

**EIGHTY-THIRD DAY - MAY 21, 2009****LEGISLATIVE JOURNAL****ONE HUNDRED FIRST LEGISLATURE  
FIRST SESSION****EIGHTY-THIRD DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, May 21, 2009

**PRAYER**

The prayer was offered by Chaplain Oledia Bell, Lieutenant Colonel, Deputy Wing Chaplain - Offutt Air Force Base, Offutt.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Flood presiding.

The roll was called and all members were present except Senators Council and McCoy who were excused; and Senators Christensen, Gay, and Wightman who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the eighty-second day was approved.

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on May 20, 2009, at 9:10 p.m. were the following: LBs 531, 533e, 537, 540e, 562, 587, 598, 604e, 627, and 631e.

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

**REPORT**

The following report was received by the Legislature:

**Revenue, Nebraska Department of**

Report of Examination of State of Nebraska Auditor of Public Accounts  
for Fiscal Year Ended June 30, 2008

**COMMUNICATION**

Received a copy of House Concurrent Resolution No. 3063 from the state of North Dakota relating to North Dakota's sovereignty under the 10th Amendment and their demand that the federal government halt its practice of assuming powers and imposing mandates on states for purposes not enumerated in the Constitution of the United States.

**UNANIMOUS CONSENT - Add Cointroducers**

Senator Mello asked unanimous consent to add his name as cointroducer to LR114, LR139, LR149, LR163, LR195, LR199, LR201, LR219, and LR238. No objections. So ordered.

Senator Nantkes asked unanimous consent to add her name as cointroducer to LR173. No objections. So ordered.

**SELECT FILE**

**LEGISLATIVE BILL 218A.** ER8131, found on page 1430, was adopted.

Senator Cornett withdrew her amendment, AM1453, found on page 1577.

Senator Cornett renewed her motion, MO53, found on page 1652, to indefinitely postpone.

**PRESIDENT SHEEHY PRESIDING**

Senator Karpisek moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 33 ayes, 4 nays, and 12 not voting.

The Cornett motion to indefinitely postpone prevailed with 28 ayes, 13 nays, 6 present and not voting, and 2 excused and not voting.

**COMMITTEE REPORTS****Agriculture**

The Agriculture Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Al Berndt - Climate Assessment Response Committee

Aye: 7 Senators Carlson, Dierks, Dubas, Karpisek, Price, Schilz, Wallman.  
Nay: 0. Absent: 1 Senator Council.

The Agriculture Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

William Marshall III - Nebraska State Fair Board

Aye: 7 Senators Carlson, Dierks, Dubas, Karpisek, Price, Schilz, Wallman.  
Nay: 0. Absent: 1 Senator Council.

(Signed) Tom Carlson, Chairperson

### **REFERENCE COMMITTEE REPORT**

#### 2009 Resolutions calling for an Interim Study

LR42	Interim study to identify methods necessary to assist Nebraska farms in providing local schools with Nebraska-grown farm commodities for schools meals and snacks	Agriculture
LR82	Interim study to examine issues relating to the Grand Island Veterans' Home	Government, Military and Veterans Affairs
LR83	Interim study relating to expanded development of wind energy in Nebraska	Natural Resources
LR88	Interim study to examine the issuance of LPD-learner's permits	Transportation and Telecommunications
LR95	Interim study to examine the needs, resources, and responsibilities of the Dept. of Revenue and its divisions	Revenue
LR96	Interim study to examine the responsiveness of state agencies when they are requested to provide information to the Legislature	Executive Board
LR97	Interim study to examine the major sources of state and local tax revenue	Revenue
LR101	Interim study to examine issues relating to the impact of additional well development on water use by domestic wells in areas of the state where ground water supplies are limited	Natural Resources
LR102	Interim study to examine issues relating to the Nebraska Expressway System	Transportation and Telecommunications

LR103	Interim study to examine the statutory duties of riparian landowners adjacent to natural streams and other watercourses for the control and removal of noxious and invasive vegetation	Agriculture
LR104	Interim study to examine mechanisms to mitigate marketing risks to producers and other grain market participants beyond those available under the Grain Dealer Act and the Grain Warehouse Act	Agriculture
LR106	Interim study to examine the economic impact of retirement income on the State of Nebraska and the most appropriate way to tax such income	Revenue
LR109	Interim study to examine the issue of juvenile overcrowding in youth detention centers	Judiciary
LR112	Interim study to examine Nebraska's fence laws and develop a proposal to refine and simplify the laws as applied in rural and urban areas	Agriculture
LR113	Interim study 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	Judiciary
LR114	Interim study to examine whether Nebraska should amend the Delayed Deposit Services Licensing Act to provide for greater consumer protections for customers of payday lenders	Banking, Commerce and Insurance
LR115	Interim study to review issues under the jurisdiction of the Natural Resources Committee	Natural Resources
LR116	Interim study to examine issues relating to early childhood education and kindergarten eligibility	Education
LR117	Interim study to determine the positive and negative outcomes that could result from aligning the school fiscal year with the state fiscal year	Education
LR118	Interim study to examine issues under the jurisdiction of the Education Committee	Education

