

THIRD DAY - JANUARY 9, 2009
LEGISLATIVE JOURNAL
ONE HUNDRED FIRST LEGISLATURE
FIRST SESSION

THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Friday, January 9, 2009

PRAYER

The prayer was offered by Senator Wallman.

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 and White who were excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the second day was approved.

REPORT

The following report was received by the Legislature:

Roads, Nebraska Department of

Board of Public Roads Classifications and Standards Minutes for October 2008

BILLS ON FIRST READING

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

LEGISLATIVE BILL 97. Introduced by Lautenbaugh, 18; Friend, 10; Howard, 9; Rogert, 16.

A BILL FOR AN ACT relating to law; to amend sections 21-20,177, 21-20,179, 28-101, 28-311, 28-320.02, 28-813.01, 28-1010, 28-1463.02, 28-1463.03, 28-1463.04, 28-1463.05, 29-110, 29-4001, 29-4003, 29-4006, 29-4007, and 29-4008, Reissue Revised Statutes of Nebraska; to change provisions relating to service on and revocation of certificates of authority of

foreign corporations; to change provisions and penalties regarding criminal child enticement, use of a computer in sexual assault, sexually explicit conduct, and the Child Pornography Prevention Act; to prohibit certain Internet use by sexually violent predators; to eliminate a statute of limitations for incest; to provide for confidentiality of certain property or material of a sexual nature held by law enforcement; to change provisions relating to the Sex Offender Registration Act; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 98. Introduced by Carlson, 38; Christensen, 44; Dubas, 34; Fischer, 43; Haar, 21; Hansen, 42; Harms, 48.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-958.02, 2-967, and 2-968, Reissue Revised Statutes of Nebraska; to change provisions relating to noxious weed grant programs and the Riparian Vegetation Management Task Force; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 99. Introduced by Carlson, 38.

A BILL FOR AN ACT relating to agriculture; to amend section 54-744, Reissue Revised Statutes of Nebraska; to adopt the Anthrax Control Act; to provide penalties; to eliminate anthrax provisions and penalties; to harmonize provisions; to repeal the original section; to outright repeal sections 54-754, 54-755, 54-756, 54-757, 54-758, 54-759, 54-760, 54-761, 54-762, and 54-763, Reissue Revised Statutes of Nebraska; and to declare an emergency.

LEGISLATIVE BILL 100. Introduced by Carlson, 38.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-2629, 2-2636, 2-2638, 2-2639, 2-2641, 2-2645, and 2-2646, Reissue Revised Statutes of Nebraska; to change provisions of the Pesticide Act; and to repeal the original sections.

LEGISLATIVE BILL 101. Introduced by Carlson, 38.

A BILL FOR AN ACT relating to agriculture; to amend section 2-4801, Reissue Revised Statutes of Nebraska; to eliminate the Farm Mediation Act termination date; to harmonize provisions; to repeal the original section; to outright repeal section 2-4816, Reissue Revised Statutes of Nebraska; and to declare an emergency.

LEGISLATIVE BILL 102. Introduced by Adams, 24.

A BILL FOR AN ACT relating to schools; to provide a definition of high school graduate for purposes of postsecondary educational financial aid; and to provide a duty for the Revisor of Statutes.

LEGISLATIVE BILL 103. Introduced by Adams, 24.

A BILL FOR AN ACT relating to postsecondary educational institutions; to amend sections 85-408 and 85-1402, Reissue Revised Statutes of Nebraska; to change provisions relating to capital and facility expenditures; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 104. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to cities of the first class; to amend section 16-117, Revised Statutes Cumulative Supplement, 2008; to eliminate resolution, public hearing, and publication requirements for annexation as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 105. 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 game and parks; to amend sections 28-1335, 37-201, 37-314, 37-327, 37-407, 37-410, 37-411, 37-415, 37-417, 37-426, 37-431, 37-432, 37-433, 37-438, 37-440, 37-447, 37-448, 37-449, 37-450, 37-451, 37-455, 37-455.01, 37-456, 37-457, 37-458, 37-462, 37-463, 37-465, 37-477, 37-478, 37-479, 37-481, 37-483, 37-484, 37-497, 37-4,104, 37-4,105, 37-4,106, 37-4,108, 37-4,111, 37-501, 37-504, 37-507, 37-513, 37-514, 37-523, 37-613, 37-727, 37-1212, 37-1214, 37-1217, 37-1227, 37-1241.07, 37-1241.08, and 54-2313, Reissue Revised Statutes of Nebraska; to provide powers and duties for the Game and Parks Commission; to provide for and change penalty provisions related to hunting and fishing; to provide for and change maximum amounts of fees imposed under the Game Law and the State Boat Act; to provide for and change liquidated damages under the Game Law; to provide for and change provisions relating to special permits and licenses; to change provisions relating to animals held in captivity, abandonment or needless waste of game animals, and hunting wildlife with artificial light; to prohibit administration of drugs to wildlife; to provide exceptions; to provide requirements for renting and leasing motorboats; to harmonize provisions; and to repeal the original sections.

