursements and to any future job training reimbursements allowable under the act; and

(3) The acquiring employer shall be liable for any repayment that becomes due after the date of the transfer for the repayment of any benefits received either before or after the transfer.

Sec. 10. Interest shall not be allowable on any job training reimbursements earned under the Teleworker Job Creation Act.

Sec. 11. Participation in the Teleworker Job Creation Act shall not preclude an employer from receiving tax incentives or other benefits under other federal, state, or local incentive programs.

Sec. 12. Since an emergency exists, this act takes effect when passed and approved according to law.

(Signed) M. L. Dierks, Vice Chairperson

PROPOSED RULES CHANGE

Senator Nelson offered the following proposed rules change:

Amend Rule 5, Section 5 by inserting a new subsection (h) and renumbering the remaining subsections:

Sec. 5. Scheduling of Bills, Priority Bills. (a) Each senator may designate one bill as a priority bill. Such priority bill need not be the designator's bill, but the principal introducer must concur with the designation as a priority bill and with the withdrawal of the designation once made.

(b) Each chairperson of those committees which are authorized to hold public hearings on bills may designate as priority bills two of the bills referenced to that committee and on which the committee has held a public hearing, but the principal introducer must concur with the designation as a priority bill and with the withdrawal of the designation once made.

(c) The Legislative Performance Audit Committee may designate as priority bills two bills resulting from a performance audit or involving the performance audit process, but the principal introducer must concur with the designation as a priority bill and with the withdrawal of the designation once made.

(d) The Speaker may designate up to 25 additional priority bills.

(e) Priority bill designations may be made at any time prior to the annual designation deadline which shall be set each year by the Speaker. The

designation deadline shall be prior to the 45th legislative day in the ninety-day session and prior to the 30th legislative day in the sixty-day session.
(f) A senator or committee may withdraw a priority designation at any time, but will not be allowed to designate another bill as a priority bill in its place. The Speaker may withdraw a priority designation made by the Speaker.
(g) All committees shall schedule priority bills for public hearing ahead of all unscheduled, nonpriority bills unless the person or committee making the priority designation shall otherwise agree.
(h) All bills designated as individual senator priority bills shall be heard on General File. The committee report with the committee recommendation shall be considered ahead of all other motions and amendments. Committees shall report all designated individual senator priority bills to General File with a recommendation no later than 10 legislative days after the priority bill designation deadline.
(i) All bills not designated as priority bills shall be heard on General File in the order in which they are reported to the floor by the committees, unless the introducer of the bill and the Speaker agree to delay the hearing of a particular bill. This provision shall not be construed to prevent the Speaker from placing bills reported out of committee with no dissenting votes on a consent calendar.
(j) Priority bills shall generally be considered ahead of all other bills at each stage of debate, except as provided for in Rule 1, Section 17. Priority bills requiring the expenditure of appropriated funds shall be held on Final Reading until such time as the annual appropriations bills have been passed. A priority bill which fails to advance after two votes on General File, or after one vote on Select File, shall return to nonpriority status.
(k) No priority bill designated under this rule shall have priority over appropriations bills.

Referred to the Rules Committee.

UNANIMOUS CONSENT - Add Cointroducers

Senator Sullivan asked unanimous consent to add her name as cointroducer to LB689. No objections. So ordered.

Senator Council asked unanimous consent to add her name as cointroducer to LB938. No objections. So ordered.

VISITORS

Visitors to the Chamber were Daniel Heupel from Lincoln; and Dr. Lyle and Mary Nilson from Omaha.

The Doctor of the Day was Dr. Megan Faltys from Schuyler.

ADJOURNMENT

At 11:59 a.m., on a motion by Senator Dubas, the Legislature adjourned until 9:00 a.m., Tuesday, February 23, 2010.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

THIRTY-FIRST DAY - FEBRUARY 23, 2010

LEGISLATIVE JOURNAL

ONE HUNDRED FIRST LEGISLATURE
SECOND SESSION

THIRTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 23, 2010

PRAYER

The prayer was offered by Pastor Perry Gauthier, Capitol Ministries, Lincoln.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Stuthman presiding.

The roll was called and all members were present except Senator Pahls who was excused; and Senators Cornett, Haar, and Louden who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirtieth day was approved.

COMMITTEE REPORTS
Urban Affairs

LEGISLATIVE BILL 969. Placed on General File.

LEGISLATIVE RESOLUTION 297CA. Placed on General File.

LEGISLATIVE BILL 943. Placed on General File with amendment.
AM1922

1. Insert the following new section:
Sec. 5. Since an emergency exists, this act takes effect when passed and approved according to law.

(Signed) Amanda McGill, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 1051. Placed on General File.

(Signed) Pete Pirsch, Vice Chairperson

AMENDMENT - Print in Journal

Senator Ashford filed the following amendment to LB817:
AM1976

1. Strike the original sections and all amendments thereto and insert the following new sections:

Section 1. Section 2-32,101, Reissue Revised Statutes of Nebraska, is amended to read:

2-32,101 (1) Any law enforcement officer, including, but not limited to, any Game and Parks Commission conservation officer, local police officer, member of the Nebraska State Patrol, or sheriff or deputy sheriff, is authorized to enforce ~~the provisions of~~ sections 2-3292 to 2-32,100 and any rules and regulations adopted and promulgated pursuant to such sections. A district shall not employ law enforcement personnel and shall be prohibited from expending any funds for such purpose, except as provided in subsection (2) of this section. Each district shall provide a copy of its rules and regulations to the appropriate law enforcement officer. Any law enforcement officer may arrest and detain any person committing a violation of the rules and regulations in a recreation area or committing any misdemeanor or felony as provided by the laws of this state.

(2) A natural resources district may expend funds to enter into agreements pursuant to the Interlocal Cooperation Act for the services of certified law enforcement personnel or to contract for the services of private security services to patrol and protect district-owned recreation areas and to assist law enforcement officers in enforcing sections 2-3292 to 2-32,100 and any rules and regulations adopted and promulgated pursuant to such sections.

Sec. 2. Section 28-1212.04, Revised Statutes Supplement, 2009, is amended to read:

28-1212.04 Any person, within the territorial boundaries of any city~~, incorporated village,~~ of the first class or county containing a city of the metropolitan class or primary class, who unlawfully, knowingly, and intentionally ~~or recklessly~~ discharges a firearm, while in any motor vehicle or in the proximity of any motor vehicle that such person has just exited, at or in the general direction of any person, dwelling, building, structure, occupied motor vehicle, occupied aircraft, inhabited motor home as defined in section 71-4603, or inhabited camper unit as defined in section 60-1801~~,~~ is guilty of a Class IC felony.

Sec. 3. Section 69-2403, Reissue Revised Statutes of

Nebraska, is amended to read:

69-2403 (1) Except as provided in this section and section 69-2409, a person shall not purchase, lease, rent, or receive transfer of a handgun until he or she has obtained a certificate in accordance with section 69-2404. Except as provided in this section and section 69-2409, a person shall not sell, lease, rent, or transfer a handgun to a person who has not obtained a certificate.

(2) The certificate shall not be required if:

~~(1)~~ (a) The person acquiring the handgun is a licensed firearms dealer under federal law;

~~(2)~~ (b) The handgun is an antique handgun;

~~(3)~~ (c) The person acquiring the handgun is authorized to do so on behalf of a law enforcement agency;

~~(4)~~ (d) The transfer is a temporary transfer of a handgun and the transferee remains ~~(a)~~ (i) in the line of sight of the transferor or ~~(b)~~ (ii) within the premises of an established shooting facility; ~~or~~

~~(5)~~ (e) The transfer is between a person and his or her spouse, sibling, parent, child, aunt, uncle, niece, nephew, or grandparent; ~~.~~

(f) The person acquiring the handgun is a holder of a valid permit under the Concealed Handgun Permit Act; or

(g) The person acquiring the handgun is a peace officer as defined in section 69-2429.

Sec. 4. Original sections 2-32,101 and 69-2403, Reissue Revised Statutes of Nebraska, and section 28-1212.04, Revised Statutes Supplement, 2009, are repealed.

NOTICE OF COMMITTEE HEARING

Education

Room 1525

Wednesday, March 31, 2010 12:30 p.m.

Progress Report on Attainment of Higher Education Priorities - Coordinating Commission for Postsecondary Education

(Signed) Greg Adams, Chairperson

MOTIONS - Approve Appointments

Senator Gay moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 601:

Commission for the Blind and Visually Impaired

Nancy Oltman

Darrell Walla

Voting in the affirmative, 37:

Adams	Cook	Hadley	Lautenbaugh	Schilz
Ashford	Council	Hansen	McCoy	Stuthman
Avery	Dierks	Heidemann	McGill	Utter
Campbell	Dubas	Howard	Nordquist	Wallman
Carlson	Fischer	Janssen	Pankonin	Wightman
Christensen	Flood	Karpisek	Pirsch	
Coash	Gay	Krist	Price	
Conrad	Giese	Langemeier	Rogert	

Voting in the negative, 0.

Present and not voting, 7:

Fulton	Lathrop	Nelson	White
Gloor	Mello	Sullivan	

Excused and not voting, 5:

Cornett	Haar	Harms	Louden	Pahls

The appointments were confirmed with 37 ayes, 0 nays, 7 present and not voting, and 5 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 598:

Board of Public Roads Classifications and Standards

James Daws

Barbara Keegan

James Litchfield

Randall Peters

Voting in the affirmative, 37:

Adams	Dierks	Hansen	McCoy	Schilz
Avery	Dubas	Heidemann	McGill	Stuthman
Campbell	Fischer	Howard	Nelson	Sullivan
Carlson	Flood	Janssen	Nordquist	Utter
Christensen	Gay	Karpisek	Pankonin	Wallman
Conrad	Giese	Langemeier	Pirsch	
Cook	Gloor	Lautenbaugh	Price	
Council	Hadley	Louden	Rogert	

Voting in the negative, 0.

Present and not voting, 8:

Ashford	Fulton	Lathrop	White
Coash	Krist	Mello	Wightman

Excused and not voting, 4:

Cornett	Haar	Harms	Pahls

The appointments were confirmed with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 689. Considered.

Advanced to Enrollment and Review Initial with 44 ayes, 1 nay, 3 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 764. Title read. Considered.

Committee AM1751, found on page 475, was adopted with 37 ayes, 0 nays, 11 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 8 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 805. Title read. Considered.

Committee AM1913, found on page 556, was adopted with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 951. Title read. Considered.

SENATOR FISCHER PRESIDING

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 7 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 879. Title read. Considered.

Committee AM1798, found on page 504, was adopted with 31 ayes, 0 nays, 17 present and not voting, and 1 excused and not voting.

Senator White offered the following amendment:
AM1998

1. On page 16, line 12, after "Act" insert ", except that no such list of delinquent taxpayers shall include any taxpayer that has not exhausted or waived all rights of appeal from a final balance of tax liability".

SENATOR CARLSON PRESIDING

The White amendment was adopted with 36 ayes, 0 nays, 11 present and not voting, and 2 excused and not voting.

Senator Cornett offered the following amendment:
AM1992

1. Strike original section 19 and insert the following new sections:

Sec. 2. Section 49-801.01, Revised Statutes Supplement, 2009, is amended to read:

49-801.01 Except as provided by Article VIII, section 1B, of the Constitution of Nebraska and in sections 77-2701.01, 77-2714 to 77-27,123, 77-27,191, 77-4103, 77-4104, 77-4108, 77-5509, 77-5515, 77-5527 to 77-5529, 77-5539, 77-5717 to 77-5719, 77-5728, 77-5802, 77-5803, 77-5806, and 77-5903, any reference to the Internal Revenue Code refers to the Internal Revenue Code of 1986 as it exists on ~~February 27, 2009.~~ the operative date of this section.

Sec. 7. Section 77-1784, Reissue Revised Statutes of Nebraska, is amended to read:

77-1784 (1) The Tax Commissioner may accept electronic filing of applications, returns, and any other document required to be filed with the Tax Commissioner.

(2) The Tax Commissioner may use electronic fund transfers to collect any taxes, fees, or other amounts required to be paid to or collected by the Tax Commissioner or to pay any refunds of such amounts.

(3) The Tax Commissioner may adopt rules and regulations to establish the criteria for acceptability of filing documents

and making payments electronically. The criteria may include requirements for electronic signatures, the type of tax for which electronic filings or payments will be accepted, the method of transfer, or minimum amounts which may be transferred. The Tax Commissioner may refuse to accept any electronic filings or payments that do not meet the criteria established.

(4) ~~For payments due after January 1, 2006, the~~ The Tax Commissioner may require the use of electronic fund transfers for any taxes, fees, or amounts required to be paid to or collected by the Tax Commissioner for any taxpayer who made payments exceeding ~~twenty thousand~~ five thousand dollars for a tax program in ~~the~~ any prior year for that tax program. The requirement to make electronic fund transfers may be phased in as deemed necessary by the Tax Commissioner. Notice of the requirement to make electronic fund transfers shall be provided at least three months prior to the date the first electronic payment is required to be made.

(5) ~~Any~~ Except for individual income tax payments required under section 77-2715 and estimated payments for individuals under section 77-2769, any person who fails to make a required payment by electronic fund transfer shall be subject to a penalty of one hundred dollars for each required payment that was not made by electronic fund transfer. The penalty provided by this section shall be in addition to all other penalties and applies even if payment by some other method is timely made. The Tax Commissioner may waive the penalty provided in this section upon a showing of good cause.

(6) The use of electronic filing of documents and electronic fund transfers shall not change the rights of any party from the rights such party would have if a different method of filing or payment were used. Until criteria for electronic signatures are adopted under subsection (3) of this section, the document produced during the electronic filing of a taxpayer's information with the state shall be prima facie evidence for all purposes that the taxpayer's signature accompanied the taxpayer's information in the electronic transmission.

(7) For tax returns due on or after January 1, 2010, the Tax Commissioner may require any person that aids, procures, advises, or assists in the preparation of and files any tax return on behalf of any taxpayer for profit to file an electronic return if the person filed twenty-five or more tax returns in the prior calendar year. The requirement to require electronic filing may be phased in as deemed necessary by the Tax Commissioner.

Any person that files a tax return on behalf of a taxpayer must disclose in writing to the taxpayer that the return will be filed in an electronic format and in accordance with rules and regulations prescribed by the Tax Commissioner.

(8) Any person who fails to file an electronic return as required under subsection (7) of this section shall be subject to a penalty of one hundred dollars for each return that was not

properly filed in addition to other penalties provided by law. The Tax Commissioner may waive the penalty provided in this section upon a showing of good cause.

(9) The Legislature hereby finds and determines that the development of a comprehensive electronic filing and payment system for all state tax programs and fees administered by the Department of Revenue is of critical importance to the State of Nebraska. It is the intent of the Legislature that the department implement a mandatory electronic filing system for all state tax programs and fees administered by the department as deemed practicable and necessary for the proper administration of the Nebraska Revenue Act of 1967. It is the intent of the Legislature that the department require the use of electronic fund transfers for any taxes, fees, or amounts required to be paid to or collected by the department as deemed practicable and necessary for the proper administration of the Nebraska Revenue Act of 1967.

Sec. 11. Section 77-2756, Reissue Revised Statutes of Nebraska, is amended to read:

77-2756 (1) Except as provided in subsection (2) of this section, every employer or payor required to deduct and withhold income tax under the Nebraska Revenue Act of 1967 shall, for each calendar quarter, on or before the last day of the month following the close of such calendar quarter, file a withholding return as prescribed by the Tax Commissioner and pay over to the Tax Commissioner or to a depositary designated by the Tax Commissioner the taxes so required to be deducted and withheld in such form and content as the Tax Commissioner may prescribe and containing such information as the Tax Commissioner deems necessary for the proper administration of the Nebraska Revenue Act of 1967. When the aggregate amount required to be deducted and withheld by any employer or payor for either the first or second month of a calendar quarter exceeds five hundred dollars, the employer or payor shall, by the fifteenth day of the succeeding month, pay over such aggregate amount to the Tax Commissioner or to a depositary designated by the Tax Commissioner. The amount so paid shall be allowed as a credit against the liability shown on the employer's or payor's quarterly withholding return required by this section. The Tax Commissioner may, by rule and regulation, provide for the filing of returns and the payment of the tax deducted and withheld on other than a quarterly basis.

(2) When the aggregate amount required to be deducted and withheld by any employer or payor for the entire calendar year is less than five hundred dollars or the employer or payor is allowed to file federal withholding returns annually, the employer or payor shall, for each calendar year, on or before the last day of the month following the close of such calendar year, file a withholding return as prescribed by the Tax Commissioner and pay over to the Tax Commissioner or to a depositary designated by the Tax Commissioner the taxes so required to be deducted and withheld

in such form and content as the Tax Commissioner may prescribe and containing such information as the Tax Commissioner deems necessary for the proper administration of the Nebraska Revenue Act of 1967. The employer or payor may elect or the Tax Commissioner may require the filing of returns and the payment of taxes on a quarterly basis.

(3) Whenever any employer or payor fails to collect, truthfully account for, pay over, or make returns of the income tax as required by this section, the Tax Commissioner may serve a notice requiring such employer or payor to collect the taxes which become collectible after service of such notice, to deposit such taxes in a bank approved by the Tax Commissioner in a separate account in trust for and payable to the Tax Commissioner, and to keep the amount of such tax in such account until paid over to the Tax Commissioner. Such notice shall remain in effect until a notice of cancellation is served by the Tax Commissioner.

(4) Any employer or payor may appoint an agent in accordance with section 3504 of the Internal Revenue Code of 1986, as amended, for the purpose of withholding, reporting, or making payment of amounts withheld on behalf of the employer or payor. The agent shall be considered an employer or payor for purposes of the Nebraska Revenue Act of 1967 and, with the actual employer or payor, shall be jointly and severally liable for any amount required to be withheld and paid over to the Tax Commissioner and any additions to tax, penalties, and interest with respect thereto.

(5) The employer or payor shall also file on or before ~~March 15~~ February 1 of the succeeding year a copy of each statement furnished by such employer or payor to each employee or payee with respect to taxes withheld on wages or payments subject to withholding. Any employer, payor, or agent who furnished more than ~~two hundred~~ fifty statements for a year shall file the required copies electronically in a manner approved by the Tax Commissioner that is compatible with federal electronic filing requirements or methods.

Sec. 14. Section 77-2794, Reissue Revised Statutes of Nebraska, is amended to read:

77-2794 (1) Under regulations prescribed by the Tax Commissioner interest shall be allowed and paid at the rate specified in section 45-104.02, as such rate may from time to time be adjusted, upon any overpayment in respect to the income tax imposed by the Nebraska Revenue Act of 1967.

(2) For purposes of this section:

(a) The date of overpayment shall be the last day prescribed for filing the original return of such tax;

(b) Any return filed before the last day prescribed for the filing thereof, determined without regard to any extension of time to file the return, shall be considered as filed on such last day;

(c) Any tax paid by the taxpayer before the last day prescribed for its payment, any income tax withheld from the taxpayer during any calendar year, and any amount paid by the taxpayer as estimated income tax for a taxable year shall be deemed to have been paid on the last day prescribed for filing the return for the taxable year to which such amount constitutes a credit or payment, determined without regard to any extension of time granted the taxpayer;

(d) If at the time an overpayment is to be refunded, the taxpayer also has a reported underpayment of the same tax in another year: (i) If the overpayment is for a taxable year ending before the year of underpayment, the overpayment shall be applied to reduce such underpayment as of the last day prescribed for filing the original return of such tax for the year of underpayment; (ii) if the overpayment is for a taxable year ending after the year of underpayment, the overpayment shall be applied to reduce such underpayment as of the last day prescribed for filing the original return of such tax for the year of overpayment; or (iii) if the overpayment is one for which interest is not allowed under this section, the overpayment shall be applied as of the date of the filing of the claim for refund; and interest shall be allowed for any remaining overpayment as provided in subdivision (a) of this subsection;

(e) The period of overpayment during which interest shall be allowed shall not include any period during which the overpayment continued due to the unreasonable delay by the taxpayer in filing the claim for refund. For this purpose, the burden of proof shall be on the taxpayer to show that a delay of more than ninety days after all of the facts required to prepare a correct claim for refund are available is not unreasonable; and

(f) The period of overpayment during which interest shall be allowed shall not include any period during which an agreement between the taxpayer and the Internal Revenue Service was not filed as required by subsection (6) of section 77-2786 and the first ninety days after such agreement is filed.

~~(3) If~~ (3)(a) Except as provided in subdivision (b) of this subsection, if any overpayment of income tax imposed by the Nebraska Revenue Act of 1967 is refunded within ninety days after the last date prescribed, or permitted by extension of time, for filing the return of such tax or within ninety days after any original return, and any amended return filed to carry back a loss, was filed, whichever is later, no interest shall be allowed under this section on overpayment.

(b) If the Tax Commissioner approves and implements an electronic form or method for filing the return and the return is not filed electronically, no interest shall be allowed under this section on overpayment.

(c) In the case of amended returns filed for any reason other than to carry back a loss, interest shall be allowed as

provided in subsection (1) of this section.

Sec. 23. Sections 2, 22, 23, 28, and 30 of this act become operative on their effective date. Sections 1, 21, and 27 of this act become operative on July 1, 2010. Sections 8, 10, 15, 16, and 26 of this act become operative on October 1, 2010. Sections 7, 11, 12, 13, 14, 24, and 29 of this act become operative on January 1, 2011. The other sections of this act become operative three calendar months after the adjournment of this legislative session.

Sec. 28. Original section 49-801.01, Revised Statutes Supplement, 2009, is repealed.

Sec. 29. The following section is outright repealed: Section 77-2769.02, Reissue Revised Statutes of Nebraska.

2. On page 11, line 19, strike "4" and insert "5".

3. On page 66, line 17, strike "4" and insert "5"; and in line 25 strike "77-2789 and 77-2790," and insert "77-1784, 77-2756, 77-2789, 77-2790, and 77-2794,".

4. Renumber the remaining sections accordingly.

The Cornett amendment was adopted with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 768. Title read. Considered.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 799. Title read. Considered.

Committee AM1556, found on page 532, was adopted with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

SPEAKER FLOOD PRESIDING

Pending.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 317 and 318 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 317 and 318.

GENERAL FILE

LEGISLATIVE BILL 799. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

AMENDMENT - Print in Journal

Senator Conrad filed the following amendment to LB888:
AM1847

1. On page 7, line 23, strike ", regardless of whether for profit"; and after line 24 insert the following new subsection: "(d) A limited liability company shall be classified for state income tax purposes in the same manner as it is classified for federal income tax purposes.".

2. On page 69, line 3, after "(b)" insert "A foreign limited liability company may not transact business in this state until it qualifies with the Secretary of State as provided in sections 56 and 58 of this act."; and in line 12 strike "may" and insert "must".

3. On page 80, line 5, strike "regardless of whether organized for profit".

NOTICE OF COMMITTEE HEARING
Rules

Room 1510

Tuesday, February 23, 2010 1:00 p.m.

Senator Nelson's proposed rules change
Legislative Journal page 608

(Signed) Scott Lautenbaugh, Chairperson

COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 742. Placed on General File with amendment.
AM1967

1. Strike the original section and insert the following new section:

Section 1. (1) A public entity or a private insurance company or public agency providing coverage to a public entity, public official, or public employee shall maintain a public written or electronic record of all settled claims. The record for all such claims settled in the amount of fifty thousand dollars or more, or one percent of the total annual budget of the public

entity, whichever is less, shall include a written executed settlement agreement. The settlement agreement shall contain a brief description of the claim, the party or parties released under the settlement, and the amount of the financial compensation, if any, paid by or to the public entity or on its behalf.

(2) Any claim or settlement agreement involving a public entity shall be a public record but, to the extent permitted by sections 84-712.04 and 84-712.05 and as otherwise provided by statute, specific portions of the claim or settlement agreement may be withheld from the public. A private insurance company or public agency providing coverage to the public entity shall, without delay, provide to the public entity a copy of any claim or settlement agreement to be maintained as a public record.

(3) Except for settlement agreements involving the state, any state agency, or any employee of the state or pursuant to claims filed under the State Tort Claims Act, any settlement agreement with an amount of financial consideration greater than fifty thousand dollars or more, or one percent of the total annual budget of the public entity, whichever is less, shall be included as an agenda item at the next meeting of a public agency providing coverage to a public entity and as an agenda item on the next regularly scheduled public meeting of the public body for informational purposes or for approval if required.

(4) For purposes of this section, a confidentiality or nondisclosure clause or provision contained in or relating to a settlement agreement shall neither cause nor permit a settlement agreement or the claim or any other public record to be withheld from the public. Nothing in this section shall require a public official or public employee or any party to the settlement agreement to comment on the settlement agreement.

(5) For purposes of this section:

(a) Confidentiality or nondisclosure clause or provision means any covenant or stipulation adopted by parties to a settlement agreement that designates the settlement agreement, the claim, or any other public record as confidential, or in any other way restricts public access to information concerning the settlement agreement or claim;

(b) Public body means public body as defined in subdivision (1) of section 84-1409;

(c) Public entity means a public entity listed in subdivision (1) of section 84-712.01; and

(d) Settlement agreement means any contractual agreement to settle or resolve a claim involving a public entity or on behalf of the public entity, a public official, or a public employee by (i) the public entity, (ii) a private insurance company, or (iii) a public agency providing coverage.

LEGISLATIVE BILL 948. Placed on General File with amendment.
AM1921

1. On page 2, lines 12 and 13, strike "<u>, but not limited to,</u>"; and in line 15 after "<u>costs</u>" insert "<u>and the materiel division shall consider such data</u>" and after "<u>81-161</u>" insert "<u>to ensure a responsible purchase is made by the state</u>".

2. On page 3, line 19, strike "<u>and resale value</u>".

LEGISLATIVE RESOLUTION 284CA. Placed on General File with amendment.
AM1906

1. On page 3, line 6, strike "<u>January 1, 2013</u>" and insert "<u>January 8, 2015</u>"; and in line 12 strike "January 1, 2013" and insert "January 8, 2015".

LEGISLATIVE RESOLUTION 300CA. Placed on General File with amendment.
AM1971

1. Strike the original sections and insert the following new sections:

Section 1. At the general election in November 2010 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 2:

III-2 The first power reserved by the people is the initiative whereby laws may be enacted and constitutional amendments adopted by the people independently of the Legislature. This power may be invoked by petition wherein the proposed measure shall be set forth at length. If the petition be for the enactment of a law, it shall be signed by ~~seven~~ <u>four</u> percent of the registered voters of the state, and if the petition be for the amendment of the Constitution, the petition therefor shall be signed by ten percent of such registered voters. In all cases the registered voters signing such petition shall be so distributed as to include five percent of the registered voters of each of two-fifths of the counties of the state<u>. When</u> ~~, and when~~ thus signed, the petition shall be filed with the Secretary of State who shall submit the measure thus proposed to the electors of the state at the first general election held not less than four months after such petition ~~shall have been~~ <u>is</u> filed. The same measure, either in form or in essential substance, shall not be submitted to the people by initiative petition, either affirmatively or negatively, more often than once in three years. If conflicting measures submitted to the people at the same election be approved, the one receiving the highest number of affirmative votes shall thereby become law as to all conflicting provisions. The constitutional limitations as to the scope and subject matter of statutes enacted by the Legislature shall apply to those enacted by the initiative.

Initiative measures shall contain only one subject. The Legislature shall not amend, repeal, modify, or impair a law enacted by the people by initiative, contemporaneously with the adoption of this initiative measure or at any time thereafter, except upon a vote of at least two-thirds of all the members of the Legislature.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to change the number of signatures required for an initiative petition for the enactment of a law.

For

Against.

LEGISLATIVE BILL 980. Indefinitely postponed.

LEGISLATIVE RESOLUTION 279CA. Indefinitely postponed.

(Signed) Bill Avery, Chairperson

Education

LEGISLATIVE BILL 1021. Placed on General File with amendment. AM1969 is available in the Bill Room.

(Signed) Greg Adams, Chairperson

AMENDMENT - Print in Journal

Senator Louden filed the following amendment to LB1002:
AM1991

(Amendments to Standing Committee amendments, AM1841)

1. Strike the original sections and all amendments thereto and insert the following new sections:

Section 1. For purposes of sections 1 to 7 of this act:

(1) Census-designated place means a concentration of population identified by the United States Department of Commerce, Bureau of the Census, that lacks a separate municipal government but otherwise physically resembles an incorporated city or village, that is associated with an Indian reservation, and that is in a county with fewer than six thousand four hundred inhabitants according to the most recent federal decennial census;

(2) Commission means the Commission on Indian Affairs;

(3) Indian reservation means a tract of land set apart by the federal government for the use of the Native American people; and

(4) Political subdivision means a city, village, or county within a thirty-mile radius of a census-designated place or a tribal government that owns land within such thirty-mile radius.

Sec. 2. Any political subdivision may annually apply to the commission for state assistance under sections 1 to 7 of this act. The state assistance shall be used for economic development, health care, and law enforcement needs in such political subdivision.

Sec. 3. (1) All applications for state assistance under sections 1 to 7 of this act shall be in writing, include a certified copy of the approving action of the governing body of the applicant describing the proposed use for the state assistance, and be of such form and contain the content as the commission shall prescribe and publish for distribution to a political subdivision upon request.

(2) Upon receiving an application for state assistance, the commission shall review the application and notify the applicant of any additional information needed for a proper evaluation of the application.

(3) Any state assistance received pursuant to sections 1 to 7 of this act shall be used only for public purposes.

Sec. 4. (1) After reviewing an application submitted under section 3 of this act and upon reasonable notice to the applicant, the commission shall hold a public hearing on the application.

(2) The commission shall give notice of the time, place, and purpose of the public hearing by publication three times in a newspaper of statewide circulation. Such publication shall be not less than ten days prior to the hearing. The notice shall describe generally the use for which state assistance has been requested. The applicant shall pay the cost of the notice.

(3) At the public hearing, representatives of the applicant and any other interested persons may appear and present evidence and argument in support of or in opposition to the application or neutral testimony. The commission may seek expert testimony and may require testimony of persons whom the commission desires to comment on the application. The commission may provide for the acceptance of additional evidence after conclusion of the public hearing.

Sec. 5. (1) After consideration of the application and the evidence, the commission shall issue a finding of whether the use described in the application is eligible for state assistance.

(2) If the commission finds that the use described in the application is a legitimate use and that state assistance is in the best interest of the state, the application shall be approved.

(3) A majority of the commission members constitutes a quorum for the purpose of conducting business. All actions of the commission shall be made by a majority vote of the voting members.

Sec. 6. (1) The State Treasurer shall annually transfer on or after July 1 of each year two hundred fifty thousand dollars from the General Fund to the Designated Collection Fund which is hereby created. Any money in the fund available for investment

shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

(2) The commission may accept and shall actively seek, for the needs listed in section 2 of this act, any and all grants, donations, gifts, or contributions from public or private sources. Any such grants, donations, gifts, or contributions shall be deposited in the Designated Collection Fund and shall only be expended as provided in sections 1 to 7 of this act.

Sec. 7. Sections 1 to 7 of this act terminate on June 30, 2018.

Sec. 8. Section 81-2504, Reissue Revised Statutes of Nebraska, is amended to read:

81-2504 The functions of the commission shall be to:

(1) Promote state and federal legislation beneficial to the Indian community in Nebraska;

(2) Coordinate existing programs relating to the Indian community in such areas as housing, education, welfare, medical and dental care, employment, economic development, law and order, and related problems;

(3) Work with other state and federal government agencies and federal and state elected officials in the development of new programs in areas mentioned under subdivision (2) of this section;

(4) Keep the Governor's office apprised of the situation in the Indian community;

(5) Administer sections 1 to 7 of this act;

~~(5)~~ (6) Provide the public with information and education relevant to Indian affairs in the State of Nebraska; and

~~(6)~~ (7) Develop programs to encourage the total involvement of Indian people in activities for the common benefit of the Indian community.

Sec. 9. This act becomes operative on July 1, 2011.

Sec. 10. Original section 81-2504, Reissue Revised Statutes of Nebraska, is repealed.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 951A. Introduced by Avery, 28.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 951, One Hundred First Legislature, Second Session, 2010.

COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 226. Placed on Final Reading Second.

LEGISLATIVE BILL 512. Placed on Final Reading.

LEGISLATIVE BILL 579. Placed on Final Reading.
ST9074
The following changes, required to be reported for publication in the Journal, have been made:

1. In the Cornett amendment, AM1952:

a. On page 2, line 15, an underscored semicolon has been inserted before "and";

b. On page 5, line 17, "and" has been inserted after the semicolon;

c. On page 10, lines 17, 19, 22, and 24, "act" has been struck and "section" inserted; and

d. On page 29, line 15, "sections 4, 5, 10, and 11" has been struck and "this section and sections 4, 5, and 10" inserted.

2. On page 1, the matter beginning with "48-602" in line 1 through line 6 and all amendments thereto have been struck and "44-7515, 48-151, and 48-443, Reissue Revised Statutes of Nebraska, sections 44-7504, 48-115, 48-145, 48-146, and 48-602, Revised Statutes Cumulative Supplement, 2008, and section 48-144.03, Revised Statutes Supplement, 2009; to adopt the Professional Employer Organization Registration Act; to create a fund; to provide penalties; to harmonize insurance, workers' compensation, safety committee, and unemployment benefit provisions; to provide operative dates; to provide severability; and to repeal the original sections." inserted.

LEGISLATIVE BILL 643. Placed on Final Reading.

LEGISLATIVE BILL 711. Placed on Final Reading Second.

LEGISLATIVE BILL 723. Placed on Final Reading.
LEGISLATIVE BILL 746. Placed on Final Reading.
LEGISLATIVE BILL 787. Placed on Final Reading.
LEGISLATIVE BILL 848. Placed on Final Reading.

LEGISLATIVE BILL 867. Placed on Final Reading.
ST9075
The following changes, required to be reported for publication in the Journal, have been made:

1. In the Standing Committee amendments, AM1638, section 3 has been struck and the following new section inserted:

Sec. 4. Original section 53-138.01, Reissue Revised Statutes of Nebraska, section 53-123.15, Revised Statutes Cumulative Supplement, 2008, and section 53-124, Revised Statutes Supplement, 2009, are repealed.

2. On page 1, the matter beginning with "53-124" in line 1 through line 3 and all amendments thereto have been struck and "53-138.01, Reissue

Revised Statutes of Nebraska, section 53-123.15, Revised Statutes Cumulative Supplement, 2008, and section 53-124, Revised Statutes Supplement, 2009; to provide for placement of certain shipping license fees in the General Fund; to change fees for shipping licenses; to harmonize provisions; and to repeal the original sections." inserted.

LEGISLATIVE BILL 890. Placed on Final Reading.
LEGISLATIVE BILL 891. Placed on Final Reading.
LEGISLATIVE BILL 892. Placed on Final Reading.
LEGISLATIVE BILL 914. Placed on Final Reading.

(Signed) Jeremy Nordquist, Chairperson

UNANIMOUS CONSENT - Add Cointroducers

Senator Cook asked unanimous consent to add her name as cointroducer to LB951. No objections. So ordered.

Senators Giese, McGill, and Mello asked unanimous consent to add their names as cointroducers to LB1014. No objections. So ordered.

VISITORS

Visitors to the Chamber were Lance Johnson from Bellevue; students from York College, York; and 46 fourth-grade students and teachers from Bryan Elementary, Lexington.

The Doctor of the Day was Dr. Hans Dethlefs from Omaha.

ADJOURNMENT

At 11:57 a.m., on a motion by Senator Lautenbaugh, the Legislature adjourned until 9:00 a.m., Wednesday, February 24, 2010.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

THIRTY-SECOND DAY - FEBRUARY 24, 2010

LEGISLATIVE JOURNAL

ONE HUNDRED FIRST LEGISLATURE
SECOND SESSION

THIRTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 24, 2010

PRAYER

The prayer was offered by Pastor Bob Chitwood, Brownville Christian Church, Brownville.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Langemeier presiding.

The roll was called and all members were present except Senators Christensen, Pahls, and White who were excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-first day was approved.

COMMITTEE REPORT
General Affairs

LEGISLATIVE BILL 870. Placed on General File with amendment.
AM1938

1. On page 2, line 19, after the period insert "Prior to the issuance of a temporary operating permit, the purchaser shall supply the commission with documentation from the seller that the seller is current on all accounts with any wholesaler under section 53-123.02. A seller who provides false information regarding such accounts is guilty of a Class IV misdemeanor for each offense."; and in line 23 after the period insert "If the application is withdrawn by the applicant or is denied by the commission, the previous license may be reinstated at the discretion of the commission upon request by the previous licensee.".

(Signed) Russ Karpisek, Chairperson

GENERAL FILE

LEGISLATIVE BILL 926. Title read. Considered.

Committee AM1942, found on page 581, was considered.

SENATOR CARLSON PRESIDING

SPEAKER FLOOD PRESIDING

The committee amendment was adopted with 41 ayes, 0 nays, 5 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 4 present and not voting, and 3 excused and not voting.

COMMITTEE REPORTS

Transportation and Telecommunications

LEGISLATIVE BILL 772. Placed on General File.
LEGISLATIVE BILL 933. Placed on General File.

LEGISLATIVE BILL 719. Indefinitely postponed.

(Signed) Deb Fischer, Chairperson

Judiciary

LEGISLATIVE BILL 728. Placed on General File.
LEGISLATIVE BILL 763. Placed on General File.
LEGISLATIVE BILL 915. Placed on General File.

(Signed) Brad Ashford, Chairperson

GENERAL FILE

LEGISLATIVE BILL 1063. Title read. Considered.

Committee AM1961, found on page 583, was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 381. Title read. Considered.

Committee AM1609, found on page 567, was considered.

Senator Cornett offered the following motion:
MO83
Bracket until April 14, 2010.

SENATOR HEIDEMANN PRESIDING

SENATOR CARLSON PRESIDING

SPEAKER FLOOD PRESIDING

Senator Hadley moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 13 nays, and 10 not voting.

Senator Cornett moved for a call of the house. The motion prevailed with 41 ayes, 0 nays, and 8 not voting.

Senator Cornett requested a roll call vote, in reverse order, on her motion to bracket.

Voting in the affirmative, 21:

Adams	Fischer	Hansen	Louden	Wightman
Campbell	Flood	Harms	Pankonin	
Carlson	Fulton	Heidemann	Pirsch	
Cornett	Gay	Howard	Price	
Dubas	Hadley	Langemeier	Utter	

Voting in the negative, 22:

Ashford	Council	Krist	Nelson	Sullivan
Avery	Giese	Lathrop	Nordquist	Wallman
Coash	Haar	Lautenbaugh	Rogert	
Conrad	Janssen	McGill	Schilz	
Cook	Karpisek	Mello	Stuthman	

Present and not voting, 1:

Gloor

Excused and not voting, 5:

Christensen	Dierks	McCoy	Pahls	White

The Cornet motion to bracket failed with 21 ayes, 22 nays, 1 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Pending.

COMMITTEE REPORTS
Health and Human Services

LEGISLATIVE BILL 1106. Placed on General File with amendment.
AM1948

1. Insert the following new section:

Sec. 4. (1) To ensure that the interests of the school district, community, and health care provider are reflected within the policies, procedures, and scope of services of school-based health centers, each school or school district hosting a school-based health center shall establish a School Health Center Advisory Council.

(2) The School Health Center Advisory Council shall include:

(a) At least one representative of the school administration or school district administration;

(b) At least one representative of the sponsoring facility; and

(c) At least one parent recommended by a school administrator or school district administrator and approved by a majority vote of the school board. Any parent serving on the School Health Center Advisory Council shall have at least one child enrolled in the school or school district through which the school-based health center is organized.

(3) If another institution or organization sponsors the school-based health center, at least one representative of each sponsoring institution or organization shall be included on the School Health Center Advisory Council.

(4) The School Health Center Advisory Council may also include students enrolled in the school or school district through which the school-based health center is organized. Any such students must be appointed by a school administrator or school district administrator.

2. On page 2, line 3, strike "section 4" and insert "sections 4 and 5".

3. On page 3, strike lines 8 and 9 and insert the following new subdivision:

"(e) Does not perform abortion services or refer or counsel for abortion services and does not dispense, prescribe, or counsel for contraceptive drugs or devices; and"; and in lines 10 and 11 after "medical" insert "or dental".

4. On page 4, line 5, strike beginning with the first comma through "community" and insert "or school district".

5. On page 6, line 13, after "Insurance" insert "Program"; and in line 15 after "2010" insert ", and for treatment for pregnant women who are lawfully residing in the United States and who are otherwise eligible for medicaid pursuant to the federal

Children's Health Insurance Program Reauthorization Act of 2009, Public Law 111-3, as such law existed on January 1, 2010".

6. Renumber the remaining sections accordingly.

(Signed) Tim Gay, Chairperson

General Affairs

LEGISLATIVE BILL 887. Indefinitely postponed.

(Signed) Russ Karpisek, Chairperson

Natural Resources

LEGISLATIVE BILL 1057. Placed on General File with amendment.
AM1895

1. On page 2, strike beginning with "(1)" in line 1 through line 25 and insert "(1) The Republican River Basin Water Sustainability Task Force is created. The task force shall consist of twenty-one voting members and, except for the state agency representatives, shall be residents representing a cross-section of the Republican River basin. The Governor shall appoint two representatives from each natural resource district in the basin; four representatives from the irrigation districts in the basin; one representative each from the University of Nebraska Institute of Agriculture and Natural Resources, the Game and Parks Commission, the Department of Agriculture, and the Department of Natural Resources; one representative each from a school district, a city, a county, and a public power district in the basin; and two representatives from agriculture-related businesses in the Republican basin. The chairperson of the Executive Board of the Legislative Council shall appoint three ex officio, nonvoting members from the Legislature, two of whom are residents of the basin and one who is the chairperson of the Natural Resources Committee of the Legislature. For administrative and budgetary purposes only, the task force shall be housed within the Department of Natural Resources. Additional advisory support may be requested from appropriate federal and state agencies. Members of the task force who are not state employees shall be reimbursed for their actual and necessary expenses incurred in carrying out their duties as members as provided in sections 81-1174 to 81-1177.

(2) The task force shall meet no less than quarterly and shall hire a trained facilitator to conduct its meetings. The purposes of the task force are to define water sustainability for the Republican River basin, develop and recommend a plan to help reach water sustainability in the basin, and develop and recommend a plan to help avoid a water-short year in the basin.".

2. On page 3, strike beginning with "ensure" in line 1 through the period in line 3; and in line 12 strike "shall".

(Signed) Chris Langemeier, Chairperson

General Affairs

The General Affairs 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.

