

SEVENTY-SIXTH DAY - MAY 11, 2009**LEGISLATIVE JOURNAL****ONE HUNDRED FIRST LEGISLATURE
FIRST SESSION****SEVENTY-SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska
Monday, May 11, 2009

PRAYER

The prayer was offered by Pastor Perry Gauthier, Capitol Ministries, Lincoln.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Speaker Flood presiding.

The roll was called and all members were present except Senators Cornett, Giese, and Wallman who were excused; and Senators Carlson, Gloor, Rogert, and Stuthman who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventy-fifth day was approved.

RESOLUTION

Pursuant to Rule 4, Sec. 5(b), LR105 was adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR105.

SELECT FILE

LEGISLATIVE BILL 545. ER8108, found on page 1289, was adopted.

Senator Loudon asked unanimous consent to withdraw his amendment, AM1172, found on page 1162, and replace it with his substitute amendment, AM1347, found on page 1385. No objections. So ordered.

The Loudon amendment was adopted with 38 ayes, 0 nays, 4 present and not voting, and 7 excused and not voting.

Senator Adams asked unanimous consent to withdraw his amendment, AM1327, found on page 1384, and replace it with his substitute amendment, AM1370. No objections. So ordered. AM1370 is available in the Bill Room.

SENATOR FRIEND PRESIDING

Pending.

AMENDMENT - Print in Journal

Senator Langemeier filed the following amendment to LB503:
AM1367

(Amendments to Standing Committee amendments, AM1080)

- 1 1. On page 2, line 27, after "standards" insert "and
- 2 applicable building and safety codes".

RESOLUTIONS

LEGISLATIVE RESOLUTION 113. Introduced by McGill, 26.

PURPOSE: The purpose of this interim study is to examine whether Nebraska should update provisions of the Nebraska Criminal Code relating to the degrees and types of homicides that may be charged under Nebraska law. In order to carry out the purpose of this resolution, the committee should seek and consider the input of interested persons as the committee deems necessary and beneficial.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 114. Introduced by McGill, 26.

PURPOSE: The purpose of this resolution is to study whether Nebraska should amend the Delayed Deposit Services Licensing Act, sections 45-901 to 45-929, to provide for greater consumer protections for customers of "payday lenders." The study should include an examination of issues raised during consideration of LB431 (McGill), which was introduced in 2009 and which was referenced to and is pending in the Banking, Commerce and Insurance Committee. In order to carry out the purpose of this resolution, the study committee should seek the assistance of the Department of

Banking and Finance and should consider the input of interested persons as the committee deems necessary and beneficial.

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

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

VISITORS

Visitors to the Chamber were Roland and Adelyne Koranda from Wahoo and Janet Koranda from Fremont; Senator Utter's wife, Kathy Utter, and Ron and Delores Michalek from Hastings; members of PEO-Chapter G to Z from Hastings; 50 fourth-grade students, teachers, and sponsors from Florence Elementary, Omaha; 36 fourth-grade students from Centennial Elementary, Utica; 40 sixth-grade students from Doniphan/Trumball, Doniphan; and 17 adult English students from Omaha.

RECESS

At 11:58 a.m., on a motion by Senator Nantkes, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Senator Langemeier presiding.

ROLL CALL

The roll was called and all members were present except Senators Cornett, Giese, and Wallman who were excused; and Senators Carlson, Christensen, Coash, Dierks, and Schilz who were excused until they arrive.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 311. Placed on Final Reading.

LEGISLATIVE BILL 312. Placed on Final Reading.

LEGISLATIVE BILL 313. Placed on Final Reading.

LEGISLATIVE BILL 314. Placed on Final Reading.

ST9041

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Standing Committee amendments, AM888:
 - a. On page 26, line 3, the period has been struck; and
 - b. On page 27, line 15, "Programs" has been struck and "Program" inserted.

LEGISLATIVE BILL 315. Placed on Final Reading.

ST9037

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Standing Committee amendments, AM889:
 - a. On page 39, line 10, "FY2009-11" has been struck and "2009-11" inserted; and
 - b. On page 123, line 18, "total of" has been struck and "of total" inserted.

LEGISLATIVE BILL 316. Placed on Final Reading.

ST9038

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Standing Committee amendments, AM890, on page 2, line 24, "(2)(j)" has been struck and "(2)(k)" inserted.
2. In the E & R amendments, ER8115, on page 1, line 9, "and 85-415" has been struck and "85-415, and 85-421" inserted; and in line 10 "and 71-8805" has been struck and "71-8805, and 77-2602.04" inserted.

