

**SEVENTH DAY - JANUARY 15, 2009**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED FIRST LEGISLATURE**

**FIRST SESSION**

**SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, January 15, 2009

**PRAYER**

The prayer was offered by Pastor Steve Severance, Seventh Day Adventist Church, Beatrice.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:30 a.m., President Sheehy presiding.

The roll was called and all members were present except Senators Dubas and White who were excused; and Senators Ashford and Friend who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

Page 111, line 25, strike "Room 1401" and insert "Room 1507".  
The Journal for the fifth day was approved as corrected.

The Journal for the sixth day was approved.

**REFERENCE COMMITTEE REPORT**

The Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LB143	Judiciary (rereferred)
LB208	Judiciary
LB209	Natural Resources
LB210	Revenue
LB211	Transportation and Telecommunications
LB212	Revenue
LB213	Revenue
LB214	Health and Human Services
LB215	Education
LB216	Judiciary
LB217	Transportation and Telecommunications

LB218	Revenue
LB219	Transportation and Telecommunications
LB220	Health and Human Services
LB221	Education
LB222	Transportation and Telecommunications
LB223	Health and Human Services
LB224	Agriculture
LB225	Transportation and Telecommunications
LB226	Judiciary
LB227	Government, Military and Veterans Affairs
LB228	Education
LB229	Transportation and Telecommunications
LB230	Health and Human Services
LB231	Agriculture
LB232	General Affairs
LB233	Revenue
LB234	Revenue
LB235	Education
LB236	Appropriations
LB237	Judiciary
LB238	Judiciary
LB239	Revenue
LB240	Education
LB241	Agriculture
LB242	Nebraska Retirement Systems
LB243	Business and Labor
LB244	Judiciary
LR5CA	Executive Board

(Signed) John Wightman, Chairperson  
Executive Board

### ANNOUNCEMENT

The Natural Resources Committee elected Senator Dubas as Vice Chairperson.

### REPORT OF THE EXECUTIVE BOARD

Senator Wightman, Chairperson of the Executive Board, reported the appointments of the following members of the Legislature to the following special committees:

	Building Maintenance - Louden (C)		
Gloor	Hansen	Nordquist	Wallman
Heidemann			

	Education Commission of the States	
Adams	Harms	Pahls

	Legislative Performance Audit		
Friend	Harms	Nantkes	Stuthman
Heidemann	Flood	Wightman	

	Midwestern Higher Education Commission (Midwest Compact)		
Adams	Fischer		

	Midwest Interstate Passenger Rail Compact		
Cornett	Stuthman		

	State-Tribal Relations - Dierks (C)		
Coash	Dubas	Giese	Rogert (VC)
Cook	Nordquist		

(Signed) John Wightman, Chairperson  
Executive Board

### BILLS ON FIRST READING

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

**LEGISLATIVE BILL 288.** Introduced by Health and Human Services Committee: Gay, 14, Chairperson; Campbell, 25; Gloor, 35; Howard, 9; Pankonin, 2; Stuthman, 22; Wallman, 30.

A BILL FOR AN ACT relating to health and human services; to amend sections 32-310, 38-1,119, 38-2893, 38-2894, 68-1017.01, 81-2270, 81-2271, 83-1209, 83-1211, 83-1213, 83-1217.02, and 85-2104, Reissue Revised Statutes of Nebraska, and sections 48-647, 68-717, 68-906, 68-1016, 68-1017, 68-1017.02, 68-1070, 68-1713, 71-604.05, and 71-5309, Revised Statutes Cumulative Supplement, 2008; to change references to the federal food stamp program; to change a date within the Medical Assistance Act relating to acceptance of federal provisions; to eliminate references to a pilot project; to change provisions relating to pharmacy technicians, a registry, public water system operator licensing, and the Developmental Disabilities Services Act; to harmonize provisions; to repeal the original sections; and to outright repeal sections 81-2265 and 81-2267, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 289.** Introduced by Christensen, 44.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Game and Parks Commission; and to declare an emergency.

**LEGISLATIVE BILL 290.** Introduced by Stuthman, 22.

A BILL FOR AN ACT relating to motor carriers; to require fingerprints and criminal history record information checks of individuals who transport

vulnerable adults and vulnerable children.

**LEGISLATIVE BILL 291.** Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to the Developmental Disabilities Services Act; to amend sections 83-1209 and 83-1226, Reissue Revised Statutes of Nebraska; to provide duties regarding ensuring the maximum quality of services; to repeal the original sections; and to declare an emergency.

### ANNOUNCEMENT

The Chair announced today is Senator Janssen's birthday.

### BILLS ON FIRST READING

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

**LEGISLATIVE BILL 292.** Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to sports agents; to adopt the Nebraska Uniform Athlete Agents Act; to provide an operative date; and to provide severability.