LR119	Interim study to examine the initiative and referendum process and how petitions are circulated	Government, Military and Veterans Affairs
LR120	Interim study to examine the history of salary, benefit, and retirement packages available to Nebraska public school employees	Nebraska Retirement Systems
LR121	Interim study to examine the structure, authority, and mission of the Nebraska School Activities Association	Education
LR122	Interim study to examine the feasibility of making the Game and Parks Commission a code agency	Natural Resources
LR123	Interim study to examine the Department of Labor's authority to conduct workplace safety inspections	Business and Labor
LR124	Interim study to examine the use of eminent domain by natural resources districts for the taking of private land for development or management of recreational trails or corridors	Natural Resources
LR126	Interim study to examine issues under the jurisdiction of the Government, Military and Veterans Affairs Committee	Government, Military and Veterans Affairs
LR127	Interim study to examine the issue of election day registration	Government, Military and Veterans Affairs
LR128	Interim study to examine issues relating to the laws of Nebraska governing the management and use of Nebraska surface water and ground water	Natural Resources
LR129	Interim study to examine updating statutes which restrict the unauthorized use of the word bank	Banking, Commerce and Insurance
LR130	Interim study to examine whether provisions of the Nebraska Pure Food Act should be updated in relation to the growing trend of home baking, canning, and small food businesses in Nebraska	Agriculture
LR131	Interim study to examine school accountability	Education
LR132	Interim study to examine updating statutes to provide for partial payment of insurance policy proceeds to a city or village for certain damages or losses	Banking, Commerce and Insurance

LR133	Interim study to examine retirement issues relating to military leave and persons returning to employment following military leave	Nebraska Retirement Systems
LR134	Interim study to examine the public employees retirement systems administered by the Public Employees Retirement Board	Nebraska Retirement Systems
LR135	Interim study to examine the pension benefits offered to professional firefighters in cities of the first class	Nebraska Retirement Systems
LR136	Interim study to examine the public psychiatric rehabilitation in secure settings that is available to chronically and severely impaired mentally ill persons residing in Nebraska	Health and Human Services
LR137	Interim study to determine whether a reserve is necessary for the defined benefit retirement plans prior to the Legislature's approval of any benefit improvements	Nebraska Retirement Systems
LR138	Interim study to examine issues under the jurisdiction of the Judiciary Committee	Judiciary
LR139	Interim study to examine the tax climate for Nebraska's retired citizens	Revenue
LR140	Interim study to examine the quality of jobs created under the Nebraska Advantage and Nebraska Super Advantage programs	Revenue
LR141	Interim study to examine the subject matter of LB 474, 2009, that would have required the state and its governmental subdivisions to pay property tax on property that was not being used for a public purpose	Revenue
LR142	Interim study to examine issues under the jurisdiction of the Transportation and Telecommunications Committee	Transportation and Telecommunications
LR143	Interim study to examine Nebraska statutes and address the lack of governance regarding off-road vehicles	Transportation and Telecommunications
LR144	Interim study to examine the Commission of Industrial Relations and the statutory requirements for comparable wages and conditions of employment for municipal employees	Business and Labor

LR145	Interim study to determine whether Nebraska should update its version of the Uniform Commercial Code, Article 9, relating to secured transactions	Banking, Commerce and Insurance
LR146	Interim study to determine whether Nebraska should enact the Uniform Limited Partnership Act (2001)	Banking, Commerce and Insurance
LR147	Interim study to determine whether Nebraska should enact the Revised Uniform Limited Liability Company Act (2006)	Banking, Commerce and Insurance
LR148	Interim study to evaluate the State of Nebraska's wellness program and provide policy options	Health and Human Services
LR149	Interim study to examine how school finance data is reported to the public and what type of information would assist the Legislature in evaluating the cost effectiveness of state aid for K-12 education	Education
LR150	Interim study to examine the Department of Health and Human Services' plan to contract for delivery of medicaid services using an at-risk capitated managed care model	Health and Human Services
LR151	Interim study to consider and recommend funding strategies for the improvement of the Centennial Mall area of the Nebraska State Capitol Environs District	Government, Military and Veterans Affairs
LR152	Interim study to examine Nebraska's highway funding structure and to recommend possible alternatives to the traditional methods	Transportation and Telecommunications
LR153	Interim study to examine whether Nebraska should repeal statutes that allow persons not lawfully present in the United States to pay resident tuition at Nebraska postsecondary educational institutions	Education
LR154	Interim study to examine the need for age-appropriate and size-appropriate booster seats on school district vehicles	Transportation and Telecommunications

