

ELEVENTH DAY - JANUARY 22, 2010**LEGISLATIVE JOURNAL****ONE HUNDRED FIRST LEGISLATURE
SECOND SESSION****ELEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Friday, January 22, 2010

PRAYER

The prayer was offered by Senator Wallman.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Langemeier presiding.

The roll was called and all members were present except Senators Adams and Hadley who were excused; and Senators Ashford, Campbell, Conrad, Cornett, Dierks, Janssen, and Karpisek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the tenth day was approved.

REFERENCE COMMITTEE REPORT

The Executive Board submits the following report:

LB/LR	Committee
LB962	Education (rereferred)
LB965	Education (rereferred)
LB988	Judiciary
LB989	Judiciary
LB990	Judiciary
LB991	Transportation and Telecommunications
LB992	Health and Human Services
LB993	Natural Resources
LB994	Business and Labor
LB995	Business and Labor
LB996	Judiciary
LB997	Urban Affairs
LB998	Transportation and Telecommunications
LB999	Health and Human Services
LB1000	General Affairs
LB1001	Education

LB1002 Revenue
 LB1003 Government, Military and Veterans Affairs
 LB1004 Transportation and Telecommunications
 LB1005 Health and Human Services
 LB1006 Education
 LB1007 Education
 LB1008 Revenue
 LB1009 Government, Military and Veterans Affairs
 LB1010 Natural Resources
 LB1011 Natural Resources
 LB1012 General Affairs
 LB1013 General Affairs
 LB1014 Education
 LB1015 Government, Military and Veterans Affairs
 LB1016 Natural Resources
 LB1017 Banking, Commerce and Insurance
 LB1018 Revenue
 LB1019 Natural Resources
 LB1020 Business and Labor
 LB1021 Education
 LB1022 Health and Human Services
 LB1023 General Affairs
 LB1024 Transportation and Telecommunications
 LB1025 Natural Resources
 LB1026 Judiciary
 LB1027 Health and Human Services
 LB1028 Education
 LB1029 Judiciary
 LB1030 Appropriations
 LB1031 Revenue
 LB1032 Revenue
 LB1033 Judiciary
 LR297CA Urban Affairs

Homan, Steve - Nebraska Arts Council - General Affairs

Turco, Acela - Foster Care Review Board - Health and Human Services

(Signed) John Wightman, Chairperson
Executive Board

COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 552. Placed on Select File with amendment.
ER8146

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Sections 1 to 10 of this act shall be known
- 4 and may be cited as the Nebraska Construction Prompt Pay Act.

5 Sec. 2. For purposes of the Nebraska Construction Prompt
6 Pay Act:

7 (1) Contractor includes individuals, firms, partnerships,
8 limited liability companies, corporations, or other associations of
9 persons engaged in the business of the construction, alteration,
10 repairing, dismantling, or demolition of buildings, roads, bridges,
11 viaducts, sewers, water and gas mains, streets, disposal plants,
12 water filters, tanks and towers, airports, dams, levees and canals,
13 water wells, pipelines, transmission and power lines, and every
14 other type of structure, project, development, or improvement
15 coming within the definition of real property and personal
16 property, including such construction, repairing, or alteration
17 of such property to be held either for sale or rental. Contractor
18 also includes any subcontractor engaged in the business of such
19 activities and any person who is providing or arranging for labor
20 for such activities, either as an employee or as an independent
21 contractor, for any contractor or person;

22 (2) Owner means a person (a) who has an interest in any
23 real property improved, (b) for whom an improvement is made, or
1 (c) who contracted for an improvement to be made. Owner includes
2 a person, an entity, or any political subdivision of this state.
3 Owner does not include the State of Nebraska;

4 (3) Owner's representative means an architect, an
5 engineer, or a construction manager in charge of a project for
6 the owner or such other contract representative or officer as
7 designated in the contract document as the party representing the
8 owner's interest regarding administration and oversight of the
9 project;

10 (4) Real property means real estate that is improved,
11 including private and public land, and leaseholds, tenements, and
12 improvements placed on the real property;

13 (5) Receipt means actual receipt of cash or funds by the
14 contractor or subcontractor; and

15 (6) Subcontractor means a person or an entity that has
16 contracted to furnish labor or materials to, or performed labor or
17 supplied materials for, a contractor or another subcontractor in
18 connection with a contract to improve real property. Subcontractor
19 includes materialmen and suppliers.

