

**TWENTY-SIXTH DAY - FEBRUARY 12, 2009**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED FIRST LEGISLATURE  
FIRST SESSION**

**TWENTY-SIXTH DAY**

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

**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 Senators Ashford, Avery, and Cornett who were excused; and Senator Louden who was excused until he arrives.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the twenty-fifth day was approved.

**NOTICE OF COMMITTEE HEARINGS**

Transportation and Telecommunications

Room 1113

Monday, February 23, 2009 1:30 p.m.

LB320  
LB323  
LB401

Tuesday, February 24, 2009 1:30 p.m.

David Copple - Nebraska Highway Commission  
Steven Riehle - Board of Public Roads Classifications and Standards

LB109  
LB114  
LB650

(Signed) Deb Fischer, Chairperson

**CORRECTED COMMUNICATIONS**

February 11, 2009

Mr. Patrick O'Donnell  
Clerk of the Legislature  
Room 2018  
State Capitol Building  
Lincoln, NE 68509

Subject: University of Nebraska at Kearney - Men's Hall and Randall Hall Improvements

Dear Mr. O'Donnell:

Please accept the attached letter dated February 11, 2009, as a replacement for the January 5, 2009, letter requesting approval of the above referenced projects. We used incorrect language in the request paragraph to describe the funding source we're requesting from the legislature.

Thank you for your consideration of these projects.

(Signed) Respectfully submitted,  
Rebecca Koller  
Director of Facilities Planning and  
Management

February 11, 2009

Mr. Patrick O'Donnell  
Clerk of the Legislature  
Room 2018  
State Capitol Building  
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Pursuant to the Provisions of Section 85-408, R.R.S. of Nebraska, 1943 Legislative approval is required for the following University of Nebraska projects:

**University of Nebraska at Kearney - Men's Hall and Randall Hall Improvements.** This project will provide improvements that are part of the second phase of residential renewal at UNK. The Men's Hall and Randall Hall improvement project will do a partial renovation in each building to install fire sprinklers and update the audible fire alarm systems; demolish and expand existing restrooms to meet current

codes; inspect and repair/replace the domestic water, sanitary sewer and HVAC piping; install new elevators in both facilities and modify the lobbies for accessibility; and update all public area lighting, floor, wall and ceiling finishes. Men's Hall will receive new fan coil units to provide both heating and cooling of spaces. Stout Hall will be demolished after the renovation of Randall Hall is completed and the new elevator and entry will be constructed in its place along with select window replacement. This project is estimated to cost \$4,960,000.

The expenditure relates to the Bond Resolution dated December 1, 1964, authorizing the issuance of Revenue Bonds by the Board of Regents. The board has heretofore issued revenue bonds payable from the revenues and fees derived from the ownership and operation of the dormitories and other facilities for the housing and boarding of students, student unions, student health facilities and other facilities for the activities of students located on the campus of the University of Nebraska-Lincoln, under which a 1986 Surplus Fund was created.

Section 6.2 of the Resolution requires the Board to operate the facilities in an efficient, sound and economical manner and to keep all facilities and betterments thereto in good repair, working order and condition and to make all necessary and proper repairs, renewals, replacements, additions, extension and betterments thereto, so that at all times the business carried on in connection therewith shall be properly and advantageously conducted.

**Request.** The University requests approval of the improvements to Men's Hall and Randall Hall at the University of Nebraska at Kearney in the amount of \$4,960,000 to be financed from the University of Nebraska at Kearney Student Fees and Facilities Revenue Bond Surplus Fund.

The Board of Regents authorized this expenditure at its September 5, 2008, meeting.

The Nebraska Coordinating Commission for Postsecondary Education approved the expenditures for this project on December 11, 2008. The CCPE Bond Project Evaluation Forms indicating approval of the projects are attached.

Thank you for your consideration of these projects.

Respectfully submitted,  
(Signed) Donal J. Burns  
Corporation Secretary

## REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of February 11, 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

Donovan, Steve  
Ducks Unlimited, Great Plains  
Radcliffe, Walter H. of Radcliffe & Associates  
Waste Connections, Inc. (Withdrawn 02/06/2009)  
Wright, Lee  
Farmers Insurance Group

## REPORTS

The following reports were received by the Legislature:

### **Education, Department of**

Report of Implementation of Multicultural Education

### **Health and Human Services**

Disabled Persons and Family Support Program - Fiscal Year 2008

## RESOLUTION

**LEGISLATIVE RESOLUTION 11.** Read. Considered.

Committee AM281, found on page 433, was adopted with 42 ayes, 0 nays, 2 present and not voting, and 5 excused and not voting.