LEGISLATIVE BILL 318. Placed on Final Reading.

ST9040

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, line 4, "to provide an operative date;" has been inserted after the semicolon; and in line 5 "to provide an operative date;" has been struck.

LEGISLATIVE BILL 414. Placed on Final Reading.

ST9039

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E & R amendments, ER8114, on page 3, line 25, "and" has been inserted after the second comma.

LEGISLATIVE BILL 414A. Placed on Final Reading.**LEGISLATIVE BILL 456.** Placed on Final Reading.**LEGISLATIVE BILL 628.** Placed on Final Reading.**LEGISLATIVE BILL 629.** Placed on Final Reading.

(Signed) Jeremy Nordquist, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 115. Introduced by Langemeier, 23.

PURPOSE: To investigate and review matters and issues arising during the interim which are within the jurisdiction of the Natural Resources Committee of the Legislature.

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

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

SELECT FILE

LEGISLATIVE BILL 545. The Adams amendment, AM1370, found in this day's Journal, was renewed.

Senator Dubas moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 32 ayes, 1 nay, and 16 not voting.

The Adams amendment was adopted with 40 ayes, 0 nays, 5 present and not voting, and 4 excused and not voting.

Senator Adams renewed his amendment, AM1357, found on page 1384.

The Adams amendment was adopted with 42 ayes, 0 nays, 3 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 545A. ER8127, found on page 1390, was adopted.

Senator Adams offered the following amendment:
AM1369

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

3 Section 1. Section 49, Legislative Bill 315, One Hundred
4 First Legislature, First Session, 2009, is amended to read:

5 Sec. 49. AGENCY NO. 13 - STATE DEPARTMENT OF EDUCATION
6 Program No. 158 - Education Aid

7 FY2009-10

FY2010-11

8	<u>GENERAL FUND</u>	<u>1,035,897,500</u>	<u>1,036,675,660</u>
9	<u>GENERAL FUND</u>	<u>1,034,708,390</u>	<u>1,035,716,478</u>
10	CASH FUND	3,290,938	3,290,938
11	FEDERAL FUND est.	364,083,935	440,776,314
12	<u>PROGRAM TOTAL</u>	<u>1,403,272,373</u>	<u>1,480,742,912</u>
13	FEDERAL FUND est.	373,683,935	431,176,314
14	<u>PROGRAM TOTAL</u>	<u>1,411,683,263</u>	<u>1,470,183,730</u>

15 There is included in the appropriation to this program
 16 for FY2009-10 ~~\$1,035,897,500~~ \$1,034,708,390 General Funds,
 17 \$3,290,938 Cash Funds, and ~~\$364,083,935~~ \$373,683,935 Federal
 18 Funds estimate for state aid, which shall only be used for such
 19 purpose. There is included in the appropriation to this program for
 20 FY2010-11 ~~\$1,036,675,660~~ \$1,035,716,478 General Funds, \$3,290,938
 21 Cash Funds, and ~~\$440,776,314~~ \$431,176,314 Federal Funds estimate
 22 for state aid, which shall only be used for such purpose.

23 There is included in the amount shown for FY2009-10
 24 ~~\$826,149,269~~ \$824,960,159 General Funds which are hereby
 1 appropriated to the Tax Equity and Educational Opportunities
 2 Fund, which fund is hereby appropriated to provide state aid to
 3 public school districts pursuant to the Tax Equity and Educational
 4 Opportunities Support Act. There is included in the amount shown
 5 for FY2010-11 ~~\$826,887,980~~ \$825,928,798 General Funds which are
 6 hereby appropriated to the Tax Equity and Educational Opportunities
 7 Fund, which fund is hereby appropriated to provide state aid to
 8 public school districts pursuant to the Tax Equity and Educational
 9 Opportunities Support Act.

10 There is included in the amount shown for FY2009-10
 11 ~~\$84,068,750~~ \$93,668,750 Federal Funds estimate pursuant to the
 12 American Recovery and Reinvestment Act of 2009 which are hereby
 13 appropriated to the Tax Equity and Educational Opportunities Fund,
 14 which fund is hereby appropriated to provide state aid to public
 15 school districts pursuant to the Tax Equity and Educational
 16 Opportunities Support Act. There is included in the amount shown
 17 for FY2010-11 ~~\$149,887,176~~ \$140,287,176 Federal Funds estimate
 18 pursuant to the American Recovery and Reinvestment Act of 2009
 19 which are hereby appropriated to the Tax Equity and Educational
 20 Opportunities Fund, which fund is hereby appropriated to provide
 21 state aid to public school districts pursuant to the Tax Equity and
 22 Educational Opportunities Support Act.