**LEGISLATIVE BILL 293.** Introduced by Nantkes, 46.

A BILL FOR AN ACT relating to finance; to amend section 45-101.04, Reissue Revised Statutes of Nebraska; to adopt the Short-Term Lenders Act; to provide a penalty; to provide for finance education classes; to create a fund; to eliminate the Delayed Deposit Services Licensing Act; to harmonize provisions; to repeal the original section; and to outright repeal sections 45-902, 45-903, 45-904, 45-905, 45-908, 45-909, 45-913, 45-914, 45-918, 45-921, 45-923, 45-924, 45-926, 45-927, 45-928, and 45-929, Reissue Revised Statutes of Nebraska, and sections 45-901, 45-906, 45-907, 45-910, 45-911, 45-912, 45-915, 45-915.01, 45-916, 45-917, 45-920, 45-922, and 45-925, Revised Statutes Cumulative Supplement, 2008.

**LEGISLATIVE BILL 294.** Introduced by Campbell, 25.

A BILL FOR AN ACT relating to county government; to amend section 23-120, Reissue Revised Statutes of Nebraska; to change provisions relating to county building levies; and to repeal the original section.

**LEGISLATIVE BILL 295.** Introduced by Campbell, 25.

A BILL FOR AN ACT relating to the register of deeds; to amend sections 23-1503.01 and 23-1510, Reissue Revised Statutes of Nebraska; to provide and change requirements for instruments to be recorded in the office of the register of deeds; to provide a fee; to provide for applicability; and to repeal the original sections.

**LEGISLATIVE BILL 296.** Introduced by Dubas, 34.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704.43, Reissue Revised Statutes of Nebraska; to change a reciprocal sales and use tax exemption; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 297.** Introduced by Dubas, 34.

A BILL FOR AN ACT relating to finance; to adopt the Nebraska Beginning Farmer and Small Business Linked Deposit Loan Act; and to provide an operative date.

**LEGISLATIVE BILL 298.** Introduced by Harms, 48.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Economic Development.

**LEGISLATIVE BILL 299.** Introduced by Harms, 48.

A BILL FOR AN ACT relating to the Nebraska Safety Center Advisory Council; to amend section 85-1008, Reissue Revised Statutes of Nebraska; to add a member to the council; and to repeal the original section.

### ANNOUNCEMENT

The Business and Labor Committee elected Senator Council as Vice Chairperson.

### MOTION - Print in Journal

Senator Langemeier filed the following motion to LB143:  
MO2  
Withdraw bill.

### BILLS ON FIRST READING

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

**LEGISLATIVE BILL 300.** Introduced by Heidemann, 1; Carlson, 38; Cook, 13; Fischer, 43; Haar, 21; Langemeier, 23; McCoy, 39; Schilz, 47.

A BILL FOR AN ACT relating to public power and irrigation districts; to amend section 70-637, Revised Statutes Cumulative Supplement, 2008; to change provisions relating to bidding requirements; and to repeal the original section.

**LEGISLATIVE BILL 301.** Introduced by Gloor, 35.

A BILL FOR AN ACT relating to medical records; to amend section 71-8404, Reissue Revised Statutes of Nebraska; to repeal exemptions from fees for medical records; to harmonize provisions; to repeal the original section; and to outright repeal section 71-8405, Revised Statutes Cumulative Supplement, 2008.

**LEGISLATIVE BILL 302.** Introduced by Campbell, 25.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-3509.01 and 77-3509.02, Reissue Revised Statutes of Nebraska; to change provisions relating to transfer of a homestead exemption; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 303.** Introduced by Nordquist, 7; Lathrop, 12.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Cumulative Supplement, 2008; to exempt social security benefits from state income taxation; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 304.** Introduced by Council, 11; Cook, 13.

A BILL FOR AN ACT relating to the Political Subdivisions Tort Claims Act; to amend sections 13-919 and 13-920, Reissue Revised Statutes of Nebraska; to change limitation of action provisions; and to repeal the original sections.

**LEGISLATIVE BILL 305.** Introduced by Council, 11; Cook, 13.

A BILL FOR AN ACT relating to courts; to amend section 25-1628, Reissue Revised Statutes of Nebraska; to include state identification card holders in jury lists; and to repeal the original section.