LR155	Interim study to provide recommendations and examine issues relating to rates paid by the state to providers of publicly-funded behavioral health services	Appropriations/Health and Human Services
LR156	Interim study to identify the statutory powers and duties of the Department of Health and Human Services and to prioritize the programs and services administered by the department	Health and Human Services
LR157	Interim study to review, assess, and provide recommendations relating to the implementation of the Nebraska Health Care Funding Act	Appropriations/Health and Human Services
LR158	Interim study to conduct research and provide recommendations for reform of Nebraska's health care delivery system and health care financing system	Select Committee
LR159	Interim study to examine the future need for health care workers in Nebraska	Health and Human Services
LR160	Interim study to review and provide recommendations relating to the statewide telehealth network	Health and Human Services
LR161	Interim study to examine Nebraska's sales and use tax provisions	Revenue
LR162	Interim study to examine the competitive bidding statutes for the purchase of machinery and equipment	Government, Military and Veterans Affairs
LR163	Interim study to examine issues which fall under the jurisdiction of the Nebraska Accountability and Disclosure Commission	Government, Military and Veterans Affairs
LR164	Interim study to examine the federal Fostering Connections to Success and Increasing Adoptions Act of 2008 and its implementation in Nebraska	Health and Human Services
LR165	Interim study to examine issues relating to the adoption of a corporate and individual income tax credit scholarship program	Education/Revenue
LR166	Interim study to conduct a comprehensive review of state and local taxes in Nebraska	Revenue
LR167	Interim study to examine the issue of homeless youth in Nebraska	Health and Human Services/Education
LR168	Interim study to examine the factors contributing to childhood obesity	Health and Human Services



LR172	Interim study to analyze the education and training available that could lead to careers in high-demand industries in Nebraska	Education
LR173	Interim study to examine the film industry in Nebraska and whether tax incentives could be used to encourage future economic growth	Revenue
LR174	Interim study to examine ways to provide low-income families with access to high quality child care	Health and Human Services
LR175	Interim study to examine ways to increase financial literacy in Nebraska through financial literacy education classes	Education
LR176	Interim study to examine the feasibility of creating a fund that would be used to help organizations market large-scale events in Nebraska	Appropriations
LR177	Interim study to examine issues relating to the current mechanism utilized by the Public Service Commission to allocate money deposited in the Enhanced Wireless 911 Fund to wireless carriers	Transportation and Telecommunications
LR178	Interim study to examine the need-based financial aid program that was created by the Legislature relating to higher education	Education/ Appropriations
LR179	Interim study to examine the requirements and conditions of the state's contract with Magellan Behavioral Health Services	Health and Human Services
LR180	Interim study to examine the role of educational service units within learning communities	Education
LR181	Interim study to examine the feasibility and benefits of restructuring the natural resources districts	Natural Resources
LR182	Interim study to examine issues relating to recruiting and retaining volunteer firefighters and volunteer emergency medical care providers	Revenue
LR183	Interim study to examine creating a specialized magistrate for the state's largest courts	Judiciary

LR184	Interim study to examine the process by which the Division of Children and Family Services of the Dept. of Health and Human Services places Nebraska citizens on the central register of child protection cases	Judiciary
LR185	Interim study to examine the impact of employer misclassification of employees in Nebraska	Business and Labor
LR186	Interim study to examine workers' compensation insurance premiums	Business and Labor
LR187	Interim study to examine issues relating to LB560 which would have amended laws regarding the towing of motor vehicles	Transportation and Telecommunications
LR188	Interim study to review the practice of using credit information for insurance purposes	Banking, Commerce and Insurance
LR189	Interim study to examine Nebraska's court-appointed special advocate programs	Judiciary
LR190	Interim study to review the current practice of issuing handicapped parking permits	Urban Affairs
LR191	Interim study to examine Nebraska's laws regarding a persons' right in their home to defend another person's life by reasonable force and to review the Castle Doctrine laws	Judiciary
LR192	Interim study to examine allowing individuals who are fourteen and fifteen years of age, the authority to travel to and from work, under similar laws and regulations to school permits	Transportation and Telecommunications
LR193	Interim study to examine the impact of LB436 which established a statewide net metering policy	Natural Resources
LR194	Interim study to examine unintended pregnancies and sexually transmitted diseases	Health and Human Services
LR195	Interim study to examine energy efficiency	Natural Resources
LR196	Interim study to determine whether the Nebraska Liquor Control Act should be updated with respect to retail licenses	General Affairs
LR197	Interim study to review matters under the jurisdiction of the General Affairs Committee	General Affairs

