

FOURTEENTH DAY - JANUARY 27, 2009**LEGISLATIVE JOURNAL****ONE HUNDRED FIRST LEGISLATURE
FIRST SESSION****FOURTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 27, 2009

PRAYER

The prayer was offered by Pastor Nathan Reckling, Countryside Alliance Church, Princeton.

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 Senator Nelson who was excused; and Senators Ashford, Gay, and Sullivan 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 31. Placed on Select File with amendment.
ER8004

- 1 1. On page 1, line 7, after "to" insert "define and".
- 2 2. On page 10, line 11; and page 24, line 25, strike
- 3 "CPA" and insert "C.P.A.".

LEGISLATIVE BILL 179. Placed on Select File.

LEGISLATIVE BILL 49A. Placed on Select File.

LEGISLATIVE BILL 180. Placed on Select File.

(Signed) Jeremy Nordquist, Chairperson

COMMITTEE REPORTS

Banking, Commerce and Insurance

LEGISLATIVE BILL 75. Placed on General File.

LEGISLATIVE BILL 80. Placed on General File.

LEGISLATIVE BILL 192. Placed on General File.

(Signed) Rich Pahls, Chairperson

NOTICE OF COMMITTEE HEARINGS

Banking, Commerce and Insurance

Room 1507

Tuesday, February 3, 2009 1:30 p.m.

LB152

LB157

LB432

LB528

(Signed) Rich Pahls, Chairperson

Urban Affairs

Room 1510

Tuesday, February 3, 2009 1:30 p.m.

LB128

LB412

LB441

LB522

LB523

(Signed) Mike Friend, Chairperson

Agriculture

Room 1524

Tuesday, February 3, 2009 1:30 p.m.

LB677

LB241

LB588

LB389

(Signed) Tom Carlson, Chairperson

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 285:

Department of Natural Resources
Brian Dunnigan, Director

Voting in the affirmative, 38:

Adams	Council	Haar	Lautenbaugh	Pirsch
Avery	Dierks	Hadley	Louden	Price
Campbell	Fischer	Hansen	McCoy	Rogert
Carlson	Flood	Howard	Mello	Schilz
Christensen	Friend	Janssen	Nantkes	Utter
Coash	Fulton	Karpisek	Nordquist	Wightman
Cook	Giese	Langemeier	Pahls	
Cornett	Gloor	Lathrop	Pankonin	

Voting in the negative, 0.

Present and not voting, 7:

Dubas	Heidemann	Stuthman	White
Harms	McGill	Wallman	

Excused and not voting, 4:

Ashford	Gay	Nelson	Sullivan
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The appointment was confirmed with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

Senator Langemeier moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 285:

Game and Parks Commission
Rex Fisher

Voting in the affirmative, 38:

Campbell	Fischer	Hansen	McCoy	Price
Carlson	Flood	Howard	McGill	Rogert
Christensen	Friend	Janssen	Mello	Schilz
Coash	Fulton	Karpisek	Nantkes	Sullivan
Cook	Giese	Langemeier	Nordquist	Utter
Cornett	Gloor	Lathrop	Pahls	Wightman
Council	Haar	Lautenbaugh	Pankonin	
Dierks	Hadley	Louden	Pirsch	

Voting in the negative, 0.

Present and not voting, 8:

Adams	Dubas	Heidemann	Wallman
Avery	Harms	Stuthman	White

Excused and not voting, 3:

Ashford	Gay	Nelson
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The appointment was confirmed with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 99. Title read. Considered.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 7 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 100. Title read. Considered.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 8 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 101. Title read. Considered.

Advanced to Enrollment and Review Initial with 46 ayes, 0 nays, 2 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 24. Title read. Considered.

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 6 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 85. Title read. Considered.

SENATOR LANGEMEIER PRESIDING

SENATOR ROBERT PRESIDING

Advanced to Enrollment and Review Initial with 36 ayes, 2 nays, 10 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 44. Title read. Considered.

Advanced to Enrollment and Review Initial with 43 ayes, 0 nays, 5 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 45. Title read. Considered.