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 108. Introduced by Carlson, 38.

A BILL FOR AN ACT relating to all-terrain vehicles; to amend section 60-146, Revised Statutes Cumulative Supplement, 2008; to exempt certain vehicles from identification inspection requirements; and to repeal the original section.

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 110. Introduced by Fischer, 43.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-301, 60-3,104, 60-3,119, 60-3,122, 60-3,122.02, 60-3,123, 60-3,124, 60-3,125, 60-3,128, and 60-3,130.04, Revised Statutes Cumulative Supplement, 2008; to change fees for motor vehicle registration; to change the distribution of proceeds of the fees; to eliminate the Spirit Plate Proceeds Fund; to provide for specialty license plates; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal section 60-3,129, Revised Statutes Cumulative Supplement, 2008.

LEGISLATIVE BILL 111. Introduced by Fischer, 43.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-682.01, Revised Statutes Cumulative Supplement, 2008; to change provisions relating to fines for speeding in a construction zone; and to repeal the original section.

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 rural health loan repayments from income taxation as prescribed; and to repeal the original section.

LEGISLATIVE BILL 113. Introduced by Pankonin, 2.

A BILL FOR AN ACT relating to the Securities Act of Nebraska; to amend

sections 8-1110, 8-1116, and 8-1123, Reissue Revised Statutes of Nebraska; to change provisions relating to exempt securities; to provide a penalty; to provide additional equitable powers for courts with respect to violations of the act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 114. Introduced by Loudon, 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 Loudon, 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 116. Introduced by Fischer, 43.

A BILL FOR AN ACT relating to the Nebraska State Insurance Program; to amend section 84-1604, Reissue Revised Statutes of Nebraska; to provide for the inclusion of volunteer emergency responders, firefighters, and rescue squad members as prescribed; and to repeal the original section.

LEGISLATIVE BILL 117. Introduced by Fischer, 43.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701, 77-2715.07, 77-2717, and 77-2734.03, Revised Statutes Cumulative Supplement, 2008; to provide an income tax credit for retail business taxpayers as prescribed; to harmonize provisions; to provide an operative date; and to repeal the original sections.

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 119. Introduced by Wightman, 36.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2005 and 77-2040, Revised Statutes Cumulative Supplement, 2008; to change inheritance tax provisions; to provide for applicability; and to repeal the original sections.

LEGISLATIVE BILL 120. Introduced by Wightman, 36.

A BILL FOR AN ACT relating to inheritance tax; to amend sections 77-2018.04 and 77-2018.07, Reissue Revised Statutes of Nebraska, and section 77-2010, Revised Statutes Cumulative Supplement, 2008; to change provisions relating to estate administration expenses and penalties; and to repeal the original sections.

LEGISLATIVE BILL 121. Introduced by Wightman, 36.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 13-520, 23-3202, and 32-519, Reissue Revised Statutes of Nebraska, and sections 77-1339, 77-1340, 77-1342, and 77-3442, Revised Statutes Cumulative Supplement, 2008; to change budget limitations; to require reimbursement by counties to the state for property tax assessment services; to provide for reassumption of the assessment function by counties on or before July 1, 2012; to change tax levy limitations; to harmonize provisions; to provide operative dates; to repeal the original sections; and to outright repeal sections 77-1340.01, 77-1340.02, and 77-1340.03, Reissue Revised Statutes of Nebraska, and section 77-1340, Revised Statutes Cumulative Supplement, 2008, as amended by section 5 of this legislative bill.

LEGISLATIVE BILL 122. Introduced by Coash, 27.