23 There is included in the amount shown for this program
 24 \$184,893,842 General Funds provided as state aid for FY2009-10 for
 25 special education reimbursement. There is included in the amount
 26 shown for this program \$184,893,842 General Funds provided as state
 27 aid for FY2010-11 for special education reimbursement.

1 There is included in the amount shown for this program
 2 \$500,000 General Funds provided as state aid for FY2009-10 and
 3 \$500,000 General Funds provided as state aid for FY2010-11 to carry
 4 out the provisions of subsection (2) of section 79-734.

- 5 There is included in the amount shown for this program
6 \$3,615,426 General Funds provided as state aid for FY2009-10 and
7 \$3,615,426 General Funds provided as state aid for FY2010-11 for
8 early childhood education projects.
- 9 There is included in the amount shown for this program
10 \$11,858,793 General Funds provided as state aid for FY2009-10 and
11 \$11,858,793 General Funds provided as state aid for FY2010-11 for
12 core services for educational service units.
- 13 There is included in the amount shown for this program
14 \$3,700,477 General Funds provided as state aid for FY2009-10 and
15 \$3,700,477 General Funds provided as state aid for FY2010-11 for
16 technology infrastructure for educational service units.
- 17 There is included in the amount shown for this program
18 \$328,300 General Funds provided as state aid for FY2009-10 and
19 \$328,300 General Funds provided as state aid for FY2010-11 for
20 distance education aid to educational service units.
- 21 There is included in the amount shown for this program
22 \$2,336,921 General Funds provided as state aid for FY2009-10 and
23 \$2,336,921 General Funds provided as state aid for FY2010-11 for
24 programs for learners with high ability.
- 25 There is included in the amount shown for this program
26 \$412,811 General Funds provided as state aid for FY2009-10 and
1 \$427,260 General Funds provided as state aid for FY2010-11 for the
2 school breakfast program.
- 3 There is included in the amount shown for this program
4 \$421,087 General Funds provided as state aid for FY2009-10 and
5 \$421,087 General Funds provided as state aid for FY2010-11 for the
6 school lunch program.
- 7 There is included in the amount shown for this program
8 \$230,574 General Funds provided as state aid for FY2009-10 and
9 \$230,574 General Funds provided as state aid for FY2010-11 for
10 adult basic education programs.
- 11 There is included in the amount shown for this program
12 \$450,000 General Funds provided as state aid for FY2009-10 and
13 \$450,000 General Funds provided as state aid for FY2010-11 for the
14 Career Education Partnership Act.
- 15 There is included in the amount shown for this program
16 \$1,000,000 General Funds provided as state aid for FY2009-10 and
17 \$1,025,000 General Funds provided as state aid for FY2010-11 for
18 learning community aid.
- 19 On or before October 1 of each year, the Department of
20 Health and Human Services and the State Department of Education
21 shall jointly certify to the budget administrator of the budget
22 division of the Department of Administrative Services the amount
23 of federal medicaid funds paid to school districts pursuant to
24 the Early Intervention Act for special education services for
25 children age five years and older. The General Fund appropriation
26 to the State Department of Education, Program 158, for state
special education aid shall be decreased by an amount equal to

27 the amount that would have been reimbursed with state General
 1 Funds to the school districts through the special education
 2 reimbursement process for special education services for children
 3 age five years and older that was paid to school districts or
 4 approved cooperatives with federal medicaid funds. There is hereby
 5 appropriated from the General Fund an amount equal to the amount
 6 certified to the budget administrator for FY2009-10 and FY2010-11
 7 to the Department of Health and Human Services to aid in carrying
 8 out the provisions of Laws 1991, LB 701. The budget administrator
 9 shall distribute the amount appropriated between budget programs
 10 according to percentages certified by the Department of Health and
 11 Human Services.
 12 Notwithstanding other provisions of this act, all
 13 appropriations within this program existing on June 30, 2009, in
 14 excess of expended or encumbered amounts are hereby lapsed.
 15 Sec. 2. Original section 49, Legislative Bill 315, One
 16 Hundred First Legislature, First Session, 2009, is repealed.
 17 Sec. 3. Since an emergency exists, this act takes effect
 18 when passed and approved according to law.