Steve Homan - Nebraska Arts Council

Aye: 8 Senators Coash, Cook, Dierks, Dubas, Karpisek, Krist, Price, Rogert. Nay: 0. Absent: 0. Present and not voting: 0.

The General Affairs 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.

Michael Hiatt - State Electrical Board

Aye: 8 Senators Coash, Cook, Dierks, Dubas, Karpisek, Krist, Price, Rogert. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Russ Karpisek, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 332. Introduced by Wallman, 30.

WHEREAS, Jesse Hinz won the 2010 Class B State Wrestling Championship in the heavyweight division; and

WHEREAS, Jesse Hinz, a senior at Beatrice High School, defeated Jacob Griess of Grand Island Northwest High School 9-4 to win the state championship; and

WHEREAS, the state championship gave Jesse Hinz his second state medal, as he finished fourth in the heavyweight division in 2009; 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, SECOND SESSION:

1. That the Legislature congratulates Jesse Hinz on winning the 2010 Class B State Wrestling Championship in the heavyweight division.
2. That a copy of this resolution be sent to Jesse Hinz.

Laid over.

AMENDMENTS - Print in Journal

Senator Fischer filed the following amendment to LB937:
AM1987

(Amendments to Standing Committee amendments, AM1949)

1. Insert the following new section:

Sec. 3. Since an emergency exists, this act takes effect when passed and approved according to law.

2. On page 4, lines 15 and 20 and 21, strike "January 1, 2011," and insert "the effective date of this act".

Senator Langemeier filed the following amendment to LB1048:
AM2010 is available in the Bill Room.

Senator Cornett filed the following amendment to LB579:
AM2024

(Amendments to Final Reading copy)

1. On page 8, strike beginning with "For" in line 8 through the period in line 10; and in line 12 strike "two" and insert "ten".

2. On page 16, line 19, strike "this".

3. On page 17, line 15, after "shall" insert "knowingly".

4. On page 20, strike lines 22 through 25.

5. On page 21, strike line 1 and insert the following new subdivision:

"(b) A client shall be solely responsible for (i) directing, supervising, training, and controlling the work of the covered employees with respect to the business activities of the client or when such employees are otherwise acting under the express direction and control of the client and (ii) the acts, errors, or omissions of the covered employees with regard to such activities or when such employees are otherwise acting under the express direction and control of the client;"; and in line 23 strike "sale" and insert "provision".

6. On page 22, strike lines 2 through 5; and in line 6 strike "(8)" and insert "(7)".

7. On page 23, line 15, strike "(9)" and insert "(8)".

8. On page 25, line 12, strike "separate" and insert "itemized"; and strike beginning with "the" in line 13 through "signed" in line 14 and insert "enrollment".

9. On page 26, line 25, after "provided" insert "for any such professional employer agreement in effect on the operative date of this section and".

10. On page 27, line 1, strike "the" and insert "any new" and strike "and prior to" and insert "or"; and in line 2 after "provision" insert "after the operative date of this section".

11. On page 29, lines 10 and 15, strike "a specified" and insert "an itemized".

12. On page 52, line 8, after the period insert

"Subsections (5), (6), and (7) of this section apply beginning on January 1, 2012."; and strike beginning with "pursuant" in line 11 through "2012" in line 13.

13. On page 53, strike beginning with "pursuant" in line 17 through "2012" in line 18.

14. On page 54, after line 16, insert the following new subdivision:

"(e) Notice of the cancellation or nonrenewal of a master policy or the termination of coverage for a client or the employees of a client under such a policy shall be given by the professional employer organization to the client within fifteen days after the cancellation, nonrenewal, or termination unless replacement coverage has been obtained."; and strike beginning with "pursuant" in line 19 through "2012" in line 20.

MOTION - Print in Journal

Senator Cornett filed the following motion to LB381:
MO84
Indefinitely postpone.

ANNOUNCEMENT

Senator Wightman announced the Executive Board will hold an executive session Thursday, February 25, 2010, at 8:45 a.m., in Room 2102.

UNANIMOUS CONSENT - Add Cointroducers

Senator Fischer asked unanimous consent to add her name as cointroducer to LB926. No objections. So ordered.

Senators Sullivan and Utter asked unanimous consent to add their names as cointroducers to LB931. No objections. So ordered.

WITHDRAW - Cointroducer

Senator Langemeier withdrew his name as cointroducer to LB931.

VISITORS

Visitors to the Chamber were James, Cassandra, and Abigail Lowery from Burwell; Chris, Brooke, Ashley, and Bradley Conrad from Omaha; members of Nebraska Christian Home Educators from across the state; 18 students and sponsors from Madison High School, Madison; a group from Battle Creek, Madison, Meadow Grove, Norfolk, and Tilden; and members of Project Extra Mile from across the state.

ADJOURNMENT

At 12:01 p.m., on a motion by Senator Sullivan, the Legislature adjourned until 9:00 a.m., Thursday, February 25, 2010.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

THIRTY-THIRD DAY - FEBRUARY 25, 2010

LEGISLATIVE JOURNAL

ONE HUNDRED FIRST LEGISLATURE
SECOND SESSION

THIRTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 25, 2010

PRAYER

The prayer was offered by Pastor Tim Lawson, Divine Shepherd Lutheran Church, Omaha.

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 Giese and Pahls who were excused; and Senator Ashford who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-second day was approved.

COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 1006. Placed on Select File with amendment.
ER8166
1. On page 1, strike beginning with the last comma in line 2 through "2009" in line 4.

LEGISLATIVE BILL 865. Placed on Select File with amendment.
ER8165 is available in the Bill Room.

LEGISLATIVE BILL 910. Placed on Select File with amendment.
ER8168 is available in the Bill Room.

LEGISLATIVE BILL 770. Placed on Select File with amendment.
ER8167
1. On page 1, line 3, after "Nebraska" insert ", and section 49-617, Revised Statutes Cumulative Supplement, 2008"; and in line 5 after "Legislature" insert "and copies of the statutes".

(Signed) Jeremy Nordquist, Chairperson

COMMITTEE REPORT
Banking, Commerce and Insurance

LEGISLATIVE BILL 813. Placed on General File.

(Signed) Pete Pirsch, Vice Chairperson

MESSAGES FROM THE GOVERNOR

February 23, 2010

Mr. President, Speaker Flood and
Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Foster Care Review Board:

Marcia Anderson, 1300 South 80th Street, Omaha, NE 68124

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

February 23, 2010

Mr. President, Speaker Flood and
Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Commission for the Deaf and Hard of Hearing:

Susan Petersen, 8534 Pinkney, Omaha, NE 68134

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

RESOLUTION

LEGISLATIVE RESOLUTION 333. Introduced by Nordquist, 7.

WHEREAS, Robert "Bobby" Orsi of Omaha, Nebraska, and a graduate of Omaha South High School, died February 2, 2010, at the age of sixty-eight; and

WHEREAS, Bobby Orsi grew up working in his grandfather's bakery, Orsi's Italian Bakery on Seventh and Pacific Streets in South Omaha, where he worked for more than six decades; and

WHEREAS, Bobby Orsi became owner of Orsi's Italian Bakery and earned a reputation for generosity by routinely donating bread for funerals, fundraisers, and church and community events; and

WHEREAS, Bobby Orsi coached youth sports for St. Frances Cabrini Church and Sons of Italy teams and volunteered in the Santa Lucia organization; and

WHEREAS, Bobby Orsi earned his place as a legend in the South Omaha and Little Italy communities; and

WHEREAS, Bobby Orsi is survived by his wife, Bonnie, his sons, Bob and Nick, his daughters, Shirley Robinson and Andrea Rettele, and his sister, Frances Kinney.

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

1. That the Legislature honors the memory of Bobby Orsi and his many contributions and achievements.
2. That the Legislature expresses and extends its sympathy and condolences to the family of Bobby Orsi.
3. That a copy of this resolution be sent to the family of Bobby Orsi.

Laid over.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of February 24, 2010, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Goc, John J.
Real Property Appraiser Board, Nebraska
Radcliffe, Walter H. of Radcliffe & Associates
City of Omaha

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 636:

Nebraska Arts Council
Steve Homan

Voting in the affirmative, 42:

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

Voting in the negative, 0.

Present and not voting, 3:

Avery	Heidemann	Lautenbaugh

Excused and not voting, 4:

Ashford	Coash	Giese	Pahls

The appointment was confirmed with 42 ayes, 0 nays, 3 present and not voting, and 4 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 636:

State Electrical Board
Michael Hiatt

Voting in the affirmative, 43:

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

Voting in the negative, 0.

Present and not voting, 3:

Avery	Haar	Lautenbaugh

Excused and not voting, 3:

Ashford	Giese	Pahls

The appointment was confirmed with 43 ayes, 0 nays, 3 present and not voting, and 3 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 190.

A BILL FOR AN ACT relating to the DNA Identification Information Act; to amend sections 29-2262, 29-4101, 29-4102, 29-4103, and 29-4106, Reissue Revised Statutes of Nebraska, and section 59-1608.04, Revised Statutes Cumulative Supplement, 2008, as amended by section 34, Legislative Bill 3, One Hundred First Legislature, First Special Session, 2009; to change and eliminate definitions; to provide for the collection of DNA samples from individuals convicted of felony offenses and individuals released on probation; to require such individuals to pay the costs of such collection; to provide for applicability; to create a fund; to provide for transfers from the State Settlement Cash Fund; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Giese	Pahls

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 190A.

A BILL FOR AN ACT relating to appropriations; to provide for a transfer; and to appropriate funds to aid in carrying out the provisions of Legislative Bill 190, One Hundred First Legislature, Second Session, 2010.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Present and not voting, 1:

Sullivan

Excused and not voting, 2:

Giese Pahls

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 690.

A BILL FOR AN ACT relating to trade names; to amend sections 87-214 and 87-219, Reissue Revised Statutes of Nebraska; to change deadline provisions relating to trade name publication filings; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Giese Pahls

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 691.

A BILL FOR AN ACT relating to the Nebraska Real Estate License Act; to amend section 81-885.03, Reissue Revised Statutes of Nebraska, and sections 81-885.10, 81-885.25, and 81-885.29, Revised Statutes Supplement, 2009; to provide for jurisdiction and the issuance of cease and

desist orders as prescribed; to provide for fines; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Giese	Pahls

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 736. With Emergency Clause.

A BILL FOR AN ACT relating to real property; to provide for liens for assessments and fines by homeowners' associations as prescribed; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Giese Pahls

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 751. With Emergency Clause.

A BILL FOR AN ACT relating to secured transactions; to amend section 9-506, Uniform Commercial Code, Revised Statutes Supplement, 2009; to change provisions relating to the effects of errors and omissions in financing statements; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Giese Pahls

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB650 with 45 ayes, 0 nays, 2 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 650.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-471, 60-501, 60-520, 60-547, 60-6,357, 60-6,358, 60-6,359, 60-6,360, and 60-6,361, Reissue Revised Statutes of Nebraska, sections 60-102, 60-123, 60-136, 60-137, 60-148, 60-149, 60-153, 60-154, 60-154.01, 60-171, 60-302, 60-339, 60-3,100, 60-3,187, 60-3,190, 60-4,126, 60-605, 60-6,355, and 60-6,356, Revised Statutes Cumulative Supplement, 2008, and sections 23-186, 30-24,125, 60-101, 60-144, 60-164, 60-165, 60-301, 60-3,104, 60-601, and 60-1901, Revised Statutes Supplement, 2009; to authorize the operation of minitrucks and utility-type vehicles as prescribed; to define terms; to harmonize provisions; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Giese	Pahls

A constitutional majority having voted in the affirmative, the bill was

declared passed and the title agreed to.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 650A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 650, One Hundred First Legislature, Second Session, 2010.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Adams	Cornett	Hadley	Lautenbaugh	Price
Ashford	Council	Hansen	Louden	Rogert
Avery	Dubas	Harms	McCoy	Schilz
Campbell	Fischer	Heidemann	McGill	Stuthman
Carlson	Flood	Howard	Mello	Wallman
Christensen	Fulton	Janssen	Nelson	White
Coash	Gay	Karpisek	Nordquist	Wightman
Conrad	Gloor	Krist	Pankonin	
Cook	Haar	Langemeier	Pirsch	

Voting in the negative, 0.

Present and not voting, 3:

Lathrop	Sullivan	Utter

Excused and not voting, 3:

Dierks	Giese	Pahls

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 698. With Emergency Clause.

A BILL FOR AN ACT relating revenue and taxation; to amend sections 77-908 and 77-912, Reissue Revised Statutes of Nebraska, and sections 44-32,180 and 44-4726, Revised Statutes Cumulative Supplement, 2008; to eliminate certain insurance premium tax provisions; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Excused and not voting, 3:

Dierks	Giese	Pahls

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 721.

A BILL FOR AN ACT relating to the State Building Administrator; to amend section 81-1108.12, Reissue Revised Statutes of Nebraska; to change qualification provisions as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

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

Voting in the negative, 1:

Janssen

Excused and not voting, 3:

Dierks	Giese	Pahls

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 722.

A BILL FOR AN ACT relating to state government; to amend sections 11-201, 72-815, and 81-1017, Reissue Revised Statutes of Nebraska; to change a bonding requirement; to change a provision relating to sale of state real property; to eliminate an exception relating to state-owned motor vehicles; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Excused and not voting, 3:

Dierks	Giese	Pahls

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 731.

A BILL FOR AN ACT relating to the Noxious Weed Control Act; to amend sections 2-954, 2-955, and 2-959, Reissue Revised Statutes of Nebraska; to change provisions relating to noxious weed control funds; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Excused and not voting, 3:

Dierks	Giese	Pahls

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 738. With Emergency Clause.

A BILL FOR AN ACT relating to the Nebraska Trust Deeds Act; to amend section 76-1004, Reissue Revised Statutes of Nebraska; to change provisions relating to the substitution of trustee; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Excused and not voting, 3:

Dierks	Giese	Pahls

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 743. With Emergency Clause.

A BILL FOR AN ACT relating to the Game and Parks Commission; to amend section 37-201, Revised Statutes Supplement, 2009; to authorize the commission to convey certain real estate for park purposes; to prescribe conditions relating to the conveyance, operation, and maintenance of the real estate; to provide duties for the commission; to eliminate conveyance provisions; to harmonize provisions; to repeal the original section; to outright repeal section 90-215, Reissue Revised Statutes of Nebraska; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Giese	Pahls

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 749.

A BILL FOR AN ACT relating to roads; to amend section 39-1390, Reissue Revised Statutes of Nebraska, as amended by section 20, Legislative Bill 3, One Hundred First Legislature, First Special Session, 2009; to designate certain roads as state recreation roads; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Giese	Pahls

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 791.

A BILL FOR AN ACT relating to the Secretary of State; to amend section 21-2003, Revised Statutes Supplement, 2009; to provide for the electronic filing of documents as prescribed; to harmonize provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Giese Pahls

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 798.

A BILL FOR AN ACT relating to the Nebraska Litter Reduction and Recycling Act; to amend section 81-1566, Reissue Revised Statutes of Nebraska; to change a termination date; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Present and not voting, 1:

Schilz

Excused and not voting, 2:

Giese Pahls

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB814 with 46 ayes, 0 nays, 1 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 814.

A BILL FOR AN ACT relating to the Securities Act of Nebraska; to amend section 8-1111, Reissue Revised Statutes of Nebraska; to change provisions relating to transactions exempt from registration; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Giese	Pahls

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 871.

A BILL FOR AN ACT relating to the Game Law; to amend section 37-413, Revised Statutes Supplement, 2009; to change provisions relating to persons accompanying apprentice hunters; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Giese Pahls

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 667.

A BILL FOR AN ACT relating to fences; to amend section 34-102, Reissue Revised Statutes of Nebraska; to state intent; to change provisions relating to division fences; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Present and not voting, 1:

Gay

Excused and not voting, 2:

Giese Pahls

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 705.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-3,122, 60-3,123, and 60-3,124, Revised Statutes Supplement, 2009; to remove a limitation on issuance of Pearl Harbor, prisoner-of-war, and disabled veteran license plates as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Present and not voting, 1:

Flood

Excused and not voting, 2:

Giese Pahls

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 708.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-202.03 and 77-202.09, Reissue Revised Statutes of Nebraska; to change certain date provisions relating to property tax exemptions as prescribed; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Giese	Pahls

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB725 with 41 ayes, 1 nay, 5 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 725.

A BILL FOR AN ACT relating to agricultural vehicles; to amend sections 75-362 and 75-363, Reissue Revised Statutes of Nebraska, and section 60-363, Revised Statutes Cumulative Supplement, 2008; to change provisions relating to fertilizer trailer registration certificates; to define fertilizer and agricultural chemical application and distribution equipment and to change the applicability of certain adopted federal rules; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Present and not voting, 1:

Dierks

Excused and not voting, 2:

Giese Pahls

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 762. With Emergency Clause.

A BILL FOR AN ACT relating to banks and banking; to amend section 8-113, Revised Statutes Supplement, 2009; to change provisions relating to the unauthorized use of the word bank; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Giese Pahls

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 788.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-125, Reissue Revised Statutes of Nebraska, and section 53-103, Revised Statutes Supplement, 2009; to change provisions relating to managers; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Giese Pahls

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 797.

A BILL FOR AN ACT relating to the Nebraska Power Review Board; to amend section 70-1003, Reissue Revised Statutes of Nebraska; to change duties of the board relating to hearings and a report as prescribed; to eliminate obsolete requirements; to harmonize provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Giese	Pahls

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 806.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1347, Reissue Revised Statutes of Nebraska; to change a provision relating to valuation of agricultural or horticultural land; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Present and not voting, 1:

McCoy

Excused and not voting, 2:

Giese Pahls

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB816 with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 816. With Emergency Clause.

A BILL FOR AN ACT relating to motor vehicle industry regulation; to amend sections 25-2602.01, 28-1316, 44-3526, 60-1401.01, 60-1402, 60-1403, 60-1403.01, 60-1404, 60-1405, 60-1406, 60-1407, 60-1407.01, 60-1407.02, 60-1407.03, 60-1407.04, 60-1411.03, 60-1415, 60-1415.01, 60-1417.02, 60-1420, 60-1421, 60-1422, 60-1427, 60-1428, 60-1430, 60-1430.01, 60-1430.02, 60-1432, 60-1436, 60-1437, 60-1438, 60-1438.01, 60-1440, 60-2602, 60-2603, 60-2604, and 71-4603, Reissue Revised Statutes of Nebraska, sections 60-194, 60-373, 60-375, 60-380, 60-381, 60-3,116, 60-1411.01, 60-1411.02, and 60-2701, Revised Statutes Cumulative Supplement, 2008, sections 60-144, 60-164, and 60-1401.02, Revised Statutes Supplement, 2009, and section 60-1409, Reissue Revised Statutes of Nebraska, as amended by section 36, Legislative Bill 3, One Hundred First Legislature, First Special Session, 2009; to name an act; to transfer definitions; to define and redefine terms; to change provisions relating to licenses and franchises; to delete obsolete provisions; to prohibit certain acts; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Giese	Pahls

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 832.

A BILL FOR AN ACT relating to petroleum release remedial action; to amend section 66-1501, Reissue Revised Statutes of Nebraska; to eliminate a private insurance requirement; to harmonize provisions; to repeal the original section; and to outright repeal section 66-1532, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

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

Voting in the negative, 0.

Present and not voting, 2:

Lautenbaugh McGill

Excused and not voting, 2:

Giese Pahls

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 873.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1716, Reissue Revised Statutes of Nebraska; to require notice of taxes owed on certain property; to eliminate provisions relating to notification of delinquent property taxes; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Giese Pahls

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 911. With Emergency Clause.

A BILL FOR AN ACT relating to the Legislature; to amend section 50-501, Revised Statutes Supplement, 2009; to change provisions relating to a biotechnology strategic plan; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure

having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Present and not voting, 1:

McGill

Excused and not voting, 2:

Giese Pahls

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 226. With Emergency Clause.

A BILL FOR AN ACT relating to minors; to amend sections 30-2604 and 43-2101, Reissue Revised Statutes of Nebraska; to provide for authority for certain persons who are eighteen years of age to consent to health care and medical treatment and enter into contracts and leases; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Present and not voting, 1:

Council

Excused and not voting, 2:

Giese Pahls

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 512.

A BILL FOR AN ACT relating to airport zoning; to amend sections 3-303 and 3-304, Reissue Revised Statutes of Nebraska; to change provisions relating to the regulation of airport hazards; to prescribe duties; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Adams	Cornett	Hadley	Lathrop	Pirsch
Ashford	Dierks	Hansen	Lautenbaugh	Price
Avery	Dubas	Harms	Louden	Rogert
Campbell	Fischer	Heidemann	McCoy	Schilz
Carlson	Flood	Howard	McGill	Sullivan
Christensen	Fulton	Janssen	Mello	Utter
Coash	Gay	Karpisek	Nelson	Wallman
Conrad	Gloor	Krist	Nordquist	Wightman
Cook	Haar	Langemeier	Pankonin	

Voting in the negative, 1:

Stuthman

Present and not voting, 2:

Council	White

Excused and not voting, 2:

Giese	Pahls

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 643.

A BILL FOR AN ACT relating to electric lines; to amend section 70-311, Reissue Revised Statutes of Nebraska; to extend the distance and time requirements relating to notice of certain road construction; to provide notice requirements for natural resources districts for certain road construction; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Giese	Pahls

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 711. With Emergency Clause.

A BILL FOR AN ACT relating to schools; to amend section 79-4,108, Reissue Revised Statutes of Nebraska, sections 79-1022, 79-1026.01, 79-1027, and 79-1031.01, Revised Statutes Supplement, 2009, and section 79-1023, Revised Statutes Supplement, 2009, as amended by section 11, Legislative Bill 5, One Hundred First Legislature, First Special Session, 2009; to change provisions relating to interlocal agreements for unified school systems; to change dates relating to certification of state aid under the Tax Equity and Educational Opportunities Support Act; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Giese	Pahls

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 723.

A BILL FOR AN ACT relating to the Telecommunications Relay System Act; to amend section 86-313, Reissue Revised Statutes of Nebraska; to change surcharge remittance requirements; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Giese	Pahls

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 746.

A BILL FOR AN ACT relating to civil rights; to amend sections 20-504 and 20-506, Reissue Revised Statutes of Nebraska; to change provisions relating to racial profiling; to change the membership of the Racial Profiling Advisory Committee; to change and provide powers and duties; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Present and not voting, 1:

Karpisek

Excused and not voting, 2:

Giese Pahls

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 787.

A BILL FOR AN ACT relating to the Nebraska Information Technology Commission; to amend section 86-515, Reissue Revised Statutes of Nebraska; to provide for an additional member to serve on the commission as appointed by the Legislature as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Giese Pahls

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 848.

A BILL FOR AN ACT relating to cities of the first class; to amend section 16-707, Reissue Revised Statutes of Nebraska; to change provisions relating to board of equalization meetings; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure

having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Giese	Pahls

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 867.

A BILL FOR AN ACT relating to alcoholic liquors; to amend section 53-138.01, Reissue Revised Statutes of Nebraska, section 53-123.15, Revised Statutes Cumulative Supplement, 2008, and section 53-124, Revised Statutes Supplement, 2009; to provide for placement of certain shipping license fees in the General Fund; to change fees for shipping licenses; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

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

Voting in the negative, 1:

Lathrop

Excused and not voting, 2:

Giese Pahls

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB890 with 43 ayes, 0 nays, 4 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 890. With Emergency Clause.

A BILL FOR AN ACT relating to banking and finance; to amend sections 8-142, 8-143, 8-183.04, 8-908, 8-1502, and 21-1725.01, Reissue Revised Statutes of Nebraska, sections 8-115.01, 8-157, 8-234, and 8-374, Revised Statutes Cumulative Supplement, 2008, and sections 8-1,140, 8-355, and 21-17,115, Revised Statutes Supplement, 2009; to change provisions relating to the delivery of certain notices; to change and provide powers and duties for the Department of Banking and Finance and Director of Banking and Finance; to change capital requirements for converted savings associations; to change and provide criminal penalties and civil liability relating to violations of loan limit provisions; to revise powers of state-chartered banks, building and loan associations, and credit unions; to change provisions relating to bank holding company management; to change notice provisions relating to acquisitions; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Giese	Pahls

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 891. With Emergency Clause.

A BILL FOR AN ACT relating to banks and banking; to amend sections 8-101.01 and 8-602, Revised Statutes Supplement, 2009; to provide for conditional bank charters, powers and duties for the Department of Banking and Finance and the Director of Banking and Finance, and for fees; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Giese Pahls

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB892 with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 892. With Emergency Clause.

A BILL FOR AN ACT relating to banking and finance; to amend sections 45-101.04 and 45-1068, Reissue Revised Statutes of Nebraska, section 45-1005, Revised Statutes Cumulative Supplement, 2008, and sections 8-702, 45-701, 45-702, 45-704, 45-705, 45-724, 45-725, 45-726, 45-728, 45-730, 45-733, 45-737, 45-741, 45-742, 45-748, 45-749, 45-1002, 45-1018, 45-1033.01, and 45-1033.02, Revised Statutes Supplement, 2009; to change provisions relating to federal deposit insurance requirements, the Residential Mortgage Licensing Act, the Nebraska Installment Loan Act, and reverse-mortgage loans; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Giese Pahls

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 914.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-696, Revised Statutes Cumulative Supplement, 2008; to change a provision relating to the duty to stop after an accident; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Giese Pahls

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB579 to Select File

Senator Cornett moved to return LB579 to Select File for her specific amendment, AM2024, found on page 637.

The Cornett motion to return prevailed with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 579. The Cornett specific amendment, AM2024, found on page 637, was adopted with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 190, 190A, 690, 691, 736, 751, 650, 650A, 698, 721, 722, 731, 738, 743, 749, 791, 798, 814, 871, 667, 705, 708, 725, 762, 788, 797, 806, 816, 832, 873, 911, 226, 512, 643, 711, 723, 746, 787, 848, 867, 890, 891, 892, and 914.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 319, 320, and 321 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 319, 320, and 321.

MOTION - Refer Bill Back to Reference Committee

Senators Cornett and Rogert offered the following motion to LB381:
MO85
Raise objection to the referencing of the bill, pursuant to Rule 6, Section 2, and refer the bill back to the Reference Committee for rereferencing.

The Cornett-Rogert objection and motion to refer the bill back to the Reference Committee prevailed with 31 ayes, 3 nays, 12 present and not voting, and 3 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 817. Title read. Considered.

Committee AM1964, found on page 574, was considered.

Pending.

COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 888. Placed on Select File with amendment.
ER8170

1. On page 1, line 3, after "Nebraska" insert ", and section 21-2601, Revised Statutes Supplement, 2009".
2. On page 9, line 5, strike "(a)" and insert "(b)".
3. On page 10, line 7; page 12, line 22; and page 102, line 7, strike "act" and insert "Nebraska Uniform Limited Liability Company Act".
4. On page 11, line 2, strike "(b)(1)(a)" and insert "(b)(1)(A)".
5. On page 13, line 4, strike "member" and insert "member's".
6. On page 21, line 3, after "12" insert "of this act".
7. On page 22, line 22, after "court" insert "to order".
8. On page 55, line 25, strike the comma.
9. On page 62, line 4, strike "(c)" and insert "(d)".
10. On page 76, line 12, after "of" insert "the".
11. On page 98, line 11, strike "regulating" and insert "regulatory".
12. On page 101, line 12, after "the" insert "Nebraska Uniform".
13. On page 102, line 15, strike "Nebraska".
14. On page 105, line 21, strike "(10)" and insert "(11)".

LEGISLATIVE BILL 821. Placed on Select File.

LEGISLATIVE RESOLUTION 295CA. Placed on Select File.

LEGISLATIVE BILL 689. Placed on Select File with amendment.
ER8169

1. On page 1, line 7, strike "remittance of" and insert "the collection and remittance of the".

LEGISLATIVE BILL 764. Placed on Select File.

(Signed) Jeremy Nordquist, Chairperson

COMMITTEE REPORTS
Education

LEGISLATIVE BILL 1014. Placed on General File with amendment.
AM1979

1. Strike the original sections and insert the following new sections:

Section 1. The Teacher Performance Pay Fund is created. The Board of Educational Lands and Funds shall remit the income from solar and wind energy leases on school lands to the State Treasurer for credit to the fund. The Board of Educational Lands and Funds shall also remit the portion of the income from other leases of school lands which relates to carbon sequestration rights, as such portion is determined by the board, to the State Treasurer for credit to the fund. The fund shall be exclusively used for the support and maintenance of the common schools in each public school district in the state by increasing public school teacher salaries to provide for a higher quality of education. The costs of administration shall be deducted from the fund in the manner provided in section 72-232.02. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

For purposes of this section, lease means any lease, easement, covenant, or other such contractual arrangement.

Sec. 2. (1) Beginning January 15, 2016, and on or before the third Monday in January of each year thereafter, the State Treasurer shall make a complete exhibit of all money belonging to the Teacher Performance Pay Fund and deliver such exhibit duly certified to the Commissioner of Education. On or before February 25, the Commissioner of Education shall make the apportionment of such funds to each school district according to the pro rata enumeration of children who are five through eighteen years of age in each district last returned from the school district. The calculation of apportionment for each school fiscal year shall include any corrections to the prior school fiscal year's apportionment.

(2) The Commissioner of Education shall certify the amount of the apportionment of the Teacher Performance Pay Fund as provided in subsection (1) of this section to the Director of Administrative Services. The Director of Administrative Services shall draw a warrant on the State Treasurer in favor of the various districts for the respective amounts so certified by the Commissioner of Education.

(3) Each school district shall use the funds received under subsection (2) of this section for teacher performance pay. For purposes of this section, teacher performance pay is a systematic process for measuring teachers' performance and linking the measurements to changes in teacher pay. Indicators

of teacher performance may include, but are not limited to, improving professional skills and knowledge, classroom performance or instructional behavior, and instructional outcomes. Teacher performance pay may include predetermined bonus amounts and payout criteria. Additional pay may be provided in addition to the salary schedule for new skills and knowledge acquired through graduate education programs, with demonstrated performance mastery. The salary schedule provided in local collective bargaining agreements shall remain intact in teacher performance pay systems. The Legislature finds that teacher performance pay measurements, criteria, and payout amounts define economic terms and conditions of employment and, therefor, are subjects of collective bargaining.

Sec. 3. Section 79-1007.13, Reissue Revised Statutes of Nebraska, is amended to read:

79-1007.13 The department shall calculate a special receipts allowance for each district equal to the amount of special education, state ward, and accelerated or differentiated curriculum program receipts and the receipts from the Teacher Performance Pay Fund included in local system formula resources under subdivisions (7), (8), (16), ~~and~~ (17), and (18) of section 79-1018.01 attributable to the school district.

Sec. 4. Section 79-1018.01, Reissue Revised Statutes of Nebraska, is amended to read:

79-1018.01 Except as otherwise provided in this section, local system formula resources include other actual receipts available for the funding of general fund operating expenditures as determined by the department for the second school fiscal year immediately preceding the school fiscal year in which aid is to be paid. Receipts from the Community Improvements Cash Fund and receipts acquired pursuant to the Low-Level Radioactive Waste Disposal Act shall not be included. Other actual receipts include:

(1) Public power district sales tax revenue;

(2) Fines and license fees;

(3) Tuition receipts from individuals, other districts, or any other source except receipts derived from adult education, receipts derived from summer school tuition, receipts derived from early childhood education tuition, and receipts from educational entities as defined in section 79-1201.01 for providing distance education courses through the Distance Education Council until July 1, 2008, and the Educational Service Unit Coordinating Council on and after July 1, 2008, to such educational entities;

(4) Transportation receipts;

(5) Interest on investments;

(6) Other miscellaneous noncategorical local receipts, not including receipts from private foundations, individuals, associations, or charitable organizations;

(7) Special education receipts;

(8) Special education receipts and non-special education receipts from the state for wards of the court and wards of the state;

(9) All receipts from the temporary school fund. Beginning with the calculation of aid for school fiscal year 2002-03 and each school fiscal year thereafter, receipts from the temporary school fund shall only include receipts pursuant to section 79-1035 and the receipt of funds pursuant to section 79-1036 for property leased for a public purpose as set forth in subdivision (1)(a) of section 77-202;

(10) Motor vehicle tax receipts received on or after January 1, 1998;

(11) Pro rata motor vehicle license fee receipts;

(12) Other miscellaneous state receipts excluding revenue from the textbook loan program authorized by section 79-734;

(13) Impact aid entitlements for the school fiscal year which have actually been received by the district to the extent allowed by federal law;

(14) All other noncategorical federal receipts;

(15) All receipts pursuant to the enrollment option program under sections 79-232 to 79-246;

(16) Receipts under the federal Medicare Catastrophic Coverage Act of 1988, as such act existed on May 8, 2001, as authorized pursuant to sections 43-2510 and 43-2511 but only to the extent of the amount the local system would have otherwise received pursuant to the Special Education Act; ~~and~~

(17) Receipts for accelerated or differentiated curriculum programs pursuant to sections 79-1106 to 79-1108.03; and~~.~~

(18) Receipts from the Teacher Performance Pay Fund pursuant to section 2 of this act.

Sec. 5. Section 79-1028.01, Revised Statutes Supplement, 2009, is amended to read:

79-1028.01 (1) For ~~school fiscal year 2008-09 and~~ each school fiscal year, ~~thereafter,~~ a school district may exceed its maximum general fund budget of expenditures minus the special education budget of expenditures by a specific dollar amount for:

(a) Expenditures for repairs to infrastructure damaged by a natural disaster which is declared a disaster emergency pursuant to the Emergency Management Act;

(b) Expenditures for judgments, except judgments or orders from the Commission of Industrial Relations, obtained against a school district which require or obligate a school district to pay such judgment, to the extent such judgment is not paid by liability insurance coverage of a school district;

(c) Expenditures pursuant to the Retirement Incentive Plan authorized in section 79-855 or the Staff Development Assistance authorized in section 79-856;

(d) Expenditures of incentive payments or base fiscal year incentive payments to be received in such school fiscal year pursuant to section 79-1011;

(e) Expenditures of amounts received from educational entities as defined in section 79-1201.01 for providing distance education courses through the Educational Service Unit Coordinating Council to such educational entities;

(f) Either (i) the first and second school fiscal years the district will be participating in Network Nebraska for the full school fiscal year or (ii) school fiscal year 2008-09, if the school district participated in Network Nebraska for all of school fiscal year 2007-08, for the difference of the estimated expenditures for such school fiscal year for telecommunications services, access to data transmission networks that transmit data to and from the school district, and the transmission of data on such networks as such expenditures are defined by the department for purposes of the distance education and telecommunications allowance minus the dollar amount of such expenditures for the second school fiscal year preceding the first full school fiscal year the district participates in Network Nebraska;

(g) Expenditures to pay another school district for the transfer of land from such other school district;

(h) Expenditures in school fiscal years 2009-10 through 2013-14 to pay for employer contributions pursuant to subsection (2) of section 79-958 to the School Retirement System of the State of Nebraska to the extent that such expenditures exceed the employer contributions under such subsection that would have been made at a contribution rate of seven and thirty-five hundredths percent;~~ and~~

(i) Expenditures in school fiscal years 2009-10 through 2013-14 to pay for school district contributions pursuant to subdivision (1)(c)(i) of section 79-9,113 to the Class V School Employees Retirement System to the extent that such expenditures exceed the school district contributions under such subdivision that would have been made at a contribution rate of seven and thirty-seven hundredths percent;~~.~~

~~(2) For school fiscal year 2009-10 and each school fiscal year thereafter, a school district may exceed its maximum general fund budget of expenditures minus the special education budget of expenditures by a specific dollar amount for (a) expenditures~~

(j) Expenditures for sums agreed to be paid by a school district to certificated employees in exchange for a voluntary termination occurring prior to July 1, 2009;~~ , and (b) expenditures~~

(k) Expenditures for new elementary attendance sites in the first year of operation or the first year of operation after being closed for at least one school year if such elementary attendance site will most likely qualify for the elementary site allowance in the immediately following school fiscal year as determined by the state board; and~~.~~

(l) Expenditures in school fiscal years 2016-17 and 2017-18 of amounts received from the Teacher Performance Pay Fund pursuant to section 2 of this act.

~~(3)~~ (2) The state board shall approve, deny, or modify the amount allowed for any exception to the maximum general fund budget of expenditures minus the special education budget of expenditures pursuant to this section.

Sec. 6. Section 79-1035.02, Reissue Revised Statutes of Nebraska, is amended to read:

79-1035.02 The temporary school fund is the holding fund to which (1) the net income from the school lands, except for the income less costs of administration derived from solar and wind energy leases on school lands and from carbon sequestration rights related to other leases of school lands which is credited to the Teacher Performance Pay Fund under section 1 of this act, (2) the interest, dividends, and any other income from the permanent school fund, ~~the net income from the school lands,~~ and (3) the money from all other sources required or provided by law are credited as described in Article VII, section 9, of the Constitution of Nebraska. The entire balance of the temporary school fund, including all interest and any other income therefrom, shall be exclusively used for the support and maintenance of the common schools in each public school district in the state as the Legislature provides, in accordance with Article VII, section 9, of the Constitution of Nebraska, and shall be distributed to each public school district annually.

Sec. 7. Original sections 79-1007.13, 79-1018.01, and 79-1035.02, Reissue Revised Statutes of Nebraska, and section 79-1028.01, Revised Statutes Supplement, 2009, are repealed.

LEGISLATIVE BILL 1087. Placed on General File with amendment. AM2034 is available in the Bill Room.

(Signed) Greg Adams, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 910A. Introduced by Carlson, 38.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 910, One Hundred First Legislature, Second Session, 2010.

RESOLUTIONS

LEGISLATIVE RESOLUTION 334. Introduced by Cornett, 45.

PURPOSE: The purpose of this resolution is to study whether Nebraska's insurance laws should be amended to provide specific requirements and restrictions relating to health benefit plan prescription drug coverage, especially higher cost specialty prescription drugs. The study should include an examination of issues raised during consideration of LB 1017 (Cornett), which was introduced in 2010 and referenced to the Banking, Commerce and Insurance Committee. In order to carry out the purpose of this resolution, the study committee should seek the assistance of the Department of Insurance and should consider the input of interested persons as the committee deems necessary and beneficial.

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

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 335. Introduced by Mello, 5; Ashford, 20; Avery, 28; Cook, 13; Council, 11; Dierks, 40; Dubas, 34; Fulton, 29; Gay, 14; Gloor, 35; Haar, 21; Harms, 48; Janssen, 15; Krist, 10; Lathrop, 12; McCoy, 39; McGill, 26; Nordquist, 7; Pirsch, 4; Schilz, 47; White, 8; Wightman, 36.

WHEREAS, a statewide action plan to optimize the growth of the clean energy economy would benefit the State of Nebraska by optimizing the growth of the energy, environmental, and agricultural sectors of the state's economy by incorporating environmentally and energy conscious design, policy, and technology that improves conservation and sustainability; and

WHEREAS, such statewide action plan should be based on several factors, including (1) an analysis of the business opportunities and needs of such an economy in the local, state, national, and international markets, (2) an analysis of the labor force needs related to such business opportunities, including educational, training, and retraining needs, and (3) an inventory of the current labor and business assets available to respond to such business opportunities and such labor force needs; and

WHEREAS, a committee made up of members of the Legislature could develop a statewide action plan to advise and assist the Legislature as a whole regarding activities to advance the state's clean energy economy.

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

1. That the Legislature hereby calls for the Executive Board of the Legislative Council to meet forthwith and appoint a special committee of the Legislature to be known as the Clean Energy Economic Committee. The committee shall consist of seven members of the Legislature appointed by the Executive Board no later than April 1, 2010. The committee members shall select a chairperson and vice-chairperson from the membership of the committee. The Clerk of the Legislature, in cooperation with the Executive Board, shall provide staff and support to the committee. The committee may accept outside resources to help support its efforts. Such outside resources may be used to contract for the analyses described in this resolution.

2. That the Clean Energy Economic Committee is hereby authorized to develop and submit to the Legislature on or before June 30, 2011, a statewide action plan as described in this resolution. The statewide action plan shall include recommended legislation and budget requests and may include recommendations for administrative actions of governmental entities, collaborative actions, and actions of individuals and individual organizations. The statewide action plan shall be based upon the analyses described in this resolution.

3. That the Clean Energy Economic Committee created by this resolution shall terminate on June 30, 2011.

Laid over.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Section 8, LR335 was referred to the Reference Committee.

AMENDMENTS - Print in Journal

Senator Langemeier filed the following amendment to LB1048:
FA65
Strike the enacting clause.

Senator Council filed the following amendment to LB817:
AM2048

(Amendments to AM1976)

1 1. On page 2, line 9, reinstate the stricken matter.

COMMITTEE REPORT
Nebraska Retirement Systems

The Nebraska Retirement Systems 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.

Randall Rehmeier - Public Employees Retirement Board

Aye: 6 Senators Heidemann, Karpisek, Louden, Mello, Nordquist, Pankonin. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Dave Pankonin, Chairperson

ANNOUNCEMENT

Senator Karpisek announced the General Affairs Committee will hold an executive session Monday, March 1, 2010, at 9:00 a.m., in Room 1015.

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 25, 2010, at 11:40 a.m. were the following: LBs 190, 190A, 690, 691, 736e, 751e, 650, 650A, 698e, 721, 722, 731, 738e, 743e, 749, 791, 798, 814, 871, 667, 705, 708, 725, 762e, 788, 797, 806, 816e, 832, 873, 911e, 226e, 512, 643, 711e, 723, 746, 787, 848, 867, 890e, 891e, 892e, and 914.

(Signed) Jamie Kruse
Clerk of the Legislature's Office

REFERENCE COMMITTEE REPORT

The Executive Board submits the following report:

Anderson, Marcia - Foster Care Review Board - Health and Human Services
Petersen, Susan - Commission for the Deaf and Hard of Hearing - Health and Human Services

(Signed) John Wightman, Chairperson
Executive Board

UNANIMOUS CONSENT - Add Cointroducers

Senator Gay asked unanimous consent to add his name as cointroducer to LB880 and LB926. No objections. So ordered.

Senator Haar asked unanimous consent to add his name as cointroducer to LB1010. No objections. So ordered.

Senators Cornett, Gay, Lautenbaugh, Mello, and Nordquist asked unanimous consent to add their names as cointroducers to LB1103. No objections. So ordered.

Senators Cornett and Haar asked unanimous consent to add their names as cointroducers to LB1110. No objections. So ordered.

VISITORS

Visitors to the Chamber were members of Bellevue Chamber Leadership Class from Bellevue.

The Doctor of the Day was Dr. Ronald Craig from Lincoln.