**LEGISLATIVE BILL 306.** Introduced by Council, 11.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 23-3406, 24-1106, 25-1140.09, 28-104, 28-105, 28-303, 29-1602, 29-1603, 29-1822, 29-2004, 29-2005, 29-2006, 29-2020, 29-2027, 29-2204, 29-2261, 29-2282, 29-2407, 29-2801, 29-3205, 29-3920, 29-3922, 29-3928, 29-3929, 29-3930, 55-480, 83-1,110.02, and 83-4,143, Reissue Revised Statutes of Nebraska; to change a penalty from death to life imprisonment without possibility of parole as prescribed; to eliminate capital punishment provisions; to provide for retroactive applicability of such penalty change; to change provisions relating to restitution; to harmonize provisions; to repeal the original sections; and to outright repeal sections 24-1105, 28-105.01, 29-2519, 29-2520, 29-2521, 29-2521.01, 29-2521.02, 29-2521.03, 29-2521.04, 29-2521.05, 29-2522, 29-2523, 29-2524, 29-2524.01, 29-2524.02, 29-2525, 29-2527, 29-2528, 29-2532, 29-2533, 29-2534,

29-2535, 29-2536, 29-2537, 29-2538, 29-2539, 29-2540, 29-2541, 29-2542, 29-2543, 29-2544, 29-2545, 29-2546, 29-2811, 83-1,105.01, and 83-1,132, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 307.** Introduced by Council, 11; Haar, 21.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-101 and 28-105, Reissue Revised Statutes of Nebraska; to change sentencing requirements with respect to certain minors; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 308.** Introduced by Heidemann, 1.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 13-2809, 35-508, 35-509, 35-514.02, 35-517, and 77-3443, Reissue Revised Statutes of Nebraska, and sections 77-3442 and 77-3444, Revised Statutes Cumulative Supplement, 2008; to change levy provisions for rural and suburban fire protection districts; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 309.** Introduced by Schilz, 47; Carlson, 38; Christensen, 44; Harms, 48; Wightman, 36.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Cumulative Supplement, 2008; to provide a reduction to taxable income for certain capital gains from the sale of real property or business assets; and to repeal the original section.

**LEGISLATIVE BILL 310.** Introduced by Haar, 21; Avery, 28.

A BILL FOR AN ACT relating to deaf and hard of hearing persons; to amend sections 20-150, 20-151, 20-153, and 20-156, Reissue Revised Statutes of Nebraska; to state intent; to define and redefine terms; to require places of public accommodation to appoint licensed interpreters; to require video remote interpreting companies to use licensed interpreters; to change and provide penalties; to harmonize provisions; and to repeal the original sections.

### **MOTION - Escort Governor**

Senator Stuthman moved that a committee of five be appointed to escort the Governor of the State of Nebraska to the Legislative Chamber to deliver his State of the State Address.

The motion prevailed.

The Chair appointed Senators Christensen, Fischer, Friend, Lathrop, and Nantkes to serve on said committee.

**STATE OF THE STATE ADDRESS**

*"Working together, we have made Nebraska better prepared to compete in the 21st century and I have confidence in our ability to build an even brighter future in the years ahead."*

*- Dave Heineman, Governor*

Mr. President, Mr. Speaker, Members of the Legislature, Tribal Chairmen, Distinguished Guests, Friends and Fellow Nebraskans:

Today, I want to ask you to think about the phrase "once in a lifetime."

Many of us in this room, and Nebraskans all across our great State, have been fortunate to experience some of the most remarkable firsts in the history of America.

In 1969, Neil Armstrong became the first person to walk on the moon. In 2007, Clayton Anderson became the first Nebraskan to travel into space. In 1971, American Ray Tomlinson sent the world's first e-mail. Today, 1.3 billion people worldwide are communicating via e-mail and Nebraskans have immediate access to us through e-mail. In 1981, Sandra Day O'Connor became the first female U.S. Supreme Court Justice. In Nebraska, we now have more women serving as judges than at any time in our history.

In just a few days, America will celebrate another important first: the inauguration of our first African-American President, Barack Obama. This event deserves special acknowledgement and recognition.

Just as we look forward to what is in store for our nation, this legislative session will be a historic experience for Nebraska. With the convening of the 101st Legislature in this newly restored chamber, we have begun a new chapter in Nebraska history.

This session marks the full impact of term limits. You bring a new vitality, new enthusiasm and new ideas to the Nebraska Legislature. I know we have the same respect and sense of responsibility for the task of lawmaking and governing. While we have different roles, our citizens expect us to work together in the best interests of Nebraska. We can be proud that we have the only nonpartisan legislature in the country where policies matter more than politics. I am excited for the opportunity to work with you to address the issues that face our State.

During the past four years, we have laid the foundation that is preparing Nebraska to compete in a 21st century, knowledge-based, technology-driven economy. We have changed Nebraska for the better.



Together, we modernized Nebraska's economic incentives, created jobs, lowered taxes, and controlled spending, while investing in the most important priorities of our State. Since the passage of our economic incentive program in 2005, the Nebraska Advantage has been remarkably successful. One hundred and eighty-five companies have decided to expand or locate in Nebraska. These companies are expected to invest more than \$5.3 billion in our economy and create more than 15,000 new jobs.

Our vision for the future is about creating jobs that keep our sons and daughters right here in Nebraska. Creating jobs is only part of the reason for Nebraska's economic growth of the past several years.

