

SIXTEENTH DAY - JANUARY 29, 2010**LEGISLATIVE JOURNAL****ONE HUNDRED FIRST LEGISLATURE
SECOND SESSION****SIXTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Friday, January 29, 2010

PRAYER

The prayer was offered by Pastor Jim Runnels, Grace Bible Fellowship Church, Stella.

ROLL CALL

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

The roll was called and all members were present except Senators Fischer, Pahls, and Sullivan who were excused; and Senators Dubas and Fulton who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifteenth day was approved.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 579. Placed on Select File with amendment.
ER8152

- 1 1. In the Cornett amendment, AM1566:
- 2 a. On page 4, line 2, strike "act" and insert
- 3 "Professional Employer Organization Registration Act"; and in line
- 4 16 strike "subsections" and insert "sections";
- 5 b. On page 7, line 12, after "entity" insert an
- 6 underscored comma;
- 7 c. On page 8, line 6, after "Employer" insert
- 8 "Organization";
- 9 d. On page 9, line 7, strike the first comma and insert
- 10 "or" and strike the second comma;
- 11 e. On page 10, line 19; and page 27, line 11, strike
- 12 "organization";
- 13 f. On page 11, line 21, strike the comma;
- 14 g. On page 14, line 5; and page 26, line 12, strike

- 15 "half" and insert "one-half";
- 16 h. On page 15, line 21, after "sharing" insert an
17 underscored comma;
- 18 i. On page 18, line 9, strike the first occurrence of
19 "act" and insert "section" and strike the second occurrence of
20 "act" and insert "Professional Employer Organization Registration
21 Act";
- 22 j. On page 19, line 7, strike "meet" and insert "meets";
23 and in line 8 strike "are" and insert "is";
- 1 k. On page 24, line 10, after the first comma insert
2 "to";
- 3 l. On page 38, line 5, strike "than" and insert "that";
- 4 m. On page 46, line 27, strike "act", show as stricken,
5 and insert "Nebraska Workers' Compensation Act";
- 6 n. On page 51, line 16, strike the first "of" and insert
7 "or";
- 8 o. On page 54, line 12, after the comma insert "to"; and
9 p. On page 61, line 12, after "employer" insert an
10 underscored comma.
- 11 2. On page 1, strike beginning with "48-602" in
12 line 1 through "2008" in line 2 and insert "44-5702, 44-7515,
13 44-7524, 48-151, and 48-443, Reissue Revised Statutes of Nebraska,
14 sections 44-7504, 48-115, 48-145, 48-146, 48-146.03, 48-602, and
15 48-628, Revised Statutes Cumulative Supplement, 2008, and sections
16 48-144.03 and 48-648, Revised Statutes Supplement, 2009"; and in
17 line 4 after "harmonize" insert "insurance, workers' compensation,
18 safety committee, and".

LEGISLATIVE BILL 690. Placed on Select File.

LEGISLATIVE BILL 691. Placed on Select File.

LEGISLATIVE BILL 736. Placed on Select File.

LEGISLATIVE BILL 751. Placed on Select File.

LEGISLATIVE BILL 650. Placed on Select File with amendment.
ER8150

- 1 1. In the Standing Committee amendments, AM1582:
- 2 a. On page 11, line 14, strike "thereof"; show
3 as stricken, and insert "of the manufacturer's or importer's
4 certificate"; and
- 5 b. On page 45, line 13, strike "said" and show as
6 stricken.
- 7 2. On page 1, strike lines 2 through 6 and insert
8 "60-471, 60-501, 60-520, 60-547, 60-6,357, 60-6,358, 60-6,359,
9 60-6,360, and 60-6,361, Reissue Revised Statutes of Nebraska,
10 sections 60-102, 60-123, 60-136, 60-137, 60-148, 60-149, 60-153,
11 60-154, 60-154.01, 60-171, 60-302, 60-339, 60-3,100, 60-3,187,
12 60-3,190, 60-4,126, 60-605, 60-6,355, and 60-6,356, Revised
13 Statutes Cumulative Supplement, 2008, and sections 23-186,
14 30-24,125, 60-101, 60-144, 60-164, 60-165, 60-301, 60-3,104,

15 60-601, and 60-1901, Revised Statutes Supplement, 2009; to
 16 authorize the operation of minitrucks and utility-type vehicles".