The Adams amendment was adopted with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

UNANIMOUS CONSENT - Expedite LB545

Senator Flood asked unanimous consent to expedite LB545. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 160. ER8101, found on page 1263, was adopted.

Senator Lautenbaugh withdrew his amendment, FA35, found on page 1384.

Senator Gay renewed his amendment, AM1361, found on page 1397.

SENATOR CARLSON PRESIDING

Senator Gay asked unanimous consent to withdraw his amendment, AM1361, found on page 1397, and replace it with his substitute amendment, AM1382. No objections. So ordered.
 AM1382

(Amendments to E & R amendments, ER8101)

- 1 1. On page 2, strike beginning with "Proceeds" in line
- 2 18 through line 27 and insert "(a) Prior to the issuing of bonds
- 3 pursuant to section 1 of this act or expending funds of a natural
- 4 resources district encompassing a city of the metropolitan class to

5 pay costs of a reservoir or water quality basin project or projects
 6 greater than twenty surface acres, a county board of the affected
 7 county may pass a resolution stating that it does not approve of
 8 the construction of such reservoir or water quality basin project
 9 or projects within its exclusive zoning jurisdiction. The county
 10 board shall hold a public hearing and shall vote on the resolution
 11 within ninety days after notice from the board of directors of the
 12 natural resources district of its intent to issue bonds.

13 (b) No proceeds from bonds issued pursuant to section 1
 14 of this act or funds of a natural resources district encompassing
 15 a city of the metropolitan class may be used to pay costs of a
 16 reservoir or water quality basin project or projects greater than
 17 twenty surface acres if the county board of the affected county
 18 passes such a resolution.

19 (c) Sections 1 to 5 of this act do not (i) limit
 20 the authority of a natural resources district with regard to
 21 reservoirs, water quality basin projects, or other projects of
 22 less than twenty surface acres or (ii) prohibit use of funds of
 1 a natural resources district for preliminary studies or reports
 2 necessary, in the discretion of the board of directors of the
 3 natural resources district, to determine whether a reservoir or
 4 water quality basin project should be presented to a county board
 5 pursuant to this section."

6 2. On page 3, strike lines 1 through 4.

The Gay amendment was adopted with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

Senator Lautenbaugh offered the following amendment:

AM1375

(Amendments to E & R amendments, ER8101)

1 1. On page 2, strike lines 13 through 17 and insert:
 2 "(2) A district shall only convey real property that
 3 is acquired for a project described in subsection (1) of this
 4 section by eminent domain proceedings pursuant to sections 76-704
 5 to 76-724 to a political subdivision or an agency of state or
 6 federal government."

7 2. On page 3, after line 12 insert:
 8 "(5) A natural resources district encompassing a city
 9 of the metropolitan class shall only issue bonds for projects
 10 in cities and counties that have adopted zoning regulations or
 11 ordinances that comply with state and federal floodplain management
 12 rules and regulations."

The Lautenbaugh amendment was adopted with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 633. ER8102, found on page 1260, was adopted.

Senator Mello renewed his amendment, AM1331, found on page 1397.

The Mello amendment was adopted with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

Senator Utter offered the following amendment:

AM1371

(Amendments to E & R amendments, ER8102)

- 1 1. On page 2, strike lines 2 and 3 and insert:
- 2 "(1) Center means the Center for Rural Research and
- 3 Development of the University of Nebraska at Kearney;"; and in line
- 4 17 strike "college" and insert "center".
- 5 2. On page 3, lines 2 and 4; page 4, line 22; and page 5,
- 6 lines 13 and 15, strike "college" and insert "center".

Senator Utter withdrew his amendment.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 633A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 568. ER8105, found on page 1274, was adopted.

Senator Dubas renewed her amendment, AM1302, found on page 1385.

The Dubas amendment was adopted with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

Senator Karpisek offered the following amendment:

AM1373

(Amendments to Standing Committee amendments, AM732)

- 1 1. On page 1, line 21; and page 2, line 10, strike
- 2 "fifty" and insert "forty".

The Karpisek amendment was adopted with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

Senator Dierks withdrew his amendment, AM1156, found on page 1162.

Advanced to Enrollment and Review for Engrossment.

