

EIGHTH DAY - JANUARY 16, 2009**LEGISLATIVE JOURNAL****ONE HUNDRED FIRST LEGISLATURE
FIRST SESSION****EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska
Friday, January 16, 2009

PRAYER

The prayer was offered by Pastor Bud Leach, Church of the Nazarene, Falls City.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Senator Nelson presiding.

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

CORRECTIONS FOR THE JOURNAL

The Journal for the seventh day was approved.

REFERENCE COMMITTEE REPORT

The Executive Board submits the following report:

LB/LR	Committee
LB122	Judiciary (rereferred)
LB245	Transportation and Telecommunications
LB246	Natural Resources
LB247	Health and Human Services
LB248	Revenue
LB249	Revenue
LB250	Health and Human Services
LB251	Revenue
LB252	Judiciary
LB253	Judiciary
LB254	Agriculture
LB255	Transportation and Telecommunications
LB256	Appropriations
LB257	Education

LB258 Judiciary
 LB259 Banking, Commerce and Insurance
 LB260 Judiciary
 LB261 Transportation and Telecommunications
 LB262 General Affairs
 LB263 Agriculture
 LB264 Revenue
 LB265 Judiciary
 LB266 General Affairs
 LB267 Business and Labor
 LB268 Health and Human Services
 LB269 Appropriations
 LB270 Revenue
 LB271 Revenue
 LB272 Transportation and Telecommunications
 LB273 Government, Military and Veterans Affairs
 LB274 Judiciary
 LB275 Health and Human Services
 LB276 Judiciary
 LB277 Judiciary
 LB278 Transportation and Telecommunications
 LB279 Government, Military and Veterans Affairs
 LB280 Government, Military and Veterans Affairs
 LB281 Education
 LB282 Revenue
 LB283 Education
 LB284 Judiciary
 LB285 Judiciary
 LB286 General Affairs
 LB287 General Affairs
 LR6CA General Affairs

(Signed) John Wightman, Chairperson
 Executive Board

NOTICE OF COMMITTEE HEARINGS
 Business and Labor

Room 2102

Monday, January 26, 2009 1:30 p.m.

LB158
 LB107

Cole, Charles - Boiler Safety Code Advisory Board
 DeMartino, Thomas - Boiler Safety Code Advisory Board
 Kasl, Martin - Boiler Safety Code Advisory Board

Stewart, Kenneth - Boiler Safety Code Advisory Board

(Signed) Steve Lathrop, Chairperson

Banking, Commerce and Insurance

Room 1507

Monday, January 26, 2009 1:30 p.m.

LB192

LB75

LB80

LB87

Tuesday, January 27, 2009 1:30 p.m.

LB32

LB88

LB74

LB113

(Signed) Rich Pahls, Chairperson

General Affairs

Room 1510

Monday, January 26, 2009 1:30 p.m.

LB189

LB266

LR6CA

(Signed) Russ Karpisek, Chairperson

Government, Military and Veterans Affairs

Room 1507

Friday, January 23, 2009 1:30 p.m.

LB7

LB8

LB33

LB55

(Signed) Bill Avery, Chairperson

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of January 15, 2009, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Axt, Randy

Firearms Owners Association, Nebraska (NFOA)

Cutshall & Nowka

Area Agencies on Aging, Nebraska Association of
Grand Island Chamber of Commerce

Harding, Mary A.

Conservation Voters, Nebraska League of

Kulesher, Kate M.

Brain Injury Group of Nebraska (BIG-N)

Lillis, John J.

Nebraskans United For Life

Moors, H. Jack

Hastings Exposition and Racing, Inc.

O'Hara, Lindsay & Associates, Inc.

Alter Trading Corporation

Plucker, Julia

Lamar Advertising Company

Moylan, James

Pollock, Andy

Dinsdale Brothers, Inc.

Feller & Company, Inc.

Hayes Feed Yard, Inc

Morrison Enterprises, LLC

NPP, LLC

Wilke Farms, Inc.

Radcliffe, Walter H. of Radcliffe & Associates

2013 US Senior Open Local Organizing Committee

Guaranteed Asset Protection Association

Nebraska Technical Services, Inc.

Sanofi Pasteur, (MultiState Associates, Inc on behalf of)

Telecommunications Association, Nebraska

Ruth Mueller Robak LLC

Sanofi Pasteur, (MultiState Associates, Inc on behalf of)

(Withdrawn 01/12/2009)

Vickers, Tom

Marriage and Family Therapy, The Nebraska Association for

Young, Lora

Nebraska Travel Association

Zaenglein, Norbert

Autobody Association, Nebraska

Zieg, Patricia A.

Apria Healthcare, Inc.

REPORTS

The following reports were received by the Legislature:

Economic Development, Department of

Job Training Cash Fund Report for Fiscal Years 2005-2008

Environmental Quality, Department of

2008 Nebraska Groundwater Quality Monitoring Report

Health and Human Services

Division of Medicaid and Long-Term Care, State Union on Aging Annual Report on Care Management Units for Fiscal Year 2008

Performance Audit, Legislative

State Foster Care Review Board: Authority, Conflicts of Interest, and Management Practices

Roads, Nebraska Department of

One-Year and Five-Year Programs of Anticipated Design, Construction, Maintenance, and Improvements for our State's Recreation Roads

MOTION - Withdraw LB143

Senator Langemeier renewed his motion, MO2, found on page 153, to withdraw LB143.

The Langemeier motion to withdraw the bill prevailed with 43 ayes, 0 nays, and 6 excused and not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 356. Introduced by Dubas, 34; Gloor, 35.

A BILL FOR AN ACT relating to children; to amend sections 43-245, 43-247, and 43-2,129, Reissue Revised Statutes of Nebraska; to provide for behavioral health services for certain children without parental relinquishment of custody under the Juvenile Code; to define terms; to provide duties for the Department of Health and Human Services; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 357. Introduced by Hadley, 37.

A BILL FOR AN ACT relating to cigarette tax; to amend section 77-2608, Reissue Revised Statutes of Nebraska; to change the commission allowed to wholesale dealers; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 358. Introduced by Pahls, 31.

A BILL FOR AN ACT relating to the Comprehensive Health Insurance Pool Act; to amend sections 44-4201, 44-4226, and 44-4227, Reissue Revised Statutes of Nebraska, and sections 44-4221 and 44-4222, Revised Statutes Cumulative Supplement, 2008; to change provisions relating to eligibility under the act, unfair trade practices, major medical expense coverage, and premium and standard risk rates; to provide duties for the board of directors of the pool; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 359. Introduced by Nelson, 6.

A BILL FOR AN ACT relating to the Nebraska Cultural Preservation Endowment Fund; to amend section 82-331, Reissue Revised Statutes of Nebraska; to restate legislative intent; to change provisions relating to fund transfers; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 360. Introduced by Cook, 13.

A BILL FOR AN ACT relating to the Land Reutilization Act; to amend sections 77-3201, 77-3203, 77-3205, and 77-3211, Reissue Revised Statutes of Nebraska, and sections 77-3204 and 77-3207, Revised Statutes Cumulative Supplement, 2008; to authorize the creation of an authority by a city of the metropolitan class; and to repeal the original sections.

LEGISLATIVE BILL 361. Introduced by Avery, 28.

A BILL FOR AN ACT relating to public meetings; to amend section 84-1413, Reissue Revised Statutes of Nebraska; to change provisions relating to roll call votes; and to repeal the original section.

LEGISLATIVE BILL 362. Introduced by Avery, 28.

A BILL FOR AN ACT relating to elections; to amend section 32-607, Reissue Revised Statutes of Nebraska; to change requirements for candidate filing forms; and to repeal the original section.

LEGISLATIVE BILL 363. Introduced by Avery, 28.

A BILL FOR AN ACT relating to political committees; to amend section 49-1446.02, Revised Statutes Cumulative Supplement, 2008; to prohibit certain expenditures; and to repeal the original section.

LEGISLATIVE BILL 364. Introduced by Pankonin, 2.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 79-1003 and 79-1028.01, Reissue Revised Statutes of Nebraska; to permit exceeding expenditure limits for voluntary termination payments as prescribed; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 365. Introduced by Pankonin, 2.

A BILL FOR AN ACT relating to the Judges Retirement Act; to amend section 24-710, Reissue Revised Statutes of Nebraska; to change retirement annuity provisions; and to repeal the original section.

LEGISLATIVE BILL 366. Introduced by Pankonin, 2.

A BILL FOR AN ACT relating to the State Employees Retirement Act; to amend section 84-1308, Reissue Revised Statutes of Nebraska; to increase the mandatory contribution rate; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 367. Introduced by Gloor, 35.

A BILL FOR AN ACT relating to health care; to amend section 71-5829.04, Reissue Revised Statutes of Nebraska, and section 71-5829.03, Revised Statutes Cumulative Supplement, 2008; to change health care certificate of need provisions; and to repeal the original sections.

LEGISLATIVE BILL 368. Introduced by Mello, 5.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend sections 60-6,214, 60-6,216, 60-6,217, and 60-6,218, Reissue Revised Statutes of Nebraska, and section 60-4,182, Revised Statutes Cumulative Supplement, 2008; to change point system violations relating to reckless driving and willful reckless driving; to change provisions and penalties relating to willful reckless driving; and to repeal the original sections.

LEGISLATIVE BILL 369. Introduced by Nantkes, 46.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the Every Woman Matters Program.

LEGISLATIVE BILL 370. Introduced by Nantkes, 46.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-911, Revised Statutes Cumulative Supplement, 2008; to require the Department of Health and Human Services to apply for a medicaid waiver to provide coverage for family planning services as prescribed.

LEGISLATIVE BILL 371. Introduced by Campbell, 25.

A BILL FOR AN ACT relating to public assistance; to amend sections 68-908 and 68-948, Revised Statutes Cumulative Supplement, 2008; to change provisions relating to the Medicaid Reform Plan and the Medicaid Reform Council; to harmonize provisions; to eliminate a termination date;

and to repeal the original sections.

LEGISLATIVE BILL 372. Introduced by Campbell, 25.

A BILL FOR AN ACT relating to driver's licenses; to amend section 60-484.02, Revised Statutes Cumulative Supplement, 2008; to change provisions relating to the release of driver's license digital images or digital signatures; to change a penalty; and to repeal the original section.

LEGISLATIVE BILL 373. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to emergency response personnel; to amend sections 18-1723 and 35-1001, Reissue Revised Statutes of Nebraska; to change provisions relating to death or disability presumptions for a firefighter or police officer and death or disability prima facie evidence requirements for a firefighter or firefighter-paramedic; and to repeal the original sections.

LEGISLATIVE BILL 374. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to civil procedure; to amend section 25-1708, Reissue Revised Statutes of Nebraska; to authorize recovery of costs as part of a settlement as prescribed; and to repeal the original section.

LEGISLATIVE BILL 375. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to civil procedure; to amend section 25-1801, Reissue Revised Statutes of Nebraska; to increase the claim amount and provide for payment of the costs of suit for certain claims; and to repeal the original section.

LEGISLATIVE BILL 376. Introduced by Fulton, 29; Coash, 27; Cook, 13.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.07, Revised Statutes Cumulative Supplement, 2008; to provide an income tax credit for certain qualified residents caring for dependents as prescribed; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 377. Introduced by Pankonin, 2.

A BILL FOR AN ACT relating to finance; to adopt the Nebraska Governmental Unit Credit Facility Act; to provide severability; and to declare an emergency.

LEGISLATIVE BILL 378. Introduced by Gloor, 35.

A BILL FOR AN ACT relating to medical clinical trials; to require coverage of routine patient care costs by certain insurance policies and benefit plans.

LEGISLATIVE BILL 379. Introduced by Haar, 21.

A BILL FOR AN ACT relating to environmental protection; to amend section 81-15,160, Reissue Revised Statutes of Nebraska; to extend a scrap tire grant program; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 380. Introduced by Rogert, 16.

A BILL FOR AN ACT relating to counties; to amend section 23-362, Reissue Revised Statutes of Nebraska; to change a state aid program relating to Indian reservations; to repeal the original section; to outright repeal section 23-362.01, Reissue Revised Statutes of Nebraska; and to declare an emergency.

LEGISLATIVE BILL 381. Introduced by Rogert, 16.

A BILL FOR AN ACT relating to political subdivisions; to amend sections 10-615, 32-404, 77-1917.01, and 77-3443, Reissue Revised Statutes of Nebraska, and section 77-3442, Revised Statutes Cumulative Supplement, 2008; to adopt the Community Improvement District Act and the Transportation Development District Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 382. Introduced by Rogert, 16.

A BILL FOR AN ACT relating to elections; to amend sections 32-101, 32-107, 32-108, 32-114, 32-115, 32-302, 32-306, 32-307, 32-308, 32-310, 32-311.01, 32-314, 32-321, 32-325, 32-813, 32-816, 32-901, 32-902, 32-904, 32-906, 32-907, 32-910, 32-912, 32-913, 32-914, 32-915, 32-916, 32-917, 32-918, 32-919, 32-920, 32-921, 32-922, 32-923, 32-925, 32-927, 32-929, 32-933, 32-934, 32-935, 32-936, 32-937, 32-938, 32-940, 32-941, 32-945, 32-952, 32-1001, 32-1002, 32-1041, 32-1302, 32-1307, 32-1403, 32-1502, 32-1503, 32-1504, 32-1508, 32-1512, 32-1519, 32-1528, 32-1530, 32-1531, and 32-1532, Reissue Revised Statutes of Nebraska; to provide for voter registration on election day as prescribed; to change provisions relating to registration and voting; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 383. Introduced by Pahls, 31.

A BILL FOR AN ACT relating to the Uniform Controlled Substances Act; to amend section 28-401.01, Reissue Revised Statutes of Nebraska; to provide for limited immunity from prosecution as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 384. Introduced by Pahls, 31.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend section 60-484.02, Revised Statutes Cumulative Supplement, 2008; to authorize release of certain digital information to federal civil enforcement agencies; and to repeal the original section.

LEGISLATIVE BILL 385. Introduced by Pahls, 31.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 13-319, 13-2813, 77-2701.33, and 77-27,142, Reissue Revised Statutes of Nebraska, and sections 77-2701, 77-2701.04, 77-2701.16, and 77-2703, Revised Statutes Cumulative Supplement, 2008; to terminate sales tax exemptions and the sales and use taxes as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 386. Introduced by Pahls, 31.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701.02 and 77-2701.33, Reissue Revised Statutes of Nebraska, and sections 60-301, 60-3,190, 77-2701, 77-2701.04, 77-2701.16, 77-2701.24, 77-2701.35, 77-2703, 77-2708, 77-2734.02, and 77-4212, Revised Statutes Cumulative Supplement, 2008; to suspend motor vehicle fees and taxes until January 1, 2015; to change collection fees; to change and suspend sales tax exemptions and certain credits until January 1, 2015; to change tax rates as prescribed; to state intent relating to property tax relief; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 387. Introduced by Gay, 14.

A BILL FOR AN ACT relating to schools; to amend sections 79-1007.18, 79-1008.02, 79-1022, 79-10,120, 79-10,126, 79-2104, and 79-2111, Reissue Revised Statutes of Nebraska, and section 77-3442, Revised Statutes Cumulative Supplement, 2008; to eliminate certain taxing authority of learning communities; to change state aid calculations; to harmonize provisions; to repeal the original sections; and to outright repeal sections 79-1015, 79-1073, 79-1073.01, and 79-10,126.01, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 388. Introduced by Langemeier, 23.

A BILL FOR AN ACT relating to public power districts; to amend section 70-624, Reissue Revised Statutes of Nebraska; to change provisions relating to compensation approval as prescribed; and to repeal the original section.

LEGISLATIVE BILL 389. Introduced by Carlson, 38.

A BILL FOR AN ACT relating to agriculture; to amend section 2-4901, Reissue Revised Statutes of Nebraska; to change appointment provisions for the Climate Assessment Response Committee; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 390. Introduced by Coash, 27.

A BILL FOR AN ACT relating to the Developmental Disabilities Services Act; to amend section 83-1202.01, Reissue Revised Statutes of Nebraska; to state intent regarding reimbursement for assisted services; and to repeal the original section.

LEGISLATIVE BILL 391. Introduced by Adams, 24.

A BILL FOR AN ACT relating to education; to amend sections 13-503, 79-1041, 79-1073, 79-1073.01, and 79-2104, Reissue Revised Statutes of Nebraska; to change the manner of distribution of property tax revenue within learning communities; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 392. Introduced by Adams, 24.

A BILL FOR AN ACT relating to learning communities; to amend sections 32-546.01, 32-606, 79-1007.21, 79-2113, and 79-2117, Reissue Revised Statutes of Nebraska; to provide for nomination of coordinating council members by primary election; to change provisions relating to a new school adjustment; to change provisions relating to elementary learning centers and achievement subcouncils; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 393. Introduced by Adams, 24.

A BILL FOR AN ACT relating to educational service units; to amend sections 79-1246 and 84-1411, Reissue Revised Statutes of Nebraska; to change provisions relating to the agenda for meetings of the Educational Service Unit Coordinating Council; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 394. Introduced by Fulton, 29; Gay, 14; Hansen, 42; Howard, 9; Pankonin, 2; Stuthman, 22.

A BILL FOR AN ACT relating to the Medicine and Surgery Practice Act; to amend section 38-2001, Reissue Revised Statutes of Nebraska; to define an act of unprofessional conduct; to define terms relating to unprofessional conduct; to harmonize provisions; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 395. Introduced by Fulton, 29.

A BILL FOR AN ACT relating to health; to amend section 81-664, Reissue Revised Statutes of Nebraska; to adopt the Stroke Registry Act; to redefine a term; and to repeal the original section.

LEGISLATIVE BILL 396. Introduced by Gloor, 35.

A BILL FOR AN ACT relating to health care; to amend section 68-901, Revised Statutes Cumulative Supplement, 2008; to adopt the Medical Home Act; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 397. Introduced by Nordquist, 7; McCoy, 39.

A BILL FOR AN ACT relating to postsecondary education; to amend sections 9-812, 9-836.01, 71-5715, and 85-1412, Reissue Revised Statutes of Nebraska; to adopt the State Scholarship Award Program Act and the Scholarship Assistance Program Act; to change provisions relating to applications under the Nebraska Scholarship Act; to provide for transfer of funds; to eliminate the Nebraska Scholarship Act; to harmonize provisions; to provide operative dates; to repeal the original sections; and to outright repeal sections 85-1901, 85-1902, 85-1903, 85-1904, 85-1905, 85-1906, 85-1907, 85-1908, 85-1909, 85-1910, 85-1911, 85-1912, 85-1913, 85-1914, 85-1915, 85-1916, 85-1917, 85-1918, 85-1919, and 85-1920, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 398. Introduced by Nordquist, 7.

A BILL FOR AN ACT relating to license plates; to amend section 85-1920, Reissue Revised Statutes of Nebraska, and sections 60-301, 60-393, 60-395, 60-396, 60-3,104, and 60-3,130.04, Revised Statutes Cumulative Supplement, 2008; to provide for collegiate spirit license plates; to provide powers and duties and for the Department of Motor Vehicles; to provide fees; to provide for distribution of proceeds; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 399. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to the Nebraska Scholarship Act; to amend sections 85-502, 85-1903, 85-1906, 85-1907, and 85-1909, Reissue Revised Statutes of Nebraska; to change provisions relating to residency; to redefine terms; and to repeal the original sections.

LEGISLATIVE BILL 400. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to the Community College Foundation and Equalization Aid Act; to amend section 85-2223, Reissue Revised Statutes of Nebraska; to change provisions relating to fiscal years; and to repeal the original section.

LEGISLATIVE BILL 401. Introduced by Friend, 10; McCoy, 39; Pankonin, 2.

A BILL FOR AN ACT relating to highways and roads; to amend sections 39-1110, 39-2201, 39-2203, 39-2212, 39-2213, 39-2215, 39-2215.01,

39-2222, and 39-2223, Reissue Revised Statutes of Nebraska, and sections 66-4,100 and 66-4,144, Revised Statutes Cumulative Supplement, 2008; to adopt the High Priority Surface Transportation Development Act and the Surface Transportation Revolving Fund Act; to authorize issuance of highway bonds; to change highway funding provisions; to create funds; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 402. Introduced by Avery, 28; Campbell, 25; Coash, 27; Fulton, 29; Haar, 21; McGill, 26; Nantkes, 46; Wallman, 30.

A BILL FOR AN ACT relating to the Convention Center Facility Financing Assistance Act; to amend sections 13-2611 and 13-2612, Reissue Revised Statutes of Nebraska; to change provisions relating to the elections for bonds; to extend the application acceptance deadline; and to repeal the original sections.

LEGISLATIVE BILL 403. Introduced by Karpisek, 32; at the request of the Governor.

A BILL FOR AN ACT relating to illegal aliens; to require verification of lawful presence in the United States as prescribed; and to require a report.

LEGISLATIVE BILL 404. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to cigarettes; to adopt the Reduced Cigarette Ignition Propensity Act; to create a fund; and to provide an operative date.

LEGISLATIVE BILL 405. Introduced by Cornett, 45; Campbell, 25; Carlson, 38; Coash, 27; Cook, 13; Friend, 10; Fulton, 29; Gay, 14; Giese, 17; Gloor, 35; Haar, 21; Hadley, 37; Karpisek, 32; Mello, 5; Nordquist, 7; Pankonin, 2; Rogert, 16; Wallman, 30; Wightman, 36.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701, 77-27,228, 77-27,229, 77-27,230, 77-27,231, 77-27,232, 77-27,233, and 77-27,234, Revised Statutes Cumulative Supplement, 2008; to change provisions relating to income tax credits for planned gifts; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 406. Introduced by Fulton, 29; Campbell, 25; Dierks, 40; Friend, 10; Haar, 21; Harms, 48; McCoy, 39; Mello, 5; Nelson, 6; Nordquist, 7; Stuthman, 22; Wallman, 30.

A BILL FOR AN ACT relating to hospitals; to amend section 71-2048.01, Reissue Revised Statutes of Nebraska; to permit certified nurse midwives to have clinical privileges; and to repeal the original section.

LEGISLATIVE BILL 407. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to the Veterinary Medicine and Surgery Practice Act; to amend section 38-3301, Reissue Revised Statutes of Nebraska; to provide civil penalties for engaging in the practice of veterinary medicine and surgery without authorization; and to repeal the original section.

LEGISLATIVE BILL 408. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to veterinary medicine and surgery; to amend sections 38-1,140 and 38-3321, Reissue Revised Statutes of Nebraska; to authorize health care profession or occupation credential holders to consult with veterinarians under certain conditions; and to repeal the original sections.

LEGISLATIVE BILL 409. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to offenses against animals; to amend sections 28-906, 28-1008, 28-1009, and 28-1013, Reissue Revised Statutes of Nebraska; to provide violations and penalties for offenses against arson dogs; to define and redefine terms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 410. Introduced by Karpisek, 32; Council, 11; Nordquist, 7.

A BILL FOR AN ACT relating to elections; to amend sections 32-1119 and 32-1121, Reissue Revised Statutes of Nebraska; to change provisions relating to recounts; and to repeal the original sections.

LEGISLATIVE BILL 411. Introduced by Giese, 17.

A BILL FOR AN ACT relating to the State Electrical Act; to amend section 81-2104, Reissue Revised Statutes of Nebraska; to update the reference to the National Electrical Code; and to repeal the original section.

LEGISLATIVE BILL 412. Introduced by Giese, 17.

A BILL FOR AN ACT relating to sanitary and improvement districts; to amend section 31-735, Reissue Revised Statutes of Nebraska; to change procedures relating to the conduct of certain district elections; and to repeal the original section.

LEGISLATIVE BILL 413. Introduced by Ashford, 20; Nordquist, 7.

A BILL FOR AN ACT relating to postsecondary education; to adopt the College Choice Grant Program Act; and to provide an operative date.

LEGISLATIVE BILL 414. Introduced by Ashford, 20.

A BILL FOR AN ACT relating to courts; to amend section 24-201.01, Reissue Revised Statutes of Nebraska; to change the salary of the Supreme Court judges; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 415. Introduced by Christensen, 44; Coash, 27.

A BILL FOR AN ACT relating to tobacco sales; to prohibit sale from a self-service display; to define terms; to create a penalty; and to provide an operative date.

LEGISLATIVE BILL 416. Introduced by Fulton, 29; Friend, 10; Hadley, 37; Hansen, 42; Pahls, 31.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 18-1736, 18-1737, 60-501, 60-1903, 60-1908, and 81-2005, Reissue Revised Statutes of Nebraska, and sections 60-163, 60-180, 60-308, 60-366, 60-373, 60-376, 60-378, 60-380, 60-383, 60-392, 60-395, 60-396, 60-397, 60-398, 60-399, 60-3,100, 60-3,101, 60-3,102, 60-3,105, 60-3,106, 60-3,107, 60-3,108, 60-3,109, 60-3,113, 60-3,114, 60-3,119, 60-3,120, 60-3,121, 60-3,122, 60-3,122.02, 60-3,123, 60-3,124, 60-3,125, 60-3,126, 60-3,128, 60-3,130, 60-3,130.01, 60-3,130.02, 60-3,130.05, 60-3,134, 60-3,135, 60-3,145, 60-3,146, 60-3,147, 60-3,149, 60-3,150, 60-3,151, 60-3,157, 60-3,167, 60-3,175, 60-3,183, 60-3,205, 60-653, 60-683, 60-6,197.01, 60-1306, 60-1901, 60-1902, and 66-1406.02, Revised Statutes Cumulative Supplement, 2008; to provide for one license plate and In Transit decal per vehicle; to change provisions relating to license plates; to harmonize provisions; to provide an operative date; and to repeal the original sections.

RESOLUTION

LEGISLATIVE RESOLUTION 7. Introduced by Fulton, 29.

WHEREAS, the people of Nebraska, through their elected legislators, have chosen over time to provide health care coverage to various vulnerable populations through government-sponsored health care programs such as medicare, medicaid, and the State Children's Health Insurance Program; and

WHEREAS, these programs have served a vital role in the health and well-being of individuals and the general welfare of our state as a whole; and

WHEREAS, because different populations have different health needs, it has been important to the success of government-sponsored health care plans that those needs be taken into consideration when the structure and logistics of the programs are designed and implemented; and

WHEREAS, in some instances health care services involve matters literally of life and death or touch upon deeply personal areas that involve the moral, philosophical, or religious beliefs of families, particularly of parents with children; and

WHEREAS, individuals and families, as citizens and as taxpayers, should be afforded the opportunity to participate in or select health care plan options that do not violate their moral, philosophical, or religious beliefs; and

WHEREAS, the precedent for respecting the beliefs of individuals as they select and access government-sponsored health care programs was established by Congress in the federal employees health benefit system whereby federal employees have the option of choosing a health care plan consistent with their beliefs and values.

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

1. That the Legislature memorializes the members of its congressional delegation and the Congress of the United States to insure that parents of the poor, the working poor, and the disabled will be offered the option to enroll their children in government-sponsored health care plans that respect the beliefs and values of the parents, particularly as they relate to matters of abortion, abortifacients, contraception, sterilization, infanticide, and euthanasia.

2. That copies of this resolution be delivered to the President of the United States, the Speaker of the House of Representatives of the United States, the United States Senate Majority Leader, the Minority Leaders of both the House of Representatives and the Senate, the Secretary of the United States Department of Health and Human Services, and all members of Nebraska's congressional delegation.

Laid over.

NOTICE OF COMMITTEE HEARINGS

Transportation and Telecommunications

Room 1113

Monday, January 26, 2009 1:30 p.m.

LB229
LB261
LB222
LB204

(Signed) Deb Fischer, Chairperson

Judiciary

Room 1113

Friday, January 23, 2009 1:30 p.m.

LB90
LB201
LB203
LB19

(Signed) Brad Ashford, Chairperson

Revenue

Room 1524

Friday, January 23, 2009 1:30 p.m.

LB44
LB45
LB251

(Signed) Abbie Cornett, Chairperson

Education

Room 1525

Monday, January 26, 2009 1:30 p.m.

LB206
LB20
LB197
LB102

(Signed) Greg Adams, Chairperson

UNANIMOUS CONSENT - Add Cointroducers

Senator Howard asked unanimous consent to add her name as cointroducer to LB81 and LB139. No objections. So ordered.

Senator Cornett asked unanimous consent to add her name as cointroducer to LB92. No objections. So ordered.

Senators Howard and McGill asked unanimous consent to add their names as cointroducers to LB261. No objections. So ordered.

Senator Stuthman asked unanimous consent to add his name as cointroducer to LB334. No objections. So ordered.

Senator Nordquist asked unanimous consent to add his name as cointroducer to LB381. No objections. So ordered.

PROPOSED RULES CHANGES

The Rules Committee offered the following proposed rules changes:

PROPOSED RULES CHANGE 1

Rule 7, Sec. 4. Shall the Debate Cease. The previous question shall be in this form, "Shall the debate now close?"

The previous question shall be made only in the normal course of speaking order and shall be in order when demanded by five or more members, and must be sustained by the vote of a majority of the elected members, and until decided shall, except as provided in this section of this rule, preclude further debate and all amendments and motions, except one motion to adjourn. The presiding officer may rule the previous question out of order if in the presiding officer's opinion a full and fair debate has not been afforded, due to the complexity of the subject matter. The ruling of the presiding officer shall be subject to overrule in accordance with Rule 1, Section 12 of these rules.

On a previous question there shall be no debate. All incidental questions of order, arising after a motion is made for a previous question, and pending such motion, shall be decided, whether on appeal or otherwise, without debate.

When the previous question shall have been ordered on a proposition under debate, the mover, proponent, or introducer of such proposition shall be given the right to close the debate thereon.

~~After a motion to indefinitely postpone a bill has been offered, and the introducer of the motion has made his or her opening remarks on the motion, the principal introducer of the bill shall immediately be permitted to speak for five minutes on such motion.~~

Rule 6, Sec. 3. General File.

(f) In the event a motion to indefinitely postpone a bill is made before the bill is read on General File, such motion shall require the affirmative vote of a majority of the elected members. After a motion to indefinitely postpone a bill has been offered, and the introducer of the motion has made his or her opening remarks on the motion, the principal introducer of the bill shall immediately be permitted to speak for five minutes on such motion.

Rule 6, Sec. 5. Select File.

(d) A motion to postpone indefinitely. After a motion to indefinitely postpone a bill has been offered, and the introducer of the motion has made his or her opening remarks on the motion, the principal introducer of the bill shall immediately be permitted to speak for five minutes on such motion.

PROPOSED RULES CHANGE 2

Rule 6, Sec. 15. Constitutional Amendments, Votes Required. ~~When a proposed constitutional amendment does not receive the required four fifths constitutional majority necessary to submit such proposed amendment to the electors at a special election, then the special election language of the bill shall be stricken, and the bill shall be pending on Final Reading, and the question shall be, "Shall the bill pass providing for the submission of such proposition at the next general election?"~~

Constitutional Amendment. If proposition to submit amendment to electorate at special election fails to receive 4/5 plurality, then amend bill to provide for submission at general election which requires adoption by 3/5 plurality. RRS 49-236.

When the submitting of a proposed constitutional amendment at a special election does not receive the required four-fifths constitutional majority, then the special election language of the resolution/bill shall be stricken, and the question shall be, "Shall the resolution/bill pass for the submission of such proposed constitutional amendment at the next general election?"

Amendments proposed by the Legislature; failure to receive required vote of members for special election; place on Final Reading. RRS 49-236.

PROPOSED RULES CHANGE 3

Rule 2, Sec. 10. Time Limit on Speaking. The introducer of the matter pending may speak for ten minutes when he or she first presents the matter to the Legislature. Each member shall be allowed to speak up to three times for not more than five minutes on each occasion, upon any one question in deliberation during the legislative day, without leave of the Legislature, unless he or she be the mover, proposer, or introducer of the matter pending in which case he or she shall be permitted to close after speak in reply, but not until every other member choosing to speak shall have spoken or after a motion to cease debate has prevailed. The introducer's close shall be included within the three opportunities permitted for speaking to an issue. Provided, however, the mover, proposer, or introducer of the matter pending may speak for ten minutes when he or she first presents the matter to the Legislature.

PROPOSED RULES CHANGE 4

Rule 1, Sec. 12. Overrule Ruling of the Chair. The President may speak to a point of order in preference to members, and shall decide the questions or order, subject to a challenge to the Legislature by any member, on which challenge no member may speak more than once, unless by leave of the Legislature. No member may yield time to another member. In the event of a challenge to a ruling of the chair, the ruling shall be restated and the question shall be phrased: "Shall the Chair be overruled?" A majority of those present shall be required to overrule the chair.

PROPOSED RULES CHANGE 5

Rule 6, Sec. 14. Appropriations Bills, Procedure After Veto. (a) Whenever the Governor shall have vetoed more than one item in an appropriation bill, the Appropriations Committee shall review said veto and the Chairperson of the Appropriations Committee shall report within one legislative day to the Legislature on its fiscal implications, and affect on operations. If the Appropriations Committee by majority vote decides to recommend to the Legislature an override of the veto on any portion of such an appropriation bill, the Chairperson of the Appropriations Committee or his/her designee shall first be permitted an opportunity to move that the entire bill become law notwithstanding the line-item veto therein. The Appropriations Committee recommendation shall not be subject to division nor amendment.

PROPOSED RULES CHANGE 6

Rule 1, Sec. 19. Journal, Governor's Messages, Amendments.

(b) The Clerk shall enter in the daily Journal messages of the Governor in full, titles of bills, every vote, including the yeas and nays, and a brief statement of the contents of each resolution, petition, memorial, communication, or other paper received from other states presented for the consideration of the Legislature.

Constitutional amendment, print in full. Const. Art XVI, Sec. 1.

PROPOSED RULES CHANGE 7

Rule 6, Sec. 3. General File. (a) The Clerk of the Legislature shall read the number and the title of the bill and the name of the principal introducer as it comes up for consideration on General File. ~~A bill will not be read section by section unless requested by a member of the Legislature.~~

PROPOSED RULES CHANGE 8

Rule 6, Sec. 4. Enrollment and Review. Bills when advanced to Enrollment and Review shall be reviewed for recommendations relative to arrangement, phraseology, and correlation. Advancement to Enrollment and

Review from General File for such purpose shall require a majority of the elected members. ~~A motion to return to General File from Enrollment and Review shall, for adoption, require the concurrence of a majority of the elected members.~~

PROPOSED RULES CHANGE 9

Rule 3, Sec. 4. Select Committees. (a) The select committees of the Legislature shall be as follows:

Committee on Committees	13 members
Enrollment and Review	1 member
Reference	9 members
Rules	6 members

(b) The Speaker of the Legislature shall serve as one of the six members and shall be an ex officio member of the Rules Committee. Select committees shall be subject to the same procedural rules as standing committees insofar as they are applicable. In addition, the following provisions shall apply:

(c) Committee on Committees.

(i) The Committee on Committees shall have authority to call before it a committee chairperson and discuss the workload of said committee. It shall hear and dispose of all written complaints filed with said committee by a senator against any committee chairperson. The Committee on Committees shall conduct said hearing in accordance with its own rules.

(d) Enrollment and Review.

(i) The Chairperson of Enrollment and Review shall report bills which have been engrossed for Final Reading and passage. In the absence of the Chairperson, the Vice Chairperson of the Judiciary Committee shall assume the duties of the Chairperson of the Enrollment and Review Committee.

(ii) The bill drafting service shall have supervision of and provide legal services for the Enrollment and Review Committee.

(iii) The Chairperson of Enrollment and Review shall have authority, without being required to include the same specifically in his or her reports and recommendations to the Legislature, in accord with accepted usage:

- (A) To correct the spelling of words, to correct erroneous division and hyphenation of words, to capitalize or decapitalize words, to convert masculine or feminine referents to neutral gender when appropriate, and to change numbers from words to figures or from figures to words, in new and independent acts, in the new matter of amendatory acts, in standing committee reports, and in General File, Select File, and specific amendments.
- (B) To underscore or remove underscoring, as the case requires, in standing committee reports and in General File, Select File, and specific amendments.
- (C) When an amendment to add the emergency clause, the severability clause, or provide an operative date is adopted on Select File which

does not spell out the standard clause or section and make the necessary change in the title, the Chairperson of Enrollment and Review shall also have the authority to add to the engrossed bill the standard clause or section, assigning to it the appropriate section number, and make the necessary change in the title as a matter of course without including such action in his or her reports and recommendations to the Legislature or making any special record thereof.

- (D) To add and/or delete names of introducers to reflect action on the bill while the bill remains in the possession of the Legislature at any stage of consideration.
- (E) To reflect votes on Final Reading as they may occur pursuant to Rule 6, Section 10 and Rule 6, Section 15.

(e) Reference Committee.

(i) The Executive Board shall constitute the Reference Committee. The Reference Committee shall review each bill and resolution and either refer the matter to the appropriate committee or to General File. The appropriate committee is that committee which has subject-matter jurisdiction over the issue or which has traditionally handled the issue.

(ii) All nominations made to the Legislature by the Governor, requiring confirmation by the Legislature shall be referred to the appropriate standing committee and the same procedure shall be followed as governs the handling of other matters before standing committees, unless the Legislature shall otherwise direct by unanimous vote.

(iii) The Clerk of the Legislature's office shall be responsible for the collection of pertinent information on gubernatorial appointments. That information will be distributed to the appropriate standing committee prior to the time of the confirmation hearing. The Clerk's office shall be the "depository" for background information on the individual, a statement of financial interests if applicable, and other biographical information that the committee chair feels is appropriate for the committee to have before it during the confirmation process.

(iv) The committees to which a gubernatorial appointee has been referred for confirmation shall conduct a confirmation hearing. Each appointee shall be required to appear in person before the committee conducting the confirmation hearing. The appearance of the appointee may be waived for good cause as determined by the chair of the committee.

The committee shall prepare a report ~~either approving or rejecting which approves, rejects, or in the event of a tie, makes no recommendation on~~ the appointment. Said report shall be filed with the Clerk of the Legislature. The Legislature shall then have the opportunity to accept or reject the report of the committee.

If the Legislature fails to adopt a report to approve an appointment by a majority vote of the elected members, the appointment is thereby rejected. If the Legislature fails to act the appointment is thereby rejected.

If the report coming from the committee is to reject the appointment, and the Legislature fails to adopt the report by a majority vote of the elected members, then the appointment is thereby approved.

In the event a motion on a report fails to receive either in the affirmative or negative a majority vote of the elected members, then such appointment shall be deemed rejected.

In the event that the committee files a report making no recommendation on the appointment, the report shall be considered by the Legislature within five legislative days, and no later than the scheduled adjournment sine die of the current legislative session. The Legislature shall consider a motion to approve the appointment, which shall require a majority of the elected members for approval. If the Legislature fails to approve the motion, the appointment is thereby rejected.

(v) Any appointment letter received by the Clerk of the Legislature during the last ~~eight~~ ten calendar days of any regular legislative session shall not be acted upon. Acknowledgment of receipt of the appointment shall be deferred until the next regular or special session of the Legislature.

(f) Rules Committee.

All proposed rules changes shall be set for public hearing within five legislative days after their referral to the committee. The hearing shall take place within fifteen legislative days after the referral, and the committee shall take final action on the proposal within ten legislative days after the hearing.

(g) Investigating Committees.

The Committee on Committees may appoint other select committees when authorized by the Legislature. No investigating committee of the Legislature shall be created except by resolution which shall set forth, with supporting statements, the reasons for and the purposes of the investigation, and no committee thus established shall function except during the interim between legislative sessions.

Add a new sub-section and renumber the remaining sections.

~~(h)~~ Sec. 6. Redistricting Committee.

~~(i)~~ (a) The Redistricting Committee of the Legislature shall be established as a special committee of the Legislature in January of each year ending in one. The committee is authorized to introduce and exercise jurisdiction over legislative bills and resolutions relating to redistricting and hold hearings regarding such legislation.

~~(ii)~~ (b) The committee shall be comprised of nine members of the Legislature, three from each congressional district existing on January 1 of each year ending in zero. The Executive Board shall appoint the members of the committee in January of each year ending in one. No more than five members appointed to the committee shall be affiliated with the same political party. A vacancy on the committee shall be filled by the Executive Board as soon as possible after the vacancy occurs.

~~(iii)~~ (c) At the first meeting of the committee, the members shall select from among themselves by majority vote one member to serve as chairperson of the committee and one member to serve as vice-chairperson

of the committee. The chair and vice chair shall not be a member of the same political party.

~~(iv)~~ (d) The committee shall continue in existence until all bills containing redistricting plans for which the Legislature has responsibility are passed and signed by the Governor. In the event of a successful legal challenge to any part of a redistricting plan, the committee shall be reconstituted for purposes of reformulating the challenged redistricting plan.

~~(v)~~ (e) The committee shall receive staff support from the office of the director of Legislative Research.

~~(vi)~~ (f) The committee shall, after reviewing previous redistricting guidelines used by the Legislature, adopt substantive and procedural guidelines that will guide the Legislature's redistricting process. During the legislative session of each year ending in one, the substantive guidelines adopted by the committee shall be presented to the Legislature for approval.

~~(vii)~~ (g) The committee shall at the earliest feasible time make available to the public the substantive guidelines prepared by the committee.

~~(viii)~~ (h) The committee shall introduce legislative bills pertaining to redistricting congressional districts and other districts during the legislative session of each year ending in one.

~~(ix)~~ (i) Based upon the information received from the United States Department of Commerce, Bureau of the Census, the committee shall formulate redistricting plans for congressional districts and other districts. The statistics and redistricting plans shall be made available to the Legislature and the public.

~~(x)~~ (j) After the statistics and redistricting plans are made available to the Legislature and the public, the committee shall schedule and conduct, as expeditiously as reasonably possible, at least one public hearing in each congressional district for the purposes of soliciting input on the proposed redistricting plans. Video and other methods may be used in addition to the procedures outlined for public hearings but not in substitution for such procedures.

~~(xi)~~ (k) In addition to the above procedures, legislation introduced for the purpose of complying with the decennial redistricting process in years ending in one, shall follow the normal procedures for any legislation introduced in the Nebraska Legislature.

PROPOSED RULES CHANGE 10

Rule 3, Sec. 18. Committee Statement. (a) The chairperson of each committee with the assistance of the legislative staff shall, when reporting a bill, submit with such bill a committee statement which shall contain, but need not be limited to, the following information:

- (1) the one-line title and number of the bill;
- (2) a roll call vote of final committee action taken on the bill;
- (3) the date of the public hearing on the bill;
- (4) a list of all individuals testifying for and against the bill and any organization they represent;

- (5) a summary of the bill's purpose and a description of all major provisions for change in the bill as written and as amended by the committee;
- (6) if committee amendments are to be introduced, a copy of the amendments and an explanation thereof.

The Clerk of the Legislature may reject for filing any bill for which the committee statement fails to contain the information required by this rule.

(b) A copy of the proposed statement shall be distributed to each committee member within five days after final action on the bill has been taken by the committee. A minority or concurring statement bearing the signature or signatures of its proponents and setting forth objections to the bill, to proposed amendments, or to the majority statement may be filed by its author(s) with the Clerk of the Legislature at any time prior to the first hearing of the bill on General File.

(c) A copy of the committee statement and any minority statements submitted shall be distributed to each senator after filing with the Clerk of the Legislature. Copies of such statements shall be made available to the public.

PROPOSED RULE CHANGE 11

Rule 3, Sec. 7. Chairperson, Vice Chairperson. (a) The chairperson of each standing and select committee shall be selected by secret ballot on the floor of the Legislature.

(b) The chairperson of a special committee shall be selected in the manner provided by the act authorizing the committee, or if not specified, by the Executive Board.

(c) Each committee shall elect from its membership a vice chairperson to serve in the absence of the chairperson.

(d) The chairperson may, at his or her discretion, assume the title of chairman, chairwoman, or chair for legislative purposes.

VISITOR

The Doctor of the Day was Dr. Kathleen Amyot from Hastings.

ADJOURNMENT

At 10:58 a.m., on a motion by Senator Campbell, the Legislature adjourned until 10:00 a.m., Tuesday, January 20, 2009.

Patrick J. O'Donnell
Clerk of the Legislature