Advanced to Enrollment and Review Initial with 44 ayes, 0 nays, 4 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 120. Title read. Considered.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 8 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 251. Title read. Considered.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 9 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 166. Title read. Considered.

Committee AM16, found on page 292, was adopted with 40 ayes, 0 nays, 8 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 43 ayes, 0 nays, 5 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 41. Title read. Considered.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 8 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 123. Title read. Considered.

Advanced to Enrollment and Review Initial with 44 ayes, 0 nays, 4 present and not voting, and 1 excused and not voting.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 154. Placed on Select File with amendment.
ER8005

1 1. Strike beginning with "sections" on page 1, line 1,
2 through page 3, line 9, and insert "sections 12-1301, 29-3922,
3 29-3927, 38-2881, 38-2886, 38-2888, 42-917, 44-5230, 44-5255,
4 44-5263, 66-1337, 66-1518, 81-15,124.01, 85-1655, 86-401, 86-593,
5 86-597, and 86-598, Reissue Revised Statutes of Nebraska, and
6 sections 66-1519, 71-702, 71-801, and 71-810, Revised Statutes
7 Cumulative Supplement, 2008; to eliminate obsolete provisions;
8 to repeal the Small Business Development Authority Act, the
9 Nebraska Transit and Rail Advisory Council Act, the Behavioral
10 Health Oversight Commission, the Broadband Services Task Force,
11 the Donor Registry of Nebraska Advisory Board, the Health Benefit
12 Plan Committee, the Indigent Defense Standards Advisory Council,
13 the Nebraska Commission on the Status of Women, the Nebraska
14 Lewis and Clark Bicentennial Commission, the Nebraska Veterans
15 Cemetery Advisory Board, the Public Health Clinic Formulary
16 Advisory Committee, the Regional Interoperability Advisory Board,
17 the Special Education Services Task Force, the Tax Policy Reform
18 Commission, the Teen Tobacco Education and Prevention Project
19 Committee, the Vote Nebraska Initiative, an ethanol advisory
20 committee, a postsecondary education advisory committee, a
21 technical advisory committee for petroleum products, a working
22 group studying sex offender treatment, and certain funds; to
23 harmonize provisions; to repeal the original sections; and to
1 outright repeal sections 29-3932, 32-1701, 44-5236, 44-5262,
2 58-301, 58-302, 58-303, 58-304, 58-305, 58-306, 58-307, 58-308,
3 58-309, 58-310, 58-311, 58-312, 58-313, 58-314, 58-315, 58-316,
4 58-317, 58-318, 58-319, 58-320, 58-321, 58-322, 58-323, 58-324,
5 58-325, 71-5715, 74-1501, 74-1502, 74-1503, 74-1504, 74-1505,
6 74-1506, 74-1507, 74-1508, 74-1509, 74-1510, 74-1511, 74-1512,
7 74-1513, 74-1514, 77-2704.19, 79-11,151, 79-11,152, 79-11,153,
8 79-11,154, 81-8,255, 81-8,256, 81-8,257, 81-8,258, 81-8,259,
9 81-8,260, 81-8,260.01, 81-8,260.02, 81-8,307, 81-8,308, 81-15,189,
10 81-15,190, 86-418.01, and 86-599, Reissue Revised Statutes of
11 Nebraska, and sections 71-818, 71-1227, 71-1228, 71-4823, 77-6001,
12 77-6002, 77-6003, 77-6004, 77-6005, 77-6006, and 77-6007, Revised
13 Statutes Cumulative Supplement, 2008."
14 2. On page 51, line 12, strike beginning with the first
15 "the" through the comma; in line 18 strike "48-621,."; in line 19
16 strike "81-1201.21,."; strike beginning with "85-1501" in line 19
17 through "85-1535," in line 20; and in line 21 strike "86-594,".

LEGISLATIVE BILL 91. Placed on Select File.

LEGISLATIVE BILL 196. Placed on Select File.