Prioritized investments in areas critical to our continued growth have been equally important. Thanks to the leadership of Senator Lavon Heidemann and the Appropriations Committee, we enacted a fiscally-responsible budget. We achieved an annual growth rate of 4.6 percent for the current biennium, while still remaining committed to the education of our children and the needs of those who are less fortunate. The growth in the current budget is significantly less than the nearly 7 percent growth of the last two decades.

This savings has allowed us to lower taxes for Nebraskans. Working together, we eliminated the marriage penalty in our state income tax system. We repealed the estate tax. We repealed the sales tax on construction labor. We expanded the earned income tax credit. And we lowered agriculture land valuations from 80 percent to 75 percent.

In 2007, members of this body and I worked together to enact the largest tax relief package in the history of our State, which benefits Nebraska's middle class families, farmers, ranchers, and small business owners.

We have made significant progress. But, as we look ahead to the coming biennium, some of our fellow citizens are experiencing job layoffs, furloughs or reductions in the hours they work. Clearly, we are heading into an uncertain economic future.

We need only look to the example of how Nebraska accomplished the construction of a new State Capitol in the midst of the worst economic depression of the 20th century for inspiration in managing the situation we face today. When construction began in 1922, America was at the height of the Roaring Twenties. Economically, times were great. But in 1929, the economy crashed and Nebraskans were faced with a challenging decision. The Capitol's skyscraper tower had not been built and there was a growing sentiment to stop building.

Nebraskans, however, are "can do" people. They knew that the building could be completed by prioritizing the remaining projects. Three years later, the Capitol was completed as designed, crowned by the Sower that has become a cherished symbol of our great State. This story speaks to our heritage as Nebraskans. We have always been hardworking and practical. We are patient, prudent and judicious.

These values are why Nebraska continues to be one of the few states not currently facing a financial crisis. However, the challenges facing other states provide a picture of what could lie ahead for us.

Last month, the State of Kansas did not have enough cash on hand to fully fund their monthly state aid to education obligation. In December, the State of Minnesota cut \$271 million from their current budget. Iowa recently announced an across the board cut of 1.5 percent to their current state budget, which included a \$33 million cut in school foundation aid funding.

In Nebraska, we made the tough budget decisions two years ago that were necessary to control spending. Our hard work has better positioned us to weather the coming fiscal storm.

Additionally, we are working with state agencies to encourage each department to find ways of saving money during the current fiscal year. State agencies that reduce spending now will have my support, and the support of your Appropriations Committee Chairman, in applying that savings toward next year's budget. Our attitude of encouraging agencies to "save it and keep it" is a more business-like approach than the past practice of "spend it or lose it."

Our efforts to grow Nebraska's economy, our commitment to lower taxes, and our disciplined approach to budgeting the people's resources have helped produce and preserve a robust cash reserve. While the next few years will present one of the greatest financial challenges of our lifetime, the budget recommendations I'm submitting today reflect a continued commitment to economic growth and education.

Preparing this budget started with an assumption that was very different from how we have previously approached this process. Past budget recommendations have been based on Nebraska's latest economic forecast.

The nation's deteriorating financial situation and the impact we are beginning to experience in Nebraska indicates that the Forecasting Board's October forecast is no longer realistic. That forecast projected the State's revenue growth to be \$49 million for fiscal year 2010. My budget envisions

zero revenue growth in fiscal year 2010. These recommendations are an attempt to prepare the state for the likelihood that by the time the Forecasting Board meets in April, Nebraska's projected revenue will be less than the October forecast.

We must prepare our state for a slowing economy. State government must tighten its belt just like Nebraska families and businesses are doing. My budget recommendations are a plan for Nebraska to operate with limited financial resources.

Even with limited resources, it is possible to follow four principles that have been and remain crucial to our economic success.

**First, we must ensure there will be no tax increases.**

Despite the progress we have made lowering taxes, the fact is Nebraska is still a high tax state. Nebraskans need tax relief. This budget funds the \$230 million property tax credit program established two years ago.

The failure to fund this program would be a property tax increase on every home owner in Nebraska. In an economic downturn, increasing property taxes on middle class families, seniors living on fixed incomes, small businesses, and farmers and ranchers is unacceptable. I am opposed to increasing taxes on Nebraskans.

**Second, we must place a special priority on funding our children's education.**

During my four years as Governor, education has been a special priority for me. Education is the great equalizer and a quality education is essential for our children's ability to compete in a knowledge-based, free market economy.

My budget invests an additional \$100 million in state aid to education, increases funding for special education by \$16.8 million, provides an additional \$25.6 million to the University of Nebraska, and funding for state and community colleges will grow by approximately \$4 million.

Eighty-five percent of the new spending in my budget will be for investments in the education of our children. Our most precious resource is our kids and I want to ensure that we provide them a quality education. In the coming biennium, the State of Nebraska will invest a record \$1.7 billion annually in K-12 and higher education.