A BILL FOR AN ACT relating to children; to amend sections 28-718 and 28-720, Reissue Revised Statutes of Nebraska; to change terminology for child protection cases; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 123. Introduced by Karpisek, 32; Christensen, 44; Coash, 27; Dubas, 34; Friend, 10; McGill, 26; Pirsch, 4; Rogert, 16; Wallman, 30.

A BILL FOR AN ACT relating to the Uniform Controlled Substances Act; to amend section 28-405, Reissue Revised Statutes of Nebraska; to regulate *Salvia divinorum* or *Salvinorin A*; and to repeal the original section.

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.

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 127. Introduced by Avery, 28.

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 define a term; to exempt sales of college textbooks and certain clothing, school supplies, and computers from sales and use tax as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 128. Introduced by Avery, 28.

A BILL FOR AN ACT relating to cities; to authorize the investment of public endowment funds; and to declare an emergency.

LEGISLATIVE BILL 129. Introduced by Dubas, 34.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-301, Revised Statutes Cumulative Supplement, 2008; to authorize certain actions and procedures by counties and the Director of Motor Vehicles for invalid financial transactions; to harmonize provisions; and to repeal the original section.

COMMITTEE ON COMMITTEES FINAL REPORT

Senator Hansen moved to approve the final Committee on Committees report found on page 56.

The Committee on Committees report was approved with 43 ayes, 0 nays, 3 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 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 131. Introduced by Dubas, 34.

A BILL FOR AN ACT relating to counties; to change boundaries of certain counties; to harmonize provisions; and to outright repeal sections 22-161 and 22-172, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 132. Introduced by Fulton, 29.

A BILL FOR AN ACT relating to the Barber Act; to amend sections 71-201, 71-208.02, 71-208.06, 71-216, 71-219, 71-219.02, 71-223.01, 71-224, 71-239, 71-242, and 71-245, Reissue Revised Statutes of Nebraska; to limit the use of certain titles and images as prescribed; to change provisions relating to barber instructors, license expiration, inspections, and licensure without examination; to provide for booth rental permits; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 133. Introduced by Heidemann, 1.

A BILL FOR AN ACT relating to elections; to amend section 32-707, Reissue Revised Statutes of Nebraska; to change provisions relating to the location of county postprimary conventions; and to repeal the original section.

LEGISLATIVE BILL 134. Introduced by Pankonin, 2.

A BILL FOR AN ACT relating to natural resources districts; to amend section 2-3234, Reissue Revised Statutes of Nebraska; to change provisions relating to eminent domain; and to repeal the original section.

LEGISLATIVE BILL 135. Introduced by Heidemann, 1.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2008, LB606A, section 1; to change an appropriation as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 136. Introduced by Avery, 28.

A BILL FOR AN ACT relating to medical assistance; to amend sections 68-915, 68-1713, and 68-1724, Revised Statutes Cumulative Supplement,

2008; to change provisions relating to eligibility; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 137. Introduced by Avery, 28.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-103, Revised Statutes Cumulative Supplement, 2008; to redefine campus as it pertains to the University of Nebraska-Lincoln; and to repeal the original section.

LEGISLATIVE BILL 138. Introduced by Avery, 28.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.07, Revised Statutes Cumulative Supplement, 2008; to provide an income tax credit for public school teachers; and to repeal the original section.

LEGISLATIVE BILL 139. Introduced by Avery, 28.

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.

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.

A BILL FOR AN ACT relating to veterans; to adopt the Brain Injury Act.

LEGISLATIVE BILL 142. Introduced by Hansen, 42; Carlson, 38.

A BILL FOR AN ACT relating to the Livestock Brand Act; to amend section 54-1,100, Reissue Revised Statutes of Nebraska; to change provisions relating to recorded brands; to change a fee; and to repeal the original section.

LEGISLATIVE BILL 143. Introduced by Langemeier, 23.

A BILL FOR AN ACT relating to recreational activities; to amend sections 13-910, 15-258, and 16-226, Reissue Revised Statutes of Nebraska, and section 14-102, Revised Statutes Cumulative Supplement, 2008; to adopt the Nebraska Shooting Range Protection Act; to change provisions relating

to the Political Subdivisions Tort Claims Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 144. Introduced by Avery, 28.

A BILL FOR AN ACT relating to public records; to amend section 79-8,109, Reissue Revised Statutes of Nebraska; to provide for records of certain disciplinary actions against law enforcement officers to be a public record and for records of certain disciplinary actions against public school district teachers, administrators, or full-time employees to be accessible; and to repeal the original section.