20 Sec. 3. (1) When a contractor has performed work in
21 accordance with the provisions of a contract with an owner, the
22 owner shall pay the contractor within forty-five days after receipt
23 by the owner or the owner's representative of a payment request
24 made pursuant to the contract.

25 (2) When a subcontractor has performed work in accordance
26 with the provisions of a subcontract and all conditions precedent
27 to payment contained in the subcontract have been satisfied, the
1 contractor shall pay the subcontractor and the subcontractor shall
2 pay his, her, or its subcontractor, within ten days after receipt
3 by the contractor or subcontractor of each periodic or final

4 payment, the full amount received for the subcontractor's work
5 and materials based on work completed or service provided under
6 the subcontract for which the subcontractor has properly requested
7 payment, if the subcontractor provides or has provided satisfactory
8 and reasonable assurances of continued performance and financial
9 responsibility to complete the work.

10 Sec. 4. When work has been performed pursuant to a
11 contract, a party may only withhold payment:

12 (1) For retainage, in an amount not to exceed the
13 amount specified in the contract, if applicable, until the work is
14 substantially complete;

15 (2) Of a reasonable amount, to the extent that such
16 withholding is allowed in the contract, for any of the following
17 reasons:

18 (a) Reasonable evidence showing that the contractual
19 completion date will not be met due to unsatisfactory job progress;

20 (b) Third-party claims filed or reasonable evidence that
21 such a claim will be filed with respect to work under the contract;
22 or

23 (c) Failure of the contractor to make timely payments for
24 labor, equipment, subcontractors, or materials; or

25 (3) After substantial completion, in an amount not to
26 exceed one hundred twenty-five percent of the estimated cost to
27 complete the work remaining on the contract.

1 Sec. 5. Except as provided in section 4 of this act, if
2 a periodic or final payment to (1) a contractor is delayed by more
3 than forty-five days after receipt of a properly submitted periodic
4 or final payment request by the owner or owner's representative
5 or (2) a subcontractor is delayed by more than ten days after
6 receipt of a periodic or final payment by the contractor or
7 subcontractor, then the remitting party shall pay the contractor or
8 subcontractor interest due until such amount is paid, beginning on
9 the day following the payment due date at the rate of one percent
10 per month or a pro rata fraction thereof on the unpaid balance.
11 Interest is due under this section only after the person charged
12 the interest has been notified of the provisions of this section
13 by the contractor or subcontractor. Acceptance of progress payments
14 or a final payment shall release all claims for interest on such
15 payments.

16 Sec. 6. The Nebraska Construction Prompt Pay Act shall
17 not modify the remedies available to any person under the terms of
18 a contract in existence prior to the operative date of this act or
19 by any other statute.

20 Sec. 7. The Nebraska Construction Prompt Pay Act does not
21 apply to improvements to real property intended for residential
22 purposes when the residence consists of no more than four
23 residential units.

24 Sec. 8. The Nebraska Construction Prompt Pay Act applies
25 to contracts or subcontracts entered into on or after October 1,

26 2010.

27 Sec. 9. The following provisions in any contract or
1 subcontract for construction work performed within the State of
2 Nebraska shall be against public policy and shall be void and
3 unenforceable:

4 (1) A provision that purports to waive, release, or
5 extinguish rights to file a claim against a payment or performance
6 bond, except that a contract or subcontract may require a
7 contractor or subcontractor to provide a waiver or release of
8 such rights as a condition for payment, but only to the extent of
9 the amount of the payment received;

10 (2) A provision that purports to make any state law other
11 than that of Nebraska applicable to or governing any contract for
12 construction within the state; or

13 (3) A provision that purports to require that the venue
14 for a court or arbitration hearing be held at any location outside
15 of the state.