AMENDMENT - Print in Journal

Senator Gay filed the following amendment to LB288A:
AM1368

- 1 1. Insert the following new sections:
 2 Sec. 2. The General Fund appropriation for FY2009-10 to
 3 the Department of Health and Human Services, for Program 347, is
 4 hereby reduced by \$116,064. The General Fund appropriation for
 5 FY2010-11 to the Department of Health and Human Services, for
 6 Program 347, is hereby reduced by \$232,128.
 7 Sec. 3. The General Fund appropriation for FY2009-10 to
 8 the Department of Health and Human Services, for Program 348, is
 9 hereby reduced by \$136,970. The federal fund appropriation for
 10 FY2009-10 to the Department of Health and Human Services, for
 11 Program 348, is hereby reduced by \$208,130.
 12 The General Fund appropriation for FY2010-11 to the
 13 Department of Health and Human Services, for Program 348, is hereby
 14 reduced by \$273,940. The federal fund appropriation for FY2010-11
 15 to the Department of Health and Human Services, for Program 348, is
 16 hereby reduced by \$416,259.
 17 2. Renumber the remaining section accordingly.

GENERAL FILE

LEGISLATIVE BILL 542. Senator Campbell renewed her amendment, AM1224, found on page 1246 and considered on pages 1347 and 1398.

Senator Campbell moved for a call of the house. The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

Senator Campbell requested a roll call vote on her amendment.

Voting in the affirmative, 25:

Adams	Flood	Hadley	Lathrop	Rogert
Avery	Fulton	Hansen	Nelson	Schilz
Campbell	Gay	Harms	Nordquist	Sullivan
Coash	Gloor	Howard	Pirsch	Utter
Council	Haar	Karpisek	Price	Wightman

Voting in the negative, 1:

Louden

Present and not voting, 16:

Ashford	Dubas	Langemeier	Nantkes
Carlson	Fischer	Lautenbaugh	Pahls
Christensen	Heidemann	McGill	Pankonin
Dierks	Janssen	Mello	White

Excused and not voting, 7:

Cook	Friend	McCoy	Wallman
Cornett	Giese	Stuthman	

The Campbell amendment was adopted with 25 ayes, 1 nay, 16 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Senator Lautenbaugh renewed his amendment, AM1257, found on page 1324.

SENATOR ROBERT PRESIDING

Senator Lautenbaugh withdrew his amendment.

Senator Lautenbaugh offered the following amendment:
AM1381

(Amendments to AM1224)

1. On page 1, line 8, after the period insert "Duties
2. listed in subdivisions (1) through (13) of section 38-1131 shall
3. not be performed by dental assistants.".

Senator Lautenbaugh moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Senator Lautenbaugh requested a roll call vote on his amendment.

Voting in the affirmative, 7:

Christensen	Fischer	Langemeier	Pahls
Coash	Karpisek	Lautenbaugh	

Voting in the negative, 18:

Avery	Fulton	Hansen	Nelson	Utter
Campbell	Gay	Harms	Nordquist	Wightman
Council	Gloor	Lathrop	Schilz	
Dierks	Haar	McGill	Sullivan	

Present and not voting, 15:

Adams	Dubas	Heidemann	Mello	Price
Ashford	Flood	Howard	Pankonin	Rogert
Carlson	Hadley	Louden	Pirsch	White

Excused and not voting, 9:

Cook	Friend	Janssen	Nantkes	Wallman
Cornett	Giese	McCoy	Stuthman	

The Lautenbaugh amendment lost with 7 ayes, 18 nays, 15 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Senator Campbell moved for a call of the house. The motion prevailed with 34 ayes, 0 nays, and 15 not voting.

Senator Campbell requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 27:

Adams	Council	Hadley	Mello	Sullivan
Avery	Flood	Hansen	Nelson	Utter
Campbell	Fulton	Harms	Nordquist	Wightman
Carlson	Gay	Howard	Price	
Christensen	Gloor	Lathrop	Rogert	
Coash	Haar	McGill	Schilz	

Voting in the negative, 4:

Karpisek	Lautenbaugh	Louden	Pahls
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Present and not voting, 9:

Ashford	Dubas	Heidemann	Pankonin	White
Dierks	Fischer	Langemeier	Pirsch	

Excused and not voting, 9:

Cook	Friend	Janssen	Nantkes	Wallman
Cornett	Giese	McCoy	Stuthman	

Advanced to Enrollment and Review Initial with 27 ayes, 4 nays, 9 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 122. Placed on Final Reading.