(Signed) Jeremy Nordquist, Chairperson

COMMITTEE REPORTS

Natural Resources

LEGISLATIVE BILL 105. Placed on General File with amendment.
AM6

- 1 1. On page 35, line 24, reinstate the stricken "leases";
- 2 and in line 25 strike "has an interest in".
- 3 2. On page 36, strike beginning with "as" in line
- 4 3 through "acres" in line 5 and insert "or has a leasehold
- 5 interest and an ownership interest in farm or ranch land used for
- 6 agricultural purposes which when added together".

(Signed) Chris Langemeier, Chairperson

Business and Labor

LEGISLATIVE BILL 158. Placed on General File with amendment.
AM48

- 1 1. On page 2, line 17, after "Patrol" insert "or
- 2 agencies accredited through the Commission on Accreditation for
- 3 Law Enforcement Agencies".
- 4 2. On page 3, strike beginning with "which" in line 1
- 5 through "knowledge" in line 2.
- 6 3. On page 5, line 1, after "officer" insert "who is the
- 7 subject of an investigation".

(Signed) Steve Lathrop, Chairperson

NOTICE OF COMMITTEE HEARINGS

Revenue

Room 1524

Wednesday, February 4, 2009 1:30 p.m.

LB248
LB69
LB70
LB303
LB538

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

LB117
LB376
LB309
LB282

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

LB335
LB95
LB162
LB520

(Signed) Abbie Cornett, Chairperson

Health and Human Services

Room 1510

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

LB275
LB346
LB519
LB540
LB619

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

LB395
LB435
LB448
LB462
LB611

(Signed) Tim Gay, Chairperson

AMENDMENTS - Print in Journal

Senator Avery filed the following amendment to LB154:
AM50

- 1 1. Insert the following new section:
- 2 Sec. 7. Section 38-2889, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 38-2889 ~~(1)~~The board may appoint formulary advisory
- 5 committees as deemed necessary for the determination of formularies
- 6 for delegated dispensing permittees.
- 7 ~~(2) The Public Health Clinic Formulary Advisory Committee~~
- 8 ~~is created. The committee shall consist of eight members as~~
- 9 ~~follows:~~
- 10 ~~(a) Two members designated by the board;~~
- 11 ~~(b) Two members who are employees of the department~~
- 12 ~~with knowledge of and interest in reproductive health and sexually~~
- 13 ~~transmitted diseases;~~
- 14 ~~(c) Two members who are licensed pharmacists in this~~

15 state and who are selected by the director. The Nebraska
 16 Pharmacists Association may submit to the director a list of five
 17 persons of recognized ability in the profession. If such a list is
 18 submitted, the director shall consider the names on such list and
 19 may appoint one or more of the persons so named. The director may
 20 appoint any qualified person even if such person is not named on
 21 the list submitted by the association; and

22 ~~(d) Two members who are employees of public health
 23 clinics which hold or will hold a delegated dispensing permit and
 1 who are selected by the director from names recommended by such
 2 public health clinics.~~

3 ~~(3) Designations and recommendations shall be made and
 4 submitted to the director in July prior to the third quarter
 5 meeting of the committee. Members shall serve for terms of two
 6 years each beginning with the third quarter meeting. Members may
 7 serve for consecutive terms as approved by the director. The
 8 director may remove a member of the committee for inefficiency,
 9 neglect of duty, or misconduct in office.~~

10 2. On page 51, line 18, after the second comma insert
 11 "38-2889,".

12 3. Renumber the remaining sections accordingly.

Senator Utter filed the following amendment to LB85:
 AM57

1 1. On page 4, line 1, after "statutes" insert "except
 2 that voter approval by a majority of the registered voters voting
 3 on the issue at a primary or general election is required".

UNANIMOUS CONSENT - Add Cointroducer

Senator Howard asked unanimous consent to add her name as cointroducer to LB250. No objections. So ordered.

VISITORS

Visitors to the Chamber were Dr. Juan Ramon Reyes from Nicaragua and Mike Koebernick from Lincoln.

The Doctor of the Day was Dr. Mark Butler from Lincoln.

ADJOURNMENT

At 11:52 a.m., on a motion by Senator Hadley, the Legislature adjourned until 10:30 a.m., Wednesday, January 28, 2009.

Patrick J. O'Donnell
 Clerk of the Legislature

