

**THIRTY-FIFTH DAY - FEBRUARY 27, 2009****LEGISLATIVE JOURNAL****ONE HUNDRED FIRST LEGISLATURE  
FIRST SESSION****THIRTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Friday, February 27, 2009

**PRAYER**

The prayer was offered by Captain Rhegan Stansbury, Salvation Army, Beatrice.

**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 Cornett and Karpisek who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirty-fourth day was approved.

**COMMITTEE REPORTS**

Enrollment and Review

**LEGISLATIVE BILL 403.** Placed on Select File with amendment.  
ER8023

- 1 1. In the Standing Committee amendments, AM413, on
- 2 page 4, strike lines 9 through 21 and insert the following
- 3 new subdivisions:
- 4 "(a) Federal immigration verification system means the
- 5 electronic verification of the work authorization program of
- 6 the Illegal Immigration Reform and Immigrant Responsibility Act
- 7 of 1996, 8 U.S.C. 1324a, known as the E-Verify Program, or
- 8 an equivalent federal program designated by the United States
- 9 Department of Homeland Security or other federal agency authorized
- 10 to verify the work eligibility status of a newly hired employee
- 11 pursuant to the Immigration Reform and Control of Act 1986;
- 12 (b) Public contractor means any contractor and his or
- 13 her subcontractors who are a party to a contract with a public
- 14 employer; and
- 15 (c) Public employer means any agency or political

16 subdivision of the State of Nebraska."

17 2. On page 1, strike beginning with "illegal" in line 1  
 18 through line 3 and insert "government; to amend sections 77-27,187,  
 19 77-5701, 77-5801, and 77-5901, Revised Statutes Cumulative  
 20 Supplement, 2008; to require verification of lawful presence for  
 21 purposes of public benefits; to require verification of work  
 22 eligibility status for purposes of public employment, employment  
 23 under public contracts, and certain tax incentives; to provide  
 1 duties for the Department of Labor; to harmonize provisions; to  
 2 provide an operative date; and to repeal the original sections."

**LEGISLATIVE BILL 168.** Placed on Select File.

**LEGISLATIVE BILL 207.** Placed on Select File.

**LEGISLATIVE BILL 177.** Placed on Select File.

**LEGISLATIVE BILL 377.** Placed on Select File.

**LEGISLATIVE BILL 219.** Placed on Select File with amendment.  
 ER8024

1 1. On page 1, strike beginning with "change" in line 7  
 2 through "prescribed" in line 9 and insert "harmonize provisions".

**LEGISLATIVE BILL 219A.** Placed on Select File.

(Signed) Jeremy Nordquist, Chairperson

### COMMITTEE REPORTS

Banking, Commerce and Insurance

**LEGISLATIVE BILL 328.** Placed on General File.

(Signed) Rich Pahls, Chairperson

General Affairs

**LEGISLATIVE BILL 355.** Placed on General File with amendment.  
 AM445

1 1. Strike section 4 and insert the following new  
 2 sections:  
 3 Sec. 4. No county resolution or city ordinance that  
 4 prohibits smoking in indoor areas shall apply to cigar bars as  
 5 defined in section 53-103.  
 6 Sec. 5. Section 71-5730, Revised Statutes Cumulative  
 7 Supplement, 2008, is amended to read:  
 8 71-5730 The following indoor areas are exempt from  
 9 section 71-5729:  
 10 (1) Guestrooms and suites that are rented to guests and  
 11 are designated as smoking rooms, except that not more than twenty  
 12 percent of rooms rented to guests in an establishment may be  
 13 designated as smoking rooms. All smoking rooms on the same floor

14 shall be contiguous, and smoke from such rooms shall not infiltrate  
 15 into areas where smoking is prohibited under the Nebraska Clean  
 16 Indoor Air Act;

17 (2) Indoor areas used in connection with a research  
 18 study on the health effects of smoking conducted in a scientific  
 19 or analytical laboratory under state or federal law or at a  
 20 college or university approved by the Coordinating Commission for  
 21 Postsecondary Education; ~~and~~

22 (3) Tobacco retail outlets; ~~and~~;

23 (4) Cigar bars as defined in section 53-103.

1 2. On page 2, line 19; and page 11, line 8, strike

2 "profits" and insert "revenue".

3 3. On page 2, line 19, after the period insert "A copy

4 of the proof of gross revenue shall also be sent to the Nebraska  
 5 Liquor Control Commission.".

6 4. Renumber the remaining sections and correct the  
 7 repealer accordingly.

(Signed) Russ Karpisek, Chairperson

## NOTICE OF COMMITTEE HEARINGS

Business and Labor

Room 2102

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

LB564

LB628

LB629

LR10

(Signed) Steve Lathrop, Chairperson

Transportation and Telecommunications

Room 1113

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

LB372

LB384

LB543

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

LB334

LB649

LB93

(Signed) Deb Fischer, Chairperson

**MESSAGE FROM THE GOVERNOR**

February 26, 2009

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 24, 75e, 80e, 85, 87e, 99e, 100, 101e, 123, 166e, 189, 192, and 251e were received in my office on February 20, 2009.

