

**SIXTEENTH DAY - JANUARY 29, 2009****LEGISLATIVE JOURNAL****ONE HUNDRED FIRST LEGISLATURE  
FIRST SESSION****SIXTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, January 29, 2009

**PRAYER**

The prayer was offered by Pastor Tyler Hauptmeier, St. Peter's Lutheran Church, Wymore.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 10:30 a.m., Senator Rogert presiding.

The roll was called and all members were present except Senators Ashford, Cornett, Friend, Wallman, and White 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 166.** Placed on Select File with amendment.  
ER8009

1 1. On page 1, line 6, strike "77-1704.01,".

**LEGISLATIVE BILL 41.** Placed on Select File.

(Signed) Jeremy Nordquist, Chairperson

**COMMITTEE REPORT**

Banking, Commerce and Insurance

**LEGISLATIVE BILL 32.** Placed on General File.

(Signed) Rich Pahls, Chairperson

**NOTICE OF COMMITTEE HEARING**  
Business and Labor

Room 2102

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

LB51  
LB194  
LB243  
LB630  
LB631

(Signed) Steve Lathrop, Chairperson

**AMENDMENT - Print in Journal**

Senator Nelson filed the following amendment to LB80:  
AM79

- 1 1. Insert the following new section:
- 2 Sec. 6. Since an emergency exists, this act takes effect
- 3 when passed and approved according to law.
- 4 2. On page 6, lines 19 and 21, strike "2010" and insert
- 5 "2009".

**SELECT FILE**

**LEGISLATIVE BILL 11.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 29.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 30.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 49.** ER8002, found on page 293, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 49A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 50.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 62.** ER8003, found on page 293, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 31.** ER8004, found on page 297, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 179.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 180.** Senator Nordquist offered the following amendment:

AM60

- 1 1. On page 6, strike lines 14 through 16 and insert:  
 2 "(i) Grants for reimbursement of costs for the  
 3 deconstruction of abandoned buildings:  
 4 (A) Within cities of the second class, villages, and  
 5 counties of five thousand or fewer population; or  
 6 (B) In cities of the metropolitan class, primary class,  
 7 or first class, within areas with a high concentration of poverty,  
 8 as determined by the most recent federal decennial census, which  
 9 contain a majority of the census tracts which each contain a  
 10 percentage of persons below the poverty line of greater than thirty  
 11 percent, and all census tracts contiguous to such tract or tracts,  
 12 as determined by the most recent federal decennial census.  
 13 Eligible".

Senator Nordquist moved for a call of the house. The motion prevailed with 29 ayes, 2 nays, and 18 not voting.

Senator Nordquist requested a roll call vote on his amendment.

Voting in the affirmative, 24:

Ashford	Council	Lathrop	Nelson	Rogert
Campbell	Fulton	Lautenbaugh	Nordquist	Sullivan
Coash	Giese	McGill	Pahls	Wallman
Cook	Howard	Mello	Pirsch	White
Cornett	Karpisek	Nantkes	Price	

Voting in the negative, 24:

Adams	Fischer	Haar	Janssen	Schilz
Avery	Flood	Hadley	Langemeier	Stuthman
Carlson	Friend	Hansen	Louden	Utter
Christensen	Gay	Harms	McCoy	Wightman
Dubas	Gloor	Heidemann	Pankonin	

Present and not voting, 1:

Dierks

The Nordquist amendment lost with 24 ayes, 24 nays, and 1 present and not voting.

The Chair declared the call raised.

Senator Lautenbaugh offered the following amendment:

FA3

Strike "five" and insert "fifteen" on page 6 line 15.

Senator Lautenbaugh moved for a call of the house. The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

Senator Lautenbaugh requested a roll call vote on his amendment.

Voting in the affirmative, 18:

Ashford	Cornett	Lathrop	Nordquist	Wallman
Campbell	Council	Lautenbaugh	Pahls	White
Coash	Giese	Mello	Pirsch	
Cook	Howard	Nelson	Regert	

Voting in the negative, 25:

Adams	Fischer	Hansen	Langemeier	Pankonin
Carlson	Flood	Harms	Louden	Schilz
Christensen	Gay	Heidemann	McCoy	Stuthman
Dierks	Gloor	Janssen	McGill	Utter
Dubas	Hadley	Karpisek	Nantkes	Wightman

Present and not voting, 6:

Avery	Fulton	Price
Friend	Haar	Sullivan

The Lautenbaugh amendment lost with 18 ayes, 25 nays, and 6 present and not voting.

The Chair declared the call raised.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 154.** ER8005, found on page 302, was adopted.

Senator Avery renewed his amendment, AM50, found on page 304.

The Avery amendment was adopted with 44 ayes, 0 nays, 4 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 91.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 196.** Advanced to Enrollment and Review for Engrossment.

### COMMITTEE REPORTS

Government, Military and Veterans Affairs

**LEGISLATIVE BILL 7.** Placed on General File.

**LEGISLATIVE BILL 55.** Placed on General File.

**LEGISLATIVE BILL 8.** Indefinitely postponed.

(Signed) Bill Avery, Chairperson

## Education

**LEGISLATIVE BILL 20.** Placed on General File.

**LEGISLATIVE BILL 102.** Placed on General File with amendment.  
AM43

- 1 1. On page 2, line 5, after "Nebraska" insert an
- 2 underscored period; and strike lines 6 through 12.