**The third principle is we must continue funding programs for vulnerable children and families.**

Medical assistance for seniors and the disabled, and public assistance for disadvantaged children and families are valuable programs. The SCHIP program provides health insurance for needy children. The care and treatment for the developmentally disabled and those with mental illness or substance abuse issues requires our special attention. And providing for our veterans living in the State's four veterans homes is absolutely essential.

In the coming biennium, Health and Human Services will spend more than \$1.2 billion annually for these critical programs that assist Nebraskans.

As we are all aware, there has been much public discussion surrounding the issue of families in need of additional behavioral health services and help navigating the system. Today, Senator Gay and Senator Howard will be introducing the "Children and Families Support Bill" that addresses many of the needs we witnessed over the summer.

Our three-pronged approach provides families seeking assistance with difficult children and teens direct access to skilled professional help and support. The proposal will create a 24/7 hotline staffed by mental health professionals for parents and guardians throughout the State. It also includes a peer program that will connect parents whose children are in need of services with parents experienced in navigating the behavioral health system. Finally, the proposal will create a new, voluntary post-adoption and post-guardianship case management system that will provide transition and continuity for families, and I look forward to working with the Legislature on this issue.

**The fourth and final principle is we must maintain a strong cash reserve, despite the ever-present pressure to increase spending.**

Our State faces contingent liabilities that could easily total \$200 million. On the cash reserve fund status of my budget, I have accounted for these liabilities, which include potential water litigation, the possible loss of federal funding for the Beatrice State Developmental Center, and teacher and state employee pension losses due to a declining stock market.

The final element of my budget recommendations includes using \$40 million annually over the next two years from the cash reserve fund. The Cash Reserve is our rainy day fund, but we need to be mindful that it is only beginning to rain. Preserving a strong cash reserve is essential in order to avoid future tax increases.

The budget I've submitted for your consideration reflects the realities and the challenges presented by a slowing economy.

Decisions made with forethought and planning two years ago have put Nebraska in the position to weather the coming fiscal storm. Making difficult but wise decisions today will position our State to emerge stronger when the national economy improves.

This budget is about Nebraska's future. Even in difficult economic times, it is important that we continue to position Nebraska for future growth. This is an opportunity to continue promoting Nebraska as a great place to live, to work and to raise a family.

Working together, we have made Nebraska better prepared to compete in the 21st century and I have confidence in our ability to build an even brighter future in the years ahead.

The committee escorted Governor Dave Heineman from the Chamber.

### **BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 311.** Introduced by Speaker Flood, 19; at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2007, LB 320, sections 32 and 34, Laws 2007, LB 321, sections 111 and 117, Laws 2008, LB 959, sections 57, 72, 74, 76, and 90, and Laws 2008, LB 988A, section 1; to define terms; to provide, change, and eliminate provisions relating to appropriations; to reduce an appropriation; to provide for a transfer of funds; to state intent; to require reports; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 312.** Introduced by Speaker Flood, 19; at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the payment of salaries of members of the Nebraska Legislature and payments to be made as provided by Chapter 68, article 6, for FY2009-10 and FY2010-11; to provide an operative date; and to declare an emergency.

**LEGISLATIVE BILL 313.** Introduced by Speaker Flood, 19; at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the payment of the salaries and benefits of certain state officers for

FY2009-10 and FY2010-11; to define terms; to provide an operative date; and to declare an emergency.

**LEGISLATIVE BILL 314.** Introduced by Speaker Flood, 19; at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to define terms; to appropriate funds for capital construction and property acquisition as prescribed; to state intent; to require program statements; to provide an operative date; and to declare an emergency.

**LEGISLATIVE BILL 315.** Introduced by Speaker Flood, 19; at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to state intent; to define terms; to make appropriations for the expenses of Nebraska State Government for the biennium ending June 30, 2011; to transfer funds; to provide duties; to provide an operative date; and to declare an emergency.

**LEGISLATIVE BILL 316.** Introduced by Speaker Flood, 19; at the request of the Governor.

A BILL FOR AN ACT relating to state funds; to amend sections 57-705 and 82-332, Reissue Revised Statutes of Nebraska, and section 66-1345.04, Revised Statutes Cumulative Supplement, 2008; to provide for the transfer of funds; to provide conditions for the use of certain funds; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 317.** Introduced by Speaker Flood, 19; at the request of the Governor.

A BILL FOR AN ACT relating to the Cash Reserve Fund; to amend section 84-612, Reissue Revised Statutes of Nebraska; to provide for transfers; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 318.** Introduced by Speaker Flood, 19; at the request of the Governor.

A BILL FOR AN ACT relating to capital improvement projects; to amend sections 81-188.02, 81-188.04, and 81-188.06, Reissue Revised Statutes of Nebraska; to change provisions governing depreciation charges; to repeal the original sections; to provide an operative date; and to declare an emergency.