LEGISLATIVE BILL 238. Placed on Final Reading.

LEGISLATIVE BILL 294. Placed on Final Reading.

LEGISLATIVE BILL 347. Placed on Final Reading.

LEGISLATIVE BILL 360. Placed on Final Reading.

ST9046

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Standing Committee amendments, AM913, on page 1, line 13, "act" has been struck and "Land Reutilization Act" inserted.

LEGISLATIVE BILL 372. Placed on Final Reading.

LEGISLATIVE BILL 441. Placed on Final Reading.

LEGISLATIVE BILL 446. Placed on Final Reading.

LEGISLATIVE BILL 500. Placed on Final Reading.

LEGISLATIVE BILL 524. Placed on Final Reading.

LEGISLATIVE BILL 533. Placed on Final Reading.

LEGISLATIVE BILL 537. Placed on Final Reading.

LEGISLATIVE BILL 562. Placed on Final Reading.

LEGISLATIVE BILL 587. Placed on Final Reading.

LEGISLATIVE BILL 598. Placed on Final Reading.

ST9034

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, line 3, "81-1839," has been inserted after the last comma.

LEGISLATIVE BILL 604. Placed on Final Reading.

LEGISLATIVE BILL 627. Placed on Final Reading.

LEGISLATIVE BILL 631. Placed on Final Reading.

(Signed) Jeremy Nordquist, Chairperson

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 503. Placed on Select File with amendment.

ER8128

- 1 On page 1, line 2, strike "13-910," and the second
- 2 comma; and strike beginning with "change" in line 5 through "to" in
- 3 line 6.

LEGISLATIVE BILL 358. Placed on Select File.

LEGISLATIVE BILL 155. Placed on Select File with amendment.
ER8129

- 1 1. In the Standing Committee amendments, AM1271:
- 2 a. On page 1, line 6, strike "14" and insert "16"; and on
- 3 page 8, line 13 strike "subsections" and insert "subsection".
- 4 2. On page 1, strike lines 2 through 9 and insert
- 5 "28-101, 28-518, 28-603, 28-604, 28-608, 28-611, and 29-110,
- 6 Reissue Revised Statutes of Nebraska; to adopt the Public
- 7 Protection Act; to change provisions relating to theft offenses,
- 8 criminal impersonation, identity theft, identity fraud, forgery,
- 9 bad checks, and no-account checks; to provide a statute of
- 10 limitations; to change and provide penalties; to harmonize
- 11 provisions; to provide severability; and to repeal the original
- 12 sections."

(Signed) Jeremy Nordquist, Chairperson

MESSAGES FROM THE GOVERNOR

May 5, 2009

Mr. President, Speaker Flood
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individuals are being reappointed to the Public Employees Retirement Board:

Denis Blank, 2451 Winchester South, Lincoln, NE 68512
Sgt. Glenn Elwell, 3504 Hartley Circle, Lincoln, NE 68521
Mark Shepard, 7547 Exbury Road, Lincoln, NE 68516

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background materials are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

May 7, 2009

Mr. President, Speaker Flood
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individuals are being reappointed to the Coordinating Commission for Postsecondary Education:

Colleen Adam, 4900 Osborne Dr. East, Hastings, NE 68901
Ronald Hunter, 4203 470th Lane, Hay Springs, NE 69347
Eric Seacrest, 109 S. Maloney Dr., North Platte, NE 69101

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background materials are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

AMENDMENT - Print in Journal

Senator Ashford filed the following amendment to LB63A:
AM1385

- 1 1. Strike the original sections and insert the following
- 2 sections:
- 3 Section 1. There is hereby appropriated (1) \$100,000
- 4 from the General Fund for FY2009-10 and (2) \$100,000 from the
- 5 General Fund for FY2010-11 to the Nebraska Commission on Law
- 6 Enforcement and Criminal Justice, for Program 204 - Office of
- 7 Violence Prevention, to aid in carrying out the provisions of
- 8 Legislative Bill 63, One Hundred First Legislature, First Session,
- 9 2009.
- 10 Total expenditures for permanent and temporary salaries
- 11 and per diems from funds appropriated in this section shall not
- 12 exceed \$100,000 for FY2009-10 or \$100,000 for FY2010-11.
- 13 Sec. 2. On the effective date of this act, there is
- 14 hereby appropriated \$350,000 from the Violence Prevention Cash Fund
- 15 for FY2008-09 to the Nebraska Commission on Law Enforcement and
- 16 Criminal Justice, for Program 204, to aid in carrying out the
- 17 provisions of Legislative Bill 63, One Hundred First Legislature,
- 18 First Session, 2009.
- 19 No expenditures for permanent and temporary salaries and
- 20 per diems for state employees shall be made from funds appropriated

21 in this section.