ADJOURNMENT

At 12:02 p.m., on a motion by Senator Hadley, the Legislature adjourned until 10:00 a.m., Monday, March 1, 2010.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

THIRTY-FOURTH DAY - MARCH 1, 2010

LEGISLATIVE JOURNAL

ONE HUNDRED FIRST LEGISLATURE
SECOND SESSION

THIRTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, March 1, 2010

PRAYER

The prayer was offered by Pastor Matthew Mortenson, Christ Lutheran Church, Falls City.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Speaker Flood presiding.

The roll was called and all members were present except Senators Giese and Pahls who were excused; and Senators Adams, Gay, and Stuthman who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-third day was approved.

COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 805. Placed on Select File with amendment.
ER8173

1. In the Standing Committee amendments, AM1913, on page 6, lines 15 and 16, strike "such sections", show as stricken, and insert "section 43-3318, 60-498.02, 60-4,183, or 60-4,186".

2. On page 1, strike beginning with "75-363" in line 1 through line 10 and insert "60-4,129, 60-4,169, 60-6,123, 60-6,190, 75-362, 75-363, and 75-364, Reissue Revised Statutes of Nebraska, sections 60-465 and 60-4,150, Revised Statutes Cumulative Supplement, 2008, and sections 18-1739, 60-3,193.01, 60-462.01, 60-484.02, and 60-4,147.02, Revised Statutes Supplement, 2009; to adopt by reference updates to the International Registration Plan and certain federal laws and regulations relating to parking permits for persons with disabilities, operators' licenses, transporting hazardous materials, and motor carrier safety and procedure; to allow the release of digital image or signature

information to local law enforcement officers; to change provisions relating to commercial motor vehicles, employment driving permits, commercial drivers' licenses, traffic control signals, and speed limits; to harmonize provisions; and to repeal the original sections.".

LEGISLATIVE BILL 951. Placed on Select File with amendment.
ER8171

1. On page 1, line 3, after the semicolon insert "to harmonize provisions;".

LEGISLATIVE BILL 879. Placed on Select File with amendment.
ER8174 is available in the Bill Room.

LEGISLATIVE BILL 768. Placed on Select File.
LEGISLATIVE BILL 799. Placed on Select File.

LEGISLATIVE BILL 926. Placed on Select File with amendment.
ER8175

1. On page 1, line 3, after "redefine" insert "terms; to change requirements for a".

LEGISLATIVE BILL 1063. Placed on Select File with amendment.
ER8172

1. Strike the original sections and all amendments thereto and insert the following new sections:

Section 1. Section 82-326, Reissue Revised Statutes of Nebraska, is amended to read:

82-326 The amount of money made available from any appropriations under the provisions of sections 82-317 to 82-329, 85-106 to 85-106.03, and 85-304 to 85-304.03 shall be used, in addition to the cost of the works of art, to provide for the administration by the contracting agency, the architect, and the Nebraska Arts Council, and for all costs of installation of the works of art. The Nebraska Arts Council may set aside up to ten percent of the amount appropriated for administration for an art maintenance fund which shall be used to repair or restore all works of art acquired under such sections.

Sec. 2. Section 82-329, Reissue Revised Statutes of Nebraska, is amended to read:

82-329 The Nebraska Arts Council shall maintain an inventory of all works of art purchased under sections 82-317 to 82-329, 85-106 to 85-106.03, and 85-304 to 85-304.03 and shall inspect each work of art ~~at least once each calendar year~~ on a regular schedule to determine its condition. The Nebraska Arts Council may recommend procedures for regular maintenance, preservation, and security and for the repair of any damaged work of art.

Sec. 3. Section 82-331, Revised Statutes Supplement, 2009, is amended to read:

82-331 (1) There is hereby established in the state treasury a trust fund to be known as the Nebraska Cultural Preservation Endowment Fund. The fund shall consist of funds appropriated or transferred by the Legislature, and only the earnings of the fund may be used as provided in this section.

(2) On August 1, 1998, the State Treasurer shall transfer five million dollars from the General Fund to the Nebraska Cultural Preservation Endowment Fund.

(3) Except as provided in subsection (4) of this section, it is the intent of the Legislature that the State Treasurer shall transfer (a) an amount not to exceed five hundred thousand dollars from the General Fund to the Nebraska Cultural Preservation Endowment Fund on December 31 of 2009 and 2010 and (b) an amount not to exceed ~~one million~~ five hundred thousand dollars from the General Fund to the Nebraska Cultural Preservation Endowment Fund on December 31 of 2011, ~~and~~ 2012, 2013, 2014, 2015, and 2016.

(4) Prior to the transfer of funds from any state account into the Nebraska Cultural Preservation Endowment Fund, the Nebraska Arts Council shall provide documentation to the budget division of the Department of Administrative Services that qualified endowments have generated a dollar-for-dollar match of new money, up to the amount of state funds authorized by the Legislature to be transferred to the Nebraska Cultural Preservation Endowment Fund. The budget division of the Department of Administrative Services shall notify the State Treasurer to execute a transfer of state funds up to the amount specified by the Legislature, but only to the extent that the Nebraska Arts Council has provided documentation of a dollar-for-dollar match. Funds not transferred shall be carried forward to the succeeding year and be added to the funds authorized for a dollar-for-dollar match during that year.

(5) The Legislature shall not appropriate or transfer money from the Nebraska Cultural Preservation Endowment Fund for any purpose other than the purposes stated in sections 82-330 to 82-333, except that the Legislature may appropriate or transfer money from the fund upon a finding that the purposes of such sections are not being accomplished by the fund.

(6) Any money in the Nebraska Cultural Preservation Endowment Fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

(7) All investment earnings from the Nebraska Cultural Preservation Endowment Fund shall be credited to the Nebraska Arts and Humanities Cash Fund.

Sec. 4. Original sections 82-326 and 82-329, Reissue Revised Statutes of Nebraska, and section 82-331, Revised Statutes Supplement, 2009, are repealed.

2. On page 1, strike lines 2 through 4 and insert "82-326 and 82-329, Reissue Revised Statutes of Nebraska, and section 82-331, Revised Statutes Supplement, 2009; to authorize an art maintenance fund and change inspection provisions for works of art; to change intent relating to transfers to the Nebraska Cultural Preservation Endowment Fund; and to repeal the original sections.".

(Signed) Jeremy Nordquist, Chairperson

COMMITTEE REPORTS

Education

LEGISLATIVE BILL 965. Placed on General File with amendment.
AM1999

1. Strike the original sections and insert the following new sections:

Section 1. Section 32-570, Reissue Revised Statutes of Nebraska, is amended to read:

32-570 (1) A vacancy in the membership of a school board shall occur as set forth in section 32-560 or in the case of absences, unless excused by a majority of the remaining members of the board, when a member is absent from the district for a continuous period of sixty days at one time or from more than two consecutive regular meetings of the board. ~~unless excused by a majority of the remaining members of the board.~~

(2) A person appointed to fill a vacancy on the school board of a Class I school district by the remaining members of the board shall hold office until the beginning of the next school year. A board member of a Class I school district elected to fill a vacancy at a regular or special school district meeting shall serve for the remainder of the unexpired term or until a successor is elected and qualified.

(3) Except as provided in subsection (4) of this section, a vacancy in the membership of a school board of a Class II, III, IV, V, or VI school district resulting from any cause other than the expiration of a term shall be ~~temporarily~~ filled by appointment of a qualified registered voter by the remaining members of the board. ~~A~~ If the vacancy occurs prior to the filing deadline for nonincumbents for the primary election preceding the general election in the middle of the vacated term, a registered voter shall be nominated at the next primary election and elected at the following general election for the remainder of the unexpired term. If the vacancy occurs on or after such deadline, the appointment shall be for the balance of the unexpired term. A registered voter appointed or elected pursuant to this subsection shall meet the same requirements as the member whose office is vacant.

(4) Any vacancy in the membership of a school board of a school district which does not nominate candidates at a primary election and elect members at the following general election shall

be ~~temporarily~~ filled by appointment of a qualified registered voter by the remaining members of the board. ~~A~~ If the vacancy occurs prior to a caucus preceding the general election in the middle of the vacated term, a registered voter shall be nominated and elected to fill the vacancy for the remainder of the term in the manner provided for nomination and election of board members in the district. If the vacancy occurs on or after such deadline, the appointment shall be for the balance of the unexpired term.

(5) If any school board fails to fill a vacancy on the board, the vacancy may be filled by election at a special election or school district meeting called for that purpose. Such election or meeting shall be called in the same manner and subject to the same procedures as other special elections or school district meetings.

(6) If there are vacancies in the offices of a majority of the members of a school board, the Secretary of State shall conduct a special school district election to fill such vacancies.

Sec. 2. Section 79-1217, Reissue Revised Statutes of Nebraska, is amended to read:

79-1217 (1) All educational service units shall be governed by a board to be known as the Board of Educational Service Unit No. ..... . Until the first Thursday after the first Tuesday in January 2009, the educational service unit board, except the board of an educational service unit with only one member school district, shall be composed of one member from each county and four members at large, all of whom shall reside within the geographical boundaries of the educational service unit, but no more than two of the members at large shall be appointed or elected from the same county unless any one county within the educational service unit has a population in excess of one hundred fifty thousand inhabitants or the educational service unit consists of only one county. Beginning on the first Thursday after the first Tuesday in January 2009, the educational service unit board, except the board of an educational service unit with only one member school district, shall be composed of one member elected to represent each election district established pursuant to section 79-1217.01. Successors to the members initially appointed pursuant to section 79-1212 shall be elected pursuant to section 32-515.

(2) Vacancies in office shall occur as set forth in section 32-560, except as otherwise provided in section 79-1212 regarding the requirement to live in the district represented, or in the case of absences, unless excused by a majority of the remaining members of the board, when a member is absent from the geographical boundaries of the educational service unit for a continuous period of sixty days at one time or from more than two consecutive regular meetings of the board. Whenever any vacancy occurs on the board, the remaining members of such board shall appoint an individual residing within the election district of the educational service unit for which the vacancy exists and meeting

the qualifications for the office to fill such vacancy for the balance of the unexpired term.

(3) Members of the board shall receive no compensation for their services but shall be reimbursed for the actual and necessary expenses incurred in the performance of their duties under the Educational Service Units Act as provided in sections 81-1174 to 81-1177.

(4) Except as provided in subsection (5) of this section, any joint school district located in two or more counties shall be considered a part of the educational service unit in which the greater number of school-age children of such joint school district reside.

(5) Any Class I district which is part of a Class VI district shall be considered a part of the educational service unit of which the Class VI district is a member. If the Class VI district has removed itself from an educational service unit, each Class I district which is part of such Class VI district may continue its existing membership in an educational service unit or may change its status relative to membership in an educational service unit in accordance with section 79-1209. The patrons of a Class I district maintaining membership in an educational service unit pursuant to this subsection shall have the same rights and privileges as other patrons of the educational service unit, and the taxable valuation of the taxable property within the geographic boundaries of such Class I district shall be subject to the educational service unit's tax levy established pursuant to section 79-1225.

(6) The administrator of each educational service unit, prior to July 1 of each year in which a statewide primary election is to be held, shall certify to the election commissioner or county clerk of each county located within the unit the corporate name of each school district, as described in section 79-405, located within the county. If a school district is a joint school district located in two or more counties, the administrator shall certify to each election commissioner or county clerk the educational service unit of which the school district is considered to be a part.

(7) Educational service units with only one member school district shall be governed by the school board of such school district.

Sec. 3. Original sections 32-570 and 79-1217, Reissue Revised Statutes of Nebraska, are repealed.

(Signed) Greg Adams, Chairperson

Revenue

LEGISLATIVE BILL 975. Placed on General File.

LEGISLATIVE BILL 1031. Placed on General File with amendment.
AM2040
1. On page 3, line 6; and page 8, line 13, before the underscored period insert "through fiscal year 2016-17".

LEGISLATIVE BILL 1032. Placed on General File with amendment.
AM2039
1. On page 3, line 9; and page 8, line 18, strike "2011-12", show as stricken, and insert "2016-17".

(Signed) Abbie Cornett, Chairperson

MESSAGE FROM THE GOVERNOR

February 25, 2010

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

Dear Mr. O'Donnell:

Engrossed Legislative Bill 711e was received, signed, and delivered to the Secretary of State earlier today.

Sincerely,
(Signed) Dave Heineman
Governor

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 322, 323, 325, 326, 327, 328, 329, 330, and 331 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 322, 323, 325, 326, 327, 328, 329, 330, and 331.

ANNOUNCEMENT

The Chair announced today is Senator Fischer's and Senator Sullivan's birthdays.

GENERAL FILE

LEGISLATIVE BILL 951A. Title read. Considered.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 5 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 910A. Title read. Considered.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 6 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 817. Committee AM1964, found on page 574 and considered on page 679, was renewed.

The committee amendment was adopted with 41 ayes, 1 nay, 3 present and not voting, and 4 excused and not voting.

Senator Ashford withdrew his amendment, AM1976, found on page 612.

Senator Council withdrew her amendment, AM2048, found on page 687.

Advanced to Enrollment and Review Initial with 44 ayes, 1 nay, 1 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 1002. Title read. Considered.

SENATOR LANGEMEIER PRESIDING

Committee AM1841, found on page 559, was considered.

Senator Louden renewed his amendment, AM1991, found on page 625, to the committee amendment.

SENATOR CARLSON PRESIDING

Pending.

RESOLUTIONS

LEGISLATIVE RESOLUTION 336. Introduced by Flood, 19.

WHEREAS, the Madison High School wrestling team won a share of the 2010 Class C State Wrestling Championship, the school's second team championship in three years; and

WHEREAS, Madison High School finished the state tournament in a first-place tie with Mitchell High School at 122 points, with both schools named co-champions of Class C, the first co-championship since 1947; and

WHEREAS, individual championships by Kurt Ruh and Kyle Ruh helped to lead Madison High School to the state championship; 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, SECOND SESSION:

1. That the Legislature congratulates the Madison High School wrestling team on winning the 2010 Class C State Wrestling Championship.

2. That a copy of this resolution be sent to the Madison High School wrestling team and their coach, Kenny Loosvelt.

Laid over.

LEGISLATIVE RESOLUTION 337. Introduced by Flood, 19.

WHEREAS, Jaden Moore, an esteemed resident of Norfolk, Nebraska, and a student at Norfolk Middle School, has achieved national recognition for exemplary volunteer service by receiving a 2010 Prudential Spirit of Community Award; and

WHEREAS, this prestigious award, presented by Prudential Financial in partnership with the National Association of Secondary School Principals, honors young volunteers across America who have demonstrated an extraordinary commitment to serving their communities; and

WHEREAS, Jaden Moore earned this award by giving generously of her time and energy to a project which made hundreds of colorful pillow cases for sick and abused children. Jaden helped to collect fabric and monetary donations for the project, spent countless hours creating the pillowcases, and delivered the pillowcases to a hospital pediatric ward and a child advocacy center; and

WHEREAS, the success of the State of Nebraska, the strength of our communities, and the overall vitality of American society depend, in great measure, upon the dedication of young people like Jaden Moore who use their considerable talents and resources to serve others.

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

1. That the Legislature congratulates and honors Jaden Moore as a recipient of a Prudential Spirit of Community Award, recognizes her outstanding record of volunteer service, peer leadership, and community spirit, and extends best wishes for her continued success and happiness.

2. That a copy of this resolution be sent to Jaden Moore.

Laid over.

LEGISLATIVE RESOLUTION 338. Introduced by Harms, 48.

WHEREAS, Willie Schwartzkopf of Mitchell High School won the 2010 Class C State Wrestling Championship in the 171-pound division; and

WHEREAS, Willie Schwartzkopf defeated Nyle Bartling of Syracuse High School 10-3 to win the state championship; 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, SECOND SESSION:

1. That the Legislature congratulates Willie Schwartzkopf on winning the 2010 Class C State Wrestling Championship in the 171-pound division.

2. That a copy of this resolution be sent to Willie Schwartzkopf.

Laid over.

LEGISLATIVE RESOLUTION 339. Introduced by Harms, 48.

WHEREAS, Jordan Debus of Mitchell High School won the 2010 Class C State Wrestling Championship in the 189-pound division; and

WHEREAS, Jordan Debus defeated Lucas Kastl of David City High School 12-2 to win the state championship; 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, SECOND SESSION:

1. That the Legislature congratulates Jordan Debus on winning the 2010 Class C State Wrestling Championship in the 189-pound division.

2. That a copy of this resolution be sent to Jordan Debus.

Laid over.

LEGISLATIVE RESOLUTION 340. Introduced by Harms, 48.

WHEREAS, Tyler Nation of Scottsbluff High School won the 2010 Class B State Wrestling Championship in the 125-pound division; and

WHEREAS, Tyler Nation defeated Zane Sackett of Skutt Catholic High School 5-3 to win the state championship; 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, SECOND SESSION:

1. That the Legislature congratulates Tyler Nation on winning the 2010 Class B State Wrestling Championship in the 125-pound division.

2. That a copy of this resolution be sent to Tyler Nation.

Laid over.

LEGISLATIVE RESOLUTION 341. Introduced by Harms, 48.

WHEREAS, the Mitchell High School wrestling team won a share of the 2010 Class C State Wrestling Championship, the school's first-ever team championship; and

WHEREAS, Mitchell High School finished the state tournament in a first-place tie with Madison High School at 122 points, with both schools named co-champions of Class C, the first co-championship since 1947; and

WHEREAS, Mitchell High School rallied on the final day of the tournament to tie Madison High School through individual championships by Willie Schwartzkopf and Jordan Debus; 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, SECOND SESSION:

1. That the Legislature congratulates the Mitchell High School wrestling team on winning the 2010 Class C State Wrestling Championship.

2. That a copy of this resolution be sent to the Mitchell High School wrestling team and their coach, Joe Yauney.

Laid over.

AMENDMENTS - Print in Journal

Senator Christensen filed the following amendment to LB817:
AM2035

(Amendments to Standing Committee amendments, AM1964)

1. Insert the following new section:

Sec. 2. Section 28-1416, Reissue Revised Statutes of Nebraska, is amended to read:

28-1416 (1) In any prosecution based on conduct which is justifiable under sections 28-1406 to 28-1416, justification is an affirmative defense.

(2) The fact that conduct is justifiable under sections 28-1406 to 28-1416 ~~does not abolish or impair~~ abolishes any remedy for such conduct which is available in any civil action.

2. On page 2, line 18, after "sections" insert "28-1416 and".

3. Renumber the remaining sections accordingly.

Senator Adams filed the following amendment to LB1006:
AM2055

1. On page 5, line 9, strike "immediately preceding" and insert "of the calendar year in which"; and in line 10 after "admission" insert "begins".

Senator Lathrop filed the following amendment to LB1090:
AM2050

1. On page 2, after line 16 insert "$1,450,000 for Tort Claim Number 2008-02412 against the Department of Roads, pay to

James Schafer, in trust for Tom Wolfe, out of the Roads Operations Cash Fund.".

2. On page 3, line 1, strike "$32,973.56" and insert "$1,482,973.56"; and in line 3 strike "$403.842.80" and insert "$1,853,842.80".

NOTICE OF COMMITTEE HEARING

Business and Labor

Room 2102

Tuesday, March 9, 2010 1:00 p.m.

AM2050 to LB1090

(Signed) Steve Lathrop, Chairperson

VISITORS

Visitors to the Chamber were members of Nebraska Fraternal Congress and Special Olympians from across the state; and Senator Wightman's daughter-in-law and granddaughter, Gail and Kate Wightman, from Lexington.

RECESS

At 11:53 a.m., on a motion by Speaker Flood, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Flood presiding.

ROLL CALL

The roll was called and all members were present except Senators Giese and Pahls who were excused; and Senators Ashford, Cornett, Dierks, and Heidemann who were excused until they arrive.

REFERENCE COMMITTEE REPORT

The Executive Board submits the following report:

LB/LR	Committee
LB381	Revenue (rereferred)
LR335	Executive Board

(Signed) John Wightman, Chairperson
Executive Board

COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 951A. Placed on Select File.
LEGISLATIVE BILL 910A. Placed on Select File.

(Signed) Jeremy Nordquist, Chairperson

GENERAL FILE

LEGISLATIVE BILL 1002. Senator Louden renewed his amendment, AM1991, found on page 625 and considered in this day's Journal, to the committee amendment.

SENATOR ROGERT PRESIDING

The Louden amendment was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Committee AM1841, found on page 559 and considered in this day's Journal, as amended, was renewed.

The committee amendment, as amended, was adopted with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 27 ayes, 13 nays, 6 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 952. Title read. Considered.

PRESIDENT SHEEHY PRESIDING

Committee AM1945, found on page 567, was considered.

Pending.

COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 579. Placed on Final Reading Second.
ST9077

(Final Reading copy)

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 5, line 4, "(11)" has been struck and "(11)(a)" inserted; in line 11 "(b)" has been inserted before "The"; in line 13 "(a)" has been struck and "(i)" inserted; in line 19 "(b)" has been struck and "(ii)" inserted; and in line 25 "(c)" has been struck and "(iii)" inserted.

2. On page 11, line 24, "financials" has been struck and "financial statements" inserted.

3. On page 12, line 17, "organization" has been inserted after "employer".

4. On page 22, line 11, "act" has been struck and "Professional Employer Organization Registration Act" inserted.

(Signed) Jeremy Nordquist, Chairperson

COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 817. Placed on Select File with amendment.
ER8176

1. In the Standing Committee amendments, AM1964:

a. On page 1, line 14, reinstate the stricken comma; and

b. On page 2, line 18, strike "sections" and insert "section".

2. On page 1, strike beginning with "handguns" in line 1 through line 5 and insert "firearms; to amend section 69-2403, Reissue Revised Statutes of Nebraska, and section 28-1212.04, Revised Statutes Supplement, 2009; to change prohibitions regarding the discharge of firearms in certain cities, villages, and counties; to exempt permitholders under the Concealed Handgun Permit Act and peace officers from the requirement to obtain a certificate to purchase a handgun; and to repeal the original sections.".

(Signed) Jeremy Nordquist, Chairperson

COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 410. Placed on General File.
LEGISLATIVE BILL 852. Placed on General File.
LEGISLATIVE BILL 947. Placed on General File.

LEGISLATIVE BILL 767. Placed on General File with amendment.
AM1820

1. Strike the original sections and insert the following new sections:

Section 1. Section 23-192, Revised Statutes Supplement, 2009, is amended to read:

23-192 (1) No ordinance adopted pursuant to sections 23-187 to 23-193 shall be effective within the corporate boundaries of any incorporated city or village located in whole or in part within the county. No ordinance adopted pursuant to sections 23-187 to 23-193 shall be effective within the area outside of the corporate boundaries of any city or village in which such city or village has been granted and is exercising powers by ordinance on

a similar subject matter. Every county ordinance adopted pursuant to sections 23-187 to 23-193 shall include one section defining the area of the county within which the county ordinance is effective. The ordinance shall be amended to reflect any changes in the area of the county's jurisdiction resulting from (a) annexation by a city or village, (b) action by a city or village to adopt an ordinance regarding similar subject matter to that of the county ordinance if the city or village ordinance is to be effective in areas beyond its corporate boundary, or (c) any changes in the area of jurisdiction of the city or village regarding such city or village ordinance.

(2) Before a county adopts an ordinance under sections 23-187 to 23-193, the county clerk shall provide a copy of the text of the ordinance to the clerk of each city and village within the county no later than seven days after the first reading of the ordinance or the public hearing on the ordinance, whichever occurs first. Within seven days after receiving a copy of the ordinance, the city or village shall respond to the county and provide a copy of any ordinance specifying where the city or village is enforcing an ordinance on similar subject matter outside its corporate boundaries. Any ordinance adopted by the county shall not be effective in the area in which the city or village is exercising jurisdiction. Prior to the adoption of the county ordinance, the section of the ordinance that defines the area of county jurisdiction shall be amended to show the removal of the area of the jurisdiction of such city or village as indicated in the city or village ordinance provided to the county from the description of the area within which the county ordinance will be effective. An ordinance adopted under sections 23-187 to 23-193 shall not be effective until fifteen days after its adoption.

(3) Any city or village located in whole or in part within a county that has adopted an ordinance pursuant to sections 23-187 to 23-193 which (a) annexes any territory, (b) adopts an ordinance on similar subject matter to that of the county ordinance and extends the jurisdiction of the city or village under such ordinance to areas beyond its corporate boundaries, or (c) changes the area beyond the corporate boundaries of the city or village within which the city or village exercises jurisdiction by ordinance on similar subject matter to that of the county ordinance shall provide to the county clerk a copy of the ordinance establishing and delineating its jurisdiction or any change to that jurisdiction within seven days after the adoption of the relevant city or village ordinance. Upon the effective date of the city or village ordinance, the county ordinance shall cease to be effective within the area in which the city or village has assumed jurisdiction. The county board shall promptly amend its ordinance to reflect the change in the area within which the county ordinance is effective.

<u>(4) The provisions of section 60-1903 shall apply to any</u>

county having custody of an abandoned motor vehicle pursuant to a county abandoned motor vehicle ordinance.

Sec. 2. Original section 23-192, Revised Statutes Supplement, 2009, is repealed.

LEGISLATIVE BILL 970. Placed on General File with amendment.
AM2023

1. On page 6, lines 17 through 19, strike the new matter; in line 19 strike "An", show as stricken, and insert "In any county other than a county in which is located a city of the primary class, an"; in line 20 reinstate the stricken matter; and in line 22 after the period insert "In any county in which is located a city of the primary class, an appeal of a decision by the county planning commission regarding a conditional use or special exception shall be made to the county board of commissioners or supervisors, and an appeal of a decision by the county board of commissioners or supervisors regarding a conditional use or special exception shall be made to the district court.".

LEGISLATIVE RESOLUTION 301CA. Placed on General File with amendment.
AM2022

1. On page 1, line 15; page 2, lines 3 and 4 and 7 and 8; page 3, lines 8 and 9; and page 4, lines 2 and 3, strike "in which the petition signatures are filed" and insert "following the general election next preceding the general election at which the measure would be on the ballot".

LEGISLATIVE RESOLUTION 273. Reported to the Legislature for further consideration.

LEGISLATIVE RESOLUTION 292. Reported to the Legislature for further consideration.

LEGISLATIVE BILL 777. Indefinitely postponed.
LEGISLATIVE BILL 1009. Indefinitely postponed.
LEGISLATIVE BILL 1015. Indefinitely postponed.
LEGISLATIVE BILL 1039. Indefinitely postponed.
LEGISLATIVE BILL 1059. Indefinitely postponed.

(Signed) Bill Avery, Chairperson

Executive Board

LEGISLATIVE BILL 1109. Placed on General File with amendment.
AM1755

1. Insert the following new sections:

Sec. 6. Section 81-12,105.01, Reissue Revised Statutes of Nebraska, is amended to read:

81-12,105.01 (1) The Microenterprise Development Cash Fund is created. The fund shall be administered by the Department of Economic Development. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

(2) The State Treasurer shall credit to the fund money as is (a) transferred to the fund by the Legislature, (b) paid to the state as fees, deposits, payments, and repayments relating to the fund, both principal and interest, (c) donated as gifts, bequests, or other contributions to such fund from public or private entities, and (d) made available by any department or agency of the United States if so directed by such department or agency.

(3) The fund shall be used by the Department of Economic Development for the purpose of carrying out the Microenterprise Development Act.

(4) The unexpended balance in the fund on the effective date of this act shall lapse to the General Fund on such date.

Sec. 7. Original section 81-12,105.01, Reissue Revised Statutes of Nebraska, is repealed.

2. On page 2, strike beginning with "at" in line 8 through "ten" in line 9 and insert "six"; and in line 9 after the period insert "The executive board shall appoint one of such members as chairperson and one as vice-chairperson.".

3. On page 3, strike beginning with "It" in line 6 through line 11 and insert "It is the intent of the Legislature that $48,000 of General Funds be appropriated to the Legislative Council to provide funding for the Nebraska Innovation and High Wage Employment Act.".

4. Renumber the remaining section accordingly.

(Signed) John Wightman, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 342. Introduced by Utter, 33.

WHEREAS, Austin Wilson of St. Cecilia High School in Hastings, Nebraska, won the 2010 Class C State Wrestling Championship in the 145-pound division; and

WHEREAS, Austin Wilson defeated Tanner Wemhoff of David City High School 16-0 to win the state championship; and

WHEREAS, Austin Wilson finished the season as an undefeated state champion for the second year in a row; 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, SECOND SESSION:

1. That the Legislature congratulates Austin Wilson on winning the 2010 Class C State Wrestling Championship in the 145-pound division.

2. That a copy of this resolution be sent to Austin Wilson.

Laid over.

MESSAGE FROM THE GOVERNOR

February 26, 2010

Mr. President, Speaker Flood and
Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individual is being reappointed to the State Racing Commission:

Dennis Lee, 46105 South 133rd St., Suite 103, Omaha, NE 68137

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

AMENDMENTS - Print in Journal

Senator Cornett filed the following amendment to LB1081:
AM2026

(Amendments to Standing Committee amendments, AM1930)

1. On page 7, line 12, strike the underscored colon and insert "trains"; in line 13 strike the paragraphing and "(a) Trains"; in line 19 strike "(i)" and insert "(a)"; and in line 23 strike "(ii)" and insert "(b)".

2. On page 8, line 3, strike "; and" and insert an underscored period; in line 4 strike the paragraphing and "(b)" and after "positions" insert "shall"; in line 10 strike "credit" and insert "reimbursement"; in line 24 before "The" insert "(1)"; and strike beginning with "in" in line 26 through line 27.

3. On page 9, line 1, strike "allowance" through

"transferred"; in line 4 strike the underscored semicolon and insert an underscored period; in line 8 strike "; and" and insert an underscored period.

Senator Gay filed the following amendment to LB1036:
AM2066

(Amendments to Standing Committee amendments, AM1839)

1. Strike amendment 6 and insert the following new amendments:

6. On page 20, line 25, after "may" insert "not".

10. On page 25, line 22, after "may" insert "not" and strike "unless" and insert "if".

11. On page 32, line 1, after "cardholder" insert "is at least sixteen years of age and".

2. On page 1, strike beginning with the semicolon in line 14 through the last quotation mark in line 15; and in line 22 after the first comma insert "line 1, strike 'unless' and insert 'if'; and in" and strike the second comma.

3. On page 2, strike beginning with "line" in line 3 through the semicolon in line 4 and insert "after line 17 insert the following new subsection:

'(d) The age restrictions of the Revised Uniform Anatomical Gift Act do not nullify any designation of gift made on a driver's license or state identification card prior to the operative date of this act by a person younger than sixteen years of age which was valid when made. Such person shall be considered a donor under the act, and if such a donor who is an unemancipated minor dies, a parent of the donor who is reasonably available may revoke or amend an anatomical gift of the donor's body or part.';".

4. Renumber the remaining amendments accordingly.

Senator Lautenbaugh filed the following amendment to LB888:
AM2041

1. Insert the following new section:

Sec. 100. Section 21-2654, Revised Statutes Supplement, 2009, is amended to read:

21-2654 (1) On application to a court of competent jurisdiction by any judgment creditor of a member or transferee, the court may charge the transferable interest of the judgment debtor in the limited liability company with payment of the unsatisfied amount of the judgment with interest. To the extent of the amounts so charged, the judgment creditor has only the rights of the transferee to receive any distribution to which the judgment debtor would otherwise have been entitled with respect to the interest of the judgment debtor in the limited liability company.

(2) A charging order entered pursuant to this section constitutes a lien on the judgment debtor's transferable interest in the limited liability company.

(3) To the extent necessary to effectuate the collection

of distributions pursuant to a charging order in effect under subsection (1) of this section, the court may (a) appoint a receiver of the distribution subject to the charging order, and the receiver shall have the power to make all inquiries the judgment debtor might have made, and (b) make all other orders necessary to give effect to the charging order.

(4) Upon a showing that distributions under a charging order will not pay the judgment debt within a reasonable time, the court may foreclose the lien and order the sale of the transferable interest. The purchaser at the foreclosure sale only obtains the transferable interest and does not become a member of the limited liability company.

(5) At any time before completion of the foreclosure sale under subsection (4) of this section, the member or transferee whose transferable interest is subject to a charging order under subsection (1) of this section may extinguish the charging order by satisfying the judgment and filing a certified copy of the satisfaction with the court that issued the charging order.

(6) At any time before completion of the foreclosure sale under subsection (4) of this section, a limited liability company or one or more members whose transferable interests are not subject to the charging order may pay to the judgment creditor the full amount due under the judgment and thereby succeed to the rights of the judgment creditor, including the charging order.

~~(3)~~ (7) This section does not deprive any member or transferee of the benefit of any exemption laws applicable to the member's or transferee's interest in the limited liability company.

(8) This section provides the exclusive remedy by which a person seeking to enforce a judgment against a member or transferee may, in the capacity of judgment creditor, satisfy the judgment from the judgment debtor's transferable interest.

~~(4) The entry of a charging order pursuant to this section is the exclusive remedy by which a judgment creditor of a member or transferee may satisfy a judgment out of the judgment debtor's interest in the limited liability company.~~

~~(5) No creditor of a member of a limited liability company shall have any right to obtain possession of, or otherwise exercise legal or equitable remedies with respect to, the property of the limited liability company.~~

~~(6) A third party shall not be liable to a judgment creditor for distributions made by such third party directly to the judgment debtor that were made in good faith at the direction of the limited liability company.~~

~~(7) This section applies to all limited liability companies authorized under the Limited Liability Company Act.~~

2. On page 52, line 25; and page 53, line 6, strike "foreclosure" and insert "completion of the foreclosure sale".

3. On page 129, line 25, strike "section" and insert

"sections" and after "21-2601" insert "and 21-2654".

4. Renumber the remaining sections accordingly.

VISITORS

Visitors to the Chamber were Dolores Mather from Lincoln, Lonnie Hilliard, Artur Ghazinyan from Armenia, Igor Tabak from Croatia, Jasper Barenberg from Germany, Krisztina Nora Kovacs from Hungary, Sandis Sraders from Latvia, and Dr. John Bonello from Malta.

The Doctor of the Day was Dr. Kelly Collins from Bellevue.

ADJOURNMENT

At 4:03 p.m., on a motion by Speaker Flood, the Legislature adjourned until 9:00 a.m., Tuesday, March 2, 2010.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

THIRTY-FIFTH DAY - MARCH 2, 2010

LEGISLATIVE JOURNAL

ONE HUNDRED FIRST LEGISLATURE
SECOND SESSION

THIRTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 2, 2010

PRAYER

The prayer was offered by Reverend Ryan Lewis, St. Thomas More Church, Omaha.

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 Pahls and White who were excused; and Senator Ashford who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-fourth day was approved.

COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 1002. Placed on Select File with amendment.
ER8177

1. On page 1, strike beginning with "revenue" in line 1 through line 7 and insert "political subdivisions; to amend section 81-2504, Reissue Revised Statutes of Nebraska; to define terms; to provide for applications for state assistance; to provide for notice and a hearing; to provide powers and duties for the Commission on Indian Affairs; to create a fund; to provide a termination date; to harmonize provisions; to provide an operative date; and to repeal the original section.".

(Signed) Jeremy Nordquist, Chairperson

NOTICE OF COMMITTEE HEARING
Revenue

Room 1524

Wednesday, March 10, 2010 4:00 p.m.

LB381

(Signed) Abbie Cornett, Chairperson

MOTION - Approve Appointment

Senator Pankonin moved the adoption of the Nebraska Retirement Systems Committee report for the confirmation of the following appointment(s) found on page 688:
Public Employees Retirement Board
Randall Rehmeier

Voting in the affirmative, 36:

Avery	Fischer	Howard	McGill	Stuthman
Campbell	Flood	Janssen	Mello	Sullivan
Christensen	Gay	Karpisek	Nordquist	Wallman
Coash	Giese	Krist	Pankonin	Wightman
Cook	Gloor	Langemeier	Pirsch	
Cornett	Haar	Lautenbaugh	Price	
Dierks	Hadley	Louden	Rogert	
Dubas	Hansen	McCoy	Schilz	

Voting in the negative, 0.

Present and not voting, 9:

Adams	Conrad	Fulton	Heidemann	Utter
Carlson	Council	Harms	Lathrop	

Excused and not voting, 4:

Ashford	Nelson	Pahls	White

The appointment was confirmed with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 1036. Title read. Considered.

Committee AM1839, found on page 600, was considered.

Senator Gay renewed his amendment, AM2066, found on page 709, to the committee amendment.

Due to computer network problems, all subsequent votes were taken by voice vote, unless a request for a roll call vote was made by a member.

The Gay amendment was adopted.

The committee amendment, as amended, was adopted.

Senator Council offered the following amendment:
AM2083
1. On page 23, line 14, after "acts" insert "with reasonable care".

The Council amendment was adopted.

Advanced to Enrollment and Review Initial.

LEGISLATIVE BILL 919. Title read. Considered.

Committee AM1848, found on page 591, was adopted with 40 ayes, 0 nays, 5 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 4 present and not voting, and 4 excused and not voting.

NOTICE OF COMMITTEE HEARING

Executive Board

Room 2102

Monday, March 15, 2010 12:00 p.m.

LR335

(Signed) John Wightman, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 888A. Introduced by Conrad, 46.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 888, One Hundred First Legislature, Second Session, 2010.

REFERENCE COMMITTEE REPORT

The Executive Board submits the following report:

Lee, Dennis - State Racing Commission - General Affairs

(Signed) John Wightman, Chairperson
Executive Board

GENERAL FILE

LEGISLATIVE BILL 937. Title read. Considered.

SENATOR LANGEMEIER PRESIDING

Committee AM1949, found on page 595, was considered.

Senator Fischer renewed her amendment, AM1987, found on page 637, to the committee amendment.

PRESIDENT SHEEHY PRESIDING

Senator Fischer moved for a call of the house. The motion prevailed with 32 ayes, 0 nays, and 17 not voting.

Senator Fischer requested a roll call vote, in reverse order, on her amendment.

Voting in the affirmative, 27:

Avery	Fischer	Heidemann	Louden	Utter
Campbell	Fulton	Howard	McCoy	Wallman
Carlson	Gay	Janssen	Pirsch	Wightman
Christensen	Gloor	Karpisek	Price	
Coash	Hadley	Krist	Schilz	
Dierks	Hansen	Lautenbaugh	Stuthman	

Voting in the negative, 14:

Adams	Cook	Flood	Lathrop	Nordquist
Ashford	Cornett	Giese	McGill	Sullivan
Conrad	Council	Haar	Mello	

Present and not voting, 4:

Harms	Langemeier	Pankonin	Rogert

Excused and not voting, 4:

Dubas	Nelson	Pahls	White

The Fischer amendment was adopted with 27 ayes, 14 nays, 4 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

The committee amendment, as amended, was adopted with 30 ayes, 11 nays, 4 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 10 nays, and 4 excused and not voting.

COMMITTEE REPORT

Banking, Commerce and Insurance

LEGISLATIVE BILL 931. Placed on General File with amendment.
AM2047 is available in the Bill Room.

(Signed) Pete Pirsch, Vice Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 343. Introduced by Hadley, 37.

WHEREAS, Matthew Stubbs of Minden, 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, Matthew 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; and

WHEREAS, only five percent of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Matthew, through his hard work and perseverance, has joined 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 HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates Matthew Stubbs on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Matthew Stubbs.

Laid over.

AMENDMENT - Print in Journal

Senator Avery filed the following amendment to LB1021:

AM2033

(Amendments to Standing Committee amendments, AM1969)

1. On page 5, strike beginning with "High" in line 4 through "Act" in line 5 and insert "requirements of sections 4 to 7 of this act"; and in line 9 strike "The act does" and insert "Sections 4 to 7 of this act do".

2. On page 6, lines 23 and 24; page 8, lines 3 through 5 and 26 and 27; page 9, lines 24 and 25; page 11, lines 13 and 14 and 19 and 20; and page 12, lines 3 and 4, 9 and 10, and 18 and 19, strike "the High School Activities Association Meetings and Records Availability Act" and insert "sections 4 to 7 of this act".

3. On page 6, line 25; and page 7, line 1, strike "board" and insert "body".

4. On page 7, line 24, strike "board's" and insert "body's".

5. On page 12, line 12, strike "public" and insert "association governing".

ANNOUNCEMENT

Senator Karpisek announced the General Affairs Committee will hold an executive session Wednesday, March 3, 2010, at 4:00 p.m., in Room 1015.

VISITORS

Visitors to the Chamber were Senator Sullivan's husband, Mike Sullivan, from Cedar Rapids; Marie and Jacob Baumgartner from Lincoln; members of Change to Win Coalition-Teamsters, Laborers, Brotherhood of Locomotive Engineers, and UFCW from across the state; and Phil Shaw from Auburn and Bob Sieck from Lincoln.

RECESS

At 11:42 a.m., on a motion by Speaker Flood, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Sheehy presiding.

ROLL CALL

The roll was called and all members were present except Senators Pahls and White who were excused; and Senators Ashford, Campbell, Cornett, Council, Dierks, Nelson, and Utter who were excused until they arrive.

SELECT FILE

LEGISLATIVE BILL 1006. ER8166, found on page 641, was adopted.

Senator Adams renewed his amendment, AM2055, found on page 701.

The Adams amendment was adopted with 34 ayes, 0 nays, 6 present and not voting, and 9 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 865. ER8165, found on page 641, was adopted.

Senator Fischer offered the following amendment:
AM2078
(Amendments to E & R amendments, ER8165)
1. On page 2, line 16, strike "used for food or fiber".

The Fischer amendment was adopted with 30 ayes, 0 nays, 10 present and not voting, and 9 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 910. ER8168, found on page 641, was adopted.

Senator Carlson offered the following amendment:
AM2075
(Amendments to E & R amendments, ER8168)
1. On page 4, strike beginning with "to" in line 5 through "shall" in line 6 and insert "and"; in line 7 strike "Such" and insert "If the person collecting the fee is the licensing jurisdiction, the three cents shall be credited to the licensing jurisdiction's general fund. If the person collecting the fee is a private contractor, the three cents shall be credited to

an account of the private contractor. The"; in line 8 after "remittance" insert "to the State Treasurer"; and in line 10 after "jurisdiction" insert "or private contractor".

The Carlson amendment was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 910A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 770. ER8167, found on page 641, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 888. ER8170, found on page 680, was adopted.

Senator Conrad renewed her amendment, AM1847, found on page 622.

The Conrad amendment was adopted with 28 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

Senator Lautenbaugh renewed his amendment, AM2041, found on page 709.

The Lautenbaugh amendment was adopted with 29 ayes, 0 nays, 11 present and not voting, and 9 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 821. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE RESOLUTION 295CA. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 689. ER8169, found on page 680, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 764. Considered.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 805. ER8173, found on page 691, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 951. ER8171, found on page 692, was adopted.