16 Sec. 10. (1) Any liquidated or unliquidated claim against
17 any political subdivision of this state arising from construction
18 performed for such political subdivision shall: (a) Be presented
19 in writing to the individual or officer as set forth in subsection
20 (2) of this section; (b) state the name of the claimant and the
21 amount of the claim; and (c) identify the item or service for which
22 payment is claimed or the time, place, nature, and circumstance
23 giving rise to the claim. All claims shall be filed within one
24 hundred eighty days after the date of substantial completion of the
25 construction project.

26 (2) A construction contract entered into by any political
27 subdivision of this state may provide the name and location of
1 the office in which a claim under this section may be filed. In
2 the absence of such provision, a written claim shall be filed as
3 follows:

4 (a) Claims against a city of the metropolitan, primary,
5 first, or second class shall be filed with the appropriate city
6 clerk;

7 (b) Claims against a village shall be filed with the
8 village clerk;

9 (c) Claims against a county shall be filed with the
10 county clerk; and

11 (d) Claims against any other political subdivision shall
12 be filed with the person who executed the contract on behalf of the
13 political subdivision or that person's successor in office.

14 (3) The applicable political subdivision shall issue a
15 decision on the claim within ninety days after receipt thereof.
16 If no decision has been issued after such period, the claim shall
17 be deemed to be denied in whole and the claimant may commence an
18 action in accordance with subsection (4) of this section.

19 (4) If a claim is denied in whole or in part, a claimant
20 may bring a civil action on the claim. An action under this

21 subsection may only be brought within two years after the denial of
 22 the claim or the date upon which the claim is deemed to be denied.
 23 Any such action shall be in the nature of an original action and
 24 not an appeal and shall be commenced in the district court of
 25 the county in which the construction project at issue was located.
 26 Either party may appeal from the decision of the district court.

27 (5) Notwithstanding any other provision of law in
 1 Chapters 13, 14, 15, 16, 17, 23, and 81, claims against a political
 2 subdivision of this state arising from construction performed for
 3 such political subdivision shall be governed by this section.

4 Sec. 11. This act becomes operative on October 1, 2010.

5 2. On page 1, strike beginning with "amend" in line 1

6 through line 5 and insert "adopt the Nebraska Construction Prompt
 7 Pay Act; and to provide an operative date.".

(Signed) Jeremy Nordquist, Chairperson

REPORTS

The following reports were received by the Legislature:

Game and Parks Commission

One-Year Certified Future Recreation Road Plan

Investment Finance Authority, Nebraska (NIFA)

2009 Series A, B, C, D, E and F Community Development Loan Notes
 (City of Lincoln Program-2009) Report

Clean Water State Revolving Fund Revenue Bonds Series 2009B
 Quarterly Report

Roads, Nebraska Department of

Maps: Current State Highway System, March 27, 1972 Federal Aid
 Primary System, Interstate and Defense Highway System, June 1, 1991
 Federal Aid Primary System, National Highway System, Highway
 Beautification Control System, Scenic Byways System

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of January 21,
 2010, 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

Funk, Christine

Nebraska Friends of Midwives

Moors, H. Jack

Mines & Associates

Radcliffe, Walter H. of Radcliffe & Associates

Altria Client Services Inc. and its Affiliates (formerly Philip Morris USA Inc.)

ALTRIA Client Services, Inc. (Formerly UST Public Affairs, Inc.)
(Withdrawn 01/20/2010)

Zieg, Patricia A.

Durable Medical Equipment Stakeholders of Nebraska

MOTION - Withdraw LB944

Senator Harms renewed his motion, MO74, found on page 285, to withdraw LB944.

The Harms motion to withdraw the bill prevailed with 31 ayes, 0 nays, 9 present and not voting, and 9 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 216. Considered.