LEGISLATIVE BILL 145. Introduced by Avery, 28.

A BILL FOR AN ACT relating to firearms; to amend sections 28-1204.03 and 28-1204.04, Reissue Revised Statutes of Nebraska, and section 69-2441, Revised Statutes Cumulative Supplement, 2008; to prohibit firearms at schools, colleges, and universities as prescribed; to provide a penalty; to define a term; to change provisions relating to the Concealed Handgun Permit Act; to harmonize provisions; and to repeal the original sections.

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.

A BILL FOR AN ACT relating to insurance; to require coverage for

prosthetics; and to define a term.

LEGISLATIVE BILL 150. Introduced by Heidemann, 1.

A BILL FOR AN ACT relating to the Nebraska Prostitution Intervention and Treatment Act; to eliminate the act; and to outright repeal sections 71-2301, 71-2302, 71-2303, 71-2304, and 71-2305, Revised Statutes Cumulative Supplement, 2008.

LEGISLATIVE BILL 151. Introduced by Stuthman, 22; Christensen, 44; Rogert, 16.

A BILL FOR AN ACT relating to controlled substances; to amend sections 28-405, 28-456, and 28-456.01, Reissue Revised Statutes of Nebraska; to eliminate provisions relating to ephedrine as prescribed; to harmonize provisions; to repeal the original sections; and to outright repeal sections 28-448 and 28-454, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 152. Introduced by Pahls, 31.

A BILL FOR AN ACT relating to relating to insurance; to amend section 44-6413, Reissue Revised Statutes of Nebraska; to change a provision relating to uninsured and underinsured motorist coverages; and to repeal the original section.

LEGISLATIVE BILL 153. Introduced by Lautenbaugh, 18.

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 154. Introduced by Government, Military and Veterans Affairs Committee: Avery, 28, Chairperson; Giese, 17; Janssen, 15; Pahls, 31; Pirsch, 4; Price, 3; Sullivan, 41.

A BILL FOR AN ACT relating to government; to amend sections 29-3922, 29-3927, 38-2881, 38-2886, 38-2888, 42-917, 44-5230, 44-5255, 44-5263, 48-621, 66-1337, 66-1518, 81-1201.21, 81-15,124.01, 85-1501, 85-1503, 85-1511, 85-1515, 85-1516, 85-1521, 85-1535, 85-1655, 86-401, 86-593, 86-594, 86-597, and 86-598, Reissue Revised Statutes of Nebraska, and sections 66-1519, 71-702, 71-801, and 71-810, Revised Statutes Cumulative Supplement, 2008; to eliminate obsolete provisions; to repeal the Small Business Development Authority Act, the Nebraska State Airline Authority Act, the Nebraska Transit and Rail Advisory Council Act, the Behavioral Health Oversight Commission, the Biopower Steering Committee, the Broadband Services Task Force, the Donor Registry of Nebraska Advisory

Board, the Health Benefit Plan Committee, the Indigent Defense Standards Advisory Council, the Nebraska Commission on the Status of Women, the Nebraska Community College Aid, Grant, and Contract Review Committee, the Nebraska Lewis and Clark Bicentennial Commission, the Public Health Clinic Formulary Advisory Committee, the Regional Interoperability Advisory Board, the Special Education Services Task Force, the Tax Policy Reform Commission, the Teen Tobacco Education and Prevention Project Committee, the Vote Nebraska Initiative, an ethanol advisory committee, a postsecondary education advisory committee, a technical advisory committee for petroleum products, a working group studying sex offender treatment, and certain funds; to name an act; to harmonize provisions; to repeal the original sections; and to outright repeal sections 3-801, 3-802, 3-803, 3-804, 3-805, 3-806, 29-3932, 32-1701, 44-5236, 44-5262, 58-301, 58-302, 58-303, 58-304, 58-305, 58-306, 58-307, 58-308, 58-309, 58-310, 58-311, 58-312, 58-313, 58-314, 58-315, 58-316, 58-317, 58-318, 58-319, 58-320, 58-321, 58-322, 58-323, 58-324, 58-325, 66-1701, 71-5715, 74-1501, 74-1502, 74-1503, 74-1504, 74-1505, 74-1506, 74-1507, 74-1508, 74-1509, 74-1510, 74-1511, 74-1512, 74-1513, 74-1514, 77-2704.19, 79-11,151, 79-11,152, 79-11,153, 79-11,154, 81-8,255, 81-8,256, 81-8,257, 81-8,258, 81-8,259, 81-8,260, 81-8,260.01, 81-8,260.02, 81-8,307, 81-8,308, 81-15,189, 81-15,190, 85-1539, 85-1540, 86-418.01, and 86-599, Reissue Revised Statutes of Nebraska, and sections 71-818, 71-1227, 71-1228, 71-4823, 77-6001, 77-6002, 77-6003, 77-6004, 77-6005, 77-6006, and 77-6007, Revised Statutes Cumulative Supplement, 2008.