These bills were signed and delivered to the Secretary of State on February 26, 2009.

Sincerely,  
(Signed) Dave Heineman  
Governor

**ANNOUNCEMENT**

Senator Council designates LB307 as her priority bill.

**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of February 26, 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

Vickers, Tom  
Career Schools Coalition

**ANNOUNCEMENT**

The Chair announced March 1 is Senator Fischer's and Senator Sullivan's birthdays.

**MOTION - Approve Appointments**

Senator Fischer moved the adoption of the Transportation and Telecommunications Committee report for the confirmation of the following appointment(s) found on page 565:

Nebraska Highway Commission

David Copple

Board of Public Roads Classifications and Standards

Steven Riehle

Voting in the affirmative, 44:

Adams	Council	Haar	Louden	Pirsch
Ashford	Dubas	Hadley	McCoy	Price
Avery	Fischer	Harms	McGill	Schilz
Campbell	Flood	Heidemann	Mello	Stuthman
Carlson	Friend	Howard	Nantkes	Sullivan
Christensen	Fulton	Janssen	Nelson	Utter
Coash	Gay	Langemeier	Nordquist	Wallman
Cook	Giese	Lathrop	Pahls	Wightman
Cornett	Gloor	Lautenbaugh	Pankonin	

Voting in the negative, 0.

Present and not voting, 4:

Dierks	Hansen	Rogert	White
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Excused and not voting, 1:

Karpisek

The appointments were confirmed with 44 ayes, 0 nays, 4 present and not voting, and 1 excused and not voting.

**MOTION - Withdraw LB668**

Senator Gay renewed his motion, MO17, found on page 577, to withdraw LB668.

The Gay motion to withdraw the bill prevailed with 43 ayes, 0 nays, 5 present and not voting, and 1 excused and not voting.

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 5.** With Emergency Clause.

A BILL FOR AN ACT relating to the Game Law; to amend sections 37-513 and 37-614, Reissue Revised Statutes of Nebraska; to eliminate a restriction and a penalty on trapping wildlife in county road rights-of-way; to authorize counties to prohibit trapping wildlife in county road rights-of-way; 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, 31:

Carlson	Gay	Janssen	Nantkes	Wallman
Christensen	Giese	Karpisek	Nelson	White
Coash	Gloor	Langemeier	Pahls	Wightman
Dubas	Hadley	Lautenbaugh	Pirsch	
Fischer	Hansen	Louden	Price	
Flood	Harms	McCoy	Schilz	
Fulton	Heidemann	Mello	Sullivan	

Voting in the negative, 17:

Adams	Cornett	Haar	Nordquist	Utter
Ashford	Council	Howard	Pankonin	
Campbell	Dierks	Lathrop	Rogert	
Cook	Friend	McGill	Stuthman	

Present and not voting, 1:

Avery

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed to pass with the emergency clause attached. The question is, "Shall the bill pass with the emergency clause stricken?"

Voting in the affirmative, 30:

Carlson	Fulton	Harms	Louden	Pirsch
Christensen	Gay	Heidemann	McCoy	Price
Coash	Giese	Janssen	Mello	Schilz
Dubas	Gloor	Karpisek	Nantkes	Sullivan
Fischer	Hadley	Langemeier	Nelson	White
Flood	Hansen	Lautenbaugh	Pahls	Wightman

Voting in the negative, 18:

Adams	Cook	Friend	McGill	Stuthman
Ashford	Cornett	Haar	Nordquist	Utter
Avery	Council	Howard	Pankonin	
Campbell	Dierks	Lathrop	Rogert	

Present and not voting, 1:

Wallman

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

#### **LEGISLATIVE BILL 7.**

A BILL FOR AN ACT relating to clerks of the district court; to amend section 32-524, Reissue Revised Statutes of Nebraska; to provide a residency requirement; 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, 48:

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

Voting in the negative, 0.

Present and not voting, 1:

Wallman

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 20.** With Emergency Clause.

A BILL FOR AN ACT relating to the Access College Early Scholarship Program Act; to amend sections 85-2105 and 85-2106, Reissue Revised Statutes of Nebraska; to change provisions relating to the powers and duties of the Coordinating Commission for Postsecondary Education with respect to scholarships awarded under the act and a report requirement; 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, 49:

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

Voting in the negative, 0.

Not voting, 0.

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 28.**

A BILL FOR AN ACT relating to law enforcement; to amend sections 60-3,135 and 60-480.01, Revised Statutes Cumulative Supplement, 2008; to authorize the issuance of undercover license plates and undercover driver's licenses to federal law enforcement agencies; 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, 48:

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

Voting in the negative, 1:

Council

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 32.** With Emergency Clause.

A BILL FOR AN ACT relating to banks and 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.

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, 48:

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

Voting in the negative, 0.

Present and not voting, 1:

Friend

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 48.** With Emergency Clause.

A BILL FOR AN ACT relating to motor carriers; to amend sections 75-363 and 75-364, Revised Statutes Cumulative Supplement, 2008; to change provisions relating to adoption of federal Motor Carrier Safety Regulations and federal Hazardous Material Regulations; 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, 49:

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

Voting in the negative, 0.

Not voting, 0.

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 53.**

A BILL FOR AN ACT relating to public power districts; to amend sections 70-603, 70-604.01, 70-604.05, and 70-681, Reissue Revised Statutes of Nebraska, and section 70-604.02, Revised Statutes Cumulative Supplement, 2008; to change provisions relating to formation, territory, and operating area of districts; 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	Fischer	Harms	Nantkes	Stuthman
Ashford	Flood	Heidemann	Nelson	Sullivan
Avery	Friend	Howard	Nordquist	Utter
Carlson	Fulton	Janssen	Pahls	Wallman
Christensen	Gay	Karpisek	Pankonin	Wightman
Cook	Giese	Langemeier	Pirsch	
Cornett	Gloor	Lautenbaugh	Price	
Dierks	Hadley	Louden	Rogert	
Dubas	Hansen	McCoy	Schilz	

Voting in the negative, 5:

Coash	Haar	Lathrop	McGill	White
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Present and not voting, 3:

Campbell	Council	Mello
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **LEGISLATIVE BILL 55.**

A BILL FOR AN ACT relating to attorneys; to amend section 23-1201.02, Reissue Revised Statutes of Nebraska; to change requirements for the office of county attorney; 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, 48:

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

Voting in the negative, 0.

Present and not voting, 1:

Louden

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 74.** With Emergency Clause.

A BILL FOR AN ACT relating to banking; to amend section 8-133, Reissue Revised Statutes of Nebraska; to authorize the pledging of Federal Home Loan Bank of Topeka letters of credit as security for private deposits; 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, 49:

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

Voting in the negative, 0.

Not voting, 0.

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 91.**

A BILL FOR AN ACT relating to children; to amend section 43-117, Reissue Revised Statutes of Nebraska; to change provisions relating to department payments on behalf of certain children; 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, 49:

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

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **LEGISLATIVE BILL 102.**

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.

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, 49:

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

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 120.**

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.

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, 49:

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

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 135.** With Emergency Clause.

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.

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, 49:

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

Voting in the negative, 0.

Not voting, 0.

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 201.** With Emergency Clause.

A BILL FOR AN ACT relating to children; to amend section 43-1230, Reissue Revised Statutes of Nebraska; to change provisions relating to the international application of the Uniform Child Custody Jurisdiction and Enforcement Act; 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, 49:

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

Voting in the negative, 0.

Not voting, 0.

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

**MOTION - Return LB204 to Select File**

Senator Fischer moved to return LB204 to Select File for her specific amendment, AM429, found on page 531.

The Fischer motion to return prevailed with 45 ayes, 0 nays, and 4 present and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 204.** The Fischer specific amendment, AM429, found on page 531, was adopted with 46 ayes, 0 nays, and 3 present and not voting.

Advanced to Enrollment and Review for Reengrossment.

**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 LB259 with 42 ayes, 0 nays, and 7 present and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 259.** With Emergency Clause.

A BILL FOR AN ACT relating to deposit and investment of public funds; to amend sections 2-4214, 12-1102, 12-1107, 14-556, 15-847, 15-849, 16-713, 16-715, 16-716, 17-607, 17-720, 30-3209, 72-1268.03, 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 77-2365.02 and 77-2387, Revised Statutes Cumulative Supplement, 2008; to clarify Federal Deposit Insurance Corporation coverage; to harmonize provisions; to provide a duty for the Revisor of 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, 49:



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

Voting in the negative, 0.

Not voting, 0.

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 LB331 with 47 ayes, 0 nays, and 2 present and not voting.

The following bill was put upon final passage:

#### **LEGISLATIVE BILL 331. With Emergency Clause.**

A BILL FOR AN ACT relating to transportation; to amend sections 18-1739 and 75-301, Reissue Revised Statutes of Nebraska, and sections 60-3,122.02, 60-3,137, 60-3,193.01, 60-3,198, 60-3,205, 60-462.01, 60-462.02, 60-480.01, 60-4,147.02, 60-6,265, 60-6,267, 66-1406.02, 75-363, 75-364, 75-369.03, 75-386, 75-393, 75-394, 75-396, 75-397, and 75-398, Revised Statutes Cumulative Supplement, 2008; to adopt by reference updates to certain federal laws and regulations relating to parking for disabled persons, operators' licenses, hazardous material endorsement requirements under the USA PATRIOT Act, occupant protection systems, motor carrier safety, hazardous materials transportation, and the Unified Carrier Registration System; to change provisions relating to Gold Star Family plates and fleet vehicle registration; to change an implementation date; to authorize the issuance of undercover license plates to Department of Insurance investigators; to adopt by reference updates to the International Registration Plan; to eliminate provisions relating to the single state insurance registration system for motor carriers; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal sections 75-348, 75-349, 75-350, 75-351, 75-353, 75-354, 75-355, 75-358, and 75-390, Reissue Revised Statutes of Nebraska, and section 75-395, Revised Statutes Cumulative Supplement, 2008; 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, 49:

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

Voting in the negative, 0.

Not voting, 0.

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

### SELECT FILE

**LEGISLATIVE BILL 52.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 151.** Senator Stuthman renewed his amendment, AM300, found on page 516.

Senator Stuthman offered the following amendment to his amendment:  
AM523

(Amendments to AM300)

- 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.

The Stuthman amendment was adopted with 27 ayes, 0 nays, and 22 present and not voting.

The Stuthman amendment, AM300, as amended, was adopted with 28 ayes, 0 nays, and 21 present and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 379.** Advanced to Enrollment and Review for Engrossment.

**SENATOR LANGEMEIER PRESIDING**

**LEGISLATIVE BILL 142.** ER8018, found on page 463, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 90.** ER8017, found on page 464, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 89.** ER8021, found on page 533, was adopted.

Senator Cornett renewed her amendment, AM452, found on page 559.

The Cornett amendment was adopted with 26 ayes, 4 nays, 18 present and not voting, and 1 excused and not voting.

Senator Stuthman offered the following amendment:

AM313

(Amendments to Standing Committee amendments, AM92)

- 1 1. Insert the following new section:
- 2 Sec. 7. The Department of Revenue shall report annually
- 3 to the Revenue Committee of the Legislature the effects of the tax
- 4 policy changes made by this legislative bill, including:
- 5 (1) The impact of the change on taxpayers;
- 6 (2) Snuff revenue collections under the weight-based tax
- 7 method and an estimation of revenue under an ad valorem method
- 8 using reliable tobacco price trend data indicating pricing for
- 9 snuff based on the ad valorem rate in effect at time of the
- 10 conversion; and
- 11 (3) Recommendations to ensure progressive tax revenue and
- 12 a competitive marketplace.
- 13 The committee shall provide a copy of the report to
- 14 the Attorney General to ensure consumer protection, to prevent
- 15 unfair trade practices, and to prevent monopolization of the snuff
- 16 business.
- 17 2. On page 1, lines 5 and 12, strike "section 3" and
- 18 insert "sections 3 and 7".
- 19 3. Renumber the remaining sections accordingly.

The Stuthman amendment lost with 4 ayes, 20 nays, 22 present and not voting, and 3 excused and not voting.

**SPEAKER FLOOD PRESIDING**

Pending.

**COMMITTEE REPORT**  
**Enrollment and Review**

**Correctly Enrolled**

The following bill was correctly enrolled: LB5.

(Signed) Jeremy Nordquist, Chairperson

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 5, 7, 20, 28, 32, 48, 53, 55, 74, 91, 102, 120, 135, 201, 259, and 331.

**SELECT FILE**

**LEGISLATIVE BILL 89.** Considered.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 231.** ER8020, found on page 534, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 167.** ER8022, found on page 534, was adopted.

Senator Avery renewed his amendment, AM489, found on page 577.

The Avery amendment was adopted with 33 ayes, 0 nays, 15 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**MOTION - Suspend Rules**

Senator Ashford offered the following motion to LB403:  
MO19

Suspend Rule 3, Section 14, to permit cancellation of the March 5, 2009, Judiciary Committee public hearings on LB403, amendments AM435 and AM491.

The Ashford motion to suspend the rules prevailed with 38 ayes, 0 nays, 10 present and not voting, and 1 excused and not voting.

**NOTICE OF COMMITTEE HEARING**

Judiciary

Room 1113

Thursday, March 5, 2009 12:00 p.m.

LB403 (AM435) (cancel)

LB403 (AM491) (cancel)

(Signed) Brad Ashford, Chairperson

**UNANIMOUS CONSENT - Time Change**

Senator Ashford asked unanimous consent that the Judiciary Committee conduct its hearing on Thursday, March 5, 2009, at 1:30 p.m. instead of 2:00 p.m. No objections. So ordered.

**NOTICE OF COMMITTEE HEARINGS**

Nebraska Retirement Systems

Room 1525

Wednesday, March 18, 2009 12:10 p.m.

LB427 (cancel)

Wednesday, March 25, 2009 12:10 p.m.

LB427 (reschedule)

(Signed) Dave Pankonin, Chairperson

Education

Room 1525

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

Hearing on Progress Toward Attainment of Higher Education Priorities  
(required pursuant to Section 85-1429)

(Signed) Greg Adams, Chairperson

## COMMITTEE REPORTS

## Education

**LEGISLATIVE BILL 73.** Placed on General File with amendment. AM468

1 1. Strike sections 2 to 5 and insert the following new  
2 sections:

3 Sec. 2. For purposes of the Interstate Compact on  
4 Educational Opportunity for Military Children and sections 2 to  
5 5 of this act:

6 (1) Council means the State Council on Educational  
7 Opportunity for Military Children;

8 (2) Department means the State Department of Education;

9 (3) Local education agency means a school district as  
10 defined in section 79-101; and

11 (4) State superintendent of education means the  
12 Commission of Education.

13 Sec. 3. The department shall oversee and provide  
14 coordination for the state's participation in and compliance with  
15 the Interstate Compact on Educational Opportunity for Military  
16 Children. The department shall provide staff support for the  
17 council created in section 4 of this act.

18 Sec. 4. (1) The State Council on Educational Opportunity  
19 for Military Children is created within the department. The council  
20 shall consist of:

21 (a) The following ex officio members:

22 (i) The Commissioner of Education;

23 (ii) The chairperson of the Education Committee of the  
1 Legislature, who shall serve as a nonvoting member of the council;

2 (iii) The compact commissioner appointed pursuant to  
3 section 5 of this act; and

4 (iv) The military family education liaison, who shall  
5 serve as a member of the council after his or her appointment  
6 pursuant to subsection (3) of this section; and

7 (b) The following members appointed by the State Board of  
8 Education:

9 (i) The superintendent of a school district that has a  
10 high concentration of children of military families; and

11 (ii) A representative of a military installation located  
12 in this state.

13 (2) The members of the council appointed by the State  
14 Board of Education shall serve three-year terms. Vacancies in  
15 the council shall be filled in the same manner as the initial  
16 appointments. The members of the council shall be reimbursed for  
17 their actual and necessary expenses as provided in sections 81-1174  
18 to 81-1177.

19 (3) The council shall have the following duties:

20 (a) To advise the department with regards to the  
21 state's participation and compliance with the Interstate Compact on

22 Educational Opportunity for Military Children; and  
 23 (b) To appoint a military family education liaison to  
 24 assist families and the state in implementing the compact.  
 25 Sec. 5. The student achievement coordinator appointed  
 26 pursuant to section 79-11,150 shall serve as the compact  
 27 commissioner and shall be responsible for administering the state's  
 1 participation in the Interstate Compact on Educational Opportunity  
 2 for Military Children.

**LEGISLATIVE BILL 103.** Placed on General File with amendment.  
 AM404

- 1 1. Strike original section 1.
- 2 2. On page 5, line 12, after "The" insert "base amount
- 3 for the"; in line 15 strike "amounts", show as stricken, and insert
- 4 "amount"; and in line 16 strike "2008", show as stricken, and
- 5 insert "2010".
- 6 3. On page 7, line 19, strike "sections 85-408 and" and
- 7 insert "section"; and in line 20 strike "are" and insert "is".
- 8 4. Renumber the remaining sections accordingly.

**LEGISLATIVE BILL 197.** Placed on General File with amendment.  
 AM464

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 85-1802, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 85-1802 For purposes of sections 85-1801 to 85-1814:
- 6 (1) Administrative fund means the ~~administrative fund~~
- 7 College Savings Plan Administrative Fund created in section
- 8 85-1807;
- 9 (2) Beneficiary means the individual designated by a
- 10 participation agreement to benefit from advance payments of higher
- 11 education costs on behalf of the beneficiary;
- 12 (3) Benefits means the payment of higher education costs
- 13 on behalf of a beneficiary by the trust during the beneficiary's
- 14 attendance at an institution of higher education;
- 15 (4) Endowment fund means the ~~endowment fund~~ College
- 16 Savings Plan Endowment Fund created in section 85-1807;
- 17 (5) Expense fund means the College Savings Plan Expense
- 18 Fund created in section 85-1807;
- 19 ~~(5)-(6)~~ Higher education costs means the certified costs
- 20 of tuition and fees, books, supplies, and equipment required for
- 21 enrollment or attendance at an institution of higher education.
- 22 Reasonable room and board expenses, based on the minimum amount
- 23 applicable for the institution of higher education during the
- 1 period of enrollment, shall be included as a higher education cost
- 2 for those students enrolled on at least a half-time basis. Higher
- 3 education costs shall not include any amounts in excess of those
- 4 allowed by section 529 of the Internal Revenue Code;

5 ~~(6)-(7)~~ Institution of higher education means an  
 6 institution described in section 529 of the Internal Revenue Code  
 7 which is eligible to participate in the United States Department of  
 8 Education's student aid programs;

9 ~~(7)-(8)~~ Nebraska educational savings plan trust means the  
 10 trust created in section 85-1804;

11 ~~(8)-(9)~~ Nebraska institution of higher education means an  
 12 institution described in section 529 of the Internal Revenue Code  
 13 which is eligible to participate in the United States Department of  
 14 Education's student aid program and which is located in Nebraska;

15 ~~(9)-(10)~~ Participant means an individual, an individual's  
 16 legal representative, or any other legal entity authorized to  
 17 establish a savings account under section 529 of the Internal  
 18 Revenue Code who has entered into a participation agreement for  
 19 the advance payment of higher education costs on behalf of a  
 20 beneficiary;

21 ~~(10)-(11)~~ Participation agreement means an agreement  
 22 between a participant and the Nebraska educational savings plan  
 23 trust entered into under sections 85-1801 to 85-1814;

24 ~~(11)-(12)~~ Program fund means the ~~program fund~~ College  
 25 Savings Plan Program Fund created in section 85-1807;

26 ~~(12)-(13)~~ Refund penalty means the amount assessed by the  
 1 State Treasurer for cancellation of a participation agreement or  
 2 other refund which is not considered a de minimis penalty pursuant  
 3 to section 529 of the Internal Revenue Code;

4 ~~(13)-(14)~~ Section 529 of the Internal Revenue Code means  
 5 such section of the code and the regulations interpreting such  
 6 section, as such section and regulations existed on April 18, 2001;  
 7 and

8 ~~(14)-(15)~~ Tuition and fees means the quarter or semester  
 9 charges imposed to attend an institution of higher education and  
 10 required as a condition of enrollment.

11 Sec. 2. Section 85-1807, Reissue Revised Statutes of  
 12 Nebraska, is amended to read:

13 85-1807 (1) The State Treasurer shall deposit money  
 14 received by the Nebraska educational savings plan trust into  
 15 ~~three-four funds: The program fund, the endowment fund, and~~  
 16 ~~the administrative fund. The College Savings Plan Program Fund,~~  
 17 the College Savings Plan Expense Fund, the College Savings Plan  
 18 Endowment Fund, and the College Savings Plan Administrative Fund.  
 19 The State Treasurer shall deposit money received by the trust  
 20 into the appropriate fund. The State Treasurer and Accounting  
 21 Administrator of the Department of Administrative Services shall  
 22 determine the state fund types necessary to comply with section 529  
 23 of the Internal Revenue Code and state policy. The money in the  
 24 funds shall be invested by the state investment officer pursuant  
 25 to policies established by the Nebraska Investment Council. The  
 26 program fund, the expense fund, the administrative fund, and the  
endowment fund shall be separately administered. The Nebraska



27 educational savings plan trust shall be operated with no General  
1 Fund appropriations.

2 (2) All money paid by participants in connection with  
3 participation agreements and all investment income earned on such  
4 money shall be deposited as received into separate accounts within  
5 the program fund. All money received by the trust from the proceeds  
6 of gifts and other endowments for the purposes of the trust and  
7 all investment income earned on such money shall be deposited as  
8 received into the endowment fund. The program fund, administrative  
9 fund, and endowment fund shall be separately administered. Any  
10 gifts, grants, or donations to the trust for deposit to the  
11 endowment fund shall be a grant, gift, or donation to the state  
12 for the accomplishment of a valid public eleemosynary, charitable,  
13 and educational purpose and shall not be included in the income of  
14 the donor for state income tax purposes. Contributions to the trust  
15 made by participants or received in the form of gifts, grants, or  
16 donations may only be made in the form of cash. All funds generated  
17 in connection with participation agreements shall be deposited into  
18 the appropriate accounts within the program fund. A participant  
19 or beneficiary shall not provide investment direction regarding  
20 program contributions or earnings held by the trust. Money accrued  
21 by participants in the program fund may be used for payments to any  
22 institution of higher education.

23 (3) The College Savings Plan Administrative Fund is  
24 created. Money from the trust transferred from the expense fund to  
25 the administrative fund in an amount authorized by an appropriation  
26 from the Legislature shall be utilized to pay for the costs  
27 of administering, operating, and maintaining the trust, to the  
1 extent permitted by section 529 of the Internal Revenue Code. The  
2 administrative fund shall not be credited with any money other than  
3 money transferred from the expense fund in an amount authorized by  
4 an appropriation by the Legislature or any interest income earned  
5 on the balances held in the administrative fund. Any money in  
6 the administrative fund available for investment shall be invested  
7 by the state investment officer pursuant to the Nebraska Capital  
8 Expansion Act and the Nebraska State Funds Investment Act.

9 (2)-(4) The College Savings Plan Endowment Fund is  
10 created. All money received by the trust from the proceeds of  
11 gifts and other endowments for the purposes of the trust and  
12 all investment income earned on such money shall be deposited as  
13 received into the endowment fund. Any gifts, grants, or donations  
14 to the trust for deposit to the endowment fund shall be a grant,  
15 gift, or donation to the state for the accomplishment of a valid  
16 public eleemosynary, charitable, and educational purpose and shall  
17 not be included in the income of the donor for state income tax  
18 purposes. Contributions to the trust received in the form of gifts,  
19 grants, or donations may only be made in the form of cash. Each  
20 beneficiary under a participation agreement shall receive a pro  
21 rata share of the interest earned in the endowment fund each year

22 after any transfers to the ~~administrative endowment~~ fund have been  
 23 made. The amount received from the endowment fund shall be in the  
 24 ratio that the principal amount paid by the participant under the  
 25 participation agreement and investment income earned to date under  
 26 the agreement bears to the principal amount of all money, funds,  
 27 and securities then held in the program fund, but not to exceed  
 1 the amount which, in combination with the current payment due from  
 2 the program fund, equals the beneficiary's higher education costs  
 3 for the current period of enrollment. ~~Money accrued by participants~~  
 4 ~~in the program fund may be used for payments to any institution~~  
 5 ~~of higher education.~~ No rights to any money derived from the  
 6 endowment fund shall exist if money payable under the participation  
 7 agreement is paid to an institution of higher education which is  
 8 not a Nebraska institution of higher education. Any money in the  
 9 endowment fund available for investment shall be invested by the  
 10 state investment officer pursuant to the Nebraska Capital Expansion  
 11 Act and the Nebraska State Funds Investment Act.

12 (5) The College Savings Plan Expense Fund is created.  
 13 The expense fund shall be used to pay costs associated with the  
 14 Nebraska educational savings plan trust and shall be funded with  
 15 fees assessed to the program fund. The State Treasurer shall  
 16 transfer from the expense fund to the State Investment Officer's  
 17 Cash Fund an amount equal to the pro rata share of the budget  
 18 appropriated to the Nebraska Investment Council as permitted in  
 19 section 72-1249.02, to cover reasonable expenses incurred for  
 20 investment management of the Nebraska educational savings plan  
 21 trust. Annually and prior to such transfer to the State Investment  
 22 Officer's Cash Fund, the State Treasurer shall report to the  
 23 budget division of the Department of Administrative Services and to  
 24 the Legislative Fiscal Analyst the amounts transferred during the  
 25 previous fiscal year. The State Treasurer may transfer funds from  
 26 the expense fund to the endowment fund. The amount of any transfer  
 27 from the expense fund to the endowment fund shall not result in a  
 1 remaining balance in the expense fund that is less than one hundred  
 2 and fifty percent of the most recent annual appropriation provided  
 3 by the Legislature for the cost of administering the Nebraska  
 4 educational savings plan trust. Any money in the expense fund  
 5 available for investment shall be invested by the state investment  
 6 officer pursuant to the Nebraska Capital Expansion Act and the  
 7 Nebraska State Funds Investment Act.

8 Sec. 3. Original sections 85-1802 and 85-1807, Reissue  
 9 Revised Statutes of Nebraska, are repealed.

10 Sec. 4. The following section is outright repealed:  
 11 Section 85-1803, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 530.** Placed on General File with amendment.  
 AM376

- 1 1. Strike the original sections and insert the following
- 2 new sections:

- 3 Section 1. Section 79-1102.01, Reissue Revised Statutes  
 4 of Nebraska, is amended to read:  
 5 79-1102.01 For school ~~year~~ years 2008-09 and 2009-10, any  
 6 early childhood education program as defined in section 79-1101  
 7 established by a school board or an educational service unit that  
 8 is not receiving a grant pursuant to section 79-1103 or funding  
 9 through the Tax Equity and Educational Opportunities Support Act  
 10 may enroll children who meet the age requirements to be enrolled  
 11 in kindergarten pursuant to section 79-214, but who are not then  
 12 enrolled in kindergarten and who are not of mandatory attendance  
 13 age pursuant to section 79-201.  
 14 Sec. 2. Original section 79-1102.01, Reissue Revised  
 15 Statutes of Nebraska, is repealed.

**LEGISLATIVE BILL 387.** Indefinitely postponed.

**LEGISLATIVE BILL 534.** Indefinitely postponed.

(Signed) Greg Adams, Chairperson

Judiciary

**LEGISLATIVE BILL 208.** Placed on General File.

**LEGISLATIVE BILL 354.** Placed on General File.

**LEGISLATIVE BILL 292.** Placed on General File with amendment.  
 AM496

- 1 1. Insert the following new sections:  
 2 Sec. 20. Section 84-907.03, Reissue Revised Statutes of  
 3 Nebraska, is amended to read:  
 4 84-907.03 There is hereby created the Secretary of State  
 5 Administration Cash Fund. The fund shall consist of revenue  
 6 received to defray costs as authorized in sections 84-901 to  
 7 84-908. The revenue shall be collected by the Secretary of State  
 8 and remitted to the State Treasurer for credit to the fund. The  
 9 fund shall be used to (1) offset expenses incurred as a result of  
 10 such sections, ~~and~~ (2) administer the Address Confidentiality Act,  
 11 and (3) administer the Nebraska Uniform Athlete Agents Act.  
 12 Any money in the fund available for investment shall be  
 13 invested by the state investment officer pursuant to the Nebraska  
 14 Capital Expansion Act and the Nebraska State Funds Investment Act.  
 15 Sec. 23. Original section 84-907.03, Reissue Revised  
 16 Statutes of Nebraska, is repealed.  
 17 2. On page 11, line 7, after the period insert "Such fees  
 18 shall be collected by the Secretary of State and remitted to the  
 19 State Treasurer for credit to the Secretary of State Administration  
 20 Cash Fund.".  
 21 3. Renumber the remaining sections accordingly.

(Signed) Brad Ashford, Chairperson

## Natural Resources

**LEGISLATIVE BILL 483.** Placed on General File with amendment. AM502 is available in the Bill Room.

(Signed) Chris Langemeier, Chairperson

## Revenue

**LEGISLATIVE BILL 112.** Placed on General File.

(Signed) Abbie Cornett, Chairperson

**AMENDMENT - Print in Journal**

Senator Rogert filed the following amendment to LB260:  
AM524

(Amendments to Standing Committee amendments, AM456)

- 1 1. Insert the following new sections:
- 2 Sec. 13. Section 81-8,210, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 81-8,210 For purposes of the State Tort Claims Act:
- 5 (1) State agency includes all departments, agencies,
- 6 boards, bureaus, and commissions of the State of Nebraska and
- 7 corporations the primary function of which is to act as, and
- 8 while acting as, instrumentalities or agencies of the State of
- 9 Nebraska but shall not include corporations that are essentially
- 10 private corporations or entities created pursuant to the Interlocal
- 11 Cooperation Act or the Joint Public Agency Act. State agency does
- 12 not include any contractor with the State of Nebraska;
- 13 (2) State Claims Board means the board created by section
- 14 81-8,220;
- 15 (3) Employee of the state means any one or more officers
- 16 or employees of the state or any state agency and shall include
- 17 duly appointed members of boards or commissions when they are
- 18 acting in their official capacity. State employee does not include
- 19 any employee of an entity created pursuant to the Interlocal
- 20 Cooperation Act or the Joint Public Agency Act or any contractor
- 21 with the State of Nebraska;
- 22 (4) Tort claim means any claim against the State of
- 1 Nebraska for money only on account of damage to or loss of property
- 2 or on account of personal injury or death caused by the negligent
- 3 or wrongful act or omission of any employee of the state, while
- 4 acting within the scope of his or her office or employment, under
- 5 circumstances in which the state, if a private person, would be
- 6 liable to the claimant for such damage, loss, injury, or death but
- 7 does not include any claim accruing before January 1, 1970, ~~and any~~
- 8 claim against an employee of the state for money only on account

9 of damage to or loss of property or on account of personal injury  
10 or death caused by the negligent or wrongful act or omission of  
11 the employee while acting within the scope of his or her employment  
12 occurring on or after August 25, 1989, and any claim allowed under  
13 the Nebraska Claims for Wrongful Conviction and Imprisonment Act;

14 (5) Award means any amount determined by the Risk Manager  
15 or State Claims Board to be payable to a claimant under section  
16 81-8,211 or the amount of any compromise or settlement under  
17 section 81-8,218; and

18 (6) Risk Manager means the Risk Manager appointed under  
19 section 81-8,239.01.

20 Sec. 14. Original section 81-8,210, Reissue Revised  
21 Statutes of Nebraska, is repealed.

22 2. On page 2, strike beginning with "All" in line 24  
23 through line 27.

## ANNOUNCEMENT

Senator Langemeier designates LB483 as his priority bill.

## RESOLUTION

**LEGISLATIVE RESOLUTION 39.** Introduced by Gloor, 35.

WHEREAS, Grand Island Senior High School won the Class A team title at the 2009 State Wrestling Championship, the school's first team title since 1973; and

WHEREAS, Grand Island Senior High School scored 252.5 points, outscoring the runner-up by 107 points. The team's point total set a new Class A state record; and

WHEREAS, Grand Island Senior High School had twelve individual medalists. Four wrestlers won individual state titles, including Andrew Riedy, Blake Fruchtl, Alec Chanthapatheth, and Nate Westerby. Other medalists included Riley Allen, Carlos Rodriguez, Mathew Rice, Mike Bolan, Beau Jepson, Cory Frankenberg, Coleman Westerby, and Alan Taylor; 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 SESSION:

1. That the Legislature congratulates Grand Island Senior High School on winning the Class A team title at the 2009 State Wrestling Championship.

2. That a copy of this resolution be sent to the Grand Island Senior High School wrestling team and their coaches.

Laid over.

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on February 27, 2009, at 11:37 a.m. were the following: LBs 5, 7, 20e, 28, 32e, 48e, 53, 55, 74e, 91, 102, 120, 135e, 201e, 259e, and 331e.

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

**UNANIMOUS CONSENT - Add Cointroducers**

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

Senator McCoy asked unanimous consent to add his name as cointroducer to LB647. No objections. So ordered.

**WITHDRAW - Cointroducer**

Senator Schilz withdrew his name as cointroducer to LB184.

**VISITORS**

Visitors to the Chamber were Congressman Adrian Smith from Gering; Ryan Johnson from Omaha; members of the Attorney General's Youth Advisory Council from across the state; Ed and Janese Ericson from North Platte; Austin Lutz and Lori Pankonin from Imperial; and Paul Rieken from Beatrice.

The Doctor of the Day was Dr. Dorothy Zink from Omaha.

**ADJOURNMENT**

At 11:51 a.m., on a motion by Senator Fischer, the Legislature adjourned until 10:00 a.m., Monday, March 2, 2009.

Patrick J. O'Donnell  
Clerk of the Legislature