LR198	Interim study to examine 529 college savings plans including their performance and administration	Nebraska Retirement Systems
LR199	Interim study to examine the situation in Whiteclay, Nebraska, regarding the sale of alcohol and its secondary effects	General Affairs/ Judiciary
LR200	Interim study to determine if Thurston County is entitled to automatic state aid payments and a reimbursement for law enforcement on the reservations	Revenue
LR201	Interim study to examine LB381, which would have created the Community Improvement District Act and the Transportation Development District Act	Urban Affairs
LR202	Interim study to investigate the full range of powers granted to municipalities which involve jurisdiction over residents in areas outside of municipal boundaries	Urban Affairs
LR203	Interim study to examine the cost-effectiveness of upgrading the Nebraska Energy Code for new commercial construction	Urban Affairs
LR204	Interim study to review matters under the jurisdiction of the Urban Affairs Committee	Urban Affairs
LR205	Interim study to review the status of current state law regarding the various building and construction codes currently in use by cities and villages	Urban Affairs
LR206	Interim study to examine issues relating to learning communities	Education
LR207	Interim study to examine the statutory means by which a city of the primary class would establish a separate transit authority	Urban Affairs
LR208	Interim study to focus on innovative and creative solutions to supplement traditional economic development tools	Banking, Commerce and Insurance
LR209	Interim study to examine the implications of requiring communities to partner with the state in the delivery of health and human services previously provided by state employees	Appropriations/Health and Human Services
LR210	Interim study to determine whether lodging taxes should apply to home rentals	Revenue

LR211	Interim study to determine whether sales tax collected on heating fuels should be changed to an excise tax	Revenue
LR212	Interim study to examine the valuation of agricultural land for tax purposes in Nebraska and in surrounding states	Revenue
LR213	Interim study to determine whether current business tax incentive programs should be changed when jobs were part of a bankrupt entity	Revenue
LR214	Interim study to examine local government levy limits and property tax proposals that have been implemented since 1995	Revenue
LR215	Interim study to examine the current processes and procedures in statute applicable to county boards of equalization	Revenue
LR216	Interim study to identify the range of occupations taxes which are currently levied by cities and villages in Nebraska	Urban Affairs
LR217	Interim study to examine ways to encourage entrepreneurship and private funding programs in Nebraska	Banking, Commerce and Insurance
LR218	Interim study to determine ways the State of Nebraska can promote and increase the export of Nebraska's agricultural products	Agriculture
LR219	Interim study to determine ways the state can play a role in reducing truancies among Nebraska's K-12 students	Education
LR220	Interim study to review recent trends and developments in the regulation of the business of insurance	Banking, Commerce and Insurance
LR221	Interim study to determine ways the State of Nebraska could promote energy conservation in commercial buildings and residential properties	Natural Resources
LR222	Interim study to examine granting the Department of Environmental Quality the statutory authority to file and collect environmental liens on property	Natural Resources

LR225	Interim study to examine the actions other states and organizations have taken to strengthen marriage and reduce divorce through policy change and marriage education	Judiciary
LR226	Interim study to examine medical malpractice liability	Judiciary
LR227	Interim study to conduct research and make recommendations relating to peer support for mental health consumers	Health and Human Services
LR228	Interim study to examine organic foods	Agriculture
LR229	Interim study to examine the impact of federal and state bans on the slaughter of horses and options available for the disposal of horses	Agriculture
LR230	Interim study to examine matchup or lineup video gaming devices that award monetary prizes	General Affairs
LR231	Interim study to examine ways the state could promote job creation in the more economically disadvantaged rural communities in Nebraska	Business and Labor
LR232	Interim study to examine the occupation taxes imposed on wireless telecommunication services	Revenue
LR233	Interim study to examine judicial resources and the allocation of judicial resources	Judiciary
LR234	Interim study to review current statutes and regulations related to community-based developmental disability service providers	Health and Human Services
LR235	Interim study to examine water issues	Natural Resources
LR236	Interim study to examine in vitro fertilization	Judiciary
LR237	Interim study to evaluate the period of time juveniles are involved in the Nebraska juvenile court system	Judiciary
LR238	Interim study to examine the proliferation of retail liquor licenses	General Affairs
LR239	Interim study to assess the effectiveness of existing community corrections programs	Judiciary

LR240	Interim study to examine ideas for encouraging responsible livestock development through participation and partnerships between communities, counties, organizations, and state agencies	Agriculture
LR241	Interim study to examine the valuation processes of real property	Revenue

(Signed) John Wightman, Chairperson  
Executive Board

### BILLS ON FINAL READING

The following bill was read and put upon final passage:

#### **LEGISLATIVE BILL 9.** With Emergency Clause.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704.13, Reissue Revised Statutes of Nebraska, and sections 77-2701 and 77-2701.04, Revised Statutes Cumulative Supplement, 2008; to exempt mineral oil from sales and use taxes as prescribed; to exempt wood and corn used as fuel in irrigation and farming from sales and use taxes; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

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

Voting in the negative, 3:

Fulton	Hansen	Heidemann
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Excused and not voting, 2:

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

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB63 with 44 ayes, 0 nays, 3 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

#### **LEGISLATIVE BILL 63. With Emergency Clause.**

A BILL FOR AN ACT relating to law; to amend sections 28-101, 28-111, 28-308, 28-309, 28-929, 28-930, 28-1201, 28-1202, 28-1204, 28-1204.01, 28-1204.04, 28-1205, 28-1206, 28-1207, 28-1208, 28-1212.02, 28-1212.03, 29-401, 29-901, 29-901.01, 29-1912, 29-2320, 29-2321, 43-245, 43-250, 43-276, 69-2407, and 83-183, Reissue Revised Statutes of Nebraska, and sections 13-2610, 47-632, 60-497.01, 69-2404, 69-2410, and 69-2430, Revised Statutes Cumulative Supplement, 2008; to permit the use of the Convention Center Support Fund for the reduction of street and gang violence; to change provisions relating to penalty enhancements, assault, firearm and handgun offenses, deadly weapon offenses, bail, handgun certificates, and concealed handgun permits; to prohibit the unauthorized application of graffiti, discharge of a firearm while in or near a motor vehicle, and unlawful membership recruitment for an organization; to change provisions relating to the use of jailhouse witnesses and appeals by the Attorney General; to change and provide penalties; to change provisions relating to detention of juveniles and the Nebraska Juvenile Code; to provide for the transfer of community corrections administrative funds to the Office of Violence Prevention; to require abstracts of convictions to be transmitted to the Director of Motor Vehicles; to create the Office of Violence Prevention, an advisory council, and a fund; to permit supervised employment of persons committed to the Department of Correctional Services; to adopt the Lindsay Ann Burke Act; to eliminate provisions relating to the use of jailhouse informers and persons released on probation, parole, or work release by law enforcement; to harmonize provisions; to provide severability; to repeal the original sections; to outright repeal sections 29-1928, 29-1929, and 29-2262.01, Reissue Revised Statutes of Nebraska; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

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

Voting in the negative, 4:

Hansen	Heidemann	Stuthman	Utter
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Excused and not voting, 2:

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

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 63A.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 63, One Hundred First Legislature, First Session, 2009; to provide for the distribution and administration of funds; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

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

Voting in the negative, 4:

Hansen	Heidemann	Stuthman	Utter
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Excused and not voting, 2:

Council            McCoy

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

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB237 with 42 ayes, 0 nays, 5 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

### **LEGISLATIVE BILL 237.**

A BILL FOR AN ACT relating to children; to amend section 43-1005, Reissue Revised Statutes of Nebraska; to adopt the Interstate Compact for Juveniles and the Interstate Compact for the Placement of Children; to provide for a compact administrator and an advisory council; to provide for certain expenses related to the Interstate Compact for Juveniles; to eliminate the Interstate Compact on Juveniles and the Interstate Compact on the Placement of Children and related provisions; to repeal the original section; and to outright repeal sections 43-1001, 43-1002, 43-1003, 43-1004, 43-1006, 43-1007, 43-1008, 43-1009, 43-1010, 43-1101, and 43-1102, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Council McCoy

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

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 237A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 237, One Hundred First Legislature, First Session, 2009.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Council McCoy

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

**LEGISLATIVE BILL 246.**

A BILL FOR AN ACT relating to biotechnology; to provide for development of a statewide strategic plan for biotechnology; to create a fund; to define terms; to eliminate the Biopower Steering Committee and the Biopower Development Cash Fund; and to outright repeal section 66-1701, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 37:

Adams	Dierks	Howard	Mello	Rogert
Ashford	Dubas	Janssen	Nantkes	Schilz
Avery	Gay	Karpisek	Nelson	Sullivan
Campbell	Giese	Langemeier	Nordquist	Wallman
Carlson	Gloor	Lathrop	Pahls	White
Christensen	Haar	Lautenbaugh	Pankonin	
Cook	Hadley	Louden	Pirsch	
Cornett	Harms	McGill	Price	

Voting in the negative, 5:

Friend	Hansen	Heidemann	Stuthman	Utter
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Present and not voting, 5:

Coash	Fischer	Flood	Fulton	Wightman
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Excused and not voting, 2:

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

### **LEGISLATIVE BILL 246A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 246, One Hundred First Legislature, First Session, 2009.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 33:

Adams	Dierks	Hadley	McGill	Rogert
Ashford	Dubas	Harms	Mello	Schilz
Avery	Flood	Howard	Nantkes	Sullivan
Campbell	Gay	Janssen	Nordquist	Wallman
Carlson	Giese	Karpisek	Pahls	White
Cook	Gloor	Langemeier	Pankonin	
Cornett	Haar	Lathrop	Price	

Voting in the negative, 10:

Christensen	Fulton	Heidemann	Nelson	Stuthman
Friend	Hansen	Lautenbaugh	Pirsch	Utter

Present and not voting, 4:

Coash            Fischer            Louden            Wightman

Excused and not voting, 2:

Council            McCoy

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

**LEGISLATIVE BILL 420.** With Emergency Clause.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704.12, Revised Statutes Cumulative Supplement, 2008; to change provisions relating to sales and use tax exemptions for certain nonprofit entities; to provide an operative date; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 42:

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

Voting in the negative, 0.

Present and not voting, 5:

Friend            Fulton            Pahls            Utter            Wightman

Excused and not voting, 2:

Council            McCoy

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

**LEGISLATIVE BILL 464.**

A BILL FOR AN ACT relating to schools; to amend section 79-217, Reissue Revised Statutes of Nebraska; to require booster immunizations as prescribed for students entering seventh grade; to harmonize provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Present and not voting, 1:

Pirsch

Excused and not voting, 2:

Council      McCoy

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

**LEGISLATIVE BILL 464A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 464, One Hundred First Legislature, First Session, 2009.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Council            McCoy

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

#### **LEGISLATIVE BILL 555.**

A BILL FOR AN ACT relating to the Nebraska Advantage Research and Development Act; to amend section 77-5803, Revised Statutes Cumulative Supplement, 2008; to change the research tax credit; to provide an operative date; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 40:

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

Voting in the negative, 4:

Hansen            Heidemann    Stuthman    Utter

Present and not voting, 3:

Adams            Fischer            Friend

Excused and not voting, 2:

Council        McCoy

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

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB603 with 42 ayes, 2 nays, 3 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

#### **LEGISLATIVE BILL 603.** With Emergency Clause.

A BILL FOR AN ACT relating to health; to amend sections 68-911, 68-915, 71-801, and 71-808, Revised Statutes Cumulative Supplement, 2008; to change provisions relating to medical assistance and behavioral health services; to adopt the Behavioral Health Workforce Act and the Children and Family Behavioral Health Support Act; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

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

Voting in the negative, 2:

Friend        Langemeier

Excused and not voting, 2:

Council        McCoy

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

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 603A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 603, One Hundred First Legislature, First Session, 2009; and to reduce appropriations.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

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

Voting in the negative, 2:

Friend            Langemeier

Excused and not voting, 2:

Council            McCoy

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

**LEGISLATIVE BILL 671.**

A BILL FOR AN ACT relating to death investigations; to amend sections 23-1212, 23-1213, and 23-1218, Reissue Revised Statutes of Nebraska; to change the membership of the Nebraska County Attorney Standards Advisory Council; to provide powers and duties for the council regarding establishment of checklists, standardized procedures, best practices, a voluntary network of regional officials, and standardized forms; to require training for coroners and deputy coroners; to provide duties for the Nebraska Commission on Law Enforcement and Criminal Justice; to harmonize provisions; and to repeal the original sections.



Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Council          McCoy

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

### **LEGISLATIVE BILL 671A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 671, One Hundred First Legislature, First Session, 2009.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Present and not voting, 1:

Campbell

Excused and not voting, 2:

Council            McCoy

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

### PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 9, 63, 63A, 237, 237A, 246, 246A, 420, 464, 464A, 555, 603, 603A, 671, and 671A.

### SELECT FILE

**LEGISLATIVE BILL 285.** ER8103, found on page 1260, was adopted.

Senator Lautenbaugh renewed his amendment, AM1465, found on page 1661.

Senator Lautenbaugh offered the following amendment to his amendment: AM1496

(Amendments to AM1465)

- 1     1. On page 31, line 7, after "is" insert "residing, has a
- 2     temporary domicile, or is habitually".
- 3     2. On page 38, line 3, after "requirements" insert ", if
- 4     eligible".

The Lautenbaugh amendment was adopted with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

The Lautenbaugh amendment, AM1465, as amended, was adopted with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 542.** ER8130, found on page 1430, was adopted.

Senator Karpisek renewed his motion, MO52, found on page 1608, to bracket until May 29, 2009.

Pending.