22 The unexpended Cash Fund appropriation balance existing
 23 on June 30, 2009, is hereby reappropriated for FY2009-10.

1 The Nebraska Commission on Law Enforcement and Criminal
 2 Justice shall distribute the funds appropriated in this section
 3 as soon as practicable after the effective date of this act to
 4 organizations or governmental entities that have submitted violence
 5 prevention plans and that best meet the intent of reducing street
 6 and gang violence and reducing homicides and injuries caused by
 7 firearms. When the Office of Violence Prevention is operational
 8 it shall assume responsibility for administering funding for the
 9 program.

10 Sec. 3. There is hereby appropriated \$90,000 from the
 11 Community Corrections Uniform Data Analysis Cash Fund for FY2009-10
 12 to the Nebraska Commission on Law Enforcement and Criminal Justice,
 13 for Program 220, Community Corrections Council Office, to aid in
 14 carrying out the provisions of Legislative Bill 63, One Hundred
 15 First Legislature, First Session, 2009.

16 No expenditures for permanent and temporary salaries and
 17 per diems for state employees shall be made from funds appropriated
 18 in this section.

19 Sec. 4. Since an emergency exists, this act takes effect
 20 when passed and approved according to law.

MOTION - Return LB545A to Select File

Senator Adams moved to return LB545A to Select File for the following specific amendment:

AM1386

- 1 1. Insert the following new section:
- 2 Sec. 2. This act becomes operative on July 1, 2009.
- 3 2. Renumber the remaining sections accordingly.

The Adams motion to return prevailed with 30 ayes, 0 nays, 10 present and not voting, and 9 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 545A. The Adams specific amendment, AM1386, found in this day's Journal, was adopted with 31 ayes, 0 nays, 9 present and not voting, and 9 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

UNANIMOUS CONSENT - Expedite LB545A

Senator Flood asked unanimous consent to expedite LB545A. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 224. ER8107, found on page 1284, was adopted.

Senator Carlson withdrew his amendment, AM1295, found on page 1380.

Senator Carlson renewed his amendment, AM1365, found on page 1400.

SENATOR LANGEMEIER PRESIDING**SPEAKER FLOOD PRESIDING**

Senator Carlson moved for a call of the house. The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

The Carlson amendment was adopted with 33 ayes, 2 nays, 3 present and not voting, and 11 excused and not voting.

Senator Karpisek requested a machine vote on the advancement of the bill.

Advanced to Enrollment and Review for Engrossment with 33 ayes, 3 nays, 2 present and not voting, and 11 excused and not voting.

The Chair declared the call raised.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 545. Placed on Final Reading.

LEGISLATIVE BILL 545A. Placed on Final Reading.
ST9045

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, the matter beginning with "appropriate" in line 1 through line 6 and all amendments thereto have been struck and "amend section 49, Legislative Bill 315, One Hundred First Legislature, First Session, 2009; to appropriate funds to aid in carrying out the provisions of Legislative Bill 545, One Hundred First Legislature, First Session, 2009; to change appropriations; to provide an operative date; to repeal the original section; and to declare an emergency." inserted.

2. The E & R amendments, ER8127, have been struck.

(Signed) Jeremy Nordquist, Chairperson

AMENDMENT - Print in Journal

Senator Langemeier filed the following amendment to LB561:
FA37
Strike the enacting clause.

MOTION - Print in Journal

Senator Council filed the following motion to LB440:
MO50
Suspend Rule 7, Section 3(d) to allow consideration of AM1233.

VISITORS

Visitors to the Chamber were 49 fourth-grade students from West Point; 24 students from Midland Lutheran College, Fremont; and 38 fifth-grade students from Boone Central School, Albion.

ADJOURNMENT

At 7:25 p.m., on a motion by Senator Council, the Legislature adjourned until 9:00 a.m., Tuesday, May 12, 2009.

Patrick J. O'Donnell
Clerk of the Legislature