Senator Avery offered the following amendment:
AM2061

1. Insert the following new sections:

Sec. 2. Section 32-604, Reissue Revised Statutes of Nebraska, is amended to read:

32-604 (1) Except as provided in subsection (2) or (4) of this section, no person shall be precluded from being elected or appointed to or holding an elective office for the reason that he or she has been elected or appointed to or holds another elective office.

(2) No person serving as a member of the Legislature or in an elective office described in Article IV, section 1 or 20, or Article VII, section 3 or 10, of the Constitution of Nebraska shall simultaneously serve in any other elective office, except that such a person may simultaneously serve in another elective office which is filled at an election held in conjunction with the annual meeting of a public body.

(3) Whenever an incumbent serving as a member of the Legislature or in an elective office described in Article IV, section 1 or 20, or Article VII, section 3 or 10, of the Constitution of Nebraska assumes another elective office, except an elective office filled at an election held in conjunction with the annual meeting of a public body, the office first held by the incumbent shall be deemed vacant.

(4) No person serving in a high elective office shall simultaneously serve in any other high elective office, except that a county attorney may serve as the county attorney for more than one county if appointed under subsection (2) of section 23-1201.01.

(5) Notwithstanding ~~subsections (2) through~~ subsection (4) of this section, any person holding more than one high elective office upon ~~September 13, 1997,~~ the effective date of this act, shall be entitled to serve the remainder of all terms for which he or she was elected or appointed.

(6) For purposes of this section, (a) elective office has the meaning found in section 32-109 and includes an office which is filled at an election held in conjunction with the annual meeting of a public body created by an act of the Legislature but does not include a member of a learning community coordinating council appointed pursuant to subsection (5) or (7) of section 32-546.01 and (b) high elective office means a member of the Legislature, an elective office described in Article IV, section 1 or 20, or Article VII, section 3 or 10, of the Constitution of Nebraska, or a county, city, community college area, learning community, or school district elective office.

Sec. 4. Section 32-915, Reissue Revised Statutes of Nebraska, is amended to read:

32-915 (1) A person whose name does not appear on the

precinct list of registered voters at the polling place for the precinct in which he or she resides or whose name appears with a notation that he or she received a ballot for early voting may vote a provisional ballot if he or she:

(a) Claims that he or she is a registered voter who has continuously resided in the county in which the precinct is located since registering to vote;

(b) Is not entitled to vote under section 32-914.01 or 32-914.02;

(c) Has not registered to vote or voted in any other county since registering to vote in the county in which the precinct is located;

(d) Has appeared to vote at the polling place for the precinct to which the person would be assigned based on his or her residence address; and

(e) Completes and signs a registration application before voting.

(2) A voter whose name appears on the precinct list of registered voters for the polling place with a notation that the voter is required to present identification pursuant to section 32-318.01 but fails to present identification may vote a provisional ballot if he or she completes and signs a registration application before voting.

(3) Each person voting by provisional ballot shall enclose his or her ballot in an envelope marked Provisional Ballot and shall, by signing the certification on the front of the envelope or a separate form attached to the envelope, certify to the following facts:

(a) I am a registered voter in ..... County;

(b) My name <u>or address</u> did not <u>correctly</u> appear on the precinct list of registered voters;

(c) I registered to vote on or about this date .....;

(d) I registered to vote

.... in person at the election office or a voter registration site,

.... by mail,

.... on a form through the Department of Motor Vehicles,

.... on a form through another state agency,

.... in some other way;

(e) I have not resided outside of this county or voted outside of this county since registering to vote in this county;

(f) My current address is shown on the registration application completed as a requirement for voting by provisional ballot; and

(g) I am eligible to vote in this election and I have not voted and will not vote in this election except by this ballot.

(4) The voter shall sign the certification under penalty of election falsification. The following statements shall be on

the front of the envelope or on the attached form: By signing the front of this envelope or the attached form you are certifying to the information contained on this envelope or the attached form under penalty of election falsification. Election falsification is a Class IV felony and may be punished by up to five years imprisonment, a fine of up to ten thousand dollars, or both.

(5) If the person's name does not appear on the precinct list of registered voters for the polling place and the judge or clerk of election determines that the person's residence address is located in another precinct within the same county, the judge or clerk of election shall direct the person to his or her correct polling place to vote.

Sec. 7. In addition to the requirements of 20 U.S.C. 1094(a)(23), the University of Nebraska, each state college, and each community college shall provide information furnished by the Secretary of State on early voting prior to each statewide primary and general election to each student enrolled in a degree or certificate program and physically in attendance at the institution. The information shall include instructions on early voting and an application to request a ballot for early voting. The institution may provide the information electronically.

2. Renumber the remaining sections and correct internal references and the repealer accordingly.

Pending.

EXPLANATION OF VOTES

Had I been present, I would have voted "aye" on final passage of LBs 190, 190A, 690, 691, 736, 751, 650, 650A, 698, 721, 722, 731, 738, 743, 749, 791, 798, 814, 871, 667, 705, 708, 725, 762, 788, 797, 806, 816, 832, 873, 911, 226, 512, 643, 711, 723, 746, 787, 848, 867, 890, 891, 892, and 914.

(Signed) Robert Giese

RESOLUTIONS

LEGISLATIVE RESOLUTION 344. Introduced by Giese, 17.

WHEREAS, Kalin Koch won the 2010 Class D State Wrestling Championship in the 140-pound division; and

WHEREAS, Kalin Koch, a senior at Winside High School, defeated Joe Brown of Oakland-Craig High School 13-7 to win the state championship; and

WHEREAS, the state championship gave Kalin Koch his fourth state medal, as he finished sixth in the 135-pound division in 2007, fourth in the 130-pound division in 2008, and third in the 140-pound division in 2009; and

WHEREAS, Kalin Koch's father, Mark Koch, won the 1982 Class D State Wrestling Championship in the 119-pound division, making Kalin the fifth Winside wrestler to join his father as a state champion; 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, SECOND SESSION:

1. That the Legislature congratulates Kalin Koch on winning the 2010 Class D State Wrestling Championship in the 140-pound division.

2. That a copy of this resolution be sent to Kalin Koch.

Laid over.

LEGISLATIVE RESOLUTION 345. Introduced by Giese, 17.

WHEREAS, Josh Watchorn won the 2010 Class D State Wrestling Championship in the 215-pound division; and

WHEREAS, Josh Watchorn, a senior at Ponca High School, defeated Adam Crouch of Anselmo-Merna High School 5-3 to win the state championship; and

WHEREAS, the state championship gave Josh Watchorn his second state medal, as he finished third in the 215-pound division in 2009; 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, SECOND SESSION:

1. That the Legislature congratulates Josh Watchorn on winning the 2010 Class D State Wrestling Championship in the 215-pound division.

2. That a copy of this resolution be sent to Josh Watchorn.

Laid over.

COMMITTEE REPORTS

Natural Resources

The Natural Resources 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.

Jerrod Burke - Game and Parks Commission

Aye: 8 Senators Carlson, Cook, Dubas, Fischer, Haar, Langemeier, McCoy, Schilz. Nay: 0. Absent: 0. Present and not voting: 0.

LEGISLATIVE BILL 895. Placed on General File.
LEGISLATIVE BILL 993. Placed on General File.

LEGISLATIVE BILL 1025. Indefinitely postponed.

(Signed) Chris Langemeier, Chairperson

GENERAL FILE

LEGISLATIVE BILL 763. Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 2 nays, 11 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 1087. Title read. Considered.

Committee AM2034, found on page 685, was considered.

SPEAKER FLOOD PRESIDING

The committee amendment was adopted with 39 ayes, 0 nays, 4 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 4 present and not voting, and 6 excused and not voting.

COMMITTEE REPORT
Revenue

LEGISLATIVE BILL 779. Placed on General File with amendment.
AM2038 is available in the Bill Room.

(Signed) Abbie Cornett, Chairperson

AMENDMENTS - Print in Journal

Senator Karpisek filed the following amendment to LB258:
AM2006

(Amendments to E & R amendments, ER8164)

1. Insert the following new section:

Section 1. Section 28-416, Reissue Revised Statutes of Nebraska, is amended to read:

28-416 (1) Except as authorized by the Uniform Controlled Substances Act, it shall be unlawful for any person knowingly or intentionally: (a) To manufacture, distribute, deliver, dispense, or possess with intent to manufacture, distribute, deliver, or dispense a controlled substance; or (b) to create, distribute, or possess with intent to distribute a counterfeit controlled substance.

(2) Except as provided in subsections (4), (5), (7), (8), (9), and (10) of this section, any person who violates subsection (1) of this section with respect to: (a) A controlled substance

classified in Schedule I, II, or III of section 28-405 which is an exceptionally hazardous drug shall be guilty of a Class II felony; (b) any other controlled substance classified in Schedule I, II, or III of section 28-405 shall be guilty of a Class III felony; or (c) a controlled substance classified in Schedule IV or V of section 28-405 shall be guilty of a Class IIIA felony.

(3) A person knowingly or intentionally possessing a controlled substance, except marijuana, unless such substance was obtained directly or pursuant to a medical order issued by a practitioner authorized to prescribe while acting in the course of his or her professional practice, or except as otherwise authorized by the act, shall be guilty of a Class IV felony.

(4)(a) Except as authorized by the Uniform Controlled Substances Act, any person eighteen years of age or older who knowingly or intentionally manufactures, distributes, delivers, dispenses, or possesses with intent to manufacture, distribute, deliver, or dispense a controlled substance or a counterfeit controlled substance (i) to a person under the age of eighteen years, (ii) in, on, or within one thousand feet of the real property comprising a public or private elementary, vocational, or secondary school, a community college, a public or private college, junior college, or university, or a playground, or (iii) within one hundred feet of a public or private youth center, public swimming pool, or video arcade facility shall be punished by the next higher penalty classification than the penalty prescribed in subsection (2), (7), (8), (9), or (10) of this section, depending upon the controlled substance involved, for the first violation and for a second or subsequent violation shall be punished by the next higher penalty classification than that prescribed for a first violation of this subsection, but in no event shall such person be punished by a penalty greater than a Class IB felony.

(b) For purposes of this subsection:

(i) Playground shall mean any outdoor facility, including any parking lot appurtenant to the facility, intended for recreation, open to the public, and with any portion containing three or more apparatus intended for the recreation of children, including sliding boards, swingsets, and teeterboards;

(ii) Video arcade facility shall mean any facility legally accessible to persons under eighteen years of age, intended primarily for the use of pinball and video machines for amusement, and containing a minimum of ten pinball or video machines; and

(iii) Youth center shall mean any recreational facility or gymnasium, including any parking lot appurtenant to the facility or gymnasium, intended primarily for use by persons under eighteen years of age which regularly provides athletic, civic, or cultural activities.

(5)(a) Except as authorized by the Uniform Controlled Substances Act, it shall be unlawful for any person eighteen years of age or older to knowingly and intentionally employ, hire,

use, cause, persuade, coax, induce, entice, seduce, or coerce any person under the age of eighteen years to manufacture, transport, distribute, carry, deliver, dispense, prepare for delivery, offer for delivery, or possess with intent to do the same a controlled substance or a counterfeit controlled substance.

(b) Except as authorized by the Uniform Controlled Substances Act, it shall be unlawful for any person eighteen years of age or older to knowingly and intentionally employ, hire, use, cause, persuade, coax, induce, entice, seduce, or coerce any person under the age of eighteen years to aid and abet any person in the manufacture, transportation, distribution, carrying, delivery, dispensing, preparation for delivery, offering for delivery, or possession with intent to do the same of a controlled substance or a counterfeit controlled substance.

(c) Any person who violates subdivision (a) or (b) of this subsection shall be punished by the next higher penalty classification than the penalty prescribed in subsection (2), (7), (8), (9), or (10) of this section, depending upon the controlled substance involved, for the first violation and for a second or subsequent violation shall be punished by the next higher penalty classification than that prescribed for a first violation of this subsection, but in no event shall such person be punished by a penalty greater than a Class IB felony.

(6) It shall not be a defense to prosecution for violation of subsection (4) or (5) of this section that the defendant did not know the age of the person through whom the defendant violated such subsection.

(7) Any person who violates subsection (1) of this section with respect to cocaine or any mixture or substance containing a detectable amount of cocaine in a quantity of:

(a) One hundred forty grams or more shall be guilty of a Class IB felony;

(b) At least twenty-eight grams but less than one hundred forty grams shall be guilty of a Class IC felony; or

(c) At least ten grams but less than twenty-eight grams shall be guilty of a Class ID felony.

(8) Any person who violates subsection (1) of this section with respect to base cocaine (crack) or any mixture or substance containing a detectable amount of base cocaine in a quantity of:

(a) One hundred forty grams or more shall be guilty of a Class IB felony;

(b) At least twenty-eight grams but less than one hundred forty grams shall be guilty of a Class IC felony; or

(c) At least ten grams but less than twenty-eight grams shall be guilty of a Class ID felony.

(9) Any person who violates subsection (1) of this section with respect to heroin or any mixture or substance containing a detectable amount of heroin in a quantity of:

(a) One hundred forty grams or more shall be guilty of a Class IB felony;

(b) At least twenty-eight grams but less than one hundred forty grams shall be guilty of a Class IC felony; or

(c) At least ten grams but less than twenty-eight grams shall be guilty of a Class ID felony.

(10) Any person who violates subsection (1) of this section with respect to amphetamine, its salts, optical isomers, and salts of its isomers, or with respect to methamphetamine, its salts, optical isomers, and salts of its isomers, in a quantity of:

(a) One hundred forty grams or more shall be guilty of a Class IB felony;

(b) At least twenty-eight grams but less than one hundred forty grams shall be guilty of a Class IC felony; or

(c) At least ten grams but less than twenty-eight grams shall be guilty of a Class ID felony.

(11) Any person knowingly or intentionally possessing marijuana weighing more than one ounce but not more than one pound shall be guilty of a Class III misdemeanor.

(12) Any person knowingly or intentionally possessing marijuana weighing more than one pound shall be guilty of a Class IV felony.

(13) Any person knowingly or intentionally possessing marijuana weighing one ounce or less shall:

(a) For the first offense, be guilty of an infraction, receive a citation, be fined three hundred dollars, and be assigned to attend a course as prescribed in section 29-433 if the judge determines that attending such course is in the best interest of the individual defendant;

(b) For the second offense, be guilty of a Class IV misdemeanor, receive a citation, and be fined four hundred dollars and may be imprisoned not to exceed five days; and

(c) For the third and all subsequent offenses, be guilty of a Class IIIA misdemeanor, receive a citation, be fined five hundred dollars, and be imprisoned not to exceed seven days.

(14) Any person convicted of violating this section, if placed on probation, shall, as a condition of probation, satisfactorily attend and complete appropriate treatment and counseling on drug abuse provided by a program authorized under the Nebraska Behavioral Health Services Act or other licensed drug treatment facility.

(15) Any person convicted of violating this section, if sentenced to the Department of Correctional Services, shall attend appropriate treatment and counseling on drug abuse.

(16) Any person knowingly or intentionally possessing a firearm while in violation of subsection (1) of this section shall be punished by the next higher penalty classification than the penalty prescribed in subsection (2), (7), (8), (9), or (10) of

this section, but in no event shall such person be punished by a penalty greater than a Class IB felony.

(17) A person knowingly or intentionally in possession of money used or intended to be used to facilitate a violation of subsection (1) of this section shall be guilty of a Class IV felony.

(18) In addition to the penalties provided in this section:

(a) If the person convicted or adjudicated of violating this section is younger than twenty-one years of age and has one or more licenses or permits issued under the Motor Vehicle Operator's License Act:

(i) For the first offense, the court may, as a part of the judgment of conviction or adjudication, impound any such licenses or permits for thirty days and require such person to attend a drug education class;

(ii) For a second offense, the court, as a part of the judgment of conviction or adjudication, may (A) impound any such licenses or permits for ninety days and (B) require such person to complete no fewer than twenty and no more than forty hours of community service and to attend a drug education class; and

(iii) For a third or subsequent offense, the court, as a part of the judgment of conviction or adjudication, may (A) impound any such licenses or permits for twelve months and (B) require such person to complete no fewer than sixty hours of community service, to attend a drug education class, and to submit to a drug assessment by a licensed alcohol and drug counselor; and

(b) If the person convicted or adjudicated of violating such section is younger than twenty-one years of age and does not have a permit or license issued under the Motor Vehicle Operator's License Act:

(i) For the first offense, the court, as part of the judgment of conviction or adjudication, may (A) prohibit such person from obtaining any permit or any license pursuant to the act for which such person would otherwise be eligible until thirty days after the date of such order and (B) require such person to attend a drug education class;

(ii) For a second offense, the court, as part of the judgment of conviction or adjudication, may (A) prohibit such person from obtaining any permit or any license pursuant to the act for which such person would otherwise be eligible until ninety days after the date of such order and (B) require such person to complete no fewer than twenty hours and no more than forty hours of community service and to attend a drug education class; and

(iii) For a third or subsequent offense, the court, as part of the judgment of conviction or adjudication, may (A) prohibit such person from obtaining any permit or any license pursuant to the act for which such person would otherwise be eligible until twelve months after the date of such order and

(B) require such person to complete no fewer than sixty hours of community service, to attend a drug education class, and to submit to a drug assessment by a licensed alcohol and drug counselor.

A copy of an abstract of the court's conviction or adjudication shall be transmitted to the Director of Motor Vehicles pursuant to sections 60-497.01 to 60-497.04.

2. Renumber the remaining sections, amend the repealer, and correct internal references accordingly.

Senator Adams filed the following amendment to LB1014:
AM2058

(Amendments to Standing Committee amendments, AM1979)

1. On page 2, strike beginning with "Additional" in line 26 through line 27 and insert "Each school district that receives funds under subsection (2) of this section for teacher performance pay shall utilize such funds as a supplement to the salary schedule provided for in local collective-bargaining agreements. For purposes of distribution of such funds only, the Legislature finds that teacher performance pay measurements, criteria, and payout amounts are mandatory topics of collective bargaining.".

2. On page 3, strike lines 1 through 6.

Senator Rogert filed the following amendment to LB882:
AM2074

(Amendments to Standing Committee amendments, AM1853)

1. Insert the following amendments:

1. Insert the following section:

Sec. 2. This act becomes operative on October 1, 2010.

4. Renumber the remaining section accordingly.

2. Renumber the remaining amendments accordingly.

UNANIMOUS CONSENT - Add Cointroducer

Senator Flood asked unanimous consent to add his name as cointroducer to LB258 and LB943. No objections. So ordered.

VISITORS

Visitor to the Chamber was Andrew Rutten from Norfolk.

The Doctor of the Day was Dr. Marlon Weiss from Lincoln.

ADJOURNMENT

At 3:54 p.m., on a motion by Senator Lathrop, the Legislature adjourned until 9:00 a.m., Wednesday, March 3, 2010.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

THIRTY-SIXTH DAY - MARCH 3, 2010

LEGISLATIVE JOURNAL

ONE HUNDRED FIRST LEGISLATURE
SECOND SESSION

THIRTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 3, 2010

PRAYER

The prayer was offered by Senator Pankonin.

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 Pahls who was excused; and Senators Campbell, Cook, and Louden who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-fifth day was approved.

SELECT FILE

LEGISLATIVE BILL 735. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 258. ER8164, found on page 551, was adopted.

Senator Karpisek renewed his amendment, AM2006, found on page 725.

Senator Harms requested a ruling of the Chair on whether the Karpisek amendment is germane to the bill.

The Chair ruled the Karpisek amendment is not germane to the bill.

Senator Karpisek challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Senator Karpisek withdrew his motion to overrule the Chair.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 768. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 799. Senator Gloor offered the following amendment:

AM2099

1. On page 2, lines 5 and 7, strike "2000", show as stricken, and insert "2009"; in line 8 after "edition" insert "except section R313" and after "Council" insert ". The provisions of the International Residential Code shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal, and demolition of townhouses not more than three stories above grade plane in height with a separate mean of egress and their accessory structures and detached one-family and two-family dwellings"; and strike lines 16 through 18 and show as stricken.

2. On page 3, strike beginning with the first comma in line 22 through "the" in line 24 and show as stricken; and in line 25 strike the new matter.

3. On page 4, line 1, strike the new matter and strike "referred to", show as stricken, and insert "codes adopted by reference"; and in lines 15 and 16 strike "the publication date of the edition.", show as stricken, and insert "a new edition is adopted under section 71-6403.".

4. On page 5, line 1, strike ", new edition," and show as stricken.

Senator Gloor withdrew his amendment.

Pending.

GENERAL FILE

LEGISLATIVE BILL 1018. Title read. Considered.

Committee AM1910, found on page 603, was considered.

SENATOR CARLSON PRESIDING

The committee amendment was adopted with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 5 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 943. Title read. Considered.

Committee AM1922, found on page 611, was adopted with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

LEGISLATIVE RESOLUTION 297CA. Read. Considered.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 1051. Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 727. Title read. Considered.

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 3 present and not voting, and 4 excused and not voting.

COMMITTEE REPORT
Transportation and Telecommunications

LEGISLATIVE BILL 1065. Placed on General File with amendment.
AM2046
1. On page 6, line 14, strike "five" and insert "fifteen".

(Signed) Deb Fischer, Chairperson

AMENDMENTS - Print in Journal

Senator Lautenbaugh filed the following amendment to LB951:
FA66
Amend AM2061
Strike on Page 5, lines 3-11.

Senator Ashford filed the following amendment to LB817:
AM2096
(Amendments to Standing Committee amendments, AM1964)
1. Insert the following new section:
Section 1. Section 2-32,101, Reissue Revised Statutes of Nebraska, is amended to read:
2-32,101 (1) Any law enforcement officer, including, but not limited to, any Game and Parks Commission conservation officer, local police officer, member of the Nebraska State Patrol, or

sheriff or deputy sheriff, is authorized to enforce ~~the provisions of~~ sections 2-3292 to 2-32,100 and any rules and regulations adopted and promulgated pursuant to such sections. A district shall not employ law enforcement personnel and shall be prohibited from expending any funds for such purpose, except as provided in subsection (2) of this section. Each district shall provide a copy of its rules and regulations to the appropriate law enforcement officer. Any law enforcement officer may arrest and detain any person committing a violation of the rules and regulations in a recreation area or committing any misdemeanor or felony as provided by the laws of this state.

(2) A natural resources district may expend funds to enter into agreements pursuant to the Interlocal Cooperation Act for the services of certified law enforcement personnel or to contract for the services of private security services to patrol and protect district-owned recreation areas and to assist law enforcement officers in enforcing sections 2-3292 to 2-32,100 and any rules and regulations adopted and promulgated pursuant to such sections.

2. On page 1, line 8, reinstate the stricken matter.

3. Renumber the remaining sections and correct the repealer section accordingly.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1109A. Introduced by Conrad, 46.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1109, One Hundred First Legislature, Second Session, 2010; and to declare an emergency.

MESSAGES FROM THE GOVERNOR

March 3, 2010

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 190, 190A, 226e, 512, 643, 650, 650A, 667, 690, 691, 698e, 705, 708, 721, 722, 723, 725, 731, 736e, 738e 743e, 746, 749, 751e, 762e, 787, 788, 791, 797, 798, 806, 814, 816e, 832, 848, 871, 873, 890e, 891e, 892e, 911e, and 914 were received in my office on February 25, 2010.

These bills were signed and delivered to the Secretary of State on March 3, 2010.

Sincerely,
(Signed) Dave Heineman
Governor

March 3, 2010

Mr. President, Mr. Speaker, and
Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Members of the Legislature:

I am returning LB 867 without my signature and with my objections.

This legislation proposes to increase the shipping license fee under the Nebraska Liquor Control Act from $200 to $1,000, and directs that the funds received from this fee be remitted to the State Treasurer for credit to the General Fund.

During the 2009 Special Session, we faced complex challenges in addressing a budget shortfall. We still have significant financial challenges ahead of us. Substantially increasing this fee during these difficult economic times is unreasonable. Currently, the shipping license fee is one of the lowest in the nation; LB 867 would make it one of the highest. This 500% increase will create an undue burden on small business that ship alcohol into the State of Nebraska.

For these reasons, I respectfully urge you to sustain my veto of the legislation.

Sincerely,
(Signed) Dave Heineman
Governor

VISITORS

Visitors to the Chamber were Carly Runestad from Lincoln; Philip E. Darby from Lexington; students of Norfolk Youth Leadership Council from Norfolk; and seventh- and eighth-grade students from Sunrise Middle School, Kearney.

RECESS

At 12:00 p.m., on a motion by Senator Langemeier, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Senator Cornett presiding.

ROLL CALL

The roll was called and all members were present except Senator Pahls who was excused; and Senators Langemeier and Pirsch who were excused until they arrive.

SENATOR FISCHER PRESIDING

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 770. Placed on Final Reading.
LEGISLATIVE BILL 865. Placed on Final Reading.

LEGISLATIVE BILL 910. Placed on Final Reading.
ST9079
The following changes, required to be reported for publication in the Journal, have been made:
1. In the E & R amendments, ER8168, on page 3, line 25, "upon" has been struck.

LEGISLATIVE BILL 910A. Placed on Final Reading.
LEGISLATIVE BILL 1006. Placed on Final Reading.

(Signed) Jeremy Nordquist, Chairperson

GENERAL FILE

LEGISLATIVE BILL 952. Committee AM1945, found on page 567 and considered on page 703, was renewed.

SENATOR LANGEMEIER PRESIDING

SENATOR KARPISEK PRESIDING

Senator Stuthman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 11 nays, and 13 not voting.

The committee amendment was adopted with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

Senator White offered the following amendment:
AM2091
1. On page 3, line 16, strike "public utility" and insert "metropolitan utilities district".
2. On page 4, line 1, strike the period and insert an underscored semicolon.

Senator Fischer offered the following amendment to the White amendment:
FA67
Amend AM2091
Strike on line 1, the words "line 16 through the word district" in line two, and inserting "lines 16 through line 20".

Pending.

RESOLUTIONS

LEGISLATIVE RESOLUTION 346. Introduced by Janssen, 15.

WHEREAS, Tyler Going of North Bend Central High School won the 2010 Class C State Wrestling Championship in the 160-pound division; and

WHEREAS, Tyler Going defeated Blake Augustyn of Ord High School 7-2 to win the state championship; 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, SECOND SESSION:

1. That the Legislature congratulates Tyler Going on winning the 2010 Class C State Wrestling Championship in the 160-pound division.
2. That a copy of this resolution be sent to Tyler Going.

Laid over.

LEGISLATIVE RESOLUTION 347. Introduced by Janssen, 15.

WHEREAS, Eli Vosler of North Bend Central High School won the 2010 Class C State Wrestling Championship in the 215-pound division; and

WHEREAS, Eli Vosler defeated Isiah Williams of Madison High School 3-2 to win the state championship; 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, SECOND SESSION:

1. That the Legislature congratulates Eli Vosler on winning the 2010 Class C State Wrestling Championship in the 215-pound division.
2. That a copy of this resolution be sent to Eli Vosler.

Laid over.

LEGISLATIVE RESOLUTION 348. Introduced by Howard, 9; Adams, 24; Ashford, 20; Avery, 28; Campbell, 25; Carlson, 38; Christensen, 44; Coash, 27; Conrad, 46; Cook, 13; Cornett, 45; Dierks, 40; Dubas, 34; Fischer, 43; Flood, 19; Fulton, 29; Gay, 14; Giese, 17; Gloor, 35; Haar, 21; Hadley, 37; Hansen, 42; Harms, 48; Heidemann, 1; Janssen, 15; Karpisek, 32; Krist, 10; Langemeier, 23; Lathrop, 12; Lautenbaugh, 18; Louden, 49; McCoy, 39; Nelson, 6; Nordquist, 7; Pankonin, 2; Pirsch, 4; Price, 3; Rogert, 16; Schilz, 47; Stuthman, 22; Sullivan, 41; Utter, 33; Wallman, 30; Wightman, 36.

WHEREAS, over four thousand children are affected by child abuse in Nebraska each year; and

WHEREAS, the physical and mental health effects of child abuse can last a lifetime; and

WHEREAS, certain risk factors for child abuse have been identified and can be mitigated by risk reduction and proactive protection; and

WHEREAS, individuals who have the support of their communities are more able to provide safe environments for their children; and

WHEREAS, the best time to stop child abuse is before it starts; and

WHEREAS, National Child Abuse Prevention Month, which occurs each year in April, has been a time for raising awareness about the prevention of child abuse since 1983.

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

1. That the Legislature recognizes April 2010 as Child Abuse Prevention Month in Nebraska and encourages communities to participate in activities designed to increase public awareness about the importance of preventing child abuse.

2. That a copy of this resolution be sent to the Department of Health and Human Services.

Laid over.

LEGISLATIVE RESOLUTION 349. Introduced by Flood, 19.

WHEREAS, Canada and the United States share a rich and vibrant history of democratic governments, North American borders, military and security partnerships and alliances, significant cultural, academic, and tourism ties, and deeply integrated and empowered trade and financial relationships; and

WHEREAS, Canada and the State of Nebraska have a strong and durable relationship based upon history, language, trade, energy development, and diverse cultural and economic ties; and

WHEREAS, Canada is the largest trading partner of the United States, with a combined $776 billion in goods and services traded between the two nations and more than seven million United States jobs supported by that trade; and

WHEREAS, Canada is the leading trading partner of the State of Nebraska, with a combined $2.6 billion in merchandise trade with our nation's northern neighbor and nearly fifty thousand Nebraska jobs supported by that trade; and

WHEREAS, the people of the State of Nebraska and Canada continue to enjoy mutual hospitality, with a combined one hundred nine thousand tourist visits between the two and $49 million spent during those visits.

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

1. That the Legislature acknowledges the long and rich history of friendship and trade between the State of Nebraska and the neighboring nation of Canada by proclaiming March 15, 2010, to be 2010 Canada Day at the Nebraska State Capitol.

2. That a copy of this resolution be sent to the Consul General of Canada, the Secretary of State of Nebraska, and the Prime Minister of Canada.

Laid over.

LEGISLATIVE RESOLUTION 350. Introduced by Coash, 27.

WHEREAS, Paul Engler, an alumnus of the University of Nebraska-Lincoln and a Nebraska native who currently lives in Texas, donated $20 million to the University of Nebraska-Lincoln for its agribusiness curriculum; and

WHEREAS, the donation is the largest single gift in the history of the University of Nebraska Institute of Agriculture and Natural Resources; and

WHEREAS, the donation will support student scholarships, an endowed chair in agribusiness entrepreneurship, student courses, a lecture series, entrepreneurship training camps, internship placement assistance, student travel, and a venture capital fund to support student start-up businesses.

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

1. That the Legislature expresses its appreciation to Paul Engler for his generous donation to the University of Nebraska-Lincoln.

2. That a copy of this resolution be sent to Paul Engler.

Laid over.

LEGISLATIVE RESOLUTION 351. Introduced by Coash, 27.

WHEREAS, Mike Robb, a music teacher at Irving Middle School in Lincoln, Nebraska, was awarded the 2010 Thank You Teacher Award in the middle school category, bestowed by Lincoln Public Schools; and

WHEREAS, Mike Robb has taught music at Irving Middle School for nine years and directs all of the various school choirs; and

WHEREAS, the Legislature recognizes the accomplishments of Nebraska's educators and their work in providing a quality education to the youth of our state.

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

1. That the Legislature congratulates Mike Robb on winning the 2010 Thank You Teacher Award in the middle school category.

2. That a copy of this resolution be sent to Mike Robb.

Laid over.

COMMITTEE REPORTS

Natural Resources

LEGISLATIVE BILL 747. Placed on General File with amendment.
AM1931

1. Strike the original sections and insert the following new sections:

Section 1. Section 37-201, Revised Statutes Supplement, 2009, is amended to read:

37-201 Sections 37-201 to 37-811 and section 3 of this act shall be known and may be cited as the Game Law.

Sec. 2. Section 37-559, Reissue Revised Statutes of Nebraska, is amended to read:

37-559 (1) Any farmer or rancher owning or operating a farm or ranch may destroy or have destroyed any predator preying on livestock or poultry or causing other agricultural depredation on land owned or controlled by him or her without a permit issued by the commission. For purposes of this subsection, predator means a badger, bobcat, coyote, gray fox, long-tailed weasel, mink, opossum, raccoon, red fox, or skunk.

(2) Any farmer or rancher owning or operating a farm or ranch, or his or her agent, may kill a mountain lion immediately without prior notice to or permission from the commission if he or she encounters a mountain lion and the mountain lion is in the process of stalking, killing, or consuming livestock on the farmer's or rancher's property. The farmer or rancher or his or her agent shall be responsible for immediately notifying the commission and arranging with the commission to transfer the mountain lion to the commission.

(3) Any person shall be entitled to defend himself or herself or another person without penalty if, in the presence of such person, a mountain lion stalks, attacks, or shows unprovoked aggression toward such person or another person.

~~(2)~~ (4) This section shall not be construed to allow ~~such~~ a farmer or rancher or his or her agent to destroy or have destroyed species which are protected by ~~the provisions of sections 37-314 and 37-501 to 37-503,~~ the Nongame and Endangered Species

Conservation Act or rules and regulations adopted and promulgated under the act, the federal Endangered Species Act of 1973, as amended, 16 U.S.C. 1531 et seq., the federal Fish and Wildlife Coordination Act, as amended, 16 U.S.C. 661 et seq., the federal Bald and Golden Eagle Protection Act, as amended, 16 U.S.C. 668 et seq., the federal Migratory Bird Treaty Act, as amended, 16 U.S.C. 703 et seq., or ~~rules and regulations adopted and promulgated pursuant to such provisions.~~ federal regulations under such federal acts.

Sec. 3. (1) The commission may issue a permit for the killing of one or more mountain lions which are preying on livestock or poultry. The permit shall be valid for up to thirty days and shall require the commission to be notified immediately by the permitholder after the killing of a mountain lion and shall require the carcass to be transferred to the commission.

(2) To be eligible for a permit under this section, a farmer or rancher owning or operating a farm or ranch shall contact the commission to confirm that livestock or poultry on his or her property or property under his or her control has been subject to depredation by a mountain lion. The commission shall confirm that the damage was caused by a mountain lion prior to issuing the permit. The farmer or rancher shall be allowed up to thirty days, as designated by the commission, to kill the mountain lion on such property and shall notify the commission immediately after the killing of a mountain lion and arrange with the commission to transfer the mountain lion to the commission.

(3) The commission may adopt and promulgate rules and regulations to carry out this section.

Sec. 4. Original section 37-559, Reissue Revised Statutes of Nebraska, and section 37-201, Revised Statutes Supplement, 2009, are repealed.

(Signed) Chris Langemeier, Chairperson

Business and Labor

LEGISLATIVE BILL 829. Placed on General File.
LEGISLATIVE BILL 934. Placed on General File.

LEGISLATIVE BILL 780. Placed on General File with amendment.
AM2064

1. On page 2, strike lines 19 through 22 and insert:

"(3) For purposes of this section, first responder means a sheriff, a deputy sheriff, a police officer, an officer of the Nebraska State Patrol, a volunteer or paid firefighter, or a volunteer or paid individual licensed under a licensure classification in subdivision (1) of section 38-1217 who provides immediate medical care in order to prevent loss of life or aggravation of physiological or psychological illness or injury.".

LEGISLATIVE BILL 872. Placed on General File with amendment.
AM1985

1. Strike the original sections and insert the following new sections:

Section 1. Section 48-120.04, Revised Statutes Supplement, 2009, is amended to read:

48-120.04 (1) This section applies only to hospitals identified in subdivision (1)(c) of section 48-120.

(2) For inpatient discharges on or after January 1, 2008, the Diagnostic Related Group inpatient hospital fee schedule shall be as set forth in this section, except as otherwise provided in subdivision (1)(d) of section 48-120. Adjustments shall be made annually as provided in this section, with such adjustments to become effective each January 1.

(3) For purposes of this section:

(a) Current Medicare Factor is derived from the Diagnostic Related Group Prospective Payment System as established by the Centers for Medicare and Medicaid Services under the United States Department of Health and Human Services and means the summation of the following components:

(i) Hospital-specific Federal Standardized Amount, including all wage index adjustments and reclassifications;

(ii) Hospital-specific Capital Standard Federal Rate, including geographic, outlier, and exception adjustment factors;

(iii) Hospital-specific Indirect Medical Education Rate, reflecting a percentage add-on for indirect medical education costs and related capital; and

(iv) Hospital-specific Disproportionate Share Hospital Rate, reflecting a percentage add-on for disproportionate share of low income patient costs and related capital;

(b) Current Medicare Weight means the weight assigned to each Medicare Diagnostic Related Group as established by the Centers for Medicare and Medicaid Services under the United States Department of Health and Human Services;

(c) Diagnostic Related Group means the Diagnostic Related Group assigned to inpatient hospital services using the public domain classification and methodology system developed for the Centers for Medicare and Medicaid Services under the United States Department of Health and Human Services; and

(d) Workers' Compensation Factor means the Current Medicare Factor for each hospital multiplied by one hundred fifty percent.

(4) The Diagnostic Related Group inpatient hospital fee schedule shall include at least thirty-eight of the most frequently utilized Medicare Diagnostic Related Groups for workers' compensation with the goal that the fee schedule covers at least ninety percent of all workers' compensation inpatient hospital claims submitted by hospitals identified in subdivision (1)(c) of section 48-120. Rehabilitation Diagnostic Related Groups shall not

be included in the Diagnostic Related Group inpatient hospital fee schedule. Claims for inpatient trauma services shall not be reimbursed under the Diagnostic Related Group inpatient hospital fee schedule established under this section until January 1, ~~2011.~~ 2012. Claims for inpatient trauma services prior to January 1, ~~2011,~~ 2012, shall be reimbursed under the fees established by the compensation court pursuant to subdivision (1)(b) of section 48-120 or as contracted pursuant to subdivision (1)(d) of such section. For purposes of this subsection, trauma means a major single-system or multisystem injury requiring immediate medical or surgical intervention or treatment to prevent death or permanent disability.

(5) The Diagnostic Related Group inpatient hospital fee schedule shall be established by the following methodology:

(a) The Diagnostic Related Group reimbursement amount required under the Nebraska Workers' Compensation Act shall be equal to the Current Medicare Weight multiplied by the Workers' Compensation Factor for each hospital;

(b) The Stop-Loss Threshold amount shall be the Diagnostic Related Group reimbursement amount calculated in subdivision (5)(a) of this section multiplied by two and one-half;

(c) For charges over the Stop-Loss Threshold amount of the schedule, the hospital shall be reimbursed the Diagnostic Related Group reimbursement amount calculated in subdivision (5)(a) of this section plus sixty percent of the charges over the Stop-Loss Threshold amount; and

(d) For charges less than the Stop-Loss Threshold amount of the schedule, the hospital shall be reimbursed the lower of the hospital's billed charges or the Diagnostic Related Group reimbursement amount calculated in subdivision (5)(a) of this section.

(6) For charges for all other stays or services that are not on the Diagnostic Related Group inpatient hospital fee schedule or are not contracted for under subdivision (1)(d) of section 48-120, the hospital shall be reimbursed under the schedule of fees established by the compensation court pursuant to subdivision (1)(b) of section 48-120.

(7) Each hospital shall assign and include a Diagnostic Related Group on each workers' compensation claim submitted. The workers' compensation insurer, risk management pool, or self-insured employer may audit the Diagnostic Related Group assignment of the hospital.

(8) The chief executive officer of each hospital shall sign and file with the administrator of the compensation court by October 15 of each year, in the form and manner prescribed by the administrator, a sworn statement disclosing the Current Medicare Factor of the hospital in effect on October 1 of such year and each item and amount making up such factor.

(9) Each hospital, workers' compensation insurer, risk management pool, and self-insured employer shall report to the administrator of the compensation court by October 15 of each year, in the form and manner prescribed by the administrator, the total number of claims submitted for each Diagnostic Related Group and the number of times billed charges exceeded the Stop-Loss Threshold amount for each Diagnostic Related Group.

(10) The compensation court may add or subtract Diagnostic Related Groups in striving to achieve the goal of including those Diagnostic Related Groups that encompass at least ninety percent of the inpatient hospital workers' compensation claims submitted by hospitals identified in subdivision (1)(c) of section 48-120. The administrator of the compensation court shall annually make necessary adjustments to comply with the Current Medicare Weights and shall annually adjust the Current Medicare Factor for each hospital based on the annual statement submitted pursuant to subsection (8) of this section.

Sec. 2. Original section 48-120.04, Revised Statutes Supplement, 2009, is repealed.

LEGISLATIVE BILL 884. Placed on General File with amendment.
AM1615

1. Insert the following new section:

Section 1. Section 29-431, Reissue Revised Statutes of Nebraska, is amended to read:

29-431 As used in sections 28-416, 29-422, 29-424, 29-425, ~~and~~ 29-431 to 29-434, and 48-1231, unless the context otherwise requires, infraction ~~shall mean~~ means the violation of any law, ordinance, order, rule, or regulation, not including those related to traffic, which is not otherwise declared to be a misdemeanor or a felony. Infraction ~~shall include~~ includes violations of section 60-6,267.

2. On page 2, line 13, after "a" insert "written"; in line 17 strike "shall" and insert "may"; and in line 18 strike beginning with the comma through "employee".

3. On page 4, strike lines 8 through 12 and insert "(2) An employer who fails to furnish an itemized statement requested by an employee under subsection (2) of section 48-1230 shall be guilty of an infraction as defined in section 29-431 and shall be subject to a fine pursuant to section 29-436."; and in line 24 strike "section" and insert "sections 29-431 and".

4. Renumber the remaining sections accordingly.

(Signed) Steve Lathrop, Chairperson

Judiciary

LEGISLATIVE BILL 844. Placed on General File.

(Signed) Brad Ashford, Chairperson

Natural Resources

LEGISLATIVE BILL 785. Placed on General File with amendment.
AM2090

1. On page 3, line 1, after "to" insert "(a)" and after "water" insert an underscored comma; in line 2, strike the first "or" and insert "(b)"; and in line 4 strike the period and insert ", or (c) a transfer that involves one landowner on a single tract of land where there is no reduction or increase in certified irrigated acres and the transfer involves an improvement to irrigation efficiency.".

(Signed) Chris Langemeier, Chairperson

Education

LEGISLATIVE BILL 1070. Placed on General File with amendment.
AM2084 is available in the Bill Room.

LEGISLATIVE BILL 1071. Placed on General File with amendment.
AM2103 is available in the Bill Room.

(Signed) Greg Adams, Chairperson

ANNOUNCEMENT

Senator Karpisek announced the General Affairs Committee has rescheduled its executive session from Wednesday, March 3, 2010 at 4:00 p.m. to Thursday, March 4, 2010, upon adjournment, in Room 1015.