**COMMITTEE REPORTS**  
Enrollment and Review

**LEGISLATIVE BILL 35.** Placed on Final Reading Second.  
ST9062

(Final Reading copy)

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

1. In the Ashford amendment, AM1493:
  - a. "(Amendments to AM1468)" has been struck and "(Amendments to Final Reading copy)" inserted; and
  - b. On page 1, lines 1 and 2 have been struck; and in line 6 "2010" has been struck and "2011" inserted.

**LEGISLATIVE BILL 35A.** Placed on Final Reading Second.

**LEGISLATIVE BILL 675.** Placed on Final Reading.  
ST9061

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

1. In the Nordquist amendment, AM1492, on page 1, line 1, "; and page 8, line 13" has been inserted after "12"; and in line 4 "; and in line 13" has been struck and ". On page 5, line 13; and page 8, line 14," inserted.

(Signed) Jeremy Nordquist, Chairperson

**COMMITTEE REPORTS**  
Nebraska Retirement Systems

**LEGISLATIVE BILL 81.** Indefinitely postponed.  
**LEGISLATIVE BILL 424.** Indefinitely postponed.  
**LEGISLATIVE BILL 425.** Indefinitely postponed.

(Signed) Dave Pankonin, Chairperson

**COMMITTEE REPORT**  
Nebraska Retirement Systems

The Nebraska Retirement Systems Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Denis Blank - Public Employees Retirement Board  
Glenn Elwell - Public Employees Retirement Board  
Mark Shepard - Public Employees Retirement Board

Aye: 5 Senators Karpisek, Loudon, Mello, Nordquist, Pankonin. Nay: 0.  
Absent: 1 Senator Heidemann.

(Signed) Dave Pankonin, Chairperson

**MOTION - Print in Journal**

Senator Pankonin filed the following motion to LB134:

MO54

Indefinitely postpone.

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on May 21, 2009, at 11:00 a.m. were the following: LBs 9e, 63e, 63Ae, 237, 237A, 246, 246A, 420e, 464, 464A, 555, 603e, 603A, 671, and 671A.

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

**SELECT FILE**

**LEGISLATIVE BILL 542.** The Karpisek motion, MO52, found on page 1608 and considered in this day's Journal, to bracket until May 29, 2009, was renewed.

Senator Stuthman moved the previous question. The question is, "Shall the debate now close?"

Senator Stuthman moved for a call of the house. The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

The motion to cease debate prevailed with 26 ayes, 6 nays, 14 present and not voting, and 3 excused and not voting.

Senator Campbell requested a roll call vote on the Karpisek motion to bracket.

Voting in the affirmative, 12:

Dierks	Janssen	Lautenbaugh	Pahls
Fischer	Karpisek	Louden	Pankonin
Friend	Langemeier	Nantkes	Stuthman

Voting in the negative, 27:

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

Present and not voting, 7:

Ashford	Giese	Howard	White
Coash	Heidemann	Pirsch	

Excused and not voting, 3:

Council	Dubas	McCoy
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The Karpisek motion to bracket failed with 12 ayes, 27 nays, 7 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Karpisek renewed his amendment, AM1430, found on page 1607.

Senator Gloor moved the previous question.

Senator Karpisek requested a ruling of the Chair on whether there had been a full and fair debate, pursuant to Rule 7, Sec. 4, on his amendment.

The Chair ruled there had not been a full and fair debate on the Karpisek amendment.

Pending.

### **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 committee:

	Legislature's Planning Committee		
Adams	Gloor	Harms	McCoy
Mello	Sullivan		

### **ANNOUNCEMENT**

Senator Dierks announced the State-Tribal Relations Committee will meet Tuesday, May 26, 2009, at 9:00 a.m. in Room 2108.

### **AMENDMENT - Print in Journal**

Senator Lathrop filed the following amendment to LB622:  
AM1198

(Amendments to Standing Committee amendments, AM875)

- 1 1. Strike section 1 and insert the following section:
- 2 Section 1. Section 48-125, Revised Statutes Cumulative

3 Supplement, 2008, is amended to read:

4 48-125 (1) Except as hereinafter provided, all amounts  
5 of compensation payable under the Nebraska Workers' Compensation  
6 Act shall be payable periodically in accordance with the methods  
7 of payment of wages of the employee at the time of the injury  
8 or death. Fifty percent shall be added for waiting time for all  
9 ~~delinquent payments after thirty days' notice has been given of~~  
10 ~~disability or after thirty days compensation payments which are~~  
11 not made within thirty days: (a) After notice has been given of  
12 disability for which there is no reasonable controversy; (b) after  
13 the deadline for filing an appeal of an order, award, or judgment  
14 of the compensation court which is being reviewed or is on appeal  
15 for those portions of such order, award, or judgment for which  
16 there is no reasonable controversy; or (c) from the entry of a  
17 final order, award, or judgment of the compensation court; from  
18 which no appeal is or may be taken; except that for any award  
19 or judgment against the state in excess of one hundred thousand  
20 dollars which must be reviewed by the Legislature as provided in  
21 section 48-1,102, fifty percent shall be added for waiting time  
22 for delinquent payments thirty days after the effective date of  
1 the legislative bill appropriating any funds necessary to pay the  
2 portion of the award or judgment in excess of one hundred thousand  
3 dollars. Such payments shall be sent directly to the person  
4 entitled to compensation or his or her designated representative  
5 except as otherwise provided in section 48-149.

6 (2) Whenever the employer refuses payment of compensation  
7 or medical payments subject to section 48-120, or when the employer  
8 neglects to pay compensation for thirty days after injury or  
9 neglects to pay medical payments subject to such section after  
10 thirty days' notice has been given of the obligation for medical  
11 payments, and proceedings are held before the Nebraska Workers'  
12 Compensation Court, a reasonable attorney's fee shall be allowed  
13 the employee by the compensation court in all cases when the  
14 employee receives an award. Attorney's fees allowed shall not  
15 be deducted from the amounts ordered to be paid for medical  
16 services nor shall attorney's fees be charged to the medical  
17 providers. If the employer files an application for review before  
18 the compensation court from an award of a judge of the compensation  
19 court and fails to obtain any reduction in the amount of such  
20 award, the compensation court shall allow the employee a reasonable  
21 attorney's fee to be taxed as costs against the employer for such  
22 review, and the Court of Appeals or Supreme Court shall in like  
23 manner allow the employee a reasonable sum as attorney's fees for  
24 the proceedings in the Court of Appeals or Supreme Court. If the  
25 employee files an application for a review before the compensation  
26 court from an order of a judge of the compensation court denying an  
27 award and obtains an award or if the employee files an application  
1 for a review before the compensation court from an award of a judge  
2 of the compensation court when the amount of compensation due is

3 disputed and obtains an increase in the amount of such award, the  
4 compensation court may allow the employee a reasonable attorney's  
5 fee to be taxed as costs against the employer for such review, and  
6 the Court of Appeals or Supreme Court may in like manner allow the  
7 employee a reasonable sum as attorney's fees for the proceedings in  
8 the Court of Appeals or Supreme Court. A reasonable attorney's fee  
9 allowed pursuant to this section shall not affect or diminish the  
10 amount of the award.

11 (3) When an attorney's fee is allowed pursuant to this  
12 section, there shall further be assessed against the employer an  
13 amount of interest on the final award obtained, computed from the  
14 date compensation was payable, as provided in section 48-119, until  
15 the date payment is made by the employer, at a rate equal to the  
16 rate of interest allowed per annum under section 45-104.01, as such  
17 rate may from time to time be adjusted by the Legislature. Interest  
18 shall apply only to those weekly compensation benefits awarded  
19 which have accrued as of the date payment is made by the employer.  
20 If the employer pays or tenders payment of compensation, the amount  
21 of compensation due is disputed, and the award obtained is greater  
22 than the amount paid or tendered by the employer, the assessment of  
23 interest shall be determined solely upon the difference between the  
24 amount awarded and the amount tendered or paid.

### SELECT FILE

**LEGISLATIVE BILL 542.** The Karpisek amendment, AM1430, found on page 1607 and considered in this day's Journal, was renewed.

Senator Karpisek withdrew his amendment.

Senator Karpisek withdrew his amendment, AM1426, found on page 1607.

Senator Campbell offered the following motion:

MO56

Indefinitely postpone.

Laid over.

### GENERAL FILE

**LEGISLATIVE BILL 658.** Title read. Considered.

### SENATOR LANGEMEIER PRESIDING

Committee AM1487, found on page 1660, was adopted with 31 ayes, 0 nays, 9 present and not voting, and 9 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 6 present and not voting, and 9 excused and not voting.

**VISITORS**

Visitors to the Chamber were 28 sixth- through eighth-grade students and teachers from Central Middle School, Omaha; members of Boy Scout Troop 474 and Girl Scout Troop 5532 from Bellevue; Alar Karis from Estonia and Harry Huge; 22 fourth-grade students, teachers, and sponsors from Sunset Hills Elementary, Omaha; 54 fourth-grade students from Columbian Elementary, Omaha; and Justin Caniglia from Omaha.

**ADJOURNMENT**

At 2:31 p.m., on a motion by Senator Sullivan, the Legislature adjourned until 9:00 a.m., Tuesday, May 26, 2009.

Patrick J. O'Donnell  
Clerk of the Legislature