LR11, as amended, was adopted with 43 ayes, 0 nays, 1 present and not voting, and 5 excused and not voting.

## COMMITTEE REPORTS

Enrollment and Review

**LEGISLATIVE BILL 52.** Placed on Select File.  
**LEGISLATIVE BILL 151.** Placed on Select File.  
**LEGISLATIVE BILL 88.** Placed on Select File.  
**LEGISLATIVE BILL 184.** Placed on Select File.  
**LEGISLATIVE BILL 379.** Placed on Select File.

(Signed) Jeremy Nordquist, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 142.** Considered.

Senator Hansen offered the following amendment:

AM315

- 1 1. On page 2, line 17, strike "fifty" and insert "forty".

The Hansen amendment was adopted with 29 ayes, 0 nays, 15 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.

**LEGISLATIVE BILL 90.** Title read. Considered.

Senator Lathrop renewed his amendment, AM290, found on page 434.

The Lathrop amendment was adopted with 38 ayes, 0 nays, 5 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 83.** Title read. Considered.

Committee AM96, found on page 356, was considered.

Senator McGill offered the following amendment to the committee amendment:

AM326

(Amendments to Standing Committee amendments, AM96)

- 1 1. On page 1, lines 3 and 6, strike "agricultural" and
- 2 insert "livestock".

**SENATOR ROBERT PRESIDING**

Pending.

**COMMITTEE REPORTS**

Education

**LEGISLATIVE BILL 464.** Placed on General File.

**LEGISLATIVE BILL 64.** Placed on General File with amendment.  
AM59

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Sections 1 to 5 of this act shall be known and

4 may be cited as the Lindsay Ann Burke Act.

5 Sec. 2. The Legislature finds and declares that all  
6 students have a right to work and study in a safe, supportive  
7 environment that is free from harassment, intimidation, and  
8 violence. The Legislature further finds that when a student is a  
9 victim of dating violence, his or her academic life suffers and his  
10 or her safety at school is jeopardized. The Legislature therefor  
11 finds and declares that a policy to create a better understanding  
12 and awareness of dating violence shall be adopted by each school  
13 district. It is the intent of the Legislature to require each  
14 school district to establish a policy for educating staff and  
15 students about dating violence.

16 Sec. 3. For purposes of the Lindsay Ann Burke Act, unless  
17 the context otherwise requires:

18 (1) Dating partner means any person, regardless of  
19 gender, involved in an intimate relationship with another person  
20 primarily characterized by the expectation of affectionate  
21 involvement whether casual, serious, or long-term;

22 (2) Dating violence means a pattern of behavior where one  
23 person uses threats of, or actually uses, physical, sexual, verbal,  
1 or emotional abuse to control his or her dating partner;

2 (3) Department means the State Department of Education;  
3 and

4 (4) School district has the same meaning as in section  
5 79-101.

6 Sec. 4. (1) On or before March 1, 2010, the department  
7 shall develop and adopt a model dating violence policy to assist  
8 school districts in developing policies for dating violence.

9 (2) On or before July 1, 2010, each school district shall  
10 develop and adopt a specific policy to address incidents of dating  
11 violence involving students at school, which shall be made a part  
12 of the requirements for accreditation in accordance with section  
13 79-703. Such policy shall include a statement that dating violence  
14 will not be tolerated.

15 (3) To ensure notice of a school district's dating  
16 violence policy, the policy shall be published in any school  
17 district handbook, manual, or similar publication that sets forth  
18 the comprehensive rules, procedures, and standards of conduct for  
19 students at school.

20 (4) Each school district shall provide dating violence  
21 training to staff deemed appropriate by a school district's  
22 administration. The dating violence training shall include, but  
23 not be limited to, basic awareness of dating violence, warning  
24 signs of dating violence, and the school district's dating violence  
25 policy. The dating violence training may be provided by any school  
26 district or combination of school districts, an educational service  
27 unit, or any combination of educational service units.