AMENDMENT - Print in Journal

Senators Avery and McCoy filed the following amendment to LB742:
AM2105

(Amendments to Standing Committee amendments, AM1967)

1. On page 1, lines 3 and 4, strike "a private insurance company or".

2. On page 3, after line 4 insert the following new subsection:

"(6) This section does not apply to claims made in connection with insured or self-insured health insurance contracts.".

VISITORS

Visitor to the Chamber was former Senator Jerry Schmitt from Ord.

The Doctor of the Day was Dr. Gilbert Head from Omaha.

ADJOURNMENT

At 4:05 p.m., on a motion by Speaker Flood, the Legislature adjourned until 9:00 a.m., Thursday, March 4, 2010.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

THIRTY-SEVENTH DAY - MARCH 4, 2010

LEGISLATIVE JOURNAL

ONE HUNDRED FIRST LEGISLATURE
SECOND SESSION

THIRTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 4, 2010

PRAYER

The prayer was offered by Pastor Ernie Waltke, Our Savior Lutheran Church, Wymore.

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 Senator Pahls who was excused; and Senators Ashford, Cornett, Louden, Pankonin, and Sullivan who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-sixth day was approved.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of March 3, 2010, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Bydalek, Dave
Family First

REPORTS

The following reports were received by the Legislature:

Revenue, Nebraska Department of
Property Assessment Division 2009 Tax Increment Financing Report

University of Nebraska
Collective Bargaining Negotiations Report

MOTION - Approve Appointment

Senator Langemeier moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 724:
Game and Parks Commission
Jerrod Burke

Voting in the affirmative, 39:

Adams	Dubas	Hadley	Lathrop	Rogert
Campbell	Fischer	Hansen	McCoy	Schilz
Carlson	Flood	Harms	McGill	Stuthman
Christensen	Fulton	Howard	Mello	Utter
Coash	Gay	Janssen	Nelson	Wallman
Conrad	Giese	Karpisek	Nordquist	White
Cook	Gloor	Krist	Pirsch	Wightman
Dierks	Haar	Langemeier	Price	

Voting in the negative, 0.

Present and not voting, 4:

Avery	Council	Heidemann	Lautenbaugh

Excused and not voting, 6:

Ashford	Louden	Pankonin
Cornett	Pahls	Sullivan

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

GENERAL FILE

LEGISLATIVE BILL 888A. Title read. Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 799. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 926. ER8175, found on page 692, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1063. ER8172, found on page 692, was adopted.

Advanced to Enrollment and Review for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 952. Senator Fischer renewed her amendment, FA67, found on page 739, to the White amendment.

Senator Fischer withdrew her amendment.

The White amendment, AM2091, found on page 739, was renewed.

The White amendment lost with 20 ayes, 0 nays, 21 present and not voting, and 8 excused and not voting.

Senator White moved for a call of the house. The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

Senator White requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 25:

Ashford	Council	Howard	McGill	Price
Coash	Dubas	Karpisek	Mello	Rogert
Conrad	Gay	Krist	Nelson	Sullivan
Cook	Giese	Lathrop	Nordquist	Wallman
Cornett	Haar	Lautenbaugh	Pirsch	White

Voting in the negative, 18:

Adams	Dierks	Hadley	Janssen	Utter
Avery	Fischer	Hansen	Langemeier	Wightman
Campbell	Flood	Harms	Louden	
Carlson	Gloor	Heidemann	Stuthman	

Present and not voting, 2:

McCoy	Pankonin

Excused and not voting, 4:

Christensen	Fulton	Pahls	Schilz

Advanced to Enrollment and Review Initial with 25 ayes, 18 nays, 2 present and not voting, and 4 excused and not voting.

MOTION - Print in Journal

Senator Karpisek filed the following motion to LB867:
MO86
Becomes law notwithstanding the objections of the Governor.

COMMITTEE REPORT
Transportation and Telecommunications

LEGISLATIVE BILL 945. Placed on General File with amendment.
AM2098
1. On page 5, line 11, after "read" insert "a written communication" and after "type" insert "a written communication".

(Signed) Deb Fischer, Chairperson

COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 1036. Placed on Select File with amendment.
ER8180 is available in the Bill Room.

LEGISLATIVE BILL 919. Placed on Select File with amendment.
ER8178
1. On page 1, strike beginning with "permit" in line 2 through "decrease" in line 4 and insert "change population requirements for reorganization of cities of the first class as cities of the second class; to require a plan to increase a city's population".

LEGISLATIVE BILL 937. Placed on Select File with amendment.
ER8179
1. Strike the original sections and all amendments thereto and insert the following new sections:
Section 1. Section 32-546.01, Revised Statutes Supplement, 2009, is amended to read:
32-546.01 (1) Each learning community shall be governed by a learning community coordinating council consisting of eighteen voting members, with twelve members elected on a nonpartisan ballot from six numbered subcouncil districts created pursuant to section 32-555.01 and with six members appointed from such subcouncil districts pursuant to this section. Each voter shall be allowed to cast votes for one candidate at both the primary and general elections to represent the subcouncil district in which the voter resides. The four candidates receiving the most votes at the primary election shall advance to the general election. The two

candidates receiving the most votes at the general election shall be elected. A candidate shall reside in the subcouncil district for which he or she is a candidate. Coordinating council members shall be elected on the nonpartisan ballot.

(2) The initial elected members shall be nominated at the statewide primary election and elected at the statewide general election immediately following the certification of the establishment of the learning community, and subsequent members shall be nominated at subsequent statewide primary elections and elected at subsequent statewide general elections. Except as provided in this section, such elections shall be conducted pursuant to the Election Act.

(3) Vacancies in office for elected members shall occur as set forth in section 32-560. Whenever any such vacancy occurs, the remaining elected members of such council shall appoint an individual residing within the geographical boundaries of the subcouncil district for the balance of the unexpired term.

(4) Members elected to represent odd-numbered districts in the first election for the learning community coordinating council shall be elected for two-year terms. Members elected to represent even-numbered districts in the first election for the learning community coordinating council shall be elected for four-year terms. Members elected in subsequent elections shall be elected for four-year terms and until their successors are elected and qualified.

(5) The appointed members shall be appointed in November of each even-numbered year after the general election. Appointed members shall be school board members of school districts in the learning community either elected to take office the following January or continuing their current term of office for the following two years. For learning communities to be established the following January pursuant to orders issued pursuant to section 79-2102, the Secretary of State shall hold a meeting of the school board members of the school districts in such learning community to appoint one member from such school boards to represent each of the subcouncil districts on the coordinating council of such learning community. For subsequent appointments, the current appointed members of the coordinating council shall hold a meeting of the school board members of such school districts to appoint one member from such school boards to represent each of the subcouncil districts on the coordinating council of the learning community. The appointed members shall be selected by the school board members of the school districts in the learning community who reside in the subcouncil district to be represented pursuant to a secret ballot, shall reside in the subcouncil district to be represented, and shall be appointed for two-year terms and until their successors are appointed and qualified.

(6) Vacancies in office for appointed members shall occur upon the resignation, death, or disqualification from office of

an appointed member. Disqualification from office shall include ceasing membership on the school board for which membership qualified the member for the appointment to the learning community coordinating council or ceasing to reside in the subcouncil district represented by such member of the learning community coordinating council. Whenever such vacancy occurs, the remaining appointed members shall hold a meeting of the school board members of the school districts in such learning community to appoint a member from such school boards who lives in the subcouncil district to be represented to serve for the balance of the unexpired term.

(7) Each learning community coordinating council shall also have a nonvoting member from each member school district which does not have either an elected or an appointed member who resides in the school district on the council. Such nonvoting members shall be appointed by the school board of the school district to be represented to serve for two-year terms, and notice of the nonvoting member selected shall be submitted to the Secretary of State by such board prior to December 31 of each even-numbered year. Each such nonvoting member shall be a resident of the appointing school district and shall not be a school administrator employed by such school district. Whenever a vacancy occurs, the school board of such school district shall appoint a new nonvoting member and submit notice to the Secretary of State and to the learning community coordinating council.

(8) Members of a learning community coordinating council shall take office on the first Thursday after the first Tuesday in January following their election or appointment, except that members appointed to fill vacancies shall take office immediately following administration of the oath of office. Each voting member elected or appointed prior to the effective date of this act shall be paid a per diem in an amount determined by such council up to two hundred dollars per day for official meetings of the council and the achievement subcouncil for which he or she is a member, for meetings that occur during the term of office for which the election or appointment of the member took place prior to the effective date of this act up to a maximum of twelve thousand dollars per fiscal year. Each voting member ~~, and~~ shall be eligible for reimbursement of reasonable expenses related to service on the learning community coordinating council.

Sec. 2. Original section 32-546.01, Revised Statutes Supplement, 2009, is repealed.

Sec. 3. Since an emergency exists, this act takes effect when passed and approved according to law.

2. On page 1, line 3, strike "eliminate" and insert "terminate" and strike "and"; and in line 4 after "section" insert "; and to declare an emergency".

LEGISLATIVE BILL 763. Placed on Select File.

LEGISLATIVE BILL 1087. Placed on Select File with amendment.
ER8181
1 1. On page 1, line 2, strike "and 79-1140" and insert
2 "79-1125.01, and 79-1142"; and in line 7 after the second semicolon
3 insert "to provide an operative date;".

(Signed) Jeremy Nordquist, Chairperson

GENERAL FILE

LEGISLATIVE BILL 882. Title read. Considered.

SPEAKER FLOOD PRESIDING

PRESIDENT SHEEHY PRESIDING

Committee AM1853, found on page 573, was considered.

Senator Rogert renewed his amendment, AM2074, found on page 730, to the committee amendment.

The Rogert amendment was adopted with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

The committee amendment, as amended, was adopted with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 5 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 956. Title read. Considered.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 6 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 877. Title read. Considered.

Committee AM1877, found on page 559, was adopted with 36 ayes, 0 nays, 6 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 9 present and not voting, and 7 excused and not voting.

COMMITTEE REPORTS
General Affairs

LEGISLATIVE BILL 906. Placed on General File with amendment.
AM2056

1. Strike the original sections and insert the following new sections:

Section 1. Section 53-133, Revised Statutes Cumulative Supplement, 2008, is amended to read:

53-133 (1) The commission shall set for hearing before it any application for a retail license, craft brewery license, or microdistillery license relative to which it has received:

(a) Within forty-five days after the date of receipt of such application by the city, village, or county clerk, a recommendation of denial from the city, village, or county;

(b) Within ten days after the receipt of a recommendation from the city, village, or county, or, if no recommendation is received, within forty-five days after the date of receipt of such application by the city, village, or county clerk, objections in writing by not less than three persons residing within such city, village, or county, protesting the issuance of the license. Withdrawal of the protest does not prohibit the commission from conducting a hearing based upon the protest as originally filed and making an independent finding as to whether the license should or should not be issued; ~~or~~

(c) Within forty-five days after the date of receipt of such application by the city, village, or county clerk, objections by the commission or any duly appointed employee of the commission, protesting the issuance of the license; or ~~.~~

(d) An indication on the application that the location of a proposed retail establishment is within one hundred fifty feet of a church as described in subsection (2) of section 53-177.

(2) Hearings upon such applications shall be in the following manner: Notice indicating the time and place of such hearing shall be mailed to the applicant, the local governing body, ~~and~~ each individual protesting a license pursuant to subdivision (1)(b) of this section, and any church affected as described in subdivision (1)(d) of this section, by certified mail, return receipt requested, at least fifteen days prior to such hearing. The notice shall state that the commission will receive evidence for the purpose of determining whether to approve or deny the application. Mailing to the attorney of record of a party shall be deemed to fulfill the purposes of this section. The commission may receive evidence, including testimony and documentary evidence, and may hear and question witnesses concerning the application.

Sec. 2. Section 53-177, Revised Statutes Supplement, 2009, is amended to read:

53-177 (1) ~~No~~ Except as otherwise provided in subsection (2) of this section, no license shall be issued for the sale at

retail of any alcoholic liquor within one hundred ~~and~~ fifty feet of any church, school, hospital, or home for aged or indigent persons or for veterans, their wives or children. This prohibition does not apply (a) to any location within such distance of one hundred ~~and~~ fifty feet for which a license to sell alcoholic liquor at retail has been granted by the Nebraska Liquor Control Commission for two years continuously prior to making of application for license and (b) to hotels offering restaurant service, to regularly organized clubs, or to restaurants, food shops, or other places where sale of alcoholic liquor is not the principal business carried on, if such place of business so exempted was established for such purposes prior to May 24, 1935.

(2) If a proposed location for the sale at retail of any alcoholic liquor is within one hundred fifty feet of any church, a license may be issued if the commission gives notice to the affected church and holds a hearing as prescribed in section 53-133.

~~(2)~~ (3) No alcoholic liquor, other than beer, shall be sold for consumption on the premises within three hundred feet from the campus of any college or university in the state, except that this section:

(a) Does not prohibit a nonpublic college or university from contracting with an individual or corporation holding a license to sell alcoholic liquor at retail for the purpose of selling alcoholic liquor at retail on the campus of such college or university at events sanctioned by such college or university but does prohibit the sale of alcoholic liquor at retail by such licensee on the campus of such nonpublic college or university at student activities or events; and

(b) Does not prohibit sales of alcoholic liquor by a community college culinary education program pursuant to section 53-124.15.

Sec. 3. Original section 53-133, Revised Statutes Cumulative Supplement, 2008, and section 53-177, Revised Statutes Supplement, 2009, are repealed.

LEGISLATIVE BILL 1013. Placed on General File with amendment.
AM1996

1. Strike the original sections and insert the following new sections:

Section 1. Section 9-647, Reissue Revised Statutes of Nebraska, is amended to read:

9-647 No lottery shall be conducted between the hours ~~of 1 a.m. and 6 a.m.~~ during which alcoholic liquor may not be sold or dispensed pursuant to section 53-179.

Sec. 2. Section 53-179, Reissue Revised Statutes of Nebraska, is amended to read:

53-179 (1) No alcoholic liquor, including beer, shall be sold at retail or dispensed on any day between the hours of 1 a.m.

and 6 a.m., except that the ~~The~~ local governing body of any city or village with respect to area inside the corporate limits of such city or village, or the county board with respect to area outside the corporate limits of any city or village, may by ordinance or resolution ~~require~~ adopted by a vote of at least sixty percent of the members of such local governing body or county board permit closing ~~prior to 1~~ at 2 a.m. on any day.

(2) Except as provided for and allowed by ordinance of a local governing body applicable to area inside the corporate limits of a city or village or by resolution of a county board applicable to area inside such county and outside the corporate limits of any city or village, no alcoholic liquor, including beer, shall be sold at retail or dispensed between the hours of 6 a.m. Sunday and 1 a.m. Monday. No ordinance or resolution allowed by this subsection shall permit alcoholic liquor, other than beer and wine, to be sold at retail or dispensed between the hours of 6 a.m. Sunday and 12 noon Sunday. This subsection shall not apply after 12 noon on Sunday to a licensee which is a nonprofit corporation and the holder of a Class C license or a Class I license.

(3) It shall be unlawful on property licensed to sell alcoholic liquor at retail to allow alcoholic liquor in open containers to remain or be in possession or control of any person for purposes of consumption between the hours of ~~1:15 a.m.~~ fifteen minutes after the closing hour applicable to the licensed premises and 6 a.m. on any day. ~~When any city or village provides by ordinance or any county provides by resolution for an earlier closing hour, the provisions of this subsection shall become effective fifteen minutes after such closing hour instead of 1:15 a.m.~~

(4) Nothing in this section shall prohibit licensed premises from being open for other business on days and hours during which the sale or dispensing of alcoholic liquor is prohibited by this section.

Sec. 3. Original sections 9-647 and 53-179, Reissue Revised Statutes of Nebraska, are repealed.

(Signed) Russ Karpisek, Chairperson

Judiciary

LEGISLATIVE BILL 510. Placed on General File with amendment.
AM2095

1. Strike the original sections and insert the following new sections:

Section 1. (1) In addition to all other costs assessed according to law, an assessment of one dollar shall be assessed for each conviction of a person for any misdemeanor or felony in county court or district court and each affirmation on appeal. No such assessment shall be collected in any juvenile court proceeding. No

county shall be liable for the assessment imposed pursuant to this section. The assessments shall be remitted to the State Treasurer on forms prescribed by the State Treasurer within ten days after the end of the month.

(2) The State Treasurer shall credit the funds remitted pursuant to subsection (1) of this section and section 83-184 to the Department of Correctional Services Facility Cash Fund and the Supreme Court Automation Cash Fund to pay for the initial costs in implementing this legislative bill, in amounts to be determined by the Department of Correctional Services and the Supreme Court and certified to the State Treasurer. When such costs are fully reimbursed, the State Treasurer shall distribute seventy-five percent of such funds to the Victim's Compensation Fund to be awarded as compensation for losses and expenses allowable under the Nebraska Crime Victim's Reparations Act and shall distribute twenty-five percent of such funds to the Reentry Cash Fund.

Sec. 2. Section 29-2207, Reissue Revised Statutes of Nebraska, is amended to read:

29-2207 In every case of conviction of any person for any felony or misdemeanor, it shall be the duty of the court or magistrate to render judgment for the costs of prosecution against the person convicted and remit the assessment as provided in section 1 of this act.

Sec. 3. In every case of appeal of a conviction of any person for any felony or misdemeanor to the district court, Court of Appeals, or Supreme Court that is affirmed, the court shall remit the assessment as provided in section 1 of this act.

Sec. 4. Section 81-1835, Revised Statutes Supplement, 2009, is amended to read:

81-1835 The Victim's Compensation Fund is created. The fund shall be used to pay awards or judgments under the Nebraska Crime Victim's Reparations Act other than distributions from the Community Trust. The fund shall include deposits pursuant to sections 29-2286, 81-1836, ~~and~~ 83-183.01, and 83-184 and section 1 of this act and donations or contributions from public or private sources and shall be in such amount as the Legislature shall determine to be reasonably sufficient to meet anticipated claims. When the amount of money in the fund is not sufficient to pay any awards or judgments under the act, the Director of Administrative Services shall immediately advise the Legislature and request an emergency appropriation to satisfy such awards and judgments. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 5. Section 83-184, Reissue Revised Statutes of Nebraska, is amended to read:

83-184 (1) When the conduct, behavior, mental attitude, and conditions indicate that a person committed to the department and the general society of the state will be benefited, and there

is reason to believe that the best interests of the people of the state and the person committed to the department will be served thereby, in that order, and upon the recommendation of the ~~Board of Parole~~ board in the case of each committed offender, the ~~Director of Correctional Services~~ director may authorize such person, under prescribed conditions, to:

(a) Visit a specifically designated place or places and return to the same or another facility. An extension of limits may be granted to permit a visit to a dying relative, attendance at the funeral of a relative, the obtaining of medical services, the contacting of prospective employers, or for any other reason consistent with the public interest; or

(b) Work at paid employment or participate in a training program in the community on a voluntary basis whenever:

(i) Such paid employment will not result in the displacement of employed workers, or be applied in skills, crafts, or trades in which there is a surplus of available gainful labor in the locality, or impair existing contracts for services; and

(ii) The rates of pay and other conditions of employment will not be less than those paid or provided for work of similar nature in the locality in which the work is to be performed.

(2) The wages earned by a person authorized to work at paid employment in the community under the provisions of this section shall be credited by the chief executive officer of the facility to such person's wage fund. The director shall authorize the chief executive officer to withhold up to five percent of such person's net wages. The funds withheld pursuant to this subsection shall be remitted to the State Treasurer for credit as provided in subsection (2) of section 1 of this act.

(3) A person authorized to work at paid employment in the community under the provisions of this section may be required to pay, and the ~~Director of Correctional Services~~ director is authorized to collect, such costs incident to the person's confinement as the ~~Director of Correctional Services~~ director deems appropriate and reasonable. Collections shall be deposited in the state treasury as miscellaneous receipts.

(4) The willful failure of a person to remain within the extended limits of his or her confinement or to return within the time prescribed to a facility designated by the ~~Director of Correctional Services~~ director may be deemed an escape from custody punishable as provided in section 28-912.

(5) No person employed in the community under the provisions of this section or otherwise released shall, while working in such employment in the community or going to or from such employment or during the time of such release, be deemed to be an agent, employee, or servant of the state.

Sec. 6. The Reentry Cash Fund is created. The fund shall be administered by the Department of Correctional Services. The State Treasurer shall credit funds remitted pursuant to section

83-184 and section 1 of this act and donations or contributions from public or private sources to the Reentry Cash Fund. The fund shall be used by the department for tuition, fees, and other costs associated with reentry and reintegration programs offered to offenders that are placed in the incarceration work camp. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 7. The Revisor of Statutes shall assign section 3 of this act to Chapter 29, article 23, and section 6 of this act to Chapter 83.

Sec. 8. Original sections 29-2207 and 83-184, Reissue Revised Statutes of Nebraska, and section 81-1835, Revised Statutes Supplement, 2009, are repealed.

LEGISLATIVE BILL 800. Placed on General File with amendment. AM2109 is available in the Bill Room.

LEGISLATIVE BILL 901. Placed on General File with amendment. AM1926 is available in the Bill Room.

(Signed) Brad Ashford, Chairperson

AMENDMENT - Print in Journal

Senator Louden filed the following amendment to LB836:
AM2115

(Amendments to Standing Committee amendments, AM1864)

1. Insert the following new sections:

Section 1. Section 37-201, Revised Statutes Supplement, 2009, is amended to read:

37-201 Sections 37-201 to 37-811 and section 5 of this act shall be known and may be cited as the Game Law.

Sec. 4. Section 37-559, Reissue Revised Statutes of Nebraska, is amended to read:

37-559 (1) Any farmer or rancher owning or operating a farm or ranch may destroy or have destroyed any predator preying on livestock or poultry or causing other agricultural depredation on land owned or controlled by him or her without a permit issued by the commission. For purposes of this subsection, predator means a badger, bobcat, coyote, gray fox, long-tailed weasel, mink, opossum, raccoon, red fox, or skunk.

(2) Any farmer or rancher owning or operating a farm or ranch, or his or her agent, may kill a mountain lion immediately without prior notice to or permission from the commission if he or she encounters a mountain lion and the mountain lion is in the process of stalking, killing, or consuming livestock on the farmer's or rancher's property. The farmer or rancher or his or her agent shall be responsible for immediately notifying the commission

and arranging with the commission to transfer the mountain lion to the commission.

(3) Any person shall be entitled to defend himself or herself or another person without penalty if, in the presence of such person, a mountain lion stalks, attacks, or shows unprovoked aggression toward such person or another person.

~~(2)~~ (4) This section shall not be construed to allow ~~such~~ a farmer or rancher or his or her agent to destroy or have destroyed species which are protected by ~~the provisions of sections 37-314 and 37-501 to 37-503,~~ the Nongame and Endangered Species Conservation Act or rules and regulations adopted and promulgated under the act, the federal Endangered Species Act of 1973, as amended, 16 U.S.C. 1531 et seq., the federal Fish and Wildlife Coordination Act, as amended, 16 U.S.C. 661 et seq., the federal Bald and Golden Eagle Protection Act, as amended, 16 U.S.C. 668 et seq., the federal Migratory Bird Treaty Act, as amended, 16 U.S.C. 703 et seq., or ~~rules and regulations adopted and promulgated pursuant to such provisions.~~ federal regulations under such federal acts.

Sec. 5. (1) The commission may issue a permit for the killing of one or more mountain lions which are preying on livestock or poultry. The permit shall be valid for up to thirty days and shall require the commission to be notified immediately by the permitholder after the killing of a mountain lion and shall require the carcass to be transferred to the commission.

(2) To be eligible for a permit under this section, a farmer or rancher owning or operating a farm or ranch shall contact the commission to confirm that livestock or poultry on his or her property or property under his or her control has been subject to depredation by a mountain lion. The commission shall confirm that the damage was caused by a mountain lion prior to issuing the permit. The farmer or rancher shall be allowed up to thirty days, as designated by the commission, to kill the mountain lion on such property and shall notify the commission immediately after the killing of a mountain lion and arrange with the commission to transfer the mountain lion to the commission.

(3) The commission may adopt and promulgate rules and regulations to carry out this section.

2. Renumber the remaining sections and correct the repealer accordingly.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 937A. Introduced by Fischer, 43.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2009, First Special Session, LB 1, section 227; to change appropriations to aid in

carrying out the provisions of Legislative Bill 937, One Hundred First Legislature, Second Session, 2010; to repeal the original section; and to declare an emergency.

RESOLUTION

LEGISLATIVE RESOLUTION 352. Introduced by Adams, 24; Ashford, 20; Avery, 28; Campbell, 25; Carlson, 38; Coash, 27; Conrad, 46; Cook, 13; Cornett, 45; Council, 11; Dierks, 40; Dubas, 34; Fischer, 43; Flood, 19; Gay, 14; Giese, 17; Gloor, 35; Haar, 21; Hadley, 37; Hansen, 42; Harms, 48; Heidemann, 1; Howard, 9; Janssen, 15; Karpisek, 32; Krist, 10; Langemeier, 23; Lathrop, 12; Lautenbaugh, 18; Louden, 49; McCoy, 39; McGill, 26; Mello, 5; Nelson, 6; Nordquist, 7; Pankonin, 2; Pirsch, 4; Price, 3; Rogert, 16; Schilz, 47; Stuthman, 22; Sullivan, 41; Utter, 33; Wallman, 30; White, 8; Wightman, 36.

WHEREAS, on February 27, 2010, the United States four-man bobsled team won the gold medal in the 2010 Winter Olympics at the Whistler Sliding Centre in British Columbia, Canada; and

WHEREAS, the United States four-man bobsled team, made up of pilot Steven Holcomb, Justin Olsen, Steve Mesler, and Nebraska native Curt Tomasevicz, entered the Olympic games as the reigning world champions and continued their success by winning the Olympic gold medal, the first gold medal for the United States in the four-man bobsled competition since 1948; and

WHEREAS, Curt Tomasevicz is a native of Shelby, Nebraska; and

WHEREAS, Curt Tomasevicz's dedication to the sport and his years of practice and sacrifice were rewarded with the gold medal win.

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

1. That the Legislature congratulates Nebraska native Curt Tomasevicz and his teammates on winning a gold medal in the four-man bobsled competition at the 2010 Winter Olympics.

2. That a copy of this resolution be sent to Curt Tomasevicz.

Laid over.

VISITORS

Visitors to the Chamber were Taylor Weichman from Ainsworth; members of the Nebraska College of Technical Agriculture from Curtis; Senator Janssen's cousin, Mike Janssen, from Blair; and 84 fourth grade students, teachers, and sponsors from Norris Elementary, Omaha.

The Doctor of the Day was Dr. Rick Gustafson from Lincoln.

ADJOURNMENT

At 11:53 a.m., on a motion by Speaker Flood, the Legislature adjourned until 10:00 a.m., Tuesday, March 9, 2010.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

THIRTY-EIGHTH DAY - MARCH 9, 2010

LEGISLATIVE JOURNAL

ONE HUNDRED FIRST LEGISLATURE
SECOND SESSION

THIRTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 9, 2010

PRAYER

The prayer was offered by Father Paul Rutten, Lincoln.

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 Harms and Pahls who were excused; and Senators Cornett, Lautenbaugh, and Louden who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-seventh day was approved.

COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 258. Placed on Final Reading.
LEGISLATIVE BILL 689. Placed on Final Reading.
LEGISLATIVE BILL 735. Placed on Final Reading.
LEGISLATIVE BILL 764. Placed on Final Reading.
LEGISLATIVE BILL 768. Placed on Final Reading.
LEGISLATIVE BILL 799. Placed on Final Reading.
LEGISLATIVE BILL 805. Placed on Final Reading.
LEGISLATIVE BILL 821. Placed on Final Reading.

LEGISLATIVE BILL 888. Placed on Final Reading.
ST9078
The following changes, required to be reported for publication in the Journal, have been made:
1. In the E & R amendments, ER8170, on page 1, line 2, "section 21-2601" has been struck and "sections 21-2601 and 21-2654" inserted.

2. On page 1, line 6, "to change provisions relating to charging orders involving limited liability companies;" has been inserted after the first semicolon.

LEGISLATIVE BILL 926. Placed on Final Reading.
LEGISLATIVE BILL 1063. Placed on Final Reading.

LEGISLATIVE RESOLUTION 295CA. Placed on Final Reading.

(Signed) Jeremy Nordquist, Chairperson

COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 1018. Placed on Select File with amendment.
ER8186 is available in the Bill Room.

LEGISLATIVE BILL 943. Placed on Select File with amendment.
ER8182
1. On page 1, line 4, strike "and"; and in line 5 before the period insert "; and to declare an emergency".

LEGISLATIVE RESOLUTION 297CA. Placed on Select File with amendment.
ER8183
1. On page 3, line 9, strike the first comma and insert "<u>or</u>".

LEGISLATIVE BILL 1051. Placed on Select File.
LEGISLATIVE BILL 727. Placed on Select File.
LEGISLATIVE BILL 888A. Placed on Select File.

LEGISLATIVE BILL 952. Placed on Select File with amendment.
ER8185
1. On page 4, line 1, strike the period and insert an underscored semicolon.

LEGISLATIVE BILL 882. Placed on Select File with amendment.
ER8184
1. Strike the original sections and all amendments thereto and insert the following new sections:
Section 1. Section 54-744, Revised Statutes Supplement, 2009, is amended to read:
54-744 (1) Except as set out in subsections (2) and (3) of this section and section 54-776, it is the duty of the owner or custodian of any dead animal to cause such animal, within thirty-six hours after receiving knowledge of the death of such animal, to be ~~buried at least four feet below the surface of the ground or to be completely burned on the premises where such animal~~

~~dies unless the animal is disposed of to a duly licensed rendering establishment in this state. Such animal shall not be moved or transported from the premises where such animal has died except by the authorized agents and employees of the rendering establishment to which such carcass is disposed.~~

(a) Buried at least four feet below the surface of the ground or completely incinerated or composted on the premises where such animal dies or on an adjacent property under the ownership and control of the owner or custodian. Any vehicle used by the owner or custodian to transport such dead animal shall be constructed in such a manner that the contents are covered and will not fall, leak, or spill therefrom. Violation of this subdivision is a traffic infraction as defined in section 60-672; or

(b) Transported by a licensed rendering establishment to either a rendering establishment licensed under the Nebraska Meat and Poultry Inspection Law or to a facility with a permit to operate as a landfill under the Integrated Solid Waste Management Act. The operator of a landfill is not required by this subdivision to accept dead animals.

(2) ~~Livestock carcasses up to six hundred pounds may be incorporated into a composting facility on the premises where the livestock died and shall remain in such compost facility until completely composted before spreading on land. Any person incorporating livestock carcasses into a composting facility shall follow the operating procedures as set forth in the Journal of the American Veterinary Medical Association, Volume 210, No. 8. Not less than one copy of such journal, or portion thereof, shall be filed for use and examination by the public in the offices of the Clerk of the Legislature and the Secretary of State.~~ The Department of Agriculture shall regulate the composting of livestock carcasses and shall adopt and promulgate rules and regulations governing the same. Any person incorporating livestock carcasses into a composting facility shall follow the operating procedures established by the Department of Agriculture in consultation with the University of Nebraska Institute of Agriculture and Natural Resources. ~~, which rules and regulations may incorporate or may modify the operating procedures set forth in this subsection.~~

(3) An animal carcass or carcass part may be transported by the owner or the owner's agent to a veterinary clinic or veterinary diagnostic laboratory for purposes of performing diagnostic procedures.

(4) In addition to methods listed in subsections (1) and (2) of this section, animal carcasses or carcass parts may be disposed of by a veterinary clinic or veterinary diagnostic laboratory by alkaline hydrolysis tissue digestion. For purposes of this section, alkaline hydrolysis tissue digestion means a process that utilizes an alkaline agent and heat to catalyze the decomposition and reduction of biological tissues. This section

shall not exempt the products of alkaline hydrolysis tissue digestion from any applicable law, rule, or regulation governing disposal of wastes.

~~(4)~~ (5) Carcasses disposed of in compliance with this section or section 54-744.01 are exempt from the requirements for disposal of solid waste under the Integrated Solid Waste Management Act.

Sec. 2. This act becomes operative on October 1, 2010.

Sec. 3. Original section 54-744, Revised Statutes Supplement, 2009, is repealed.

2. On page 1, line 3, after the semicolon insert "to provide a penalty; to provide an operative date;".

LEGISLATIVE BILL 956. Placed on Select File with amendment.
ER8187

1. On page 19, line 5, strike "subdivision (2) of" and show as stricken.

2. On page 24, line 6, strike "section" and insert "act".

LEGISLATIVE BILL 877. Placed on Select File with amendment.
ER8188

1. On page 1, line 1, after "sections" insert "77-202.04,"; and in line 3 strike "and 77-5016" and insert "77-5016, 77-5018, and 77-5019".

(Signed) Jeremy Nordquist, Chairperson

COMMITTEE REPORTS

Natural Resources

LEGISLATIVE BILL 862. Placed on General File with amendment.
AM2004

1. Strike the original sections and insert the following new sections:

Section 1. Section 2-3226.01, Revised Statutes Cumulative Supplement, 2008, is amended to read:

2-3226.01 (1) In order to implement its duties and obligations under the Nebraska Ground Water Management and Protection Act and in addition to other powers authorized by law, the board of a district with jurisdiction that ~~includes a river subject to an interstate compact among three or more states and that also includes one or more irrigation districts within the compact~~ is part of a river basin for which the district has, in accordance with section 46-715, adopted an integrated management plan which references section 2-3226.04 and explicitly states its intent to utilize qualified projects described in section 2-3226.04 may issue negotiable bonds and refunding bonds of the district and entitled river-flow enhancement bonds, with terms determined appropriate by the board, payable by (a) funds granted

to such district by the state or federal government for one or more qualified projects, (b) the occupation tax authorized by section 2-3226.05, or (c) the levy authorized by section 2-3225. The district may issue the bonds or refunding bonds directly, or such bonds may be issued by any joint entity as defined in section 13-803 whose member public agencies consist only of qualified natural resources districts or by any joint public agency as defined in section 13-2503 whose participating public agencies consist only of qualified natural resources districts, in connection with any joint project which is to be owned, operated, or financed by the joint entity or joint public agency for the benefit of its member natural resources districts. For the payment of such bonds or refunding bonds, the district may pledge one or more permitted payment sources.

(2) Within forty-five days after receipt of a written request by the Natural Resources Committee of the Legislature, the qualified natural resources districts shall submit a written report to the committee containing an explanation of existing or planned activities for river-flow enhancement, the revenue source for implementing such activities, and a description of the estimated benefit or benefits to the district or districts.

(3) Beginning on April 1, 2008, if a district uses the proceeds of a bond issued pursuant to this section for the purposes described in subdivision (1) of section 2-3226.04 or the state uses funds for those same purposes, the agreement to acquire water rights by purchase or lease pursuant to such subdivision shall identify (a) the method of payment, (b) the distribution of funds by the party or parties receiving payments, (c) the water use or rights subject to the agreement, and (d) the water use or rights allowed by the agreement. If any irrigation district is party to the agreement, the irrigation district shall allocate funds received under such agreement among its users or members in a reasonable manner, giving consideration to the benefits received and the value of the rights surrendered for the specified contract period.

Sec. 2. Section 2-3226.05, Revised Statutes Cumulative Supplement, 2008, is amended to read:

2-3226.05 (1) The district may levy an occupation tax upon the activity of irrigation of agricultural lands within such district on an annual basis, not to exceed ten dollars per irrigated acre, the proceeds of which may be used for ~~the purpose of~~ (a) repaying principal and interest on any bonds or refunding bonds issued pursuant to section 2-3226.01 for one or more projects under section 2-3226.04, (b) ~~or for~~ the repayment of financial assistance received by the district pursuant to section 2-3226.07, or (c) payment of all or any part of the costs and expenses of one or more qualified projects described in section 2-3226.04. If such district has more than one river basin as described in section 2-1504 within its jurisdiction, such district shall confine such

occupation tax authorized in this section to the geographic area affected by an integrated management plan adopted in accordance with section 46-715.

(2) Acres classified by the county assessor as irrigated shall be subject to such district's occupation tax unless, on or before July 1, 2007, and on or before March 1 in each subsequent year, the record owner certifies to the district the nonirrigation status of such acres.

(3) Any such occupation tax shall remain in effect so long as the natural resources district has bonds outstanding which have been issued stating such occupation tax as an available source for payment and for the purpose of paying all or any part of the costs and expenses of one or more projects authorized pursuant to section 2-3226.04.

(4) Such occupation taxes shall be certified to, collected by, and accounted for by the county treasurer at the same time and in the same manner as general real estate taxes, and such occupation taxes shall be and remain a perpetual lien against such real estate until paid. Such occupation taxes shall become delinquent at the same time and in the same manner as general real property taxes. The county treasurer shall publish and post a list of delinquent occupation taxes with the list of real property subject to sale for delinquent property taxes provided for in section 77-1804. In addition, the list shall be provided to natural resources districts which levied the delinquent occupation taxes. The list shall include the record owner's name, the parcel identification number, and the amount of delinquent occupation tax. For services rendered in the collection of the occupation tax, the county treasurer shall receive the fee provided for collection of general natural resources district money under section 33-114.

(5) Such lien shall be inferior only to general taxes levied by political subdivisions of the state. When such occupation taxes have become delinquent and the real property on which the irrigation took place has not been offered at any tax sale, the district may proceed in district court in the county in which the real estate is situated to foreclose in its own name the lien in the same manner and with like effect as a foreclosure of a real estate mortgage, except that sections 77-1903 to 77-1917 shall govern when applicable.

Sec. 3. Original sections 2-3226.01 and 2-3226.05, Revised Statutes Cumulative Supplement, 2008, are repealed.

LEGISLATIVE BILL 1010. Placed on General File with amendment.
AM2029

1. Strike the original sections and insert the following sections:

Section 1. Sections 1 to 7 of this act are procedures for the use of eminent domain by a natural resources district to take

private real property for a trail.

Sec. 2. For purposes of sections 1 to 7 of this act:

(1) Private real property does not include any public land such as real property under the general management of the Board of Educational Lands and Funds;

(2) District means a natural resources district;

(3) Trail means a thoroughfare or track across real property used for recreational purposes; and

(4) Supermajority means sixty-seven percent or more.

Sec. 3. Before establishing a trail, the district shall consider, at a public hearing, all of the following:

(1) The proposed route for the trail, including maps and illustrations, and the mode of travel to be permitted;

(2) The areas adjacent to such route to be utilized by the district for scenic, historic, natural, cultural, or developmental purposes;

(3) The characteristics that make the proposed route suitable as a trail;

(4) The plans for developing, operating, and maintaining the proposed trail;

(5) Any anticipated problems enforcing the proper use of the proposed trail or hazards to private real property adjacent to such trail;

(6) The current status of the real property ownership and current and potential use of the real property in and along the proposed route;

(7) The estimated cost of acquisition of the real property, or an interest therein, needed for the proposed route; and

(8) The extent and type of private real property interest needed to establish the proposed trail, the right-of-way acquisition process to be followed, and the circumstances under which eminent domain may be utilized.

Sec. 4. If the district decides to establish the trail after following the procedure under section 3 of this act, the district may acquire private real property, or an interest therein, to develop and maintain the trail by:

(1) Seeking to secure the written consent of the private real property owners affected by the trail to enter into negotiations and proceeding in good faith to reach negotiated agreements with such owners for the private real property, or an interest therein needed; or

(2) If all reasonable efforts to secure written consent and negotiated agreements to acquire private real property, or an interest therein, have failed, the district board may, by resolution adopted by a supermajority of the district board at a public meeting, elect to conduct a proceeding to determine whether to use the power of eminent domain to acquire such property. Such proceeding shall be a public hearing with general notice to the

public and specific notice by registered mail to all private real property owners whose property would be subject to condemnation by eminent domain. The public hearing shall be held no sooner than forty-five days after the date the resolution is adopted. At the public hearing, the district board shall receive evidence on the question of whether to acquire private property by eminent domain for the purpose of constructing the trail. The district board may, by vote of a supermajority of its members, elect to proceed with eminent domain to acquire such property if the district board finds, by clear and convincing evidence received at the public hearing, that all of the following criteria are met:

(a) Whether the trail has been publicized at a public hearing held in accordance with section 3 of this act in the area where the trail is planned and reasonable notice of the hearing was provided to affected private real property owners;

(b) Whether good faith attempts to negotiate agreements meeting the requirements of subdivision (1) of this section with the affected private real property owners have been made and have failed for some or all of the private real property that is determined by the district board to be necessary for the trail to be developed;

(c) Whether all other trail route alternatives have been considered, with an evaluation of the extent to which private real property may be involved and which may require the exercise of eminent domain for each alternate route;

(d) Whether in locating the proposed trail consideration was given to the directness of the route; trail design and costs; safety to trail users, vehicle operators, and adjacent persons; and adverse impacts and intrusions upon private real property owners or persons using such property;

(e) Whether good faith attempts have been made to address the concerns of affected private real property owners regarding trail design, privacy, land protection, management, and maintenance; and

(f) Whether any development and management of the trail is designed to harmonize with and complement any established forest or agricultural plan for the affected private real property.

Sec. 5. Acquisition of private real property, or an interest therein, and any utilization of eminent domain approved under sections 1 to 7 of this act to establish a proposed trail shall be conducted in the manner and subject to the requirements provided in sections 25-2501 to 25-2506 and 76-701 to 76-726.

Sec. 6. (1) A private real property owner or lessee of property adjoining a trail has no duty (a) to maintain or repair the trail or (b) to protect users of the trail from danger resulting from conditions on the trail unless such conditions are the result of an intentional or negligent act of such owner or lessee.

(2) A negotiated written agreement between a district and a private real property owner regarding the acquisition of real property, or an interest therein, by the district to establish and maintain a trail shall clearly express both parties' rights and obligations, including the obligation of the district to maintain the trail and the liability of the district for property damage or personal injury, or both, to users of the trail.

Sec. 7. An affected private real property owner may appeal the decision of the district board to use eminent domain under sections 1 to 7 of this act by petition in error to the district court of the county where the affected private real property is located. No petition to condemn private real property affected by the proposed trail shall be filed in county court until any error proceeding under this section is final.