SPEAKER FLOOD PRESIDING

SENATOR LANGEMEIER PRESIDING

Senator Conrad moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 3 nays, and 20 not voting.

Advanced to Enrollment and Review Initial with 26 ayes, 16 nays, 5 present and not voting, and 2 excused and not voting.

AMENDMENTS - Print in Journal

Senator Haar filed the following amendment to LB261:

AM1601

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 60-4,111.01, Reissue Revised Statutes
- 4 of Nebraska, is amended to read:
- 5 60-4,111.01 (1) The Department of Motor Vehicles,
- 6 the courts, or law enforcement agencies may store or compile
- 7 information acquired from an operator's license or state
- 8 identification card for their statutorily authorized purposes.
- 9 (2) The department shall develop and distribute
- 10 software for scanning or reading and storing the machine-readable
- 11 information encoded on an operator's license or a state
- 12 identification card. The department shall have control of and
- 13 provide access to a secure server which will store the information
- 14 scanned or read by a person using the software. The department
- 15 shall provide the software and access to the server to a person

16 upon entering into an agreement with the person to comply with the
17 requirements of this section to scan or read the machine-readable
18 information only for purposes authorized in this section. The
19 agreement shall specify that the information will not be stored or
20 kept in any manner by the person using the software. The department
21 shall charge a fee for the software and for access to the server.
22 The fees shall be established by the department at a rate which
23 covers the cost of developing and distributing the software and
1 acquiring, maintaining, and providing access to the server. The
2 department shall remit the fees to the State Treasurer for credit
3 to the Department of Motor Vehicles Cash Fund.

4 ~~(2) No~~ (3) Except as otherwise provided in subsection
5 (4) or (5) of this section, no person having use of or access to
6 machine-readable information encoded on an operator's license or a
7 state identification card shall compile, store, preserve, trade, or
8 sell such information. Violation of this subsection shall be. Any
9 person who trades or sells such information shall be guilty of a
10 Class IV felony. Any person who compiles, stores, or preserves such
11 information except as authorized in subsection (4) or (5) of this
12 section shall be guilty of a Class IV felony.

13 (4)(a) For purposes of compliance with and enforcement
14 of restrictions on the purchase of alcohol, lottery tickets,
15 and tobacco products, a retailer who sells any of such items
16 pursuant to a license issued or a contract under the applicable
17 statutory provision may scan machine-readable information encoded
18 on an operator's license or a state identification card presented
19 for the purpose of such a sale. The retailer may request in its
20 agreement under subsection (2) of this section that the department
21 provide for the storage in the department's server of the following
22 information obtained from the license or card: Age and license
23 or card identification number. The retailer shall post a sign at
24 the point of sale of any of such items stating that the license
25 or card will be scanned and that the age and identification
26 number will be stored. The stored information may only be used
27 by a law enforcement agency for purposes of enforcement of the
1 restrictions on the purchase of alcohol, lottery tickets, and
2 tobacco products and may not be shared with any other person or
3 entity. A retailer who knowingly stores more information than the
4 age and identification number from the operator's license or state
5 identification card or who knowingly stores any information from
6 the operator's license or state identification card in any place
7 other than the department's server shall be guilty of a Class IV
8 felony.

9 (b) Information scanned, compiled, stored, or preserved
10 pursuant to subdivision (a) of this subsection may not be retained
11 by the department for longer than eighteen months unless required
12 by state or federal law.

13 (5) A person having use of or access to machine-readable
14 information encoded on an operator's license or a state

15 identification card may enter an agreement with the department
 16 under subsection (2) of this section to scan such information and
 17 compile, store, and preserve such information on the department's
 18 server:

19 (a) For purposes of providing such information to a
 20 consumer reporting agency subject to and in compliance with the
 21 federal Fair Credit Reporting Act, 15 U.S.C. 1681, as such act
 22 existed on January 1, 2009;

23 (b) As necessary to effect, administer, or enforce a
 24 transaction requested by the holder of the license or card;

25 (c) To protect against or prevent actual or potential
 26 fraud, unauthorized transactions, claims, or other liability; or

27 (d) For resolving a dispute or inquiry by the holder of
 1 the license or card.