**LEGISLATIVE BILL 319.** Introduced by Speaker Flood, 19; at the request of the Governor.

A BILL FOR AN ACT relating to infants; to amend section 43-536, Reissue Revised Statutes of Nebraska; to change provisions relating to child care

reimbursement; to provide an operative date; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 320.** Introduced by Friend, 10; at the request of the Governor.

A BILL FOR AN ACT relating to funding for highways and roads; to amend sections 39-2215, 39-2215.01, 39-2223, 39-2224, 66-6,108, 81-2004.01, and 84-612, Reissue Revised Statutes of Nebraska, and sections 66-489, 66-489.01, 66-495.01, 66-4,100, 66-4,105, 66-4,114, 66-4,140, 66-4,144, 66-6,107, 66-6,111, 66-726, and 74-1413, Revised Statutes Cumulative Supplement, 2008; to change provisions relating to the Highway Trust Fund; to change and eliminate provisions relating to motor fuel taxes; to eliminate the Roads Operations Cash Fund and obsolete provisions; to harmonize provisions; to provide an operative date; to repeal the original sections; to outright repeal sections 66-489.02, 66-499, 66-4,141, 66-4,143, 66-4,145, 66-4,146, 66-4,147, 66-4,148, 66-6,109, and 66-6,109.02, Revised Statutes Cumulative Supplement, 2008; and to declare an emergency.

**LEGISLATIVE BILL 321.** Introduced by Avery, 28.

A BILL FOR AN ACT relating to state government; to amend section 81-1302, Reissue Revised Statutes of Nebraska; to provide for state employees to participate in qualified mentoring programs; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 322.** Introduced by Avery, 28; Hansen, 42.

A BILL FOR AN ACT relating to state government; to amend section 81-108, Reissue Revised Statutes of Nebraska, and sections 49-1401 and 49-1499.03, Revised Statutes Cumulative Supplement, 2008; to define terms; to prohibit nepotism; to eliminate provisions relating to employment of family members; to eliminate a penalty; to harmonize provisions; to repeal the original sections; and to outright repeal section 49-1499.01, Revised Statutes Cumulative Supplement, 2008.

## **SENATOR NANTKES PRESIDING**

**LEGISLATIVE BILL 323.** Introduced by Fulton, 29.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 60-3,186, Revised Statutes Cumulative Supplement, 2008; to change distribution of motor vehicle tax proceeds; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 324.** Introduced by Nelson, 6.

A BILL FOR AN ACT relating to elections; to amend sections 32-904 and 32-1524, Reissue Revised Statutes of Nebraska; to provide for designation

of voting entrances; to change restrictions on electioneering, circulating petitions, or soliciting near polling places; and to repeal the original sections.

**LEGISLATIVE BILL 325.** Introduced by Nelson, 6.

A BILL FOR AN ACT relating to elections; to amend sections 32-228, 32-235, 32-314, 32-325, 32-328, 32-329, 32-607, 32-914, 32-914.02, 32-915, 32-929, and 32-930, Reissue Revised Statutes of Nebraska; to change provisions relating to notification of election workers, clerical errors on the precinct list of registered voters, updates of registration records due to change of address, provisional ballots, and challenges to voters; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 326.** Introduced by Rogert, 16.

A BILL FOR AN ACT relating to the Comprehensive Health Insurance Pool Act; to amend section 44-4226, Reissue Revised Statutes of Nebraska; to require certain pool coverage; to provide for independent reviews of disputes; and to repeal the original section.

**LEGISLATIVE BILL 327.** Introduced by Pahls, 31.

A BILL FOR AN ACT relating to banking and finance; to amend sections 8-101.01, 8-112, 8-163, 8-209, 8-210, 8-355, 8-602, 8-1001, 8-1001.01, and 45-190, Reissue Revised Statutes of Nebraska, and sections 8-1,140, 21-17,115, 45-346.01, 45-348, and 45-922, Revised Statutes Cumulative Supplement, 2008; to require state-chartered banks to pledge collateral as security for certain excess deposits as prescribed; to change provisions relating to confidential Department of Banking and Finance records; to change provisions relating to bank dividends; to revise powers of state-chartered banks, building and loan associations, and credit unions; to change provisions relating to pledges of securities under the Nebraska Trust Company Act; to eliminate certain department fees; to provide procedures for authorizing acquisitions of licensees under the Nebraska Sale of Checks and Fund Transmission Act; to redefine loan broker; to change provisions relating to licensee duties under the Nebraska Installment Sales Act; to change provisions relating to a disciplinary action under the Delayed Deposit Services Licensing Act; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 328.** Introduced by Pahls, 31.