Sec. 8. Section 2-3234, Revised Statutes Supplement, 2009, is amended to read:

2-3234 Except as provided in section 2-3226.11 and sections 1 to 7 of this act, each district shall have the power and authority to exercise the power of eminent domain when necessary to carry out its authorized purposes within the limits of the district or outside its boundaries. Exercise of eminent domain shall be governed by the provisions of sections 76-704 to 76-724, except that whenever any district seeks to acquire the right to interfere with the use of any water being used for power purposes in accordance with sections 46-204, 70-668, 70-669, and 70-672 and is unable to agree with the user of such water upon the compensation to be paid for such interference, the procedure to condemn property shall be followed in the manner set forth in sections 76-704 to 76-724 and no other property shall be included in such condemnation. No district shall contract for delivery of water to persons within the corporate limits of any village, city, or metropolitan utilities district, nor in competition therewith outside such corporate limits, except by consent of and written agreement with the governing body of such political subdivision. A village, city, or metropolitan utilities district may negotiate and, if necessary, exercise the power of eminent domain for the acquisition of water supply facilities of the district which are within its boundaries.

Sec. 9. The Revisor of Statutes shall assign sections 1 to 7 of this act within Chapter 2, article 32.

Sec. 10. Original section 2-3234, Revised Statutes Supplement, 2009, is repealed.

Sec. 11. Since an emergency exists, this act takes effect when passed and approved according to law.

(Signed) Chris Langemeier, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 353. Introduced by Flood, 19.

WHEREAS, the Elkhorn Valley Lady Falcons won the 2010 Class D-1 Girls' State Basketball Championship; and

WHEREAS, Elkhorn Valley earned a trip to the championship game by defeating previously unbeaten Silver Lake High School 62-51 in the state semifinals; and

WHEREAS, Elkhorn Valley then defeated East Butler High School 57-52 in the championship game, giving Elkhorn Valley its first state title in girls' basketball since 1982; and

WHEREAS, Elkhorn Valley's coaches, Brendan Dittmer and Kristi Werner, provided outstanding guidance and leadership throughout the season; and

WHEREAS, Elkhorn Valley team members include Lisa Henseleit, Kyleigh Parham, Jamie Henseleit, Sadie Rich, April Osborn, Halle Dittrich, Katie Dusel, Jennifer Crabb, Audrey Osborn, Sonya Legate, Cami Oelsligle, Lacey Kessler, and Emily Rood.

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

1. That the Legislature congratulates the Elkhorn Valley Lady Falcons on winning the 2010 Class D-1 Girls' State Basketball Championship.

2. That a copy of this resolution be sent to the Elkhorn Valley Lady Falcons and their coaches.

Laid over.

GENERAL FILE

LEGISLATIVE RESOLUTION 284CA. Read. Considered.

Committee AM1906, found on page 624, was considered.

Pending.

COMMITTEE REPORT
Urban Affairs

LEGISLATIVE BILL 977. Placed on General File with amendment.
AM2100

1. Strike the original sections and insert the following new section:

Section 1. <u>Beginning January 1, 2015, any capital improvement project undertaken by a state agency, a state college, or the University of Nebraska shall achieve Energy Star certification. If there is a conflict between Energy Star requirements and the 2003 International Energy Conservation Code</u>

made applicable to state buildings by section 72-805, the more stringent standard shall apply. For purposes of this section:

(1) Capital improvement project means a project defined in subdivisions (1)(a) through (c) of section 81-188.02; and

(2) Energy Star means the energy efficiency program of the United States Department of Energy and the United States Environmental Protection Agency.

(Signed) Amanda McGill, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1106A. Introduced by Nordquist, 7.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1106, One Hundred First Legislature, Second Session, 2010; and to reduce an appropriation.

RESOLUTIONS

LEGISLATIVE RESOLUTION 354. Introduced by Price, 3; McCoy, 39.

WHEREAS, Kyle Rhodes, of Troop 363, 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, Kyle 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. For his Eagle Scout community service project, Kyle made improvements to a slide and barn at a camp for disabled children; and

WHEREAS, only five percent of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Kyle, through his hard work and perseverance, has joined 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 HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates Kyle Rhodes on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Kyle Rhodes.

Laid over.

LEGISLATIVE RESOLUTION 355. Introduced by Price, 3; Cornett, 45; Mello, 5.

WHEREAS, the Bellevue West Thunderbirds won the 2010 Class A Girls' State Basketball Championship; and

WHEREAS, Bellevue West defeated Millard West High School 51-38 in the championship game; and

WHEREAS, Bellevue West's victory gave the school its second straight state championship in Class A and third in the last four years; 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, SECOND SESSION:

1. That the Legislature congratulates the Bellevue West Thunderbirds on winning the 2010 Class A Girls' State Basketball Championship.

2. That a copy of this resolution be sent to the Thunderbirds and their head coach, Matt Fritsche.

Laid over.

GENERAL FILE

LEGISLATIVE RESOLUTION 284CA. Committee AM1906, found on page 624 and considered in this day's Journal, was renewed.

SENATOR ROGERT PRESIDING

PRESIDENT SHEEHY PRESIDING

Pending.

MOTION - Print in Journal

Senators Heidemann, Conrad, Fulton, Hansen, Mello, Nelson, Nordquist, and Wightman filed the following motion:

Suspend the rules, Rule 8, Sec. 5, to allow the Appropriations Committee to place appropriations bills on General File later than the 40th legislative day and to permit the Legislature to pass the appropriations bills after the 50th legislative day.

RESOLUTIONS

LEGISLATIVE RESOLUTION 356. Introduced by Gloor, 35.

WHEREAS, the Grand Island Senior High School wrestling team won the 2010 Class A State Wrestling Championship, the school's second team championship in a row; and

WHEREAS, the state championship capped off a dominating season for Grand Island Senior High School, with the team winning its district tournament for the fourth straight year and winning the Top of the Rockies Tournament in Lafayette, Colorado; and

WHEREAS, Grand Island Senior High School had five individual champions and eleven individual medalists in scoring 228.5 points to win the state 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, SECOND SESSION:

1. That the Legislature congratulates the Grand Island Senior High School wrestling team on winning the 2010 Class A State Wrestling Championship.

2. That a copy of this resolution be sent to the Grand Island Senior High School wrestling team and their coach, Mike Schadwinkel.

Laid over.

LEGISLATIVE RESOLUTION 357. Introduced by Adams, 24.

WHEREAS, the Seward Bluejays girls' basketball team won the 2010 Class B Girls' State Basketball Championship at the Bob Devaney Sports Complex in Lincoln on March 6; and

WHEREAS, the Seward Bluejays won back-to-back state championships and two perfect winning seasons; and

WHEREAS, the Bluejays beat the second ranked Gretna Dragons 68-45, capping off two perfect seasons with fifty straight wins; and

WHEREAS, the Seward Bluejays had a twenty-six-point average winning margin over their opponents this season.

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

1. That the Legislature congratulates Coach Tom Tvrdy and the Seward Bluejays girls' basketball team for winning the 2010 Class B Girls' State Basketball Championship.

2. That a copy of this resolution be sent to Coach Tvrdy.

Laid over.

LEGISLATIVE RESOLUTION 358. Introduced by Howard, 9.

WHEREAS, an estimated 463,000 children are in out-of-home care in the United States; and

WHEREAS, National Foster Care Month has been celebrated throughout the United States since 1988; and

WHEREAS, the purpose of National Foster Care Month is to increase awareness about the needs of children and teens in foster care, issue a national call to action for individuals to create a positive impact on the lives of children in out-of-home care, raise positive awareness about the issues involved in the foster care system, and support year-round efforts of agencies and organizations involved in foster care; and

WHEREAS, National Foster Care Month recognizes the caring commitment of foster care families throughout the United States; and

WHEREAS, National Foster Care Month also recognizes the significant challenges within the system and looks toward future solutions; and

WHEREAS, the theme of National Foster Care Month 2010 is to encourage individuals to give any time they can to do something positive that will change a life for a child in foster care.

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

1. That the Legislature recognizes May 2010 as Foster Care Month in Nebraska and encourages communities to participate in activities designed to increase public awareness about foster care and rally around Nebraska's most vulnerable children.

2. That a copy of this resolution be sent to the Department of Health and Human Services.

Laid over.

LEGISLATIVE RESOLUTION 359. Introduced by Nelson, 6; Adams, 24; Carlson, 38; Cook, 13; Giese, 17; Janssen, 15; Nordquist, 7; Pirsch, 4; Wightman, 36.

WHEREAS, March 12, 2010, marks the 98th anniversary of Girl Scouts of the USA, founded by Juliette Gordon Low in 1912 in Savannah, Georgia; and

WHEREAS, throughout its distinguished history, Girl Scouting has inspired millions of girls and women with courage, confidence, and character to make the world a better place; and

WHEREAS, through the Girl Scout Leadership Experience, girls develop the skills that will serve them throughout their lives so that they may contribute to their communities; and

WHEREAS, Girl Scouting increases girls' awareness of the opportunities in math, science, sports, technology, and many other fields of interest that can expand their horizons; and

WHEREAS, more than three million current Girl Scout members nationwide will be celebrating this American tradition and welcoming girls from every background to join.

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

1. That the Legislature recognizes the importance of Girl Scouting in the leadership development of America's girls.

2. That the Legislature recognizes the week of March 7, 2010, as Girl Scout Week in Nebraska.

3. That a copy of this resolution be sent to Girl Scouts - Spirit of Nebraska.

Laid over.

LEGISLATIVE RESOLUTION 360. Introduced by Pirsch, 4.

WHEREAS, Matt Lenagh of Millard North High School won the 2010 Class A State Wrestling Championship in the 189-pound division; and

WHEREAS, Matt Lenagh defeated Alan Taylor of Grand Island Senior High School to win the state championship; 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, SECOND SESSION:

1. That the Legislature congratulates Matt Lenagh on winning the 2010 Class A State Wrestling Championship in the 189-pound division.

2. That a copy of this resolution be sent to Matt Lenagh.

Laid over.

LEGISLATIVE RESOLUTION 361. Introduced by Pirsch, 4.

WHEREAS, Kevin Humphrey of Boys Town High School won the 2010 Class B State Wrestling Championship in the 160-pound division; and

WHEREAS, Kevin Humphrey defeated Bryce Lewis of Minden High School 9-7 to win the state championship; 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, SECOND SESSION:

1. That the Legislature congratulates Kevin Humphrey on winning the 2010 Class B State Wrestling Championship in the 160-pound division.

2. That a copy of this resolution be sent to Kevin Humphrey.

Laid over.

LEGISLATIVE RESOLUTION 362. Introduced by Pirsch, 4.

WHEREAS, Kavon Jones of Boys Town High School won the 2010 Class B State Wrestling Championship in the 130-pound division; and

WHEREAS, Kavon Jones defeated Adam Joseph of Adams Central High School 10-6 to win the state championship; 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, SECOND SESSION:

1. That the Legislature congratulates Kavon Jones on winning the 2010 Class B State Wrestling Championship in the 130-pound division.

2. That a copy of this resolution be sent to Kavon Jones.

Laid over.

LEGISLATIVE RESOLUTION 363. Introduced by Pirsch, 4.

WHEREAS, Shaquil Barrett of Boys Town High School won the 2010 Class B State Wrestling Championship in the 215-pound division; and

WHEREAS, Shaquil Barrett defeated Brock Sherman of Crete High School to win the state championship; 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, SECOND SESSION:

1. That the Legislature congratulates Shaquil Barrett on winning the 2010 Class B State Wrestling Championship in the 215-pound division.

2. That a copy of this resolution be sent to Shaquil Barrett.

Laid over.

AMENDMENT - Print in Journal

Senator McGill filed the following amendment to LR295CA:

AM2114

(Amendments to Final Reading copy)

1. Strike the original sections and insert the following new sections:

Section 1. At the primary election in May 2010 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To add a new section 4 to Article XIII:, is amended to read:

XIII-4 Notwithstanding any other provision in this Constitution, the Legislature may also authorize any county, city, or village to acquire, own, develop, and lease or finance real

and personal property, other than property used or to be used for sectarian instruction or study or as a place for devotional activities or religious worship, to be used, during the term of any revenue bonds issued, only by nonprofit enterprises as determined by law and to issue revenue bonds for the purpose of defraying the cost of acquiring and developing or financing such property by construction, purchase, or otherwise. Such bonds shall not become general obligation bonds of the governmental subdivision by which such bonds are issued, and such governmental subdivision shall have no authority to impose taxes for the payment of such bonds. Notwithstanding the provisions of Article VIII, section 2, of this Constitution, the acquisition, ownership, development, use, or financing of any real or personal property pursuant to the provisions of this section shall not affect the imposition of any taxes or the exemption therefrom by the Legislature pursuant to this Constitution. The acquiring, owning, developing, and leasing or financing of such property shall be deemed for a public purpose, but the governmental subdivision shall not have the right to acquire such property for the purposes specified in this section by condemnation. The principal of and interest on any bonds issued may be secured by a pledge of the lease and the revenue therefrom and by mortgage upon such property. No such governmental subdivision shall have the power to operate any such property as a business or in any manner except as the lessor thereof.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to authorize the use of revenue bonds to develop and lease property for use by nonprofit enterprises as determined by law.

For

Against.

UNANIMOUS CONSENT - Add Cointroducers

Senators Mello and Nordquist asked unanimous consent to add their names as cointroducers to LB563. No objections. So ordered.

Senator Pirsch asked unanimous consent to add his name as cointroducer to LB594. No objections. So ordered.

Senator Wallman asked unanimous consent to add his name as cointroducer to LB780. No objections. So ordered.

Senators Howard and Krist asked unanimous consent to add their names as cointroducers to LB1110. No objections. So ordered.

Senator Sullivan asked unanimous consent to add her name as cointroducer to LR353. No objections. So ordered.

VISITORS

Visitors to the Chamber were Kaitlin Grode from Omaha; 48 fourth-grade students and teachers from Avery Elementary, Bellevue; and 5 seventh- and eighth-grade students, teacher, and sponsor from St. Wenceslaus, Dodge.

RECESS

At 11:58 a.m., on a motion by Speaker Flood, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Senator Stuthman presiding.

ROLL CALL

The roll was called and all members were present except Senators Harms and Pahls who were excused; and Senators Coash, Cornett, and Sullivan who were excused until they arrive.

NOTICE OF COMMITTEE HEARING

Natural Resources

Room 1525

Friday, March 26, 2010 8:30 a.m.

Perry Van Newkirk - Nebraska Oil and Gas Conservation Commission

(Signed) Chris Langemeier, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 364. Introduced by Avery, 28.

WHEREAS, John Garver will celebrate his ninetieth birthday on March 26, 2010; and

WHEREAS, John Garver came to Nebraska in 1949 as a refugee from World War II era Poland; and

WHEREAS, John Garver worked for many years on the Chicago, Burlington and Quincy Railroad as a carman and freight car inspector, retiring in 1982; and

WHEREAS, for sixty years John Garver has lived in the same Lincoln home and attended St. Mary's Catholic Church across the street from the State Capitol; and

WHEREAS, the celebration of John Garver's ninetieth birthday is worthy of recognition by the Legislature.

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

1. That the Legislature wishes John Garver a very happy ninetieth birthday.
2. That a copy of this resolution be sent to John Garver's son, Jim Garver.

Laid over.

LEGISLATIVE RESOLUTION 365. Introduced by Avery, 28.

WHEREAS, Chase White won the 2010 Class A State Wrestling Championship in the 145-pound division; and

WHEREAS, Chase White, a senior at Lincoln High School, defeated Tyler Harris of Millard South High School with a 12-3 major decision to win the state championship; and

WHEREAS, Chase White's victory in the state championship came at the end of an undefeated season; 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, SECOND SESSION:

1. That the Legislature congratulates Chase White on winning the 2010 Class A State Wrestling Championship in the 145-pound division.
2. That a copy of this resolution be sent to Chase White.

Laid over.

MOTION - Override Veto on LB867

Senator Karpisek renewed his motion, MO86, found on page 752, that LB867 becomes law notwithstanding the objections of the Governor.

Senator Karpisek moved for a call of the house. The motion prevailed with 40 ayes, 0 nays, and 9 not voting.

SPEAKER FLOOD PRESIDING

Senator Karpisek requested a roll call vote on his motion to override the Governor's veto.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 38:

Ashford	Council	Gloor	Langemeier	Rogert
Avery	Dierks	Haar	Lautenbaugh	Schilz
Campbell	Dubas	Hadley	Louden	Utter
Carlson	Fischer	Heidemann	McGill	Wallman
Christensen	Flood	Howard	Mello	White
Conrad	Fulton	Janssen	Nordquist	Wightman
Cook	Gay	Karpisek	Pankonin	
Cornett	Giese	Krist	Price	

Voting in the negative, 9:

Adams	Hansen	McCoy	Pirsch	Sullivan
Coash	Lathrop	Nelson	Stuthman	

Excused and not voting, 2:

Harms	Pahls

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

The Chair declared the call raised.

COMMUNICATION

March 9, 2010

The Honorable John Gale
Secretary of State
2300 State Capitol
Lincoln, NE 68509

Dear Mr. Secretary:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB867 with a certificate attached thereto signed by the President of the Legislature certifying the passage of LB867, notwithstanding the objections of the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:jk
Enc.

CERTIFICATE

Legislative Bill 867, having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, has become law this 9th day of March 2010.

(Signed) Mike Flood
President of the Legislature

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 332, 333, 336, 337, 338, 339, 340, 341, 342, 343, 344, and 345 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 332, 333, 336, 337, 338, 339, 340, 341, 342, 343, 344, and 345.

COMMITTEE REPORTS

Health and Human Services

The Health and Human Services 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.

Bernard Kanger Jr. - Board of Emergency Medical Services

Aye: 7 Senators Campbell, Gay, Gloor, Howard, Pankonin, Stuthman, Wallman. Nay: 0. Absent: 0. Present and not voting: 0.

LEGISLATIVE BILL 849. Placed on General File with amendment.
AM2120 is available in the Bill Room.

LEGISLATIVE BILL 1110. Placed on General File with amendment.
AM2124

1. On page 9, strike beginning with "If" in line 8 through line 13; and in line 14 strike "subdivision" and insert "subsection, unless the recipient qualifies for coverage under Title XIX of the federal Social Security Act, as amended,".

2. On page 10, lines 2 and 3, strike "dentistry, optometry, and other".

(Signed) Tim Gay, Chairperson

GENERAL FILE

LEGISLATIVE RESOLUTION 284CA. Committee AM1906, found on page 624 and considered in this day's Journal, was renewed.

The committee amendment was adopted with 36 ayes, 1 nay, 10 present and not voting, and 2 excused and not voting.

Senator Utter moved for a call of the house. The motion prevailed with 37 ayes, 0 nays, and 12 not voting.

Senator Utter requested a roll call vote on the advancement of the resolution.

Voting in the affirmative, 37:

Adams	Cornett	Gloor	McCoy	Schilz
Ashford	Council	Haar	McGill	Sullivan
Avery	Dierks	Hadley	Mello	Utter
Campbell	Dubas	Howard	Nordquist	Wallman
Carlson	Fischer	Karpisek	Pankonin	White
Christensen	Flood	Krist	Pirsch	
Conrad	Gay	Langemeier	Price	
Cook	Giese	Lathrop	Rogert	

Voting in the negative, 6:

Coash	Janssen	Louden
Hansen	Lautenbaugh	Stuthman

Present and not voting, 4:

Fulton	Heidemann	Nelson	Wightman

Excused and not voting, 2:

Harms	Pahls

Advanced to Enrollment and Review Initial with 37 ayes, 6 nays, 4 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 1014. Title read. Considered.

Committee AM1979, found on page 681, was considered.

Senator Adams renewed his amendment, AM2058, found on page 730, to the committee amendment.

SENATOR STUTHMAN PRESIDING

Pending.

ANNOUNCEMENT

The Chair announced today is Senator Hadley's birthday.

COMMITTEE REPORTS

Judiciary

LEGISLATIVE BILL 864. Placed on General File with amendment.
AM1679

1. Strike the original sections and insert the following new sections:

Section 1. Section 47-619, Revised Statutes Cumulative Supplement, 2008, is amended to read:

47-619 Sections 47-619 to 47-634 and section 3 of this act shall be known and may be cited as the Community Corrections Act.

Sec. 2. Section 47-624, Revised Statutes Cumulative Supplement, 2008, is amended to read:

47-624 The council shall:

(1) Develop standards for eligible community correctional facilities and programs in which offenders can participate, taking into consideration the following factors:

(a) Qualifications of staff;

(b) Suitability of programs;

(c) Offender needs;

(d) Probation population;

(e) Parole population; and

(f) Other applicable criminal justice data;

(2) Develop and implement a plan to establish statewide operation and use of a continuum of community correctional facilities and programs;

(3) Develop, in consultation with the probation administrator and the Parole Administrator, standards for the use of community correctional facilities and programs by the Nebraska Probation System and the parole system;

~~(4) Develop, recommend, and review sentencing guidelines for adoption by the Supreme Court as set forth in section 47-630;~~

(4) Collaborate with the Office of Probation Administration, the Office of Parole Administration, and the Department of Correctional Services on the development of additional reporting centers as set forth in section 3 of this act;

(5) Analyze and mandate the consistent use of offender risk assessment tools;

~~(6) Develop standards for eligibility of probationers and parolees in certain community correctional facilities and programs;~~

~~(7)~~ (6) Educate the courts, ~~and~~ the Board of Parole, criminal justice system stakeholders, and the general public about the availability and use of community correctional facilities and programs;

~~(8)~~ (7) Enter into contracts, if necessary, for carrying out the purposes of the Community Corrections Act;

~~(9)~~ (8) In order to ensure adequate funding for substance abuse treatment programs for probationers, consult with the probation administrator as provided in section 29-2262.07 and develop or assist with the development of programs as provided in subdivision (14) of section 29-2252;

~~(10)~~ (9) In order to ensure adequate funding for substance abuse treatment programs for parolees, consult with the Office of Parole Administration as provided in section 83-1,107.02 and develop or assist with the development of programs as provided in subdivision (8) of section 83-1,102;

~~(11)~~ (10) If necessary to perform the duties of the council, hire, contract for, or otherwise obtain the services of consultants, researchers, aides, and other necessary support staff;

~~(12)~~ (11) Study substance abuse and mental health treatment services in and related to the criminal justice system, recommend improvements, and evaluate the implementation of improvements;

~~(13) Study, develop, and implement minimum standards for the development and use of community correctional facilities and programs;~~

~~(14) Develop and implement a plan for statewide use of community correctional facilities and programs;~~

(12) Research and evaluate existing community corrections facilities and programs, within the limits of available funding;

(13) Develop standardized definitions of outcome measures for community corrections facilities and programs, including, but not limited to, recidivism, employment, and substance abuse;

(14) Report annually to the Legislature and the Governor on the development and performance of community corrections facilities and programs. The report shall include the following:

(a) A description of community corrections facilities and programs, endorsed by the council, currently serving offenders in Nebraska, which includes the following information:

(i) The target population and geographic area served by each facility or program, eligibility requirements, and the total number of offenders utilizing the facility or program over the past year;

(ii) Services provided to offenders at the facility or in the program;

(iii) The costs of operating the facility or program and the cost per offender; and

(iv) The funding sources for the facility or program;

(b) The progress made in expanding community corrections facilities and programs statewide and an analysis of the need for additional community corrections services;

(c) An analysis of the impact community corrections facilities and programs have on the number of offenders incarcerated within the Department of Correctional Services; and

(d) The recidivism rates and outcome data for probationers, parolees, and problem-solving court clients participating in community corrections programs;

(15) Grant funds to entities including local governmental agencies, nonprofit organizations, and behavioral health services which will support the intent of the act; and

(16) Perform such other duties as may be necessary to carry out the policy of the state established in the act.

Sec. 3. (1)(a) The council shall collaborate with the Office of Probation Administration, the Office of Parole Administration, and the Department of Correctional Services in developing a plan for the implementation and funding of reporting centers in Nebraska.

(b) The plan shall include recommended locations for at least one reporting center in each judicial district that currently lacks such a center and shall prioritize the recommendations for additional reporting centers based upon need.

(c) The plan shall also identify and prioritize the need for expansion of reporting centers in those judicial districts which currently have a reporting center but have an unmet need for additional reporting center services due to capacity, distance, or demographic factors.

(2) The council shall submit the reporting center expansion plan to the chairperson of the Sentencing and Recidivism Committee of the Legislature, as created in Legislative Resolution 171, One Hundred First Legislature, First Session, 2009, by December 1, 2010. The plan shall be implemented as state funding allows until each judicial district has at least one reporting center.

Sec. 4. Original sections 47-619 and 47-624, Revised Statutes Cumulative Supplement, 2008, are repealed.

LEGISLATIVE BILL 880. Placed on General File with amendment. AM2015 is available in the Bill Room.

(Signed) Brad Ashford, Chairperson

Business and Labor

LEGISLATIVE BILL 563. Placed on General File with amendment.
AM2079

1. Strike the original sections and insert the following sections:

Section 1. Sections 1 to 12 of this act shall be known and may be cited as the Employee Classification Act.

Sec. 2. For purposes of the Employee Classification Act:

(1) Commissioner means the Commissioner of Labor;

(2) Contractor means an individual, partnership, limited liability company, corporation, or other business entity engaged in a delivery service or a construction contractor business, as construction and contractor are defined in section 48-2103;

(3) Delivery service means the transport and delivery of goods, products, supplies, or raw materials upon the highways of this state;

(4) Department means the Department of Labor; and

(5) Performing services means the performance of construction labor or delivery services for remuneration.

Sec. 3. (1) An individual performing construction labor services for a contractor is presumed an employee and not an independent contractor for purposes of the Employee Classification Act, unless:

(a) The individual meets the criteria found in subdivision (5) of section 48-604;

(b) The individual has been registered as a contractor pursuant to the Contractor Registration Act at least six months prior to commencing construction work for the contractor; and

(c) The individual has been assigned a combined tax rate pursuant to subdivision (4) of section 48-649 or the employees of the individual are exempted from unemployment insurance coverage pursuant to subdivision (6) of section 48-604.

(2) An individual performing delivery services for a contractor is presumed an employee and not an independent contractor for purposes of the Employee Classification Act, unless the individual is exempted from unemployment insurance coverage pursuant to subdivision (6)(n) or (6)(q) of section 48-604.

(3) The act shall not be construed to affect or apply to a common-law or statutory action providing for recovery in tort and shall not be construed to affect or change the common-law interpretation of independent contractor status as it relates to tort liability or a workers' compensation claim.

Sec. 4. It is a violation of the Employee Classification Act for a contractor to designate an individual as an independent contractor who would be properly classified as an employee under section 3 of this act.

Sec. 5. The department shall establish and operate a hotline and web site for individuals to report suspected violations

of the Employee Classification Act. The hotline and web site may be operated in conjunction with the requirements of the Contractor Registration Act. At a minimum, the department shall require the reporting individual to provide contact information and a description of the suspected violation including the name of the business and jobsite location. The department shall keep the identity of the reporting individual confidential.

Sec. 6. The department shall timely investigate all credible reports made pursuant to section 5 of this act.

Sec. 7. In addition to any other fines or penalties provided by law, any contractor who violates the Employee Classification Act shall be assessed, by the commissioner, a five hundred dollar fine per each misclassified individual for the first offense and a five thousand dollar fine per each misclassified individual for each second and subsequent offense.

Sec. 8. Upon finding a contractor has violated the Employee Classification Act, the commissioner shall instigate proceedings pursuant to the Employment Security Law to collect any unpaid combined taxes and interest. The commissioner shall share any findings with the Department of Revenue for analysis of violations of the Nebraska Revenue Act of 1967. Upon receipt, the Department of Revenue shall promptly investigate and proceed with the collection of income tax not withheld plus interest and penalties. The commissioner and Department of Revenue shall refer their findings to the appropriate prosecuting authority for appropriate criminal prosecution under the Employment Security Law, the Nebraska Revenue Act of 1967, or the Nebraska Workers' Compensation Act.

Sec. 9. The department shall annually provide a report to the Legislature regarding compliance with and enforcement of the Employee Classification Act. The report shall include, but not be limited to, the number of reports received from both its hotline and web site, the number of investigated reports, the findings of the reports, the amount of combined tax, interest, and fines collected, the number of referrals to the Department of Revenue and appropriate prosecuting authority, and the outcome of such referrals.

Sec. 10. Every contractor shall post in a conspicuous place at the job site or place of business in English and Spanish the following notice:

(1) Every individual working for a contractor has the right to be properly classified by the contractor as an employee rather than an independent contractor if the individual does not meet the requirements of an independent contractor under the law known as the Employee Classification Act.

(2) If you believe you or someone else has not been properly classified as an employee or an independent contractor under the Employee Classification Act, contact the Department of Labor.

Sec. 11. The state or any political subdivision entering into a contract for construction shall require that each contractor who performs construction services pursuant to the contract submit an affidavit attesting that each individual performing services for such contractor is properly classified under the Employee Classification Act, such contractor has completed a federal I-9 immigration form on file for each individual performing services, such contractor has complied with section 4-114, and such contractor has no reasonable basis to believe that such individual is an undocumented worker.

Sec. 12. Any contractor who knowingly provides a false affidavit under section 11 of this act to the state or political subdivision shall be subject to the penalties of perjury and upon a second or subsequent violation shall not be permitted to contract with the state or any political subdivision for a period of three years after the date of discovery of the falsehood.

Sec. 13. Section 48-621, Reissue Revised Statutes of Nebraska, is amended to read:

48-621 (1) The administrative fund shall consist of the Employment Security Administration Fund and the Employment Security Special Contingent Fund. Each fund shall be maintained as a separate and distinct account in all respects, as follows:

(a) There is hereby created in the state treasury a special fund to be known as the Employment Security Administration Fund. All money credited to this fund is hereby appropriated and made available to the Commissioner of Labor. All money in this fund shall be expended solely for the purposes and in the amounts found necessary as defined by the specific federal programs, state statutes, and contract obligations for the proper and efficient administration of all programs of the Department of Labor. The fund shall consist of all money appropriated by this state and all money received from the United States of America or any agency thereof, including the Department of Labor and the Railroad Retirement Board, or from any other source for such purpose. Money received from any agency of the United States or any other state as compensation for services or facilities supplied to such agency, any amounts received pursuant to any surety bond or insurance policy for losses sustained by the Employment Security Administration Fund or by reason of damage to equipment or supplies purchased from money in such fund, and any proceeds realized from the sale or disposition of any equipment or supplies which may no longer be necessary for the proper administration of such programs shall also be credited to this fund. All money in this fund shall be deposited, administered, and disbursed in the same manner and under the same conditions and requirements as is provided by law for other special funds in the state treasury. Any balances in this fund, except balances of money therein appropriated from the General Fund of this state, shall not lapse at any time but shall be continuously available to the commissioner for expenditure

consistent with the Employment Security Law. Any money in the Employment Security Administration Fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act; and

(b) There is hereby created in the state treasury a special fund to be known as the Employment Security Special Contingent Fund. Any money in the Employment Security Special Contingent Fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act. All money collected under section 48-655 as interest on delinquent contributions, less refunds, shall be credited to this fund from the clearing account of the Unemployment Compensation Fund at the end of each calendar quarter. Such money shall not be expended or available for expenditure in any manner which would permit its substitution for or a corresponding reduction in federal funds which would in the absence of such money be available to finance expenditures for the administration of the unemployment insurance law, but nothing in this section shall prevent the money from being used as a revolving fund to cover expenditures necessary and proper under the law for which federal funds have been duly requested but not yet received, subject to the charging of such expenditures against such federal funds when received. The money in this fund may be used by the Commissioner of Labor only as follows:

(i) To replace within a reasonable time any money received by this state pursuant to section 302 of the federal Social Security Act, as amended, and required to be paid under section 48-622;

(ii) To meet special extraordinary and contingent expenses which are deemed essential for good administration but which are not provided in grants from the Secretary of Labor of the United States and, for this purpose, no expenditures shall be made from this fund except on written authorization by the Governor at the request of the Commissioner of Labor;

(iii) To be transferred to the Nebraska Community College Aid Cash Fund; ~~and~~

(iv) To be transferred to the Job Training Cash Fund; and~~.~~

(v) To assist with enforcement of the Employee Classification Act.

(2)(a) Money credited to the account of this state in the Unemployment Trust Fund by the United States Secretary of the Treasury pursuant to section 903 of the Social Security Act may not be requisitioned from this state's account or used except for the payment of benefits and for the payment of expenses incurred for the administration of the Employment Security Law and public employment offices. Such money may be requisitioned pursuant to section 48-619 for the payment of benefits. Such money may also

be requisitioned and used for the payment of expenses incurred for the administration of the Employment Security Law and public employment offices but only pursuant to a specific appropriation by the Legislature and only if the expenses are incurred and the money is requisitioned after the date of enactment of an appropriation law which specifies the purposes for which such money is appropriated and the amounts appropriated therefor. Such appropriation is subject to the following conditions:

(i) The period within which such money may be obligated is limited to a period ending not more than two years after the effective date of the appropriation law; and

(ii) The amount which may be obligated is limited to an amount which does not exceed the amount by which the aggregate of the amounts transferred to the account of this state pursuant to section 903 of the Social Security Act exceeds the aggregate of the amounts used by this state pursuant to the Employment Security Law and charged against the amounts transferred to the account of this state.

(b) For purposes of subdivision (2)(a)(ii) of this section, the amounts obligated under an appropriation for the administrative purposes described in such subdivision shall be charged against transferred amounts at the exact time the obligation is entered into.

(c) The appropriation, obligation, and expenditure or other disposition of money appropriated under this subsection shall be accounted for in accordance with standards established by the United States Secretary of Labor.

(d) Money appropriated as provided in this subsection for the payment of expenses of administration shall be requisitioned as needed for the payment of obligations incurred under such appropriation and, upon requisition, shall be credited to the Employment Security Administration Fund from which such payments shall be made. Money so credited shall, until expended, remain a part of the Employment Security Administration Fund and, if it will not be immediately expended, shall be returned promptly to the account of this state in the Unemployment Trust Fund.

(e) Notwithstanding subdivision (2)(a) of this section, money credited with respect to federal fiscal years 1999, 2000, and 2001 shall be used solely for the administration of the unemployment compensation program and are not subject to appropriation by the Legislature.

(3) There is hereby appropriated out of the funds made available to this state in federal fiscal year 2002 under section 903(d) of the federal Social Security Act, as amended, the sum of $6,800,484, or so much thereof as may be necessary, to be used, under the direction of the Department of Labor, for the administration of the Employment Security Law and public employment offices. The expenditure or other disposition of money appropriated under this subsection shall be accounted for in accordance with

standards established by the United States Secretary of Labor. Reed Act distributions appropriated pursuant to this subsection may be amortized with federal grant funds provided pursuant to Title III of the federal Social Security Act and the federal Wagner-Peyser Act for the purpose of administering the state unemployment compensation and employment service programs to the extent allowed under such acts and the regulations adopted pursuant thereto. Except as specifically provided in this subsection, all provisions of subsection (2) of this section, except subdivision (2)(a)(i) of this section, shall apply to this appropriation. The commissioner shall submit an annual report to the Governor, the Speaker of the Legislature, and the chairpersons of the Appropriations Committee and the Business and Labor Committee of the Legislature describing expenditures made pursuant to this subsection.

Sec. 14. Original section 48-621, Reissue Revised Statutes of Nebraska, is repealed.

(Signed) Steve Lathrop, Chairperson

AMENDMENT - Print in Journal

Senator Hadley filed the following amendment to LB701:
AM2138

(Amendments to Standing Committee amendments, AM1912)

1. On page 1, line 20, after "program" insert ", subject to approval by the federal Centers for Medicare and Medicaid Services of the department's annual application amending the medicaid state plan reimbursement methodology for intermediate care facilities for the mentally retarded".

RESOLUTIONS

LEGISLATIVE RESOLUTION 366. Introduced by Langemeier, 23.

WHEREAS, the Bishop Neumann Cavaliers won the 2010 Class C-1 Girls' State Basketball Championship; and

WHEREAS, Bishop Neumann defeated Wahoo High School 58-55 in the championship game, giving Bishop Neumann its second straight state title; and

WHEREAS, Bishop Neumann finished the season with a record of twenty-three wins and two losses; 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, SECOND SESSION:

1. That the Legislature congratulates the Bishop Neumann Cavaliers on winning the 2010 Class C-1 Girls' State Basketball Championship.

2. That a copy of this resolution be sent to the Cavaliers and their head coach, Rick Ahrens.

Laid over.

LEGISLATIVE RESOLUTION 367. Introduced by Dubas, 34.

WHEREAS, Pierce Bartling 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, Pierce Bartling 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; and

WHEREAS, only five percent of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Pierce Bartling, through his hard work and perseverance, has joined 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 HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates Pierce Bartling on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Pierce Bartling.

Laid over.

UNANIMOUS CONSENT - Add Cointroducers

Senator Cornett asked unanimous consent to add her name as cointroducer to LB780. No objections. So ordered.

Senator Cook asked unanimous consent to add her name as cointroducer to LB800. No objections. So ordered.

VISITORS

Visitors to the Chamber were Roger Stortenbecker and Jennifer Nelson from Lincoln; Gary Honts from Omaha; Jason Kuhr from Lincoln; and members of Leadership Nebraska City from Nebraska City.

ADJOURNMENT

At 3:58 p.m., on a motion by Senator Pankonin, the Legislature adjourned until 9:00 a.m., Wednesday, March 10, 2010.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

THIRTY-NINTH DAY - MARCH 10, 2010

LEGISLATIVE JOURNAL

ONE HUNDRED FIRST LEGISLATURE
SECOND SESSION

THIRTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 10, 2010

PRAYER

The prayer was offered by Pastor Rhegan Stansbury, Salvation Army, Beatrice.

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 Harms and Pahls who were excused; and Senators Coash, Cornett, Council, Dubas, Fulton, Gay, and Karpisek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-eighth day was approved.

GENERAL FILE

LEGISLATIVE BILL 937A. Title read. Considered.

Senator Fischer moved for a call of the house. The motion prevailed with 32 ayes, 0 nays, and 17 not voting.

Senator Fischer requested a record vote on the advancement of the bill.

Voting in the affirmative, 31:

Avery	Dubas	Howard	Pankonin	Utter
Campbell	Fischer	Janssen	Pirsch	Wallman
Carlson	Giese	Krist	Price	Wightman
Christensen	Gloor	Langemeier	Rogert	
Conrad	Hadley	Lautenbaugh	Schilz	
Cornett	Hansen	Louden	Stuthman	
Dierks	Heidemann	McCoy	Sullivan	

Voting in the negative, 10:

Adams	Cook	Lathrop	Mello	Nordquist
Ashford	Haar	McGill	Nelson	White

Present and not voting, 1:

Flood

Excused and not voting, 7:

Coash	Fulton	Harms	Pahls
Council	Gay	Karpisek	

Advanced to Enrollment and Review Initial with 31 ayes, 10 nays, 1 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

SELECT FILE

LEGISLATIVE BILL 888A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 571. ER8083, found on page 1141, First Session, 2009, was adopted.

Senator Lathrop renewed the Lathrop-Pahls amendment, AM1534, found on page 184.

The Lathrop-Pahls amendment was adopted with 36 ayes, 0 nays, 6 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

MOTION - Return LR295CA to Select File

Senator McGill moved to return LR295CA to Select File for her specific amendment, AM2114, found on page 780.

The McGill motion to return prevailed with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

SELECT FILE

LEGISLATIVE RESOLUTION 295CA. The McGill specific amendment, AM2114, found on page 780, was adopted with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

GENERAL FILE

LEGISLATIVE BILL 1014. Senator Adams renewed his amendment, AM2058, found on page 730 and considered on page 786, to the committee amendment.

Senator Giese moved the previous question. The question is, "Shall the debate now close?"

Senator Giese moved for a call of the house. The motion prevailed with 27 ayes, 1 nay, and 21 not voting.

Senator Giese requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 19:

Adams	Conrad	Karpisek	Nordquist	Sullivan
Ashford	Giese	Lathrop	Pankonin	Wallman
Avery	Haar	McGill	Price	White
Campbell	Hadley	Mello	Rogert	

Voting in the negative, 22:

Carlson	Fischer	Janssen	McCoy	Utter
Christensen	Flood	Krist	Nelson	Wightman
Coash	Gay	Langemeier	Pirsch	
Cook	Hansen	Lautenbaugh	Schilz	
Dierks	Heidemann	Louden	Stuthman	

Present and not voting, 5:

Cornett	Dubas	Fulton	Gloor	Howard

Excused and not voting, 3:

Council	Harms	Pahls

The motion to cease debate failed with 19 ayes, 22 nays, 5 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Avery moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

The Adams amendment was adopted with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

Committee AM1979, found on page 681 and considered on page 786, as amended, was renewed.

SPEAKER FLOOD PRESIDING

PRESIDENT SHEEHY PRESIDING

Senator Haar moved the previous question. The question is, "Shall the debate now close?"

Senator Haar moved for a call of the house. The motion prevailed with 35 ayes, 0 nays, and 14 not voting.

The motion to cease debate prevailed with 25 ayes, 8 nays, 13 present and not voting, and 3 excused and not voting.

The committee amendment, as amended, was adopted with 43 ayes, 0 nays, 3 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Pending.

COMMITTEE REPORTS

Judiciary

LEGISLATIVE BILL 801. Placed on General File with amendment.
AM1972

1. Strike original section 7.

2. On page 12, line 1, after the semicolon insert "or"; strike lines 2 through 5; and in line 6 strike "(20)" and insert "(19)".

3. On page 13, lines 3 through 18, reinstate the stricken matter and strike the new matter; in line 19 strike "(d)" and insert "(c)"; and in line 21 strike "(e)" and insert "(d)".

4. On page 17, line 15, strike "87-303.10,".

5. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 1094. Placed on General File with amendment.
AM1953

1. On page 2, strike lines 16 and 17 and insert:

"(4) Consumer means a person residing or domiciled in Nebraska or who elects to enter into a transaction under the act, whether it be in person, over the Internet, by facsimile, or by any other electronic means and who has a pending legal claim and is represented by an attorney at the time he or she receives the nonrecourse civil litigation funding.".

2. On page 8, line 10, after the period insert "For purposes of determining a civil litigation funding company's character, fitness, and financial responsibility, the Secretary of State shall request a company to submit: A copy of the company's articles of incorporation, articles of organization, certificate of limited partnership, or other organizational documents; proof of registration with a Nebraska registered agent; and proof of a surety bond or irrevocable letter of credit issued and confirmed by a financial institution authorized by law to transact business in the State of Nebraska that is equal to double the amount of the largest funding in the past calendar year or fifty thousand dollars, whichever is greater.".

LEGISLATIVE BILL 1105. Placed on General File with amendment.
AM2147

1. Strike the original sections and insert the following new sections:

Section 1. The Community Corrections Council is directed to supervise a study of the costs of administering the death penalty in Nebraska. The study is to be completed by December 1, 2010, and presented in a report to the Legislature. It is the intent of the Legislature that the Community Corrections Council use the College of Public Affairs and Community Service of the University of Nebraska at Omaha to coordinate and conduct the study. It is also the intent of the Legislature that the cost of the study not exceed fifty thousand dollars.