2 (6) Except as provided in subsection (5) of this section,
 3 information scanned, compiled, stored, or preserved pursuant to
 4 this section may not be traded or sold to a third party; used
 5 for any marketing or sales purpose by any person, including the
 6 retailer who obtained the information; or, unless pursuant to a
 7 court order, reported to or shared with any third party. A person
 8 who violates this subsection shall be guilty of a Class IV felony.

9 Sec. 2. Original section 60-4,111.01, Reissue Revised
 10 Statutes of Nebraska, is repealed.

Senator Haar filed the following amendment to LB325:
 AM1592

(Amendments to E & R amendments, ER8138)

1 1. Insert the following new sections:

2 Sec. 6. Section 32-916, Reissue Revised Statutes of
 3 Nebraska, is amended to read:

4 32-916 (1) Two judges of election or a precinct inspector
 5 and a judge of election shall affix their initials to the official
 6 ballots. The judge of election shall deliver a ballot to each
 7 registered voter after complying with section 32-914.

8 (2) After voting the ballot, the registered voter shall,
 9 as directed by the judge of election, fold his or her ballot or
 10 place the ballot in the ballot envelope or sleeve so as to conceal
 11 the voting marks and to expose the initials affixed on the ballot.
 12 The registered voter shall, without delay and without exposing the
 13 voting marks upon the ballot, deliver the ballot to the judge of
 14 election before leaving the enclosure in which the voting booths
 15 are placed.

16 (3) The judge of election shall, without exposing the
 17 voting marks on the ballot, approve the exposed initials upon the
 18 ballot and deposit the ballot in the ballot box in the presence of
 19 the registered voter. No judge of election shall deposit any ballot
 20 in a ballot box unless the ballot has been identified as having the
 21 appropriate initials. Any ballot not properly identified shall be
 22 rejected in the presence of the voter, the judge of election shall

1 make a notation on the ballot Rejected, not properly identified,
 2 and another ballot shall be issued to the voter and the voter shall
 3 then be permitted to cast his or her ballot. If the ballot is in
 4 order, the judge shall deposit the ballot in the ballot box in
 5 the presence of the voter and the voter shall promptly leave the
 6 polling place. The judges of election shall maintain the secrecy
 7 of the rejected ballots and shall cause the rejected ballots to be
 8 made up in a sealed packet. The judges of election shall endorse
 9 the packet with the words Rejected Ballots and the designation of
 10 the precinct. The judges of election shall sign the endorsement
 11 label and shall return the packet to the election commissioner or
 12 county clerk with a statement by the judges of election showing the
 13 number of ballots rejected.

14 (4) Upon receiving a provisional ballot as provided in
 15 section 32-915, the judge of election shall give the voter written
 16 information that states that the voter will receive a postcard from
 17 the election commissioner or county clerk indicating if the voter's
 18 vote was counted and, if not, the reason that the vote was not
 19 counted and that the voter also may determine if his or her vote
 20 was counted and, if not, the reason that the vote was not counted
 21 by accessing the system created pursuant to section 32-202. ~~The~~ and
 22 the judge of election shall ensure that the appropriate information
 23 is on the outside of the envelope in which the ballot is enclosed
 24 or attached to the envelope, attach the statement required by
 25 section 32-915 if not contained on the envelope, and place the
 26 entire envelope into the ballot box. Upon receiving a provisional
 27 ballot as provided in section 32-915.01, the judge of election
 1 shall comply with the requirements for a provisional ballot under
 2 this subsection, except that a provisional ballot cast pursuant to
 3 section 32-915.01 shall be kept separate from the other ballots
 4 cast at the election.

5 Sec. 8. Section 32-1002, Reissue Revised Statutes of
 6 Nebraska, is amended to read:

7 32-1002 (1) As the ballots are removed from the ballot
 8 box pursuant to sections 32-1012 to 32-1018, the receiving board
 9 shall separate the envelopes containing the provisional ballots
 10 from the rest of the ballots and deliver them to the election
 11 commissioner or county clerk.