LEGISLATIVE BILL 155. Introduced by Rogert, 16; Friend, 10; Howard, 9; Lautenbaugh, 18.

A BILL FOR AN ACT relating to crimes and punishments; to amend sections 28-101, 28-518, 28-608, and 29-110, Reissue Revised Statutes of Nebraska; to adopt the Public Protection Act and to provide penalties; to change provisions relating to theft offenses and criminal impersonation and to change penalties; to create the offenses of identity theft and identity fraud and to provide penalties; to harmonize provisions; to provide severability; and to repeal the original sections.

RESOLUTIONS

LEGISLATIVE RESOLUTION 1CA. Introduced by Friend, 10.

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 10:

III-10 Beginning with the year 1975, regular sessions of the Legislature shall be held annually, commencing at 10 a.m. on the first Wednesday after the first Monday in January of each year. The duration of regular sessions

held shall not exceed ~~ninety-sixty~~ legislative days in odd-numbered years unless extended by a vote of four-fifths of all members elected to the Legislature, and shall not exceed ~~sixty-forty~~ legislative days in even-numbered years unless extended by a vote of four-fifths of all members elected to the Legislature. Bills and resolutions under consideration by the Legislature upon adjournment of a regular session held in an odd-numbered year may be considered at the next regular session, as if there had been no such adjournment. The Lieutenant Governor shall preside, but shall vote only when the Legislature is equally divided. A majority of the members elected to the Legislature shall constitute a quorum; the Legislature shall determine the rules of its proceedings and be the judge of the election, returns, and qualifications of its members, shall choose its own officers, including a Speaker to preside when the Lieutenant Governor shall be absent, incapacitated, or shall act as Governor. 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. The Legislature may punish by imprisonment any person not a member thereof who shall be guilty of disrespect to the Legislature by disorderly or contemptuous behavior in its presence, but no such imprisonment shall extend beyond twenty-four hours at one time, unless the person shall persist in such disorderly or contemptuous behavior.

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 reduce the maximum number of days for regular legislative sessions to sixty legislative days in odd-numbered years and forty legislative days in even-numbered years.

For

Against.

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 2. Introduced by Heidemann, 1; Adams, 24; Avery, 28; Campbell, 25; Carlson, 38; Christensen, 44; Coash, 27; Cook, 13; Cornett, 45; Council, 11; Dierks, 40; Dubas, 34; Fischer, 43; Flood, 19; Friend, 10; Fulton, 29; Gay, 14; Giese, 17; Gloor, 35; Haar, 21; Hadley, 37; Hansen, 42; Harms, 48; Howard, 9; Janssen, 15; Karpisek, 32; Langemeier, 23; Lathrop, 12; Lautenbaugh, 18; Loudon, 49; McCoy, 39; McGill, 26; Mello, 5; Nantkes, 46; 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, Roger R. Wehrbein of Plattsmouth has been named Nebraskan of the Year by the Rotary Clubs of Nebraska; and

WHEREAS, Roger Wehrbein was chosen as the twenty-second recipient of this annual award based on his demonstrated honesty, integrity, and concern for others, his support of civic and charitable causes, and his leadership and significant accomplishments during his career; and

WHEREAS, Roger Wehrbein served as a state senator for twenty years, representing District 2, which includes Cass County, a portion of Otoe County, and more recently a portion of Sarpy County; and

WHEREAS, former Senator Wehrbein served on the Appropriations Committee of the Legislature for eighteen years, serving as chairman for ten years; and

WHEREAS, former Senator Wehrbein will long be remembered in the Legislature for his very capable leadership of the Appropriations Committee, for his expertise on agricultural issues, and for his honesty and integrity in representing his constituents; and