Sec. 2. The study conducted pursuant to section 1 of this act shall examine the direct and indirect costs of administering the death penalty and non-death-penalty sentences resulting from murder in the first degree in Nebraska, including:

(1) The costs to the Attorney General's office for expenditures for staff salaries, benefits, and operating expenses related to death penalty issues including any contracting for assistance;

(2) The costs to the Department of Correctional Services for staff salaries, benefits, and operating expenses in housing inmates on death row and carrying out the death penalty, including any contracting for assistance;

(3) The costs to counties in county attorney staff time and other expenses relating to the prosecution of death penalty

cases and in preparing for the presentation of aggravating and mitigating circumstances with respect to sentencing proceedings in such cases, including, but not limited to, expert witness fees, additional investigations, and contracting for assistance;

(4) Costs to county public defenders' offices and the Public Advocacy Commission in providing a defense against the imposition of the death penalty;

(5) The costs to counties for court-appointed attorneys hired to defend capital cases; and

(6) The costs to the Supreme Court, Court of Appeals, and district courts and an estimate of the costs to the federal courts in staff salaries, benefits, and operating expenses relating to the disposition of capital cases.

Sec. 3. The study conducted pursuant to sections 1 and 2 of this act shall examine those costs borne by the Attorney General, the Department of Correctional Services, law enforcement, the counties, the courts, and the advocacy offices involved in capital cases in Nebraska in comparison to noncapital cases in Nebraska for convictions of persons under section 28-303 over the past twenty-five years.

(Signed) Brad Ashford, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 368. Introduced by Carlson, 38; Utter, 33.

WHEREAS, the Sandy Creek Lady Cougars won the 2010 Class C-2 Girls' State Basketball Championship; and

WHEREAS, the Lady Cougars defeated the Hartington Cedar Catholic Lady Trojans 49-44 to win Sandy Creek's ninth state championship under coach Russ Ninemire which ties the Lady Cougars with Class A Lincoln Southeast for the second-most state titles in girls' basketball; and

WHEREAS, the Lady Cougars finished with a record of 23-3; and

WHEREAS, the Lady Cougars displayed remarkable ability and teamwork throughout their outstanding season; 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, SECOND SESSION:

1. That the Legislature congratulates the Sandy Creek Lady Cougars basketball team on winning the 2010 Class C-2 Girls' State Basketball Championship.

2. That the Legislature congratulates head coach Russ Ninemire and assistant coach Jeremy Borer for their excellent season and guidance of the team.

3. That a copy of this resolution be sent to the Sandy Creek Lady Cougars and their head coach, Russ Ninemire.

Laid over.

LEGISLATIVE RESOLUTION 369. Introduced by Howard, 9; Avery, 28; Campbell, 25; Carlson, 38; Christensen, 44; Dierks, 40; Giese, 17; Gloor, 35; Hadley, 37; Hansen, 42; McCoy, 39; Nelson, 6; Pirsch, 4; Price, 3; Schilz, 47; Sullivan, 41; Wallman, 30.

WHEREAS, prescription drug abuse is a growing and pervasive problem throughout the United States; and

WHEREAS, drug-related deaths are more frequent than traffic fatalities in sixteen states; and

WHEREAS, teens abuse prescription drugs more than ecstasy, methamphetamine, crack cocaine, and heroin combined; and

WHEREAS, an estimated 4.7 million individuals abused prescription drugs for the first time in 2008; and

WHEREAS, prescription pain medication is the fastest growing addiction in the United States; and

WHEREAS, abuse of prescription drugs affects not only individuals, but also their families and communities.

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

1. That the Legislature recognizes October 2010 as Prescription Drug Abuse Awareness Month in Nebraska.

2. That during October 2010 communities are encouraged to participate in activities designed to increase public awareness about the dangers of prescription drug abuse.

Laid over.

UNANIMOUS CONSENT - Add Cointroducer

Senator Pirsch asked unanimous consent to add his name as cointroducer to LB817. No objections. So ordered.

VISITORS

Visitors to the Chamber were members of Leadership Kearney from Kearney; Juliana Zieno from Omaha; 12 twelfth-grade students and teacher from Lawrence Nelson High School, Nelson; Andrew Zimmerman from Omaha; 49 fourth-grade students and teachers from Shell Creek Elementary, Columbus; and 90 fourth-grade students from Fire Ridge Elementary, Elkhorn.

RECESS

At 11:59 a.m., on a motion by Speaker Flood, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Sheehy presiding.

ROLL CALL

The roll was called and all members were present except Senators Harms and Pahls who were excused; and Senators Ashford and Conrad who were excused until they arrive.

ANNOUNCEMENT

The Chair announced today is Senator Haar's birthday.

GENERAL FILE

LEGISLATIVE BILL 1081. Title read. Considered.

Committee AM1930, found on page 603, was considered.

Senator Cornett renewed her amendment, AM2026, found on page 708, to the committee amendment.

The Cornett amendment was adopted with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

The committee amendment, as amended, was adopted with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 9 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 948. Title read. Considered.

Committee AM1921, found on page 624, was considered.

SENATOR WIGHTMAN PRESIDING

Pending.

WITHDRAW - Motion to Suspend Rules

The Heidemann et al. motion, found on page 776, to suspend the rules, Rule 8, Sec. 5, to allow the Appropriations Committee to place appropriations bills on General File later than the 40th legislative day and to permit the Legislature to pass the appropriations bills after the 50th legislative day, was withdrawn.

COMMITTEE REPORTS

Business and Labor

LEGISLATIVE BILL 709. Placed on General File with amendment.
AM1824

1. Strike section 7.

2. On page 2, strike beginning with "Board" in line 9 through "memoranda" in line 23 and insert "Rule or regulation means any rule, regulation, or standard issued by an agency, including the amendment or repeal thereof whether with or without prior hearing and designed to implement, interpret, or make specific the law enforced or administered by it or governing its organization or procedure. Rule or regulation does not include (a) rules and regulations concerning the internal management of the agency not affecting private rights, private interests, or procedures available to the public, (b) permits, certificates of public convenience and necessity, franchises, rate orders, and rate tariffs and any rules of interpretation thereof, (c) declaratory rulings, (d) interagency or intra-agency memoranda, or (e) rules and regulations necessary to implement federal law. For purposes of the act, every rule and regulation which prescribes a penalty shall be presumed to have general applicability or to affect private rights and interests"; and in line 24 strike "(5)" and insert "(3)".

3. On page 3, line 19, strike "(1)".

4. On page 4, line 2, strike "(a)" and insert "(1)"; in line 4 strike "(b)" and insert "(2)"; in line 7 strike "(c)" and insert "(3)"; in line 9 strike "(d)" and insert "(4)"; in line 12 strike "(e)" and insert "(5)"; and strike lines 14 through 19.

5. On page 5, strike beginning with "and" in line 14 through "board" in line 15.

LEGISLATIVE BILL 925. Placed on General File with amendment.
AM2106

1. Strike the original sections and insert the following new sections:

Section 1. For purposes of sections 1 to 6 of this act:

(1) Nebraska laborer means any person who has resided in Nebraska for at least thirty days and intends to become or remain a Nebraska resident or has resided within fifty miles from a Nebraska border for at least thirty days;

(2) Period of excessive unemployment means any month immediately following two consecutive calendar months during which the level of unemployment in the state has exceeded four percent as measured by the United States Bureau of Labor Statistics in its monthly publication of employment and unemployment figures; and

(3) Public works project means a project constructed on behalf of the State of Nebraska or a department or agency thereof, a county board, the contracting board of a city, village, or school district, or a public board or public utility empowered by law to enter into a contract by public bidding for erecting and finishing a public building, bridge, highway, or other public structure or improvement. Public works project does not include general maintenance on an existing structure or a project performed in a time of emergency as defined by subdivision (8) of section 39-892.

Sec. 2. If, at the time of the award of a contract for a public works project covered by sections 1 to 6 of this act, there is a period of excessive unemployment in this state, every person who is charged with the duty, either by law or contract, of constructing or building the public works project shall employ only Nebraska laborers on such project, and every contract let by any such person shall contain a provision requiring that Nebraska laborers be used, except that other laborers may be used when Nebraska laborers are not available or are incapable of performing the particular type of work involved, if so certified by the contractor.

Sec. 3. Sections 1 to 6 of this act apply to all labor on public works projects performed by contractors, subcontractors, and individuals required to register pursuant to the Contractor Registration Act.

Sec. 4. Sections 1 to 6 of this act shall not apply to districts as defined in section 70-601.

Sec. 5. In all contracts involving the expenditure of federal aid funds, sections 1 to 6 of this act shall not be enforced in such manner as to conflict with any federal statute, rule, or regulation.

Sec. 6. The Department of Labor shall enforce sections 1 to 6 of this act. The department, as represented by the Attorney General, or an aggrieved party may sue for injunctive relief against the awarding of a contract or the continuation of a contract for a public works project if the requirements of sections 1 to 6 of this act are not being met.

LEGISLATIVE BILL 961. Placed on General File with amendment.
AM2118

1. On page 2, strike beginning with "Any" in line 12 through line 19 and show as stricken; and in line 20 after "Fund" insert "or the subaccount established in subsection (1) of this section".

2. On page 5, line 7, after "organization" insert "holding a certificate of exemption under section 501(c)(3) of the Internal Revenue Code"; and in line 24 strike "positions" and insert "a minimum of four positions in rural areas and a minimum of eight positions in high-poverty areas".

3. On page 6, line 12, strike "and"; in line 14 strike the period and insert a semicolon; after line 14 insert:

"(i) That the number of trainees will not exceed one hundred twenty-five percent of the number of positions that will be available at the time of application; and

(j) That the goods or services produced by the business are generally exportable in nature resulting in additional money to the community or the state and the positions available or to be created are not local retail positions."; and in line 16 after "81-1201.21" insert "shall be subject to an audit by the Department of Economic Development and" and after "report" insert "or provide"; in line 17 strike "Department of Economic Development" and insert "department"; in line 21 strike "and"; in line 23 strike the period and insert "; and"; and after line 23 insert:

"(d) A copy of the training curriculum.".

4. On page 7, line 11, before "A" insert "(1)".

5. On page 8, after line 7 insert:

"(2) Up to four percent of each training grant awarded under the program under subsection (3) of section 81-1201.21 shall be made available to the Department of Economic Development to finance the costs of administering such program. Such funds shall be allocated from the subaccount within the Job Training Cash Fund for training grants. The department shall not accept funds that do not go directly to administering such program. The department shall include in the annual report it provides to the Appropriations Committee of the Legislature a summary of the administrative costs of such program, including the percentage of each training grant received by the department for administrative purposes and the purpose for which it was used to carry out the intent of the program."; and in line 25 strike "return to the state" and insert "repay".

6. On page 9, line 1, after the period insert "No dollars shall be expended from the Job Training Cash Fund that are not used for the purposes outlined in subsection (2) of section 81-1201.21.".

(Signed) Steve Lathrop, Chairperson

COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 888A. Placed on Final Reading.

LEGISLATIVE RESOLUTION 295CA. Placed on Final Reading Second.

ST9081

The following changes, required to be reported for publication in the Journal, have been made:

1. In the McGill amendment, AM2114, on page 1, line 9, "also" has been struck.

(Signed) Jeremy Nordquist, Chairperson

COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE RESOLUTION 284CA. Placed on Select File.

LEGISLATIVE BILL 937A. Placed on Select File.

(Signed) Jeremy Nordquist, Chairperson

GENERAL FILE

LEGISLATIVE BILL 948. Committee AM1921, found on page 624 and considered in this day's Journal, was renewed.

Senator McCoy offered the following amendment to the committee amendment:

AM2131

(Amendments to Standing Committee amendments, AM1921)

1. On page 1, line 3, strike "shall" and insert "may";
and in line 4 strike beginning with "responsible" through "state"
and insert "purchase is made in the best interests of the state".

Senator McCoy moved for a call of the house. The motion prevailed with 36 ayes, 0 nays, and 13 not voting.

Senator Price requested a roll call vote on the McCoy amendment.

Voting in the affirmative, 15:

Adams	Fulton	Langemeier	McCoy	Schilz
Fischer	Heidemann	Lautenbaugh	Nelson	Stuthman
Flood	Janssen	Louden	Pankonin	Utter

Voting in the negative, 25:

Avery	Cook	Haar	Lathrop	Rogert
Campbell	Council	Hadley	McGill	Sullivan
Carlson	Dierks	Hansen	Nordquist	Wallman
Coash	Dubas	Karpisek	Pirsch	White
Conrad	Giese	Krist	Price	Wightman

Present and not voting, 7:

Ashford	Cornett	Gloor	Mello
Christensen	Gay	Howard	

Excused and not voting, 2:

Harms	Pahls

The McCoy amendment lost with 15 ayes, 25 nays, 7 present and not voting, and 2 excused and not voting.

The committee amendment was adopted with 33 ayes, 1 nay, 13 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Pending.

COMMITTEE REPORTS

Judiciary

LEGISLATIVE BILL 939. Placed on General File.

LEGISLATIVE BILL 507. Placed on General File with amendment.
AM2107

1. Strike original section 1 and insert the following new section:

Section 1. Section 28-323, Reissue Revised Statutes of Nebraska, is amended to read:

28-323 (1) A person commits the offense of domestic assault in the third degree if he or she:

(a) Intentionally and knowingly causes bodily injury to his or her intimate partner;~~ or~~

(b) ~~Places, by physical menace, his or her~~ Threatens an intimate partner ~~in fear of~~ with imminent bodily injury; or~~.~~

(c) Threatens an intimate partner in a menacing manner.

(2) A person commits the offense of domestic assault in the second degree if he or she intentionally and knowingly causes bodily injury to his or her intimate partner with a dangerous instrument.

(3) A person commits the offense of domestic assault in the first degree if he or she intentionally and knowingly causes serious bodily injury to his or her intimate partner.

(4) Violation of ~~subsection (1)~~ subdivision (1)(a) or (b) of this section is a Class I misdemeanor, except that for any second or subsequent violation of such subsection, ~~within twelve years after the date of the current conviction,~~ any person so offending ~~against the same intimate partner~~ is guilty of a Class IV felony.

(5) Violation of subdivision (1)(c) of this section is a Class I misdemeanor.

~~(5)~~ (6) Violation of subsection (2) of this section is a Class IIIA felony, except that for any second or subsequent violation of such subsection, ~~within twelve years after the date of the current conviction,~~ any person so offending ~~against the same intimate partner~~ is guilty of a Class III felony.

~~(6)~~ (7) Violation of subsection (3) of this section is a Class III felony, except that for any second or subsequent violation under such subsection, ~~within twelve years after the date of the current conviction,~~ any person so offending ~~against the same intimate partner~~ is guilty of a Class II felony.

~~(7)~~ (8) For purposes of this section, intimate partner means a spouse; a former spouse; persons who have a child in common whether or not they have been married or lived together at any time; and persons who are or were involved in a dating relationship. For purposes of this subsection, dating relationship means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement, but does not include a casual relationship or an ordinary association between persons in a business or social context.

(Signed) Brad Ashford, Chairperson

AMENDMENTS - Print in Journal

Senator Carlson filed the following amendment to LB1057:
AM2092

(Amendments to Standing Committee amendments, AM1895)

1. Insert the following new amendments:

1. Insert the following new sections:

Sec. 3. Section 61-218, Revised Statutes Cumulative Supplement, 2008, as amended by section 39, Legislative Bill 3, One Hundred First Legislature, First Special Session, 2009, is amended to read:

61-218 (1) The Water Resources Cash Fund is created. The fund shall be administered by the Department of Natural Resources. Transfers may be made from the fund to the General Fund at the direction of the Legislature. Any money in the Water Resources Cash Fund available for investment shall be invested by the state

investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

(2) The State Treasurer shall credit to the fund such money as is (a) transferred to the fund by the Legislature, (b) paid to the state as fees, deposits, payments, and repayments relating to the fund, both principal and interest, (c) donated as gifts, bequests, or other contributions to such fund from public or private entities, (d) made available by any department or agency of the United States if so directed by such department or agency, and (e) credited to the fund from the excise taxes imposed by section 66-1345.01 beginning January 1, 2013.

(3) The fund shall be expended by the department (a) to aid management actions taken to reduce consumptive uses of water in river basins, subbasins, or reaches which are deemed by the department overappropriated pursuant to section 46-713 or fully appropriated pursuant to section 46-714 or are bound by an interstate compact or decree or a formal state contract or agreement and (b) to the extent funds are not expended pursuant to subdivision (a) of this subsection, the department may conduct a statewide assessment of short-term and long-term water management activities and funding needs to meet statutory requirements in sections 46-713 to 46-718 and 46-739 and any requirements of an interstate compact or decree or formal state contract or agreement. The fund <u>may be used to pay for up to twenty-five thousand dollars in annual expenses for the Republican River Basin Water Sustainability Task Force but</u> shall not be used to pay for <u>any other</u> administrative expenses or any salaries for the department or any political subdivision.

(4) It is the intent of the Legislature that two million seven hundred thousand dollars be transferred each fiscal year from the General Fund to the Water Resources Cash Fund for FY2009-10 through FY2018-19.

(5)(a) Expenditures from the Water Resources Cash Fund may be made to natural resources districts eligible under subsection (3) of this section for activities to either achieve a sustainable balance of consumptive water uses or assure compliance with an interstate compact or decree or a formal state contract or agreement and shall require a match of local funding in an amount equal to or greater than forty percent of the total cost of carrying out the eligible activity. The department shall, no later than August 1 of each year, beginning in 2007, determine the amount of funding that will be made available to natural resources districts from the Water Resources Cash Fund and notify natural resources districts of this determination. The department shall adopt and promulgate rules and regulations governing application for and use of the Water Resources Cash Fund by natural resources districts. Such rules and regulations shall, at a minimum, include the following components:

(i) Require an explanation of how the planned activity will assure compliance with an interstate compact or decree or a formal state contract or agreement as required by section 46-715 and the controls, rules, and regulations designed to carry out the activity; and

(ii) A schedule of implementation of the activity or its components.

(b) Any natural resources district that fails to implement and enforce its controls, rules, and regulations as required by section 46-715 shall not be eligible for funding from the Water Resources Cash Fund until it is determined by the department that compliance with the provisions required by section 46-715 has been established.

(6) The Department of Natural Resources shall submit an annual report to the Legislature no later than October 1 of each year, beginning in the year 2007, that shall detail the use of the Water Resources Cash Fund in the previous year. The report shall provide:

(a) Details regarding the use and cost of activities carried out by the department; and

(b) Details regarding the use and cost of activities carried out by each natural resources district that received funds from the Water Resources Cash Fund.

Sec. 4. Original section 61-218, Revised Statutes Cumulative Supplement, 2008, as amended by section 39, Legislative Bill 3, One Hundred First Legislature, First Special Session, 2009, is repealed.

4. Renumber the remaining section accordingly.

2. Renumber the remaining amendments accordingly.

Senator Schilz filed the following amendment to LB919:
AM2128

(Amendments to Standing Committee amendments, AM1848)

1. Strike the original sections and all amendments thereto and insert the following new sections:

Section 1. Section 17-301, Reissue Revised Statutes of Nebraska, is amended to read:

17-301 ~~(1) Whenever any city of the first class decreases in population until it has a population of less than five thousand inhabitants but not less than four thousand five hundred inhabitants, as ascertained and officially promulgated by the federal decennial census, the mayor of any such city shall certify such fact to the Secretary of State.~~

~~(2) Whenever any city of the first class decreases in population until it has a population of less than four thousand five hundred inhabitants but more than eight hundred inhabitants as ascertained and officially promulgated by the federal decennial census, the mayor of any such city shall certify such fact to the Secretary of State.~~

~~(3) Whenever the Secretary of State receives a certification pursuant to subsection (1) of this section from the same city after two consecutive federal decennial censuses, he or she shall declare such city to have become a city of the second class as provided in section 17-305.~~

~~(4) Whenever the Secretary of State receives a certification pursuant to subsection (2) of this section, he or she shall declare such city to have become a city of the second class as provided in section 17-305.~~

(1) This section applies to cities of the first class whose population is less than five thousand inhabitants but more than eight hundred inhabitants according to the federal decennial census conducted in the year 2010 or any subsequent federal decennial census.

(2)(a) If a city of the first class has a population of less than five thousand inhabitants but not less than four thousand inhabitants, as ascertained and officially promulgated by the most recent federal decennial census, the mayor of the city shall certify such fact to the Secretary of State. If the mayor and city council of the city determine that it is in the best interests of such city to become a city of the second class, the mayor and city council shall adopt an ordinance to that effect and shall notify the Secretary of State and notice and a copy of such ordinance shall accompany the certification. If the Secretary of State receives such notification, he or she shall declare such city to be a city of the second class. If the mayor and city council determine that it is in the best interests of such city to remain a city of the first class, they shall submit to the Secretary of State, within nine years after the certification is required to be submitted pursuant to this subdivision, an explanation of the city's plan to increase the city's population.

(b) If a city of the first class has a population of less than five thousand inhabitants but not less than four thousand inhabitants, as ascertained and officially promulgated by the most recent federal decennial census immediately following the census referred to in subdivision (a) of this subsection, the mayor of the city shall certify such fact to the Secretary of State. If the mayor and city council of the city determine that it is in the best interests of such city to become a city of the second class, the mayor and city council shall adopt an ordinance to that effect and shall notify the Secretary of State and notice and a copy of such ordinance shall accompany the certification. If the Secretary of State receives such notification, he or she shall declare such city to be a city of the second class.

(c) If a city of the first class has a population of less than five thousand inhabitants but not less than four thousand inhabitants, as ascertained and officially promulgated by the most recent federal decennial census immediately following the census referred to in subdivision (b) of this subsection, the mayor of

the city shall certify such fact to the Secretary of State. After receipt of such certification, the Secretary of State shall declare such city to be a city of the second class.

(3) If a city of the first class has a population of less than four thousand inhabitants but more than eight hundred inhabitants, as ascertained and officially promulgated by the most recent federal decennial census, the mayor of the city shall certify such fact to the Secretary of State. After receipt of such certification, the Secretary of State shall declare such city to be a city of the second class.

~~(5)~~ (4) Beginning on the date upon which a city becomes a city of the second class pursuant to section 17-305, such city shall be governed by the ~~provisions of the statutes of the State of Nebraska~~ laws of this state applicable to cities of the second class.

Sec. 2. Original section 17-301, Reissue Revised Statutes of Nebraska, is repealed.

Sec. 3. The following section is outright repealed: Section 17-305.01, Reissue Revised Statutes of Nebraska.

Sec. 4. Since an emergency exists, this act takes effect when passed and approved according to law.

Senator Nordquist filed the following amendment to LB1106A:
AM2158

1. On page 2, line 9, strike "$163,665" and insert "$161,583"; and in line 10 strike "$398,950" and insert "$401,032".

UNANIMOUS CONSENT - Add Cointroducer

Senator Wallman asked unanimous consent to add his name as cointroducer to LB1077. No objections. So ordered.

VISITORS

Visitors to the Chamber were Derek Anderson from Wayne; students from the University of Nebraska at Lincoln and Kearney; 40 eighth-grade students from Southwest Middle School, Bartley; and members of Leadership Nebraska from across the state.

The Doctor of the Day was Dr. Gerald Matzke from Gothenburg.

ADJOURNMENT

At 4:08 p.m., on a motion by Speaker Flood, the Legislature adjourned until 9:00 a.m., Thursday, March 11, 2010.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

FORTIETH DAY - MARCH 11, 2010

LEGISLATIVE JOURNAL

ONE HUNDRED FIRST LEGISLATURE
SECOND SESSION

FORTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 11, 2010

PRAYER

The prayer was offered by Reverend Jimmy Shelbourn, First Presbyterian Church, Beatrice.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Langemeier presiding.

The roll was called and all members were present except Senators Harms and Pahls who were excused; and Senators Ashford, Cornett, and Haar who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 810, lines 5 and 6, strike "with amendment" and insert "Second".
The Journal for the thirty-ninth day was approved as corrected.

MOTION - Approve Appointment

Senator Gay moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 785:

Board of Emergency Medical Services
Bernard Kanger Jr.

Voting in the affirmative, 30:

Adams	Cook	Hadley	Lathrop	Price
Avery	Council	Howard	Lautenbaugh	Rogert
Campbell	Dierks	Janssen	McCoy	Schilz
Carlson	Fischer	Karpisek	McGill	Stuthman
Christensen	Gay	Krist	Pankonin	Wallman
Coash	Gloor	Langemeier	Pirsch	White

Voting in the negative, 0.

Present and not voting, 14:

Conrad	Fulton	Heidemann	Nelson	Utter
Dubas	Giese	Louden	Nordquist	Wightman
Flood	Hansen	Mello	Sullivan	

Excused and not voting, 5:

Ashford	Cornett	Haar	Harms	Pahls

The appointment was confirmed with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 948. Considered.

Senator Fulton requested a record vote on the advancement of the bill.

Voting in the affirmative, 27:

Ashford	Cook	Hadley	Mello	Wallman
Avery	Cornett	Hansen	Nordquist	White
Campbell	Council	Howard	Price	Wightman
Carlson	Dubas	Krist	Rogert	
Coash	Giese	Lathrop	Schilz	
Conrad	Haar	McGill	Sullivan	

Voting in the negative, 13:

Adams	Fulton	Langemeier	Pankonin	Utter
Fischer	Gloor	McCoy	Pirsch	
Flood	Heidemann	Nelson	Stuthman	

Present and not voting, 6:

Christensen	Janssen	Lautenbaugh
Gay	Karpisek	Louden

Excused and not voting, 3:

Dierks	Harms	Pahls

Advanced to Enrollment and Review Initial with 27 ayes, 13 nays, 6 present and not voting, and 3 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 370. Introduced by Stuthman, 22.

WHEREAS, the Lindsay Holy Family Lady Bulldogs won the 2010 Class D-2 Girls' State Basketball Championship; and

WHEREAS, the Lady Bulldogs defeated the previously unbeaten Wynot Blue Devils 40-37 in the championship game; and

WHEREAS, the Lady Bulldogs' victory was their first state championship since 1993; 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, SECOND SESSION:

1. That the Legislature congratulates the Lindsay Holy Family Lady Bulldogs on winning the 2010 Class D-2 Girls' State Basketball Championship.

2. That a copy of this resolution be sent to the Lindsay Holy Family Lady Bulldogs and their coach, Travis Friesen.

Laid over.

COMMITTEE REPORTS
Business and Labor

LEGISLATIVE BILL 908. Placed on General File.
LEGISLATIVE BILL 1055. Placed on General File.

LEGISLATIVE BILL 833. Indefinitely postponed.
LEGISLATIVE BILL 846. Indefinitely postponed.
LEGISLATIVE BILL 963. Indefinitely postponed.
LEGISLATIVE BILL 1044. Indefinitely postponed.

(Signed) Steve Lathrop, Chairperson

COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 571. Placed on Final Reading.
ST9080
The following changes, required to be reported for publication in the Journal, have been made:

1. In the E & R amendments, ER8083, on page 1, lines 15 and 16, "45-1002, 45-1024," has been struck; and in line 17 ", and sections 45-1002 and 45-1024, Revised Statutes Supplement, 2009" has been inserted after "2008".

2. In the Standing Committee amendments, AM983:

a. Sections 9 and 10 and all amendments thereto have been struck and the following new sections inserted:

Sec. 10. Section 45-1002, Revised Statutes Supplement, 2009, is amended to read:

45-1002 (1) For purposes of the Nebraska Installment Loan Act:

(a) Applicant means a person applying for a license under the act;

(b) Breach of security of the system means unauthorized acquisition of data that compromises the security, confidentiality, or integrity of the information maintained by the Nationwide Mortgage Licensing System and Registry, its affiliates, or its subsidiaries;

(c) Department means the Department of Banking and Finance;

(d) Debt cancellation contract means a loan term or contractual arrangement modifying loan terms under which a financial institution agrees to cancel all or part of a borrower's obligation to repay an extension of credit from the financial institution upon the occurrence of a specified event. The debt cancellation contract may be separate from or a part of other loan documents. The term debt cancellation contract does not include loan payment deferral arrangements in which the triggering event is the borrower's unilateral election to defer repayment or the financial institution's unilateral decision to allow a deferral of repayment;

(e) Debt suspension contract means a loan term or contractual arrangement modifying loan terms under which a financial institution agrees to suspend all or part of a borrower's obligation to repay an extension of credit from the financial institution upon the occurrence of a specified event. The debt suspension contract may be separate from or a part of other loan documents. The term debt suspension contract does not include loan payment deferral arrangements in which the triggering event is the borrower's unilateral election to defer repayment or the financial institution's unilateral decision to allow a deferral of repayment;

(f) Director means the Director of Banking and Finance;

(g) Financial institution has the same meaning as in section 8-101;

(h) Guaranteed asset protection waiver means a waiver that is offered, sold, or provided in accordance with the Guaranteed Asset Protection Waiver Act;

~~(h)~~ (i) Licensee means any person who obtains a license under the ~~act;~~ Nebraska Installment Loan Act;

~~(i)(i)~~ (j)(i) Mortgage loan originator means an individual who for compensation or gain (A) takes a residential mortgage loan application or (B) offers or negotiates terms of a residential mortgage loan.

(ii) Mortgage loan originator does not include (A) any individual who is not otherwise described in subdivision (i)(A) of this subdivision and who performs purely administrative or clerical tasks on behalf of a person who is described in any such clause, (B) a person or entity that only performs real estate brokerage activities and is licensed or registered in accordance with applicable state law, unless the person or entity is compensated by a lender, a mortgage broker, or other mortgage loan originator or by any agent of such lender, mortgage broker, or other mortgage loan originator, or (C) a person or entity solely involved in extensions of credit relating to time-share programs as defined in section 76-1702;

~~(j)~~ (k) Nationwide Mortgage Licensing System and Registry means a mortgage licensing system developed and maintained by the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators for the licensing and registration of mortgage loan originators, mortgage bankers, and installment loan companies;

~~(k)~~ (l) Person means individual, partnership, limited liability company, association, financial institution, trust, corporation, and any other legal entity; and

~~(l)~~ (m) Real property means an owner-occupied single-family, two-family, three-family, or four-family dwelling which is located in this state, which is occupied, used, or intended to be occupied or used for residential purposes, and which is, or is intended to be, permanently affixed to the land.

(2) Except as provided in subsection (3) of section 45-1017, no revenue arising under the ~~act~~ Nebraska Installment Loan Act shall inure to any school fund of the State of Nebraska or any of its governmental subdivisions.

(3) Loan, when used in the Nebraska Installment Loan Act, does not include any loan made by a person who is not a licensee on which the interest does not exceed the maximum rate permitted by section 45-101.03.

(4) Nothing in the Nebraska Installment Loan Act applies to any loan made by a person who is not a licensee if the interest on the loan does not exceed the maximum rate permitted by section 45-101.03.

Sec. 11. Section 45-1024, Revised Statutes Supplement, 2009, is amended to read:

45-1024 (1) Except as provided in section 45-1025 and subsection (6) of this section, every licensee may make loans and may contract for and receive on such loans charges at a rate not exceeding twenty-four percent per annum on that part of the unpaid principal balance on any loan not in excess of one thousand dollars, and twenty-one percent per annum on any remainder of such unpaid principal balance. Except for loans secured by mobile homes, a licensee may not make loans for a period in excess of one hundred forty-five months if the amount of the loan is greater than three thousand dollars but less than twenty-five thousand dollars. Charges on loans made under the Nebraska Installment Loan Act shall not be paid, deducted, or received in advance. The contracting for, charging of, or receiving of charges as provided for in subsection (2) of this section shall not be deemed to be the payment, deduction, or receipt of such charges in advance.

(2) When the loan contract requires repayment in substantially equal and consecutive monthly installments of principal and charges combined, the licensee may, at the time the loan is made, precompute the charges at the agreed rate on scheduled unpaid principal balances according to the terms of the contract and add such charges to the principal of the loan. Every payment may be applied to the combined total of principal and precomputed charges until the contract is fully paid. All payments made on account of any loan except for default and deferment charges shall be deemed to be applied to the unpaid installments in the order in which they are due. The portion of the precomputed charges applicable to any particular month of the contract, as originally scheduled or following a deferment, shall be that

proportion of such precomputed charges, excluding any adjustment made for a first installment period of more than one month and any adjustment made for deferment, which the balance of the contract scheduled to be outstanding during such month bears to the sum of all monthly balances originally scheduled to be outstanding by the contract. This section shall not limit or restrict the manner of calculating charges, whether by way of add-on, single annual rate, or otherwise, if the rate of charges does not exceed that permitted by this section. Charges may be contracted for and earned at a single annual rate, except that the total charges from such rate shall not be greater than the total charges from the several rates otherwise applicable to the different portions of the unpaid balance according to subsection (1) of this section. All loan contracts made pursuant to this subsection are subject to the following adjustments:

(a) Notwithstanding the requirement for substantially equal and consecutive monthly installments, the first installment period may not exceed one month by more than twenty-one days and may not fall short of one month by more than eleven days. The charges for each day exceeding one month shall be one-thirtieth of the charges which would be applicable to a first installment period of one month. The charge for extra days in the first installment period may be added to the first installment and such charges for such extra days shall be excluded in computing any rebate;

(b) If prepayment in full by cash, a new loan, or otherwise occurs before the first installment due date, the charges shall be recomputed at the rate of charges contracted for in accordance with subsection (1) or (2) of this section upon the actual unpaid principal balances of the loan for the actual time outstanding by applying the payment, or payments, first to charges at the agreed rate and the remainder to the principal. The amount of charges so computed shall be retained in lieu of all precomputed charges;

(c) If a contract is prepaid in full by cash, a new loan, or otherwise after the first installment due date, the borrower shall receive a rebate of an amount which is not less than the amount obtained by applying to the unpaid principal balances as originally scheduled or, if deferred, as deferred, for the period following prepayment, according to the actuarial method, the rate of charge contracted for in accordance with subsection (1) or (2) of this section. The licensee may round the rate of charge to the nearest one-half of one percent if such procedure is not consistently used to obtain a greater yield than would otherwise be permitted. Any default and deferment charges which are due and unpaid may be deducted from any rebate. No rebate shall be required for any partial prepayment. No rebate of less than one dollar need be made. Acceleration of the maturity of the contract shall not in itself require a rebate. If judgment is obtained before the final installment date, the contract balance shall be reduced by the rebate which would be required for prepayment in full as of the date judgment is obtained;

(d) If any installment on a precomputed or interest bearing loan is unpaid in full for ten or more consecutive days, Sundays and holidays included, after it is due, the licensee may charge and collect a default charge not exceeding an amount equal to five percent of such installment. If any installment payment is made by a check, draft, or similar signed order which is not honored because of insufficient funds, no account, or any other reason

except an error of a third party to the loan contract, the licensee may charge and collect a fifteen-dollar bad check charge. Such default or bad check charges may be collected when due or at any time thereafter;

(e) If, as of an installment due date, the payment date of all wholly unpaid installments is deferred one or more full months and the maturity of the contract is extended for a corresponding period, the licensee may charge and collect a deferment charge not exceeding the charge applicable to the first of the installments deferred, multiplied by the number of months in the deferment period. The deferment period is that period during which no payment is made or required by reason of such deferment. The deferment charge may be collected at the time of deferment or at any time thereafter. The portion of the precomputed charges applicable to each deferred balance and installment period following the deferment period shall remain the same as that applicable to such balance and periods under the original loan contract. No installment on which a default charge has been collected, or on account of which any partial payment has been made, shall be deferred or included in the computation of the deferment charge unless such default charge or partial payment is refunded to the borrower or credited to the deferment charge. Any payment received at the time of deferment may be applied first to the deferment charge and the remainder, if any, applied to the unpaid balance of the contract, except that if such payment is sufficient to pay, in addition to the appropriate deferment charge, any installment which is in default and the applicable default charge, it shall be first so applied and any such installment shall not be deferred or subject to the deferment charge. If a loan is prepaid in full during the deferment period, the borrower shall receive, in addition to the required rebate, a rebate of that portion of the deferment charge applicable to any unexpired full month or months of such deferment period; and

(f) If two or more full installments are in default for one full month or more at any installment date and if the contract so provides, the licensee may reduce the contract balance by the rebate which would be required for prepayment in full as of such installment date and the amount remaining unpaid shall be deemed to be the unpaid principal balance and thereafter in lieu of charging, collecting, receiving, and applying charges as provided in this subsection, charges may be charged, collected, received, and applied at the agreed rate as otherwise provided by this section until the loan is fully paid.

(3) The charges, as referred to in subsection (1) of this section, shall not be compounded. The charging, collecting, and receiving of charges as provided in subsection (2) of this section shall not be deemed compounding. If part or all of the consideration for a loan contract is the unpaid principal balance of a prior loan, then the principal amount payable under such loan contract may include any unpaid charges on the prior loan which have accrued within sixty days before the making of such loan contract and may include the balance remaining after giving the rebate required by subsection (2) of this section. Except as provided in subsection (2) of this section, charges shall (a) be computed and paid only as a percentage per month of the unpaid principal balance or portions thereof and (b) be computed on the basis of the number of days actually elapsed. For purposes of computing charges,

whether at the maximum rate or less, a month shall be that period of time from any date in a month to the corresponding date in the next month but if there is no such corresponding date then to the last day of the next month, and a day shall be considered one-thirtieth of a month when computation is made for a fraction of a month.

(4) Except as provided in subsections (5) and (6) of this section, in addition to that provided for under the Nebraska Installment Loan Act, no further or other amount whatsoever shall be directly or indirectly charged, contracted for, or received. If any amount, in excess of the charges permitted, is charged, contracted for, or received, the loan contract shall not on that account be void, but the licensee shall have no right to collect or receive any interest or other charges whatsoever. If such interest or other charges have been collected or contracted for, the licensee shall refund to the borrower all interest and other charges collected and shall not collect any interest or other charges contracted for and thereafter due on the loan involved, as liquidated damages, and the licensee or its assignee, if found liable, shall pay the costs of any action relating thereto, including reasonable attorney's fees. No licensee shall be found liable under this subsection if the licensee shows by a preponderance of the evidence that the violation was not intentional and resulted from a bona fide error notwithstanding the maintenance of procedures reasonably adopted to avoid any such error.

(5) A borrower may be required to pay all reasonable expenses incurred in connection with the making, closing, disbursing, extending, readjusting, or renewing of loans. Such expenses may include abstracting, recording, releasing, and registration fees; premiums paid for nonfiling insurance; premiums paid on insurance policies covering tangible personal property securing the loan; amounts charged for a debt cancellation contract or a debt suspension contract, as agreed upon by the parties, if the debt cancellation contract or debt suspension contract is a contract of a financial institution and such contract is sold directly by such financial institution or by an unaffiliated, nonexclusive agent of such financial institution in accordance with 12 C.F.R. part 37, as such part existed on January 1, 2006, and the financial institution is responsible for the unaffiliated, nonexclusive agent's compliance with such part; title examinations; credit reports; survey; ~~and~~ taxes or charges imposed upon or in connection with the making and recording or releasing of any mortgage; and amounts charged for a guaranteed asset protection waiver. Except as provided in subsection (6) of this section, a borrower may also be required to pay a nonrefundable loan origination fee not to exceed the lesser of five hundred dollars or an amount equal to seven percent of that part of the original principal balance of any loan not in excess of two thousand dollars and five percent on that part of the original principal balance in excess of two thousand dollars, if the licensee has not made another loan to the borrower within the previous twelve months. If the licensee has made another loan to the borrower within the previous twelve months, a nonrefundable loan origination fee may only be charged on new funds advanced on each successive loan. Such reasonable initial charges may be collected from the borrower or included in the principal balance of the loan at the time the loan is made and shall not be considered interest or a charge for the use of the money loaned.

(6)(a) Loans secured solely by real property that are not made pursuant to subdivision (11) of section 45-101.04 on real property shall not be subject to the limitations on the rate of interest provided in subsection (1) of this section or the limitations on the nonrefundable loan origination fee under subsection (5) of this section if (i) the principal amount of the loan is seven thousand five hundred dollars or more and (ii) the sum of the principal amount of the loan and the balances of all other liens against the property do not exceed one hundred percent of the appraised value of the property. Acceptable methods of determining appraised value shall be made by the department pursuant to rule, regulation, or order.

(b) An origination fee on such loan shall be computed only on the principal amount of the loan reduced by any portion of the principal that consists of the amount required to pay off another loan made under this subsection by the same licensee.

(c) A prepayment penalty on such loan shall be permitted only if (i) the maximum amount of the penalty to be assessed is stated in writing at the time the loan is made, (ii) the loan is prepaid in full within two years from the date of the loan, and (iii) the loan is prepaid with money other than the proceeds of another loan made by the same licensee. Such prepayment penalty shall not exceed six months interest on eighty percent of the original principal balance computed at the agreed rate of interest on the loan.

(d) A licensee making a loan pursuant to this subsection may obtain an interest in any fixtures attached to such real property and any insurance proceeds payable in connection with such real property or the loan.

(e) For purposes of this subsection, principal amount of the loan means the total sum owed by the borrower including, but not limited to, insurance premiums, loan origination fees, or any other amount that is financed, except that for purposes of subdivision (6)(b) of this section, loan origination fees shall not be included in calculating the principal amount of the loan.

b. On page 1, line 3, "6" has been struck and "7" inserted; and

c. On page 28, lines 3 and 4, "45-1002, 45-1024," has been struck; and in line 5 "and sections 45-1002 and 45-1024, Revised Statutes Supplement, 2009," has been inserted after the comma.

(Signed) Jeremy Nordquist, Chairperson

GENERAL FILE

LEGISLATIVE RESOLUTION 300CA. Read. Considered.

Committee AM1971, found on page 624, was considered.

PRESIDENT SHEEHY PRESIDING

Senator Avery moved for a call of the house. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The committee amendment lost with 23 ayes, 3 nays, 18 present and not voting, and 5 excused and not voting.

Failed to advance to Enrollment and Review Initial with 7 ayes, 12 nays, 25 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

COMMITTEE REPORT
Rules

The Rules Committee met on the proposed rules change to Rule 1, Sec. 19, found on page 556. The proposal was adopted by the Rules Committee with a unanimous vote on February 23, 2010, and recommends its adoption by the full Legislature.

The Rules Committee met on the proposed rules change to Rule 5, Sec. 5, found on page 608. The proposal was indefinitely postponed by the Rules Committee with a vote of 4-0, with one abstention, on February 23, 2010.