12 (2) Upon receipt of a provisional ballot, the election
 13 commissioner or county clerk shall verify that the certificate on
 14 the front of the envelope or the form attached to the envelope is
 15 in proper form and that the certification has been signed by the
 16 voter.

17 (3) The election commissioner or county clerk shall
 18 also (a) verify that such person has not voted anywhere else
 19 in the county or been issued a ballot for early voting, (b)
 20 investigate whether any credible evidence exists that the person
 21 was properly registered to vote in the county before the deadline
 22 for registration for the election, (c) investigate whether any

23 information has been received pursuant to section 32-309, 32-310,
24 or 32-324 that the person has resided, registered, or voted in
25 any other county or state since registering to vote in the county,
26 ~~and~~(d) upon determining that credible evidence exists that the
27 person was properly registered to vote in the county, make the
1 appropriate changes to the voter registration register by entering
2 the information contained in the registration application completed
3 by the voter at the time of voting a provisional ballot, and (e)
4 mail a postcard to the voter indicating if the voter's vote counted
5 and, if not, the reason that the vote was not counted.

6 (4) A provisional ballot cast by a voter pursuant to
7 section 32-915 shall be counted if:

8 (a) Credible evidence exists that the voter was properly
9 registered in the county before the deadline for registration for
10 the election;

11 (b) The voter has resided in the county continuously
12 since registering to vote in the county;

13 (c) The voter has not voted anywhere else in the county
14 or has not otherwise voted early using a ballot for early voting;

15 (d) The voter has completed a registration application
16 prior to voting and:

17 (i) The residence address provided on the registration
18 application completed pursuant to subdivision (1)(e) of section
19 32-915 is located within the precinct in which the person voted;
20 and

21 (ii) If the voter is voting in a primary election,
22 the party affiliation provided on the registration application
23 completed prior to voting the provisional ballot is the same party
24 affiliation that appears on the voter's voter registration record
25 based on his or her previous registration application; and

26 (e) The certification on the front of the envelope or
27 form attached to the envelope is in the proper form and signed by
1 the voter.

2 (5) A provisional ballot cast by a voter pursuant to
3 section 32-915 shall not be counted if:

4 (a) The voter was not properly registered in the county
5 before the deadline for registration for the election;

6 (b) Information has been received pursuant to section
7 32-309, 32-310, or 32-324 that the voter has resided, registered,
8 or voted in any other county or state since registering to vote in
9 the county in which he or she cast the provisional ballot;

10 (c) Credible evidence exists that the voter has voted
11 elsewhere or has otherwise voted early;

12 (d) The voter failed to complete and sign a registration
13 application pursuant to subdivision (1)(e) of section 32-915;

14 (e) The residence address provided on the registration
15 application completed pursuant to subdivision (1)(e) of section
16 32-915 is in a different county or in a different precinct than the
17 county or precinct in which the voter voted;

- 18 (f) If the voter is voting in a primary election, the
 19 party affiliation on the registration application completed prior
 20 to voting the provisional ballot is different than the party
 21 affiliation that appears on the voter's voter registration record
 22 based on his or her previous registration application; or
 23 (g) The voter failed to complete and sign the
 24 certification on the envelope or form attached to the envelope
 25 pursuant to subsection (3) of section 32-915.
- 26 (6) Upon determining that the voter's provisional ballot
 27 is eligible to be counted, the election commissioner or county
 1 clerk shall remove the ballot from the envelope without exposing
 2 the marks on the ballot and shall place the ballot with the ballots
 3 to be counted by the county canvassing board.
- 4 (7) The election commissioner or county clerk shall
 5 notify the system administrator of the system created pursuant to
 6 section 32-202 as to whether the ballot was counted and, if not,
 7 the reason the ballot was not counted.
- 8 (8) The verification and investigation shall be completed
 9 within seven days after the election.
- 10 2. Renumber the remaining sections and correct the
 11 repealer accordingly.