1 (5) Each school district shall inform the students'  
2 parents or legal guardians of the school district's dating violence

- 3 policy. If requested, the school district shall provide the parents  
 4 or legal guardians a copy of the school district's dating violence  
 5 policy and relevant information.  
 6 (6) This section does not prevent a victim of dating  
 7 violence from seeking redress under any other available law, either  
 8 civil or criminal and does not create or alter any existing tort  
 9 liability.  
 10 Sec. 5. Each school district shall incorporate dating  
 11 violence education that is age-appropriate into the school  
 12 program. Dating violence education shall include, but not be  
 13 limited to, defining dating violence, recognizing dating violence  
 14 warning signs, and identifying characteristics of healthy dating  
 15 relationships.

**LEGISLATIVE BILL 163.** Placed on General File with amendment.  
 AM298

- 1 1. Strike the original sections and insert the following  
 2 new sections:  
 3 Section 1. Section 79-544, Reissue Revised Statutes of  
 4 Nebraska, is amended to read:  
 5 79-544 No member of a school board shall be ~~employed as~~  
 6 ~~a teacher by engaged in a contract to teach pursuant to sections~~  
 7 79-817 to 79-821 with the school district which he or she serves as  
 8 a board member.  
 9 Sec. 2. Original section 79-544, Reissue Revised Statutes  
 10 of Nebraska, is repealed.

(Signed) Greg Adams, Chairperson

Natural Resources

**LEGISLATIVE BILL 56.** Placed on General File with amendment.  
 AM310

- 1 1. On page 6, line 5, strike "with willful negligence"  
 2 and insert "negligently"; and in line 20 strike "by willful  
 3 negligence on the part of" and insert "negligently by".  
 4 2. On page 7, line 22, strike "three" and insert "five".

(Signed) Chris Langemeier, Chairperson

**RESOLUTION**

**LEGISLATIVE RESOLUTION 23.** Introduced by Janssen, 15; Coash, 27; Giese, 17; Karpisek, 32; Langemeier, 23; Rogert, 16.

WHEREAS, Donald Smeal was inducted into the Nebraska Business Hall of Fame on February 5, 2009; and

WHEREAS, Mr. Smeal and the businesses he founded, including Smeal Fire Apparatus Company, have been fixtures of the community of Snyder, Nebraska, for over fifty years; and

WHEREAS, Mr. Smeal was instrumental in founding and keeping his businesses in Dodge County; and

WHEREAS, Mr. Smeal, in addition to being a great businessman, was an even better human being.

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

1. That the Legislature posthumously honors Donald Smeal for his business acumen, charity, hospitality, and philanthropy to the great State of Nebraska.

2. That the Legislature commends Smeal Fire Apparatus Company and its employees for continuing Mr. Smeal's legacy.

3. That the Legislature congratulates Mr. Smeal and his family for his induction into the Nebraska Business Hall of Fame.

4. That a copy of this resolution be sent to Smeal Fire Apparatus Company and to the family of Mr. Smeal.

Laid over.

**AMENDMENT - Print in Journal**

Senator Flood filed the following amendment to LB55:

AM325

- 1 1. Strike the original sections 2 and 3 and insert the
- 2 following new section:
- 3 Sec. 2. Original section 23-1201.02, Reissue Revised
- 4 Statutes of Nebraska, is repealed.

**UNANIMOUS CONSENT - Add Cointroducers**

Senator Utter asked unanimous consent to add his name as cointroducer to LB56. No objections. So ordered.

Senator Pirsch asked unanimous consent to add his name as cointroducer to LB90. No objections. So ordered.

Senators Christensen and Gay asked unanimous consent to add their names as cointroducers to LB420. No objections. So ordered.



Senator Giese asked unanimous consent to add his name as cointroducer to LB558. No objections. So ordered.

Senators Carlson, Christensen, and Fischer asked unanimous consent to add their names as cointroducers to LB675. No objections. So ordered.

### **VISITOR**

The Doctor of the Day was Dr. Kristin Maricle from Omaha.

### **ADJOURNMENT**

At 11:58 a.m., on a motion by Speaker Flood, the Legislature adjourned until 10:00 a.m., Tuesday, February 17, 2009.

Patrick J. O'Donnell  
Clerk of the Legislature