A BILL FOR AN ACT relating to finance; to amend sections 8-113, 8-702, 45-712, 45-713, 45-718, 45-719, 45-720, 45-721, 45-1008, 45-1018, 45-1019, and 45-1025, Reissue Revised Statutes of Nebraska, and sections 45-701, 45-702, 45-703, 45-704, 45-705, 45-706, 45-707, 45-708, 45-709, 45-710, 45-711, 45-714, 45-715, 45-716, 45-717, 45-717.01, 45-717.02, 45-722, 45-723, 45-1001, 45-1002, 45-1007, 45-1013, 45-1024, 45-1033,



and 76-2711, Revised Statutes Cumulative Supplement, 2008; to change provisions relating to mortgage origination and installment loans; to implement certain federal requirements; to rename an act; to provide for civil penalties; to provide for licensee duties; to eliminate obsolete provisions; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 329.** Introduced by Cornett, 45.

A BILL FOR AN ACT relating to state government; to amend sections 81-5,151 and 81-5,157, Reissue Revised Statutes of Nebraska, and sections 60-301, 60-393, 60-395, 60-396, 60-3,104, 60-3,118, and 60-3,130.04, Revised Statutes Cumulative Supplement, 2008; to provide for firefighter license plates; to change provisions relating to personalized message license plates; to provide powers and duties and for the Department of Motor Vehicles; to provide fees; to provide for distribution of proceeds; to provide for training for certain emergency personnel; to eliminate obsolete language; to create a fund; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 330.** Introduced by Transportation and Telecommunications Committee: Fischer, 43, Chairperson; Campbell, 25; Hadley, 37; Lautenbaugh, 18; Louden, 49; Stuthman, 22.

A BILL FOR AN ACT relating to the Public Service Commission; to amend sections 86-141, 86-442, 86-443, 86-457, and 86-459, Reissue Revised Statutes of Nebraska, and section 75-134, Revised Statutes Cumulative Supplement, 2008; to change provisions relating to orders of the commission and telecommunications companies not subject to regulation; to change duties for wireless carriers and define a term under the Enhanced Wireless 911 Services Act; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 331.** Introduced by Transportation and Telecommunications Committee: Fischer, 43, Chairperson; Campbell, 25; Gay, 14; Hadley, 37; Lautenbaugh, 18; Louden, 49; Stuthman, 22.

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.

**LEGISLATIVE BILL 332.** Introduced by Ashford, 20.

A BILL FOR AN ACT relating to courts; to amend sections 23-1205, 25-2405, 25-2721, 29-437, 30-2429.01, 30-2436, 43-103, 43-1314.02, 43-3001, and 43-3713, Reissue Revised Statutes of Nebraska; to provide an exception to the interpreter oath as prescribed; to change provisions relating to acting county attorneys, trial by jury, probate of wills, adoption hearings, caregiver information, information regarding children in state custody, and court appointed special advocate volunteers; and to repeal the original sections.

**LEGISLATIVE BILL 333.** Introduced by Ashford, 20.

A BILL FOR AN ACT relating to courts; to amend sections 33-107.03 and 33-154, Reissue Revised Statutes of Nebraska; to create a fund; to increase and provide for court fees; and to repeal the original sections.

**LEGISLATIVE BILL 334.** Introduced by Giese, 17; Avery, 28; Hadley, 37; Janssen, 15; Loudon, 49; Pankonin, 2; Schilz, 47.

A BILL FOR AN ACT relating to highways and roads; to amend sections 39-1302 and 39-1365.01, Reissue Revised Statutes of Nebraska; to designate the state expressway system; to change provisions relating to highway planning; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 335.** Introduced by Friend, 10.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-27,187, 77-5701, 77-5801, and 77-5901, Revised Statutes Cumulative Supplement, 2008; to require electronic verification of employees' legal presence in the state for purposes of certain tax incentive laws; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 336.** Introduced by Friend, 10.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704.13, Reissue Revised Statutes of Nebraska; to exempt municipal water from sales and use taxes; to provide an operative date; and to repeal

the original section.

**LEGISLATIVE BILL 337.** Introduced by Friend, 10.

A BILL FOR AN ACT relating to the Nebraska educational savings plan trust; to amend section 85-1805, Reissue Revised Statutes of Nebraska; to change restrictions on advertising or promotional materials; and to repeal the original section.

**LEGISLATIVE BILL 338.** Introduced by Friend, 10.

A BILL FOR AN ACT relating to cities and villages; to amend sections 16-230 and 17-563, Reissue Revised Statutes of Nebraska; to change weed height requirements as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 339.** Introduced by Friend, 10.

A BILL FOR AN ACT relating to cities and villages; to amend section 18-2102.01, Reissue Revised Statutes of Nebraska; to change provisions relating to community development authorities as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 340.** Introduced by Cook, 13.

A BILL FOR AN ACT relating to the Coordinating Commission for Postsecondary Education; to amend section 85-1412, Reissue Revised Statutes of Nebraska; to provide a duty for the commission; and to repeal the original section.