LEGISLATIVE BILL 698. Placed on Select File.

LEGISLATIVE BILL 226. Placed on Select File with amendment.
 ER8151

- 1 1. In the Standing Committee amendments, AM1590, on page
- 2 1, line 13, strike "parent" and insert "parent's".
- 3 2. On page 1, strike beginning with "the" in line 1
- 4 through line 14 and insert "minors; to amend sections 30-2604
- 5 and 43-2101, Reissue Revised Statutes of Nebraska; to provide
- 6 for authority for certain persons who are eighteen years of age
- 7 to consent to health care and medical treatment and enter into
- 8 contracts and leases; to provide an operative date; and to repeal
- 9 the original sections.".
- 10 3. On page 2, strike lines 1 through 8.

LEGISLATIVE BILL 190A. Placed on Select File.

(Signed) Jeremy Nordquist, Chairperson

COMMITTEE REPORTS

Natural Resources

LEGISLATIVE BILL 797. Placed on General File.

LEGISLATIVE BILL 832. Placed on General File.

LEGISLATIVE BILL 911. Placed on General File.

(Signed) Chris Langemeier, Chairperson

NOTICE OF COMMITTEE HEARINGS

Education

Room 1525

Monday, February 8, 2010 1:30 p.m.

LB1014

LB1087

LB1071

Tuesday, February 9, 2010 1:30 p.m.

LB1021

LB962

LB1006

Tuesday, February 16, 2010 1:30 p.m.

LB1096
LB966
LB1007
LB957

Monday, February 22, 2010 1:30 p.m.

LB1034
LB1058
LB1082
LB1072
LR299CA

Tuesday, February 23, 2010 1:30 p.m.

LB1028
LB920
LB965

(Signed) Greg Adams, Chairperson

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of January 28, 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

Balch, Mary Spaulding
National Right to Life Committee
Freeman, Jessica
Nebraska Friends of Midwives
Kloeping, Kristen
Nebraska Friends of Midwives
Micek, Cora
Hospital Association, Nebraska (Withdrawn 01/27/2010)
Mines, Mick
3M Traffic Safety Systems
Cameco (formerly Crow Butte) Resources, Inc.
Cargill/Excel
Corn Growers Association, American
Hastings Exposition and Racing, Inc.
Johnson & Johnson
Papio Valley Preservation Association
Swimming Pool Foundation, National

Syngenta
 Tobacco & Candy Distributors, Nebraska Association of
 Pappas, James E.
 Bellevue Public Schools
 Independent Cattlemen of Nebraska
 League of Human Dignity
 Plucker, Julia
 Southport West Partners, LLC
 Prouty, Nathan Kent
 Pharmaceutical Research and Manufacturers of America
 Radcliffe, Walter H. of Radcliffe & Associates
 WNH, LLC (A Nebraska limited liability company)
 Reynolds, Simera
 Mothers Against Drunk Driving, Nebraska
 Schimek, DiAnna R.
 Educational Equity, Nebraskans for
 Segura, April
 Nebraska Friends of Midwives
 Slevin, Elaine L.
 Nebraska Friends of Midwives
 Swanson, Heather
 Nebraska Friends of Midwives

REPORTS

The following reports were received by the Legislature:

Aeronautics, Nebraska Department of

Total Number of Applicants for Public Benefits and the Number of Applicants Rejected Pursuant to Such Sections

Agriculture, Department of

Total Number of Applicants for Public Benefits and the Number of Applicants Rejected Pursuant to Such Sections

Criminal Justice, Commission on Law Enforcement and

Total Number of Applicants for Public Benefits and the Number of Applicants Rejected Pursuant to Such Sections