WHEREAS, Roger Wehrbein also served in the United States Army, as a Cass County Commissioner, and on the Cass County Fair Board as well as numerous other agricultural and economic development boards and commissions; and

WHEREAS, the success of the farming community, the strength of our counties, and the overall vitality of the State of Nebraska depend, in great measure, upon the dedication of people like Roger Wehrbein, 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, FIRST SESSION:

1. That the Legislature congratulates Roger R. Wehrbein for his selection by the Rotary Clubs of Nebraska as the Nebraskan of the Year, recognizes his outstanding record of service to his local community and the state, and extends its best wishes for his continued success and happiness.

2. That a copy of this resolution be sent to Roger Wehrbein.

Laid over.

LEGISLATIVE RESOLUTION 3. Introduced by Fulton, 29; Flood, 19.

WHEREAS, the University of Nebraska Cornhusker football team was victorious in the 2009 Gator Bowl over the Clemson University Tigers by a score of twenty-six to twenty-one; and

WHEREAS, head coach Bo Pelini joins Bob Devaney, Tom Osborne, and Frank Solich as the only head coaches to lead the Huskers to nine wins in their first season; and

WHEREAS, quarterback Joe Ganz established new Nebraska season records for completions, completion percentage, passing yards, and total yards and was named MVP of the 2009 Gator Bowl; and

WHEREAS, the prolific Husker offense ranked in the top twenty bowl subdivision programs for passing offense, scoring offense, and total offense; and

WHEREAS, the work ethic of head coach Bo Pelini and the entire Husker football coaching staff manifested itself in the efforts of the team both on the field and in the classroom; and

WHEREAS, the character, determination, and resolve of the Husker football program is 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, FIRST 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.

Laid over.

LEGISLATIVE RESOLUTION 4. Introduced by Fulton, 29; Flood, 19.

WHEREAS, the University of Nebraska women's volleyball team valiantly competed in the 2008 NCAA Division I Women's Volleyball Final Four Tournament, breaking Penn State University's consecutive set record; and

WHEREAS, the Husker volleyball team continued to elevate the sport of women's volleyball through their thrilling semifinal match before the largest indoor volleyball crowd in United States history; and

WHEREAS, the Husker volleyball team displayed great tenacity, unity, and athletic superiority in their historic victory over the University of Washington to reach the Final Four; and

WHEREAS, Jordan Larson, Tara Mueller, Sydney Anderson, and Kori Cooper, through their exemplary athletic play, received All-American accolades from the American Volleyball Coaches Association; and

WHEREAS, seniors and Nebraska natives Jordan Larson, Amanda Gates, and Rachel Schwartz consistently displayed the leadership, resolve, and sportsmanship that led the Huskers to a successful season; and

WHEREAS, head coach John Cook and the entire Husker volleyball coaching staff developed the character and ethic of a team that embodied the finest ideals of collegiate athletics; and

WHEREAS, the athletic and academic achievements of the Husker volleyball team are a source of tremendous pride and inspiration to the people of Nebraska.

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

1. That the Legislature congratulates the University of Nebraska women's volleyball team and head coach John Cook for their achievements.

2. That a copy of this resolution be delivered to the University of Nebraska.

Laid over.

ANNOUNCEMENTS

The Revenue Committee elected Senator Dierks as Vice Chairperson.

The Banking, Commerce and Insurance Committee elected Senator Pirsch as Vice Chairperson.

The Government, Military and Veterans Affairs Committee elected Senator Pirsch as Vice Chairperson.

UNANIMOUS CONSENT - Add Cointroducers

Senator Mello asked unanimous consent to add his name as cointroducer to LB13. No objections. So ordered.

Senators Mello and Nordquist asked unanimous consent to add their names as cointroducers to LB17 and LB63. No objections. So ordered.

Senator Fulton 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 LB84. No objections. So ordered.

Senator Dierks asked unanimous consent to add his name as cointroducer to LB98. No objections. So ordered.

VISITOR

The Doctor of the Day was Dr. Marcos Iglesias from Omaha.

ADJOURNMENT

At 10:50 a.m., on a motion by Senator Pahls, the Legislature adjourned until 10:00 a.m., Monday, January 12, 2009.

Patrick J. O'Donnell
Clerk of the Legislature