**LEGISLATIVE BILL 341.** Introduced by Cook, 13.

A BILL FOR AN ACT relating to tuberculosis detection and prevention; to amend sections 38-2315, 38-2850, and 71-3604, Reissue Revised Statutes of Nebraska, and sections 71-3601, 71-3602, and 71-3614, Revised Statutes Cumulative Supplement, 2008; to change provisions relating to distribution of medications through public health agencies; to define a term; to change provisions relating to orders, violations, hearings, and payment of costs; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 342.** Introduced by Gay, 14; Pankonin, 2.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-901, Revised Statutes Cumulative Supplement, 2008; to provide duties for the Department of Health and Human Services relating to payment for treatment of pediatric feeding disorders; to provide a termination date; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 343.** Introduced by Ashford, 20.

A BILL FOR AN ACT relating to courts; to amend section 24-819, Reissue Revised Statutes of Nebraska; to designate the time the full term of a judge ends; and to repeal the original section.

**LEGISLATIVE BILL 344.** Introduced by Ashford, 20.

A BILL FOR AN ACT relating to legal services; to amend sections 25-3007 and 25-3008, Reissue Revised Statutes of Nebraska; to change administration of the Civil Legal Services Program; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 345.** Introduced by Gay, 14; Howard, 9.

A BILL FOR AN ACT relating to courts; to amend section 43-247, Reissue Revised Statutes of Nebraska; to change juvenile court jurisdiction; and to repeal the original section.

**LEGISLATIVE BILL 346.** Introduced by Gay, 14; Cornett, 45; Howard, 9; Pankonin, 2; at the request of the Governor.

A BILL FOR AN ACT relating to the Department of Health and Human Services; to require the department to establish a hotline and a program relating to children's behavioral health and to provide services in certain adoption and guardianship cases; and to require a report.

**LEGISLATIVE BILL 347.** Introduced by Cornett, 45.

A BILL FOR AN ACT relating to dogs; to amend section 54-601, Reissue Revised Statutes of Nebraska; to eliminate liability with respect to governmental agencies as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 348.** Introduced by Janssen, 15.

A BILL FOR AN ACT relating to tax statements; to amend sections 84-712 and 84-712.01, Reissue Revised Statutes of Nebraska, and section 76-214, Revised Statutes Cumulative Supplement, 2008; to change access and fee provisions relating to tax statements; and to repeal the original sections.

**LEGISLATIVE BILL 349.** Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to the Election Act; to amend sections 32-101, 32-1301, 32-1302, 32-1303, 32-1304, 32-1306, and 32-1308, Reissue Revised Statutes of Nebraska; to change provisions relating to recall; to require notification as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 350.** Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to industrial areas; to amend sections

13-1111, 13-1112, 13-1113, 13-1114, 13-1115, 13-1116, 13-1117, 13-1118, 13-1119, 13-1120, and 13-1121, Reissue Revised Statutes of Nebraska; to change provisions relating to real estate tracts and the designation of industrial areas as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 351.** Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to limited liability companies; to amend section 21-2601, Reissue Revised Statutes of Nebraska; to provide for charging orders against a member's transferable interest; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 352.** Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to civil procedure; to amend sections 25-505.01, 25-506.01, and 25-507.01, Reissue Revised Statutes of Nebraska; to change provisions relating to service of summons; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 353.** Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to civil procedure; to amend section 34-301, Reissue Revised Statutes of Nebraska; to change pleading provisions in an action for disputed corners and boundaries; and to repeal the original section.

**LEGISLATIVE BILL 354.** Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to the Administrative Procedure Act; to amend section 84-917, Reissue Revised Statutes of Nebraska; to provide for cross-appeals in contested cases; and to repeal the original section.

**LEGISLATIVE BILL 355.** Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to cigar bars; to amend section 28-1422, Reissue Revised Statutes of Nebraska, and sections 53-101 and 53-103, Revised Statutes Cumulative Supplement, 2008; to provide for an exemption for cigar bars as prescribed; to define a term; to provide duties for cigar bar owners; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

**NOTICE OF COMMITTEE HEARING**

Judiciary

Room 1113

Thursday, January 22, 2009 1:30 p.m.

LB190

LB185

LB83

LB78

LB41

(Signed) Brad Ashford, Chairperson

**ANNOUNCEMENT**

The Judiciary Committee elected Senator Lathrop as Vice Chairperson.

**UNANIMOUS CONSENT - Add Cointroducers**

Senators Fulton and Howard asked unanimous consent to add their names as cointroducers to LB27. No objections. So ordered.

**VISITOR**

The Doctor of the Day was Dr. Roger Meyer from Utica.

**ADJOURNMENT**

At 11:04 a.m., on a motion by Senator Nelson, the Legislature adjourned until 10:00 a.m., Friday, January 16, 2009.

Patrick J. O'Donnell  
Clerk of the Legislature