Education, Department of

Total Number of Applicants for Public Benefits and the Number of Applicants Rejected Pursuant to Such Sections

Energy Office, Nebraska

Total Number of Applicants for Public Benefits and the Number of Applicants Rejected Pursuant to Such Sections

Environmental Quality, Department of

Total Number of Applicants for Public Benefits and the Number of Applicants Rejected Pursuant to Such Sections

Fire Marshal, State

Total Number of Applicants for Public Benefits and the Number of Applicants Rejected Pursuant to Such Sections

Health and Human Services, Department of

Child Support Enforcement License Suspension Annual Report to the Legislature

Child Support Enforcement New Hire Annual Report to the Legislature

Child Support Enforcement State Disbursement Unit Annual Report to the Legislature

Waiver of Training Requirements for Relative Foster Care

Investment Finance Authority, Nebraska (NIFA)

2009 Series A (Taxable) Single Family Housing Revenue Bonds

Motor Vehicles, Department of

Number of Operator's Licenses Suspended Under the License Suspension Act

Patrol, Nebraska State

Total Number of Applicants for Public Benefits and the Number of Applicants Rejected Pursuant to Such Sections

Railway Council, Nebraska

2009 Annual Report

Roads, Nebraska Department of

Annual Report Relating to LB 403

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

State College System, Nebraska

Total Number of Applicants for Public Benefits and the Number of Applicants Rejected Pursuant to Such Sections

University of Nebraska

Nebraska Tobacco Settlement Biomedical Research Development Fund

Veterans' Affairs, Department of

Total Number of Applicants for Public Benefits and the Number of Applicants Rejected Pursuant to Such Sections

GENERAL FILE

LEGISLATIVE BILL 798. Title read. Considered.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 6 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 731. Title read. Considered.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 738. Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 814. Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 721. Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 722. Title read. Considered.

Committee AM1616, found on page 363, was adopted with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 791. Title read. Considered.

Committee AM1617, found on page 363, was adopted with 30 ayes, 0 nays, 10 present and not voting, and 9 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 8 present and not voting, and 9 excused and not voting.

COMMITTEE REPORTS

General Affairs

LEGISLATIVE BILL 867. Placed on General File with amendment.
AM1638

- 1 1. Strike section 2 and insert the following new
- 2 sections:
- 3 Sec. 2. Section 53-123.15, Revised Statutes Cumulative
- 4 Supplement, 2008, is amended to read:
- 5 53-123.15 (1) No person shall order or receive alcoholic
- 6 liquor in this state which has been shipped directly to him or her
- 7 from outside this state by any person other than a holder of a
- 8 shipping license issued by the commission, except that a licensed
- 9 wholesaler may receive not more than three gallons of wine in any
- 10 calendar year from any person who is not a holder of a shipping
- 11 license.
- 12 (2) The commission may issue a shipping license to
- 13 a manufacturer. Such license shall allow the licensee to ship
- 14 alcoholic liquor only to a licensed wholesaler, except that a
- 15 licensed wholesaler may, without a shipping license and for the
- 16 purposes of subdivision (2) of section 53-161, receive beer in
- 17 this state which has been shipped from outside the state by a
- 18 manufacturer in accordance with the Nebraska Liquor Control Act
- 19 to the wholesaler, then transported by the wholesaler to another
- 20 state for retail distribution, and then returned by the retailer

21 to such wholesaler. A person who receives a license pursuant to
22 this subsection shall pay the fee required in subdivision (10) of
23 section 53-124. Such fee shall be collected by the commission and
1 be remitted to the State Treasurer for credit to the General Fund.

2 (3) The commission may issue a shipping license to
3 any person who deals with vintage wines, which shipping license
4 shall allow the licensee to distribute such wines to a licensed
5 wholesaler in the state. For purposes of distributing vintage
6 wines, a licensed shipper must utilize a designated wholesaler if
7 the manufacturer has a designated wholesaler. For purposes of this
8 section