(Signed) Greg Adams, Chairperson

**NOTICE OF COMMITTEE HEARING**  
Executive Board

Room 2102

Thursday, February 12, 2009 12:00 p.m.

LR1CA  
LR5CA  
LB505

(Signed) John Wightman, Chairperson

**BILL ON FIRST READING**

The following bill was read for the first time by title:

**LEGISLATIVE BILL 105A.** Introduced by Langemeier, 23.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 105, One Hundred First Legislature, First Session, 2009.

**EXPLANATION OF VOTES**

Had I been present, I would have voted "aye" on final passage of LBs 1, 2, 3, and 61.

(Signed) Kate Sullivan

**GENERAL FILE**

**LEGISLATIVE BILL 105.** Committee AM6, found on page 303 and considered on page 317, was renewed.

**SPEAKER FLOOD PRESIDING**

**RESOLUTION**

Pursuant to Rule 4, Sec. 5(b), LR8 was adopted.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR8.

**SENATOR ROBERT PRESIDING****GENERAL FILE**

**LEGISLATIVE BILL 105.** Committee AM6, found on page 303 and considered on page 317 and in this day's Journal, was renewed.

Pending.

**COMMITTEE REPORT**

Judiciary

**LEGISLATIVE BILL 201.** Placed on General File with amendment.  
AM83

- 1 1. Insert the following new section:
- 2     Sec. 3. Since an emergency exists, this act takes effect
- 3 when passed and approved according to law.
- 4 2. On page 3, line 3, after "(a)(1)" insert "and
- 5 subsection (c)"; in line 8 strike "ongoing" and insert
- 6 "continuing"; and in line 17 after the period insert "Subsection
- 7 (c) of section 43-1238 shall apply to any proceeding under this
- 8 subsection.".

(Signed) Brad Ashford, Chairperson

**NOTICE OF COMMITTEE HEARING**

Judiciary

Room 1113

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

LB170

LB46

LB47

LB118

LB352

LB353

(Signed) Brad Ashford, Chairperson

**AMENDMENTS - Print in Journal**

Senator Avery filed the following amendment to LB53:  
AM38

- 1 1. On page 5, line 17, strike "fifty" and insert
- 2 "twenty-five".

Senator Haar filed the following amendment to LB53:

AM87

1 1. Insert the following new section:

2 Sec. 5. Section 70-612, Reissue Revised Statutes of

3 Nebraska, is amended to read:

4 70-612 (1) Subject to the provisions of Chapter 70,  
5 article 6, and subject to the approval of the Nebraska Power Review  
6 Board, the board of directors of a district may amend the petition  
7 for its creation to provide for the division of the territory of  
8 such district into two or more subdivisions for the nomination and  
9 election of some or all of the directors. Each subdivision shall  
10 be composed of one or more voting precincts, or divided voting  
11 precincts, and the total population of each such subdivision shall  
12 be approximately the same. Two or more subdivisions may be combined  
13 for election purposes, and members of the board of directors to  
14 be elected from such combined subdivisions may be nominated and  
15 elected at large when not less than seventy-five percent of the  
16 population of the combined subdivisions is within the corporate  
17 limits of any city.

18 (2)(a) In the event a district formed includes all  
19 or part of two or more counties and is ~~(a)-(i)~~ engaged in  
20 furnishing electric light and power and more than fifty percent  
21 of its customers are rural customers or ~~(b)-(ii)~~ engaged in  
22 furnishing electric light and power and in the business of owning  
23 and operating irrigation works, then and in that event such  
1 subdivisions may be formed by following precinct or county boundary  
2 lines without regard to population if in the judgment of the  
3 Nebraska Power Review Board the interests of the rural users  
4 of electricity or of users of irrigation water service in such  
5 district will not be prejudiced thereby.

6 (b) When tallying the votes cast for candidates for board  
7 of directors of such district, the following shall apply:

8 (i) The votes of persons residing within a public power  
9 district, electric cooperative, or municipality which purchases  
10 less than twenty percent of its electricity from such district  
11 shall not be eligible to vote in such elections; and

12 (ii) The votes of persons residing within a public power  
13 district, electric cooperative, or municipality which purchases  
14 twenty percent or more of its electricity from such district  
15 shall be weighted based on the percentage of its electricity that  
16 such public power district, electric cooperative, or municipality  
17 purchases from the district.

18 ~~(2)-(3)~~ Any public power district or public power and  
19 irrigation district owning and operating irrigation works may, with  
20 approval of the Nebraska Power Review Board, add representation  
21 on its board of directors from any county which is outside its  
22 chartered territory but in which is located some or all of such  
23 irrigation works.

24 2. Renumber the remaining sections and amend the repealer  
25 accordingly.

### **UNANIMOUS CONSENT - Add Cointroducers**

Senators Cook and Lautenbaugh asked unanimous consent to add their names as cointroducers to LB252. No objections. So ordered.

Senator Howard asked unanimous consent to add her name as cointroducer to LB276 and LB277. No objections. So ordered.

Senator Sullivan asked unanimous consent to add her name as cointroducer to LB653. No objections. So ordered.

### **VISITORS**

Visitors to the Chamber were 19 seventh- and eleventh-twelfth grade students and teachers from Rising City.

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

### **ADJOURNMENT**

At 12:01 p.m., on a motion by Senator Hansen, the Legislature adjourned until 10:30 a.m., Friday, January 30, 2009.

Patrick J. O'Donnell  
Clerk of the Legislature