(Signed) Scott Lautenbaugh, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 371. Introduced by Cornett, 45; Adams, 24; Ashford, 20; Avery, 28; Campbell, 25; Carlson, 38; Conrad, 46; Cook, 13; Council, 11; Dierks, 40; Dubas, 34; Fischer, 43; Flood, 19; Fulton, 29; Gay, 14; Giese, 17; Gloor, 35; Haar, 21; Hadley, 37; Hansen, 42; Heidemann, 1; Howard, 9; Janssen, 15; Karpisek, 32; Krist, 10; Lathrop, 12; Lautenbaugh, 18; Louden, 49; McCoy, 39; McGill, 26; Mello, 5; Nordquist, 7; Pankonin, 2; Pirsch, 4; Price, 3; Rogert, 16; Schilz, 47; Stuthman, 22; Sullivan, 41; Utter, 33; Wallman, 30; White, 8; Wightman, 36.

WHEREAS, women have served honorably and with courage in all of America's wars and conflicts since the American Revolution; and

WHEREAS, the United States military has evolved from a predominantly male force to a force made up of more than fourteen percent women currently serving on active duty, and nearly seventeen percent women serving in the Reserves and the National Guard; and

WHEREAS, the population of women veterans is increasing exponentially from 1.1 million in 1980 to a projection of nearly 2 million by 2020, comprising more than ten percent of the veteran population in 2020; and

WHEREAS, the projected population of male veterans is expected to continue to decline; and

WHEREAS, given that an unprecedented number of women are serving in the military and participating in Operation Enduring Freedom and Operation Iraqi Freedom, the United States Department of Veterans Affairs is working to provide consistent, comprehensive, and quality health care and benefits to women veterans of all eras; and

WHEREAS, the number of women veterans has increased over the last decade because there is an increasing number and proportion of women who are entering and leaving the military, women are living longer than men, and women veterans have a younger age distribution compared to men veterans; and

WHEREAS, even though the United States Department of Veterans Affairs has been at the forefront of health care and lifestyle solutions affecting an aging male population, there is now a growing need to improve health care services for women veterans, to ensure clinicians are properly trained to provide primary care and gender specific care to women of all ages, and to identify innovative courses of treatment and solutions to obstacles that are unique to women veterans; and

WHEREAS, with a rapidly increasing number of women serving in the military and returning from deployments as seasoned veterans, some with exposure to combat, the United States Department of Veterans Affairs facilities and veterans service organizations are working to ensure that the post-deployment mental and physical health needs unique to women veterans are also met; and

WHEREAS, even though the roles of women in the military have changed over time and will continue to change, these women deserve to be acknowledged for their military service and treated with equal respect.

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

1. That the Legislature encourages the Nebraska Department of Veterans' Affairs and its women veterans state coordinator to work in conjunction with the National Foundation for Women Legislators and the Center for Women Veterans at the United States Department of Veterans Affairs to reach out to all women veterans within the state to encourage them to bring their specific needs and concerns to the attention of agency officials so that state legislators and agency officials can work together to identify unique issues impacting women veterans and consider policy solutions that will improve the quality of life for women veterans within the state.

2. That the Legislature honors all of the women in this state who have heroically answered their call to duty and recognizes the important role women have played in shaping this great nation.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 1021. Title read. Considered.

Committee AM1969, found on page 625, was considered.

Senator Avery renewed his amendment, AM2033, found on page 718, to the committee amendment.

Pending.

COMMITTEE REPORTS
Appropriations

LEGISLATIVE BILL 317. Placed on General File with amendment.
AM2101

1. Strike the original sections and insert the following new sections:

Section 1. Section 84-612, Revised Statutes Supplement, 2009, as amended by section 7, Legislative Bill 2, One Hundred First Legislature, First Special Session, 2009, is amended to read:

84-612 (1) There is hereby created within the state treasury a fund known as the Cash Reserve Fund which shall be under the direction of the State Treasurer. The fund shall only be used pursuant to this section.

(2) The State Treasurer shall transfer funds from the Cash Reserve Fund to the General Fund upon certification by the Director of Administrative Services that the current cash balance in the General Fund is inadequate to meet current obligations. Such certification shall include the dollar amount to be transferred. Any transfers made pursuant to this subsection shall be reversed upon notification by the Director of Administrative Services that sufficient funds are available.

(3) The State Treasurer, at the direction of the budget administrator of the budget division of the Department of Administrative Services, shall transfer such amounts not to exceed seven million seven hundred fifty-three thousand two hundred sixty-three dollars in total from the Cash Reserve Fund to the Nebraska Capital Construction Fund between July 1, 2003, and June 30, 2007.

(4) The State Treasurer, at the direction of the budget administrator, shall transfer an amount equal to the total amount transferred pursuant to subsection (3) of this section from the General Fund to the Cash Reserve Fund on or before June 30, 2008.

(5) In addition to receiving transfers from other funds, the Cash Reserve Fund shall receive federal funds received by the State of Nebraska for undesignated general government purposes, federal revenue sharing, or general fiscal relief of the state.

(6) On June 15, 2009, the State Treasurer shall transfer four million nine hundred ninety thousand five hundred five dollars from the Cash Reserve Fund to the General Fund.

(7) On or before June 16, 2009, the State Treasurer, at the direction of the budget administrator, shall transfer fifty million dollars from the Cash Reserve Fund to the General Fund.

(8) The State Treasurer, at the direction of the budget administrator, shall transfer such amounts, as certified by the Director of Administrative Services, for employee health insurance claims and expenses, not to exceed twelve million dollars in total

from the Cash Reserve Fund to the State Employees Insurance Fund between May 1, 2007, and June 30, 2011.

(9) On July 9, 2007, the State Treasurer shall transfer five million dollars from the Cash Reserve Fund to the Job Training Cash Fund. The State Treasurer shall transfer from the Job Training Cash Fund to the Cash Reserve Fund such amounts as directed in section 81-1201.21.

(10) On July 7, 2008, the State Treasurer shall transfer five million dollars from the Cash Reserve Fund to the Job Training Cash Fund. The State Treasurer shall transfer from the Job Training Cash Fund to the Cash Reserve Fund such amounts as directed in section 81-1201.21.

(11) On or before June 30, 2009, the State Treasurer shall transfer nine million five hundred ninety thousand dollars from the Cash Reserve Fund to the Nebraska Capital Construction Fund.

(12) The State Treasurer, at the direction of the budget administrator, shall transfer an amount equal to the total amount transferred pursuant to subsection (8) of this section from the appropriate health insurance accounts of the State Employees Insurance Fund in such amounts as certified by the Director of Administrative Services to the Cash Reserve Fund on or before June 30, 2011.

(13) On July 7, 2009, the State Treasurer shall transfer five million dollars from the Cash Reserve Fund to the Roads Operations Cash Fund. The Department of Roads shall use such funds to provide the required state match for federal funding made available to the state through congressional earmarks.

(14) Within five days after the budget division of the Department of Administrative Services notifies the State Treasurer that matching fund requirements under section 82-331 have been met, the State Treasurer shall transfer one million dollars from the Cash Reserve Fund to the Nebraska Cultural Preservation Endowment Fund.

(15) On or before June 15, 2010, the State Treasurer, at the direction of the budget administrator, shall transfer one hundred five million dollars from the Cash Reserve Fund to the General Fund.

(16) On or before June 15, 2011, the State Treasurer, at the direction of the budget administrator, shall transfer one hundred fifty-one million dollars from the Cash Reserve Fund to the General Fund.

(17) On June 15, 2009, the State Treasurer shall transfer seven million five hundred thousand dollars from the Cash Reserve Fund to the Governor's Emergency Cash Fund.

(18) On July 7, 2009, the State Treasurer shall transfer one million dollars from the Cash Reserve Fund to the State Visitors Promotion Cash Fund. The Department of Economic Development shall use such funds to provide funding for the

promotion and support of the hosting of a Special Olympics national event by a city of the primary class.

(19) On or before June 30, 2011, the State Treasurer, at the direction of the budget administrator, shall transfer three million dollars from the Cash Reserve Fund to the General Fund.

Sec. 2. Original section 84-612, Revised Statutes Supplement, 2009, as amended by section 7, Legislative Bill 2, One Hundred First Legislature, First Special Session, 2009, is repealed.

LEGISLATIVE BILL 935. Placed on General File with amendment. AM2117 is available in the Bill Room.

(Signed) Lavon Heidemann, Chairperson

Natural Resources

LEGISLATIVE BILL 1048. Placed on General File with amendment. AM2159 is available in the Bill Room.

(Signed) Chris Langemeier, Chairperson

MOTION - Print in Journal

Senator Lautenbaugh filed the following motion to LB1021:
MO87
Bracket until April 14, 2010.

AMENDMENT - Print in Journal

Senator Lautenbaugh filed the following amendment to LB1021:
AM2065

(Amendments to Standing Committee amendments, AM1969)

1. Insert the following new sections:

Sec. 17. Section 85-502, Reissue Revised Statutes of Nebraska, is amended to read:

85-502 Rules and regulations established by the governing board of each state postsecondary educational institution shall require as a minimum that a person is not deemed to have established a residence in this state, for purposes of sections 85-501 to 85-504, unless such person is lawfully present in the United States and

(1) Such person is of legal age or is an emancipated minor and has established a home in Nebraska where he or she is habitually present for a minimum period of one hundred eighty days, with the bona fide intention of making this state his or her permanent residence, supported by documentary proof;

(2) The parents, parent, or guardian having custody of a minor registering in the educational institution have established

a home in Nebraska where such parents, parent, or guardian are or is habitually present with the bona fide intention to make this state their, his, or her permanent residence, supported by documentary proof. If a student has matriculated in any state postsecondary educational institution while his or her parents, parent, or guardian had an established home in this state, and the parents, parent, or guardian ceases to reside in the state, such student shall not thereby lose his or her resident status if such student has the bona fide intention to make this state his or her permanent residence, supported by documentary proof;

(3) Such student is of legal age and is a dependent for federal income tax purposes of a parent or former guardian who has established a home in Nebraska where he or she is habitually present with the bona fide intention of making this state his or her permanent residence, supported by documentary proof;

(4) Such student is a nonresident of this state prior to marriage and marries a person who has established a home in Nebraska where he or she is habitually present with the bona fide intention of making this state his or her permanent residence, supported by documentary proof;

(5) ~~Except as provided in subdivision (8) of this section, such~~ Such student, if an alien, ~~has applied to or has a petition pending with the United States Immigration and Naturalization Service to attain lawful status under federal immigration law and~~ has established a home in Nebraska for a period of at least one hundred eighty days where he or she is habitually present with the bona fide intention to make this state his or her permanent residence, supported by documentary proof;

(6) Such student is a staff member or a dependent of a staff member of the University of Nebraska, one of the Nebraska state colleges, or one of the community college areas who joins the staff immediately prior to the beginning of a term from an out-of-state location; or

(7) Such student is on active duty with the armed services of the United States and has been assigned a permanent duty station in Nebraska, or is a legal dependent of a person on active duty with the armed services of the United States assigned a permanent duty station in Nebraska.~~; or~~

~~(8)(a) Such student resided with his or her parent, guardian, or conservator while attending a public or private high school in this state and:~~

~~(i) Graduated from a public or private high school in this state or received the equivalent of a high school diploma in this state;~~

~~(ii) Resided in this state for at least three years before the date the student graduated from the high school or received the equivalent of a high school diploma;~~

~~(iii) Registered as an entering student in a state postsecondary educational institution not earlier than the 2006 fall semester; and~~

~~(iv) Provided to the state postsecondary educational institution an affidavit stating that he or she will file an application to become a permanent resident at the earliest opportunity he or she is eligible to do so.~~

~~(b) If the parent, guardian, or conservator with whom the student resided ceases to reside in the state, such student shall not lose his or her resident status under this subdivision if the student has the bona fide intention to make this state his or her permanent residence, supported by documentary proof.~~

The changes made to this section by this legislative bill shall not apply to any student enrolled in a state postsecondary educational institution on September 1, 2010, or to any student enrolled in grade twelve in a high school in Nebraska on September 1, 2010.

The changes made to this section by this legislative bill shall not apply to any student in Nebraska on and after the effective or operative date of any federal legislation which preempts such changes.

Sec. 18. Original section 85-502, Reissue Revised Statutes of Nebraska, is repealed.

UNANIMOUS CONSENT - Add Cointroducer

Senator Cook asked unanimous consent to add her name as cointroducer to LB1014. No objections. So ordered.

VISITORS

Visitors to the Chamber were members of Boys and Girls Clubs of Nebraska from across the state; 76 fourth-grade students and teachers from Fairview Elementary, Bellevue; and 105 fourth-grade students and teachers from Crete.

RECESS

At 11:55 a.m., on a motion by Speaker Flood, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Sheehy presiding.

ROLL CALL

The roll was called and all members were present except Senators Harms and Pahls who were excused.

EXPLANATION OF VOTE

Had I been present, I would have voted "aye" on the advancement of LB948 to Enrollment and Review Initial.

(Signed) M.L. Dierks

BILLS ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 258.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-180.05, Reissue Revised Statutes of Nebraska, and section 53-101, Revised Statutes Supplement, 2009; to change and provide penalties for minors in possession of alcoholic liquor; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Adams	Cornett	Gloor	Langemeier	Pirsch
Ashford	Dierks	Haar	Lathrop	Price
Avery	Dubas	Hadley	Lautenbaugh	Rogert
Campbell	Fischer	Hansen	McCoy	Schilz
Carlson	Flood	Heidemann	McGill	Sullivan
Christensen	Fulton	Howard	Mello	Utter
Conrad	Gay	Karpisek	Nordquist	White
Cook	Giese	Krist	Pankonin	Wightman

Voting in the negative, 3:

Janssen	Stuthman	Wallman

Present and not voting, 3:

Coash	Council	Louden

Excused and not voting, 3:

Harms	Nelson	Pahls

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB579 with 41 ayes, 1 nay, 4 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 579.

A BILL FOR AN ACT relating to labor; to amend sections 44-7515, 48-151, and 48-443, Reissue Revised Statutes of Nebraska, sections 44-7504, 48-115, 48-145, 48-146, and 48-602, Revised Statutes Cumulative Supplement, 2008, and section 48-144.03, Revised Statutes Supplement, 2009; to adopt the Professional Employer Organization Registration Act; to create a fund; to provide penalties; to harmonize insurance, workers' compensation, safety committee, and unemployment benefit provisions; to provide operative dates; to provide severability; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Excused and not voting, 3:

Harms	Nelson	Pahls

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 689.

A BILL FOR AN ACT relating to the ethanol excise tax; to amend sections 66-1345, 66-1345.01, and 66-1345.02, Reissue Revised Statutes of Nebraska, and section 61-218, Revised Statutes Cumulative Supplement, 2008, as amended by section 39, Legislative Bill 3, One Hundred First Legislature, First Special Session, 2009; to change provisions relating to the collection and remittance of the excise tax; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Adams	Cornett	Hadley	McGill	Sullivan
Ashford	Council	Hansen	Mello	Utter
Avery	Dierks	Howard	Nordquist	Wallman
Campbell	Dubas	Janssen	Pankonin	White
Carlson	Fischer	Karpisek	Pirsch	Wightman
Christensen	Flood	Langemeier	Price	
Coash	Fulton	Lautenbaugh	Rogert	
Conrad	Gay	Louden	Schilz	
Cook	Giese	McCoy	Stuthman	

Voting in the negative, 1:

Heidemann

Present and not voting, 4:

Gloor	Haar	Krist	Lathrop

Excused and not voting, 3:

Harms	Nelson	Pahls

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 735.

A BILL FOR AN ACT relating to telecommunications; to adopt the Kelsey Smith Act.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Excused and not voting, 3:

Harms	Nelson	Pahls

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 764.

A BILL FOR AN ACT relating to the Nebraska Ground Water Management and Protection Act; to amend section 46-717, Reissue Revised Statutes of Nebraska, and section 46-715, Revised Statutes Supplement, 2009; to change provisions relating to integrated management plans; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Excused and not voting, 3:

Harms	Nelson	Pahls

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 768.

A BILL FOR AN ACT relating to county government; to provide for the termination of township boards within certain counties as prescribed.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Excused and not voting, 3:

Harms	Nelson	Pahls

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 770. With Emergency Clause.

A BILL FOR AN ACT relating to state government; to amend sections 49-501.01 and 49-508, Reissue Revised Statutes of Nebraska, and section 49-617, Revised Statutes Cumulative Supplement, 2008; to change provisions relating to the distribution of the session laws and journal of the Legislature and copies of the statutes; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

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

Voting in the negative, 0.

Present and not voting, 1:

Karpisek

Excused and not voting, 3:

Harms	Nelson	Pahls

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 799.

A BILL FOR AN ACT relating to the Building Construction Act; to amend sections 71-6403, 71-6404, 71-6405, and 71-6406, Reissue Revised Statutes of Nebraska; to change the state building code; to change restrictions on political subdivisions; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Excused and not voting, 3:

Harms Nelson Pahls

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB805 with 39 ayes, 4 nays, 3 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 805.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-4,129, 60-4,169, 60-6,123, 60-6,190, 75-362, 75-363, and 75-364, Reissue Revised Statutes of Nebraska, sections 60-465 and 60-4,150, Revised Statutes Cumulative Supplement, 2008, and sections 18-1739, 60-3,193.01, 60-462.01, 60-484.02, and 60-4,147.02, Revised Statutes Supplement, 2009; to adopt by reference updates to the International Registration Plan and certain federal laws and regulations relating to parking permits for persons with disabilities, operators' licenses, transporting hazardous materials, and motor carrier safety and procedure; to allow the release of digital image or signature information to local law enforcement officers; to change provisions relating to commercial motor vehicles, employment driving permits, commercial drivers' licenses, traffic control signals, and speed limits; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Harms Pahls

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 821.

A BILL FOR AN ACT relating to state roads; to amend section 39-1365.01, Reissue Revised Statutes of Nebraska; to change provisions relating to road priorities; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Harms Pahls

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 865.

A BILL FOR AN ACT relating to animals; to amend sections 28-1008 and 28-1013, Revised Statutes Supplement, 2009; to adopt the Livestock Animal Welfare Act; to eliminate penalties and provisions relating to bovines and equines; to harmonize provisions; to provide a duty for the Revisor of Statutes; to repeal the original sections; and to outright repeal sections 28-1009.02, 28-1009.03, 28-1013.01, and 28-1013.02, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Harms	Pahls

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB910 with 39 ayes, 2 nays, 6 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 910.

A BILL FOR AN ACT relating to the Commercial Dog and Cat Operator Inspection Act; to amend sections 28-1018, 54-637, and 54-638, Reissue Revised Statutes of Nebraska, sections 54-603 and 54-611, Revised Statutes Cumulative Supplement, 2008, and sections 37-528, 54-626, 54-627, 54-627.01, and 54-645, Revised Statutes Supplement, 2009; to provide for a license fee; to define and license animal rescues under the act; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Adams	Cornett	Gloor	Langemeier	Rogert
Ashford	Council	Haar	Lautenbaugh	Schilz
Avery	Dierks	Hadley	McCoy	Sullivan
Campbell	Dubas	Hansen	McGill	Utter
Carlson	Fischer	Heidemann	Mello	Wallman
Christensen	Flood	Howard	Nelson	White
Coash	Fulton	Janssen	Pankonin	Wightman
Conrad	Gay	Karpisek	Pirsch	
Cook	Giese	Krist	Price	

Voting in the negative, 2:

Louden Stuthman

Present and not voting, 2:

Lathrop Nordquist

Excused and not voting, 2:

Harms Pahls

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 910A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 910, One Hundred First Legislature, Second Session, 2010.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Adams	Cornett	Haar	Louden	Schilz
Ashford	Council	Hadley	McCoy	Stuthman
Avery	Dierks	Hansen	McGill	Sullivan
Campbell	Dubas	Heidemann	Mello	Utter
Carlson	Fischer	Howard	Nelson	Wallman
Christensen	Fulton	Janssen	Pankonin	White
Coash	Gay	Karpisek	Pirsch	Wightman
Conrad	Giese	Krist	Price	
Cook	Gloor	Lautenbaugh	Rogert	

Voting in the negative, 0.

Present and not voting, 4:

Flood	Langemeier	Lathrop	Nordquist

Excused and not voting, 2:

Harms	Pahls

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 926.

A BILL FOR AN ACT relating to highways; to amend sections 39-204, 39-205, and 39-210, Reissue Revised Statutes of Nebraska; to redefine terms; to change requirements for a specific information sign panel; to provide minimum requirements for farm wineries as prescribed; to change requirements for tourist-oriented directional sign panels; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Harms Pahls

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1006.

A BILL FOR AN ACT relating to schools; to amend sections 79-101 and 79-214, Reissue Revised Statutes of Nebraska; to change provisions relating to kindergarten entrance age; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Harms Pahls

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1063.

A BILL FOR AN ACT relating to the Nebraska Arts Council; to amend sections 82-326 and 82-329, Reissue Revised Statutes of Nebraska, and section 82-331, Revised Statutes Supplement, 2009; to authorize an art maintenance fund and change inspection provisions for works of art; to change intent relating to transfers to the Nebraska Cultural Preservation

Endowment Fund; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Harms Pahls

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 258, 579, 689, 735, 764, 768, 770, 799, 805, 821, 865, 910, 910A, 926, 1006, and 1063.

GENERAL FILE

LEGISLATIVE BILL 836. Title read. Considered.

Committee AM1864, found on page 584, was considered.

Senator Louden renewed his amendment, AM2115, found on page 761, to the committee amendment.

SENATOR STUTHMAN PRESIDING

The Louden amendment was adopted with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

The committee amendment, as amended, was adopted with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 11, 2010, at 2:57 p.m. were the following: LBs 258, 579, 689, 735, 764, 768, 770e, 799, 805, 821, 865, 910, 910A, 926, 1006, and 1063.

(Signed) Jamie Kruse
Clerk of the Legislature's Office

AMENDMENT - Print in Journal

Senator Karpisek filed the following amendment to LB869:
AM2116

1. On page 2, line 12; page 8, line 10; and page 9, line 16, strike "five" and insert "four".

2. On page 11, line 20, strike "four" and insert "three".

RESOLUTIONS

LEGISLATIVE RESOLUTION 372. Introduced by Gloor, 35.

PURPOSE: The purpose of this interim study is to study the potential effect of national health care reform proposals on Nebraska and to analyze policy options for responding to and implementing health care reform measures. To carry out the purpose of this resolution, the study committee shall consider input from employers, including small businesses, consumer groups, insurers, providers, the Department of Health and Human Services, the Department of Insurance, health care consumers, and other interested parties as the committee deems necessary and beneficial.

The issues to consider include, but are not limited to:

(1) The anticipated effect of federal programs seeking to achieve health care reform on Nebraska health care services;

(2) The role of employer-sponsored insurance and public programs in providing health care coverage for Nebraskans;

(3) The large number of Nebraskans who are uninsured or underinsured;

(4) The cost shift which is imposed on Nebraska employers and consumers who purchase health insurance by the underfunding of public programs and the high levels of uncompensated care borne by hospitals and clinics;

(5) Policy options that are available to eliminate the number of Nebraskans who are uninsured or underinsured, make private health insurance more affordable for businesses and individuals, and strengthen public programs for low-income Nebraskans; and

(6) Available funding options to assure a financially sustainable and affordable health care system.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 373. Introduced by Flood, 19.

WHEREAS, the Nebraska School Chemical Cleanout Campaign is a national partnership with the United States Environmental Protection Agency to: (1) Rid K-12 schools of inappropriate, outdated, unknown, and unnecessary chemicals; (2) raise awareness of the potential risks from mismanaged chemicals in schools; and (3) prevent future chemical mismanagement in schools through training, curriculum and policy changes, and long-term solutions; and

WHEREAS, the State Emergency Response Commission endorsed the Nebraska School Chemical Cleanout Campaign as a critical need; and

WHEREAS, Governor Dave Heineman endorsed the Nebraska School Chemical Cleanout Campaign on September 21, 2007; and

WHEREAS, the Nebraska School Chemical Cleanout Campaign has resulted in the following accomplishments during its first 18 months: (1) 103 schools have participated in cleanout campaigns; (2) 62 schools are prepared for cleanout; (3) 6,497 chemicals (20,633 pounds) have been removed; (4) 3,457 pounds of highly hazardous chemicals have been removed; (5) 21 schools have had radioactive chemicals removed; (6) 887 pounds of mercury have been removed from 75 schools; (7) 46 schools had potential explosives removed; and (8) the total cost of removal thus far has been $136,600, all covered by grant funds; and

WHEREAS, schools that participated in the Nebraska School Chemical Cleanout Campaign have benefited by: (1) Reducing the potential for chemical exposures, fires, and spills; (2) creating healthier school environments; (3) decreasing liability; (4) reducing the cost of proper disposal for taxpayers; (5) protecting the environment; and (6) protecting students, school staff, and the community.

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

1. That the Legislature supports the Nebraska School Chemical Cleanout Campaign.

2. That the Legislature encourages Nebraska schools to adopt and perform responsible chemical management and build a school chemical cleanout campaign for the protection of students and school staff that is successful, sustainable, and self-sufficient.

3. That a copy of this resolution be sent to Keep Nebraska Beautiful.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 965. Title read. Considered.

Committee AM1999, found on page 694, was adopted with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 918. Title read. Considered.

Committee AM1905, found on page 603, was adopted with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 975. Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 8 present and not voting, and 8 excused and not voting.

AMENDMENTS - Print in Journal

Senator Adams filed the following amendment to LB1071:
AM2165
(Amendments to Standing Committee amendments, AM2103)
1. Insert the following new sections:
Sec. 4. Section 79-318, Revised Statutes Supplement, 2009, is amended to read:
79-318 The State Board of Education shall:
(1) Appoint and fix the compensation of the Commissioner of Education;
(2) Remove the commissioner from office at any time for conviction of any crime involving moral turpitude or felonious act, for inefficiency, or for willful and continuous disregard of his or her duties as commissioner or of the directives of the board;
(3) Upon recommendation of the commissioner, appoint and fix the compensation of a deputy commissioner and all professional employees of the board;
(4) Organize the State Department of Education into such divisions, branches, or sections as may be necessary or desirable to perform all its proper functions and to render maximum service to the board and to the state school system;

(5) Provide, through the commissioner and his or her professional staff, enlightened professional leadership, guidance, and supervision of the state school system, including educational service units. In order that the commissioner and his or her staff may carry out their duties, the board shall, through the commissioner: (a) Provide supervisory and consultation services to the schools of the state; (b) issue materials helpful in the development, maintenance, and improvement of educational facilities and programs; (c) establish rules and regulations which govern standards and procedures for the approval and legal operation of all schools in the state and for the accreditation of all schools requesting state accreditation. All public, private, denominational, or parochial schools shall either comply with the accreditation or approval requirements prescribed in this section and section 79-703 or, for those schools which elect not to meet accreditation or approval requirements, the requirements prescribed in subsections (2) through (6) of section 79-1601. Standards and procedures for approval and accreditation shall be based upon the program of studies, guidance services, the number and preparation of teachers in relation to the curriculum and enrollment, instructional materials and equipment, science facilities and equipment, library facilities and materials, and health and safety factors in buildings and grounds. Rules and regulations which govern standards and procedures for private, denominational, and parochial schools which elect, pursuant to the procedures prescribed in subsections (2) through (6) of section 79-1601, not to meet state accreditation or approval requirements shall be as described in such section; (d) institute a statewide system of testing to determine the degree of achievement and accomplishment of all the students within the state's school systems if it determines such testing would be advisable; (e) prescribe a uniform system of records and accounting for keeping adequate educational and financial records, for gathering and reporting necessary educational data, and for evaluating educational progress; (f) cause to be published laws, rules, and regulations governing the schools and the school lands and funds with explanatory notes for the guidance of those charged with the administration of the schools of the state; (g) approve teacher education programs conducted in Nebraska postsecondary educational institutions designed for the purpose of certificating teachers and administrators; (h) approve ~~teacher~~ certificated-employee evaluation policies and procedures developed by school districts and educational service units; and (i) approve general plans and adopt educational policies, standards, rules, and regulations for carrying out the board's responsibilities and those assigned to the State Department of Education by the Legislature;

(6) Adopt and promulgate rules and regulations for the guidance, supervision, accreditation, and coordination of educational service units. Such rules and regulations for

accreditation shall include, but not be limited to, (a) a requirement that programs and services offered to school districts by each educational service unit shall be evaluated on a regular basis, but not less than every seven years, to assure that educational service units remain responsive to school district needs and (b) guidelines for the use and management of funds generated from the property tax levy and from other sources of revenue as may be available to the educational service units, to assure that public funds are used to accomplish the purposes and goals assigned to the educational service units by section 79-1204. The State Board of Education shall establish procedures to encourage the coordination of activities among educational service units and to encourage effective and efficient educational service delivery on a statewide basis;

(7) Submit a biennial report to the Governor and the Clerk of the Legislature covering the actions of the board, the operations of the State Department of Education, and the progress and needs of the schools and recommend such legislation as may be necessary to satisfy these needs;

(8) Prepare and distribute reports designed to acquaint school district officers, teachers, and patrons of the schools with the conditions and needs of the schools;

(9) Provide for consultation with professional educators and lay leaders for the purpose of securing advice deemed necessary in the formulation of policies and in the effectual discharge of its duties;

(10) Make studies, investigations, and reports and assemble information as necessary for the formulation of policies, for making plans, for evaluating the state school program, and for making essential and adequate reports;

(11) Submit to the Governor and the Legislature a budget necessary to finance the state school program under its jurisdiction, including the internal operation and maintenance of the State Department of Education;

(12) Interpret its own policies, standards, rules, and regulations and, upon reasonable request, hear complaints and disputes arising therefrom;

(13) With the advice of the Department of Motor Vehicles, adopt and promulgate rules and regulations containing reasonable standards, not inconsistent with existing statutes, governing: (a) The general design, equipment, color, operation, and maintenance of any vehicle with a manufacturer's rated seating capacity of eleven or more passengers used for the transportation of public, private, denominational, or parochial school students; and (b) the equipment, operation, and maintenance of any vehicle with a capacity of ten or less passengers used for the transportation of public, private, denominational, or parochial school students, when such vehicles are owned, operated, or owned and operated by any public, private, denominational, or parochial school or privately

owned or operated under contract with any such school in this state, except for vehicles owned by individuals operating a school which elects pursuant to section 79-1601 not to meet accreditation or approval requirements. Similar rules and regulations shall be adopted and promulgated for operators of such vehicles as provided in section 79-607;

(14) Accept, on behalf of the Nebraska Center for the Education of Children who are Blind or Visually Impaired, devises of real property or donations or bequests of other property, or both, if in its judgment any such devise, donation, or bequest is for the best interest of the center or the students receiving services from the center, or both, and irrigate or otherwise improve any such real estate when in the board's judgment it would be advisable to do so; and

(15) Upon acceptance of any devise, donation, or bequest as provided in this section, administer and carry out such devise, donation, or bequest in accordance with the terms and conditions thereof. If not prohibited by the terms and conditions of any such devise, donation, or bequest, the board may sell, convey, exchange, or lease property so devised, donated, or bequeathed upon such terms and conditions as it deems best and remit all money derived from any such sale or lease to the State Treasurer for credit to the State Department of Education Trust Fund.

Each member of the Legislature shall receive a copy of the report required by subdivision (7) of this section by making a request for it to the commissioner.

None of the duties prescribed in this section shall prevent the board from exercising such other duties as in its judgment may be necessary for the proper and legal exercise of its obligations.

Sec. 36. Section 86-505, Reissue Revised Statutes of Nebraska, is amended to read:

86-505 Enterprise means ~~the entirety of all~~ one or more departments, offices, boards, bureaus, commissions, or institutions ~~in~~ of the state for which money is to be appropriated for communications or data processing services, equipment, or facilities, including all executive, legislative, and judicial departments, the Nebraska state colleges, the University of Nebraska, and all other state institutions and entities.

2. Amend the operative date and repealer sections so that the sections added by this amendment become operative on their effective date with the emergency clause.

3. Renumber the remaining sections and correct internal references accordingly.

Senators Heidemann, Conrad, Fulton, Hansen, Mello, Nelson, Nordquist, and Wightman filed the following amendment to LB935:

AM2185

(Amendments to Standing Committee amendments, AM2117)

1. Purpose: Increase Tax Equity and Educational Opportunities Support Act aid by $3,018,661 General Funds to reflect aid certification on March 10, 2010.

Amendment:

1. On page 101, line 9, strike "1,001,846,434" and insert "1,004,865,095"; in line 13 strike "1,436,313,686" and insert "1,439,332,347"; and in line 19 strike "$1,001,846,434" and insert "$1,004,865,095".

2. On page 102, line 1, strike "$793,715,899" and insert "$796,734,560".

Senator Heidemann filed the following amendment to LB935:
AM2169

(Amendments to Standing Committee amendments, AM2117)

1. Insert the following new section:

Sec. 108. Laws 2009, First Special Session, LB 1, section 199, is amended to read:

Sec. 199. AGENCY NO. 74 -- NEBRASKA POWER REVIEW BOARD

Program No. 72 - Enforcement of Standards

	FY2009-10	FY2010-11
~~CASH FUND~~	~~392,038~~	~~391,069~~
CASH FUND	392,038	641,069
~~PROGRAM TOTAL~~	~~392,038~~	~~391,069~~
PROGRAM TOTAL	392,038	641,069
SALARY LIMIT	184,093	188,104

2. On page 112, line 1, after "195," insert "199,".

3. Renumber the remaining sections accordingly.

COMMITTEE REPORTS

Judiciary

LEGISLATIVE BILL 757. Placed on General File.
LEGISLATIVE BILL 758. Placed on General File.
LEGISLATIVE BILL 809. Placed on General File.
LEGISLATIVE BILL 842. Placed on General File.
LEGISLATIVE BILL 847. Placed on General File.
LEGISLATIVE BILL 907. Placed on General File.
LEGISLATIVE BILL 1045. Placed on General File.
LEGISLATIVE BILL 1085. Placed on General File.

LEGISLATIVE BILL 894. Placed on General File with amendment.
AM1958

1. On page 2, line 25, after the first comma insert "bypasses,".

2. On page 3, line 3, after "countermeasure" insert "as defined in section 3 of this act".

3. On page 4, strike beginning with "(a)" in line 5 through "(b)" in line 8.

LEGISLATIVE BILL 988. Placed on General File with amendment.
AM1685

1. On page 2, line 21, strike "eighty" and insert "ninety".

LEGISLATIVE BILL 990. Placed on General File with amendment.
AM2183

1. On page 2, line 5, after "her" insert "remaining".

(Signed) Brad Ashford, Chairperson

General Affairs

LEGISLATIVE BILL 861. Placed on General File with amendment.
AM2140 is available in the Bill Room.

LEGISLATIVE BILL 1012. Placed on General File with amendment.
AM2162

1. Strike the original sections and insert the following new sections:

Section 1. Section 2-1201, Reissue Revised Statutes of Nebraska, is amended to read:

2-1201 (1) There hereby is created a State Racing Commission.

(2) Until the effective date of this act, the commission shall consist ~~consisting~~ of three members who shall be appointed by the Governor and subject to confirmation by a majority of the members elected to the Legislature and may be for cause removed by the Governor. One member shall be appointed each year for a term of three years. The members shall serve until their successors are appointed and qualified.

(3) On and after the effective date of this act, the commission shall consist of five members who shall be appointed by the Governor and subject to confirmation by a majority of the members elected to the Legislature and may be for cause removed by the Governor. One member of the commission shall be appointed from each congressional district, as such districts existed on January 1, 2010, and two members of the commission shall be appointed at large for terms as follows:

(a) The member representing the second congressional district who is appointed on or after April 1, 2010, shall serve until March 31, 2014, and until his or her successor is appointed and qualified. Thereafter the term of the member representing such district shall be four years and until his or her successor is appointed and qualified;

(b) The member representing the third congressional district who is appointed on or after April 1, 2011, shall serve until March 31, 2015, and until his or her successor is appointed and qualified. Thereafter the term of the member representing such

district shall be four years and until his or her successor is appointed and qualified;

(c) The member representing the first congressional district who is appointed on or after April 1, 2012, shall serve until March 31, 2016, and until his or her successor is appointed and qualified. Thereafter the term of the member representing such district shall be four years and until his or her successor is appointed and qualified;

(d) Not later than sixty days after the effective date of this act, the Governor shall appoint one at-large member who shall serve until March 31, 2013, and until his or her successor is appointed and qualified. Thereafter the term of such member shall be four years and until his or her successor is appointed and qualified; and

(e) Not later than sixty days after the effective date of this act, the Governor shall appoint one at-large member who shall serve until March 31, 2014, and until his or her successor is appointed and qualified. Thereafter the term of such member shall be four years and until his or her successor is appointed and qualified.

(4) Not more than ~~two~~ three members of the commission shall belong to the same political party, ~~;~~ no more than two of the members shall reside, when appointed, in the same congressional district, ~~;~~ and no more than two of the members shall reside in any one county. Any vacancy shall be filled by appointment by the Governor for the unexpired term. The members shall serve without compensation~~,~~ but shall be reimbursed for their actual expenses incurred in the performance of their duties as provided in sections 81-1174 to 81-1177. ~~for state employees.~~ The members of the commission shall be bonded or insured as required by section 11-201.

Sec. 2. Section 2-1219, Reissue Revised Statutes of Nebraska, is amended to read:

2-1219 (1) No horse in which any ~~member~~ employee of the State Racing Commission ~~or its employees~~ has any interest shall be raced at any meet under the jurisdiction of the commission.

(2) When any matter comes before the commission that may cause financial benefit or detriment to a member of the commission, a member of his or her immediate family, or a business with which the member is associated, which is distinguishable from the effects of such matter on the public generally or a broad segment of the public, such member shall take the following actions as soon as he or she is aware of such potential conflict or should reasonably be aware of such potential conflict, whichever is sooner:

(a) Prepare a written statement describing the matter requiring action or decision and the nature of the potential conflict;

(b) Deliver a copy of the statement to the secretary of the commission; and

(c) Recuse himself or herself from taking any action or making any decision relating to such matter in the discharge of his or her official duties as a member of the commission.

~~(2)~~ (3) No ~~member~~ employee of the State Racing Commission ~~or its employees~~ shall have a pecuniary interest or engage in any private employment in a profession or business which is regulated by or interferes or conflicts with the performance or proper discharge of the duties of the commission.

~~(3)~~ (4) No ~~member~~ employee of the State Racing Commission ~~or its employees~~ shall wager or cause a wager to be placed on the outcome of any race at a race meeting which is under the jurisdiction and supervision of the commission.

~~(4)~~ (5) No ~~member~~ employee of the State Racing Commission ~~or its employees~~ shall have a pecuniary interest or engage in any private employment in a business which does business with any racing association licensed by the commission or in any business issued a concession operator license by the commission.

~~(5)~~ (6) Any commission ~~member or~~ employee violating this section shall forfeit his or her ~~office.~~ employment.

~~(6)~~ (7) The commission shall include in its rules and regulations prohibitions against actual or potential specific conflicts of interest on the part of racing officials and other individuals licensed by the commission.

Sec. 3. Original sections 2-1201 and 2-1219, Reissue Revised Statutes of Nebraska, are repealed.

(Signed) Russ Karpisek, Chairperson

Appropriations

LEGISLATIVE BILL 636. Placed on General File with amendment.
AM2122

1. Strike the original sections and insert the following new sections:

Section 1. Section 66-1519, Reissue Revised Statutes of Nebraska, is amended to read:

66-1519 (1) There is hereby created the Petroleum Release Remedial Action Cash Fund to be administered by the department. Revenue from the following sources shall be remitted to the State Treasurer for credit to the fund:

(a) The fees imposed by sections 66-1520 and 66-1521;

(b) Money paid under an agreement, stipulation, cost-recovery award under section 66-1529.02, or settlement; and

(c) Money received by the department in the form of gifts, grants, reimbursements, property liquidations, or appropriations from any source intended to be used for the purposes of the fund.

(2) Money in the fund may be spent for: (a) Reimbursement for the costs of remedial action by a responsible person or his

or her designated representative and costs of remedial action undertaken by the department in response to a release first reported after July 17, 1983, and on or before June 30, 2012, including reimbursement for damages caused by the department or a person acting at the department's direction while investigating or inspecting or during remedial action on property other than property on which a release or suspected release has occurred; (b) payment of any amount due from a third-party claim; (c) fee collection expenses incurred by the State Fire Marshal; (d) direct expenses incurred by the department in carrying out the Petroleum Release Remedial Action Act; (e) other costs related to fixtures and tangible personal property as provided in section 66-1529.01; (f) interest payments as allowed by section 66-1524; (g) claims approved by the State Claims Board authorized under section 66-1531; and (h) ~~a grant to a city of the metropolitan class in the amount of three hundred thousand dollars, provided no later than September 15, 2005, to carry out the federal Residential Lead-Based Paint Hazard Reduction Act of 1992, 42 U.S.C. 4851 et seq., as such act existed on October 1, 2003; and (i) methyl tertiary butyl ether testing, to be conducted randomly at terminals within the state for up to two years ending June 30, 2003. The amount expended on the testing shall not exceed forty thousand dollars. The testing shall be conducted by the Department of Agriculture. The department may enter into contractual arrangements for such purpose. The results of the tests shall be made available to the Department of Environmental Quality.~~ a grant to a city of the metropolitan class in the amount of three hundred thousand dollars, provided no later than September 15, 2010, to carry out the federal Residential Lead-Based Paint Hazard Reduction Act of 1992, Title X, Section 1011, Public Law 102-550, as such act exists on the effective date of this act.

(3) Transfers may be made from the Petroleum Release Remedial Action Cash Fund to the General Fund at the direction of the Legislature. Transfers may be made from the Petroleum Release Remedial Action Cash Fund to the Water Policy Task Force Cash Fund at the direction of the Legislature. The State Treasurer shall transfer one million five hundred thousand dollars from the Petroleum Release Remedial Action Cash Fund to the Ethanol Production Incentive Cash Fund on July 1 of each of the following years: 2004 through 2011.

(4) Any money in the Petroleum Release Remedial Action Cash Fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 2. Original section 66-1519, Reissue Revised Statutes of Nebraska, is repealed.

(Signed) Lavon Heidemann, Chairperson

VISITORS

Visitors to the Chamber were Dan Kathol and Dave McGregor from Hartington; 11 fourth-grade students and teachers from Sacred Heart, Omaha; and Mike, Carla, and Chance Becker from Hartington.

The Doctor of the Day was Dr. Joel Gabriel from Omaha.

ADJOURNMENT

At 4:17 p.m., on a motion by Senator Utter, the Legislature adjourned until 9:00 a.m., Friday, March 12, 2010.

Patrick J. O'Donnell
Clerk of the Legislature

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