NOTICE OF COMMITTEE HEARINGS

Natural Resources

Room 1525

Friday, January 29, 2010 1:30 p.m.

LB689
 LB845
 LB960

(Signed) Chris Langemeier, Chairperson

General Affairs

Room 1510

Monday, February 1, 2010 1:30 p.m.

LB783
 LB786
 LB869
 LB870
 LB900
 LB906

(Signed) Russ Karpisek, Chairperson

Nebraska Retirement Systems

Room 1525

Tuesday, February 2, 2010 12:10 p.m.

LB950

Tuesday, February 9, 2010 12:10 p.m.

LB979

Tuesday, February 16, 2010 12:10 p.m.

LB899

LB927

LB928

(Signed) Dave Pankonin, Chairperson

COMMITTEE REPORTS

Natural Resources

LEGISLATIVE BILL 743. Placed on General File.**LEGISLATIVE BILL 798.** Placed on General File.**LEGISLATIVE BILL 871.** Placed on General File.

(Signed) Chris Langemeier, Chairperson

Agriculture

LEGISLATIVE BILL 731. Placed on General File.

(Signed) Tom Carlson, Chairperson

GENERAL FILE**LEGISLATIVE BILL 147.** Title read. Considered.

Committee AM756, found on page 1297, First Session, 2009, was adopted with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

Senator Pirsch renewed his amendment, AM1569, found on page 246.

The Pirsch amendment was adopted with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 43 ayes, 0 nays, 4 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 181. Title read. Considered.

Committee AM1282, found on page 1398, First Session, 2009, was considered.

Senator Fischer offered the following amendment to the committee amendment:

AM1595

(Amendments to Standing Committee amendments, AM1282)

- 1 1. On page 2, line 5, strike "or" and insert "and".
- 2 2. On page 3, line 14 strike "relief from" and insert
- 3 "modification of"; and in line 17 strike "relief" and insert
- 4 "modification".

The Fischer amendment was adopted with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

The committee amendment, as amended, was adopted with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

SENATOR CARLSON PRESIDING

LEGISLATIVE BILL 190. Title read. Considered.

Committee AM85, found on page 1460, First Session, 2009, was considered.

Senator Avery renewed his amendment, AM1555, found on page 276, to the committee amendment.

The Avery amendment was adopted with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

The committee amendment, as amended, was adopted with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 5 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 638. Title read. Considered.

Senator Lautenbaugh offered the following motion:

MO75

Indefinitely postpone.

Laid over.

AMENDMENTS - Print in Journal

Senator Mello filed the following amendment to LB635:

AM1603

(Amendments to Standing Committee amendments, AM1140)

- 1 1. Insert the following new section:
- 2 Sec. 4. This act becomes operative on January 1, 2011.
- 3 2. Renumber the remaining sections accordingly.

Senators Gay and Fulton filed the following amendment to LB197:

AM1588 is available in the Bill Room.

UNANIMOUS CONSENT - Add Cointroducers

Senator Karpisek asked unanimous consent to add his name as cointroducer to LB940. No objections. So ordered.

Senator Coash asked unanimous consent to add his name as cointroducer to LB1018. No objections. So ordered.

Senator Mello asked unanimous consent to add his name as cointroducer to LB1086. No objections. So ordered.

Senator Langemeier asked unanimous consent to add his name as cointroducer to LB1103. No objections. So ordered.

WITHDRAW - Cointroducer

Senator Howard withdrew her name as cointroducer to LB949.

VISITORS

Visitors to the Chamber were members of Nebraska Dental Hygienists Association and students from Iowa Western Community College.

The Doctor of the Day was Dr. Rob Rhodes from Lincoln.

ADJOURNMENT

At 11:28 a.m., on a motion by Speaker Flood, the Legislature adjourned until 10:00 a.m., Monday, January 25, 2010.

Patrick J. O'Donnell
Clerk of the Legislature