

FORTIETH DAY - MARCH 9, 2009**LEGISLATIVE JOURNAL****ONE HUNDRED FIRST LEGISLATURE
FIRST SESSION****FORTIETH DAY**

Legislative Chamber, Lincoln, Nebraska
Monday, March 9, 2009

PRAYER

The prayer was offered by Pastor Jimmie Byrd, Church of the Living God, Omaha.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Sheehy presiding.

The roll was called and all members were present except Senator Lautenbaugh who was excused; and Senators Ashford, Christensen, Cornett, and Mello who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-ninth day was approved.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 483. Placed on Select File with amendment.
ER8027

- 1 1. On page 1, line 3, strike "duties" and insert "powers
- 2 and duties for the Department of Natural Resources and".

LEGISLATIVE BILL 346. Placed on Select File with amendment.
ER8028

- 1 1. On page 1, strike beginning with "the" in line 1
- 2 through line 5 and insert "children; to amend section 71-801,
- 3 Revised Statutes Cumulative Supplement, 2008; to adopt the Children
- 4 and Family Behavioral Health Support Act; to harmonize provisions;
- 5 to repeal the original section; and to declare an emergency."

(Signed) Jeremy Nordquist, Chairperson

MESSAGE FROM THE GOVERNOR

March 5, 2009

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 5, 7, 20e, 28, 32e, 48e, 53, 55, 74e, 91, 102, 120, 135e, 201e, 259e, and 331e were received in my office on February 27, 2009.

These bills were signed and delivered to the Secretary of State on March 5, 2009.

Sincerely,
(Signed) Dave Heineman
Governor

ANNOUNCEMENT

The Government, Military and Veterans Affairs Committee designates LB361 and LB322 as its priority bills.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 37, 38, and 39 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 37, 38, and 39.

ANNOUNCEMENT

The Chair announced today is Senator Hadley's birthday.

GENERAL FILE

LEGISLATIVE BILL 327. Title read. Considered.

Committee AM122, found on page 376, was adopted with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

NOTICE OF COMMITTEE HEARING
Education

Room 1525

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

Kim Dinsdale - Nebraska Educational Telecommunications Commission

(Signed) Greg Adams, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 45. Introduced by Avery, 28.

WHEREAS, the Nebraska National Guard has played a major role in support of Operation Noble Eagle in the United States; Operation Enduring Freedom in Afghanistan; and Operation Iraqi Freedom in Iraq; and

WHEREAS, Nebraska National Guard missions have included security, force protection, transportation, logistic support, quick reaction force, forward area support, rear area support, medical support, aviation maintenance, aviation support, medical evacuation (air and ground), reconnaissance, surveillance, law and order (police investigation), and direct support maintenance; and

WHEREAS, Nebraska National Guard missions have included aerial refueling, maintenance, engineering, supply mobility support, financial management, and security; and

WHEREAS, more than four thousand two hundred members of the Nebraska National Guard have deployed to more than twenty foreign countries during the last five years; and

WHEREAS, the Purple Heart, awarded to members of the United States Armed Forces wounded or killed as a direct result of enemy actions, has been presented to Captain Drew J. Marr, Sergeant Julius D. Aquino, Specialist Nathan W. Turnbull, and Private Justin D. Hitz; and

WHEREAS, the Army Commendation Medal with Valor, awarded for heroism, meritorious achievement, or meritorious service, has been presented to First Lieutenant Clayton W. Engelman.

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

1. That the Legislature expresses its gratitude and wishes to honor these individuals for their sacrifice and service to the State of Nebraska and the United States of America.

2. That a copy of this resolution be sent to all the soldiers mentioned in this resolution.

Laid over.

LEGISLATIVE RESOLUTION 46. Introduced by Heidemann, 1.

WHEREAS, Tyler Eaton, son of Kevin and Robin Zimmerman, Andrew Schawang, son of Rick and Lisa Schawang, Jason Hall, son of Jim and Cheryl Hall, Matthew Goff, son of Lonnie and Kim Goff, and Patrick Malcolm, son of Dr. Terry and Mary Malcolm, of Troop 396 in Falls City, Nebraska, have completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout their scouting experience, Tyler, Andrew, Jason, Matthew, and Patrick have learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 12 of which are in required areas, and complete a community service project approved by the troop and the scout council; and

WHEREAS, Tyler's community service project consisted of removing hundreds of cedar saplings from Indian Cave State Park; Andrew's project involved making crosses that he distributed to various places, including nursing homes, hospices, and to the shut-ins; Jason's project consisted of painting fire hydrants in Falls City according to a color code that reflects the water capacity of the hydrant; Matthew's project involved organizing efforts to install sidewalks through the Itha-Krumme Memorial Arboretum; and Patrick's project consisted of leading efforts to remove damaged and dying trees and replacing the trees with new plantings in Rulo; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Tyler, Andrew, Jason, Matthew, and Patrick, through their hard work and perseverance, will join other high achievers who are Eagle Scouts, such as astronauts, political and industry leaders, artists, scientists, and athletes.

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

1. That the Legislature congratulates Tyler Eaton, Andrew Schawang, Jason Hall, Matthew Goff, and Patrick Malcolm on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Tyler Eaton, Andrew Schawang, Jason Hall, Matthew Goff, and Patrick Malcolm.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 356. Title read. Considered.

Committee AM529, found on page 615, was considered.

Pending.

COMMITTEE REPORTS

Revenue

LEGISLATIVE BILL 555. Placed on General File with amendment. AM367

- 1 1. On page 2, line 9, reinstate the stricken "fifteen"
- 2 and strike "thirty".

LEGISLATIVE BILL 77. Indefinitely postponed.

LEGISLATIVE BILL 95. Indefinitely postponed.

LEGISLATIVE BILL 117. Indefinitely postponed.

LEGISLATIVE BILL 119. Indefinitely postponed.

LEGISLATIVE BILL 138. Indefinitely postponed.

LEGISLATIVE BILL 171. Indefinitely postponed.

LEGISLATIVE BILL 239. Indefinitely postponed.

LEGISLATIVE BILL 270. Indefinitely postponed.

LEGISLATIVE BILL 271. Indefinitely postponed.

LEGISLATIVE BILL 282. Indefinitely postponed.

LEGISLATIVE BILL 303. Indefinitely postponed.

LEGISLATIVE BILL 309. Indefinitely postponed.

LEGISLATIVE BILL 376. Indefinitely postponed.

LEGISLATIVE BILL 487. Indefinitely postponed.

LEGISLATIVE BILL 538. Indefinitely postponed.

LEGISLATIVE BILL 566. Indefinitely postponed.

LEGISLATIVE BILL 634. Indefinitely postponed.

LEGISLATIVE BILL 670. Indefinitely postponed.

(Signed) Abbie Cornett, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 445. Placed on General File.

LEGISLATIVE BILL 657. Placed on General File.

LEGISLATIVE BILL 297. Placed on General File with amendment. AM424

- 1 1. Insert the following new section:
- 2 Sec. 12. No new eligible beginning farmer linked deposit
- 3 loan or new eligible small business linked deposit loan shall be
- 4 made after June 30, 2019.
- 5 2. On page 4, line 23, strike "(3)(a)" and insert "(3)".

- 6 3. On page 5, strike line 9 and insert "not exceed two
 7 million dollars in FY2009-10, two million dollars in FY2010-11,
 8 four million dollars in FY2011-12, four million dollars in
 9 FY2012-13, six million dollars in FY2013-14, six million dollars
 10 in FY2014-15, eight million dollars in FY2015-16, eight million
 11 dollars in FY2016-17, ten million dollars in FY2017-18, and ten
 12 million dollars in FY2018-19."
 13 4. Renumber the remaining section and correct internal
 14 references accordingly.

LEGISLATIVE BILL 157. Indefinitely postponed.

LEGISLATIVE BILL 293. Indefinitely postponed.

LEGISLATIVE BILL 326. Indefinitely postponed.

LEGISLATIVE BILL 484. Indefinitely postponed.

LEGISLATIVE BILL 606. Indefinitely postponed.

(Signed) Rich Pahls, Chairperson

AMENDMENT - Print in Journal

Senator Langemeier filed the following amendment to LB105:
 AM277

(Amendments to AM277)

- 1 1. On page 21, line 27, strike "subsections (6) and (7)"
 2 and insert "subsection (6)".
 3 2. On page 22, strike lines 22 through 25; and in line 26
 4 strike "(8)" and insert "(7)".

BILL ON FIRST READING

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

LEGISLATIVE BILL 346A. Introduced by Gay, 14.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 346, One Hundred First Legislature, First Session, 2009; and to declare an emergency.

GENERAL FILE

LEGISLATIVE BILL 356. Committee AM529, found on page 615 and considered in this day's Journal, was renewed.

Pending.

ANNOUNCEMENTS

Senator Fischer designates LB54 as her priority bill.

Senator Heidemann designates LB300 as his priority bill.

UNANIMOUS CONSENT - Add Cointroducers

Senator Cornett asked unanimous consent to add her name as cointroducer to LB198. No objections. So ordered.

Senator Mello asked unanimous consent to add his name as cointroducer to LB539. No objections. So ordered.

VISITORS

Visitors to the Chamber were Kalina Fong from Hastings; 20 twelfth-grade students and teacher from Benson High, Omaha; members of Nebraska Travel Association from across the state; 21 students and teacher from Hildreth-Wilcox High School; and 51 fourth-grade students and teachers from Norman Rockwell Elementary, Millard.

The Doctor of the Day was Dr. Carol LaCroix from Omaha.

ADJOURNMENT

At 11:59 a.m., on a motion by Senator Price, the Legislature adjourned until 9:00 a.m., Tuesday, March 10, 2009.

Patrick J. O'Donnell
Clerk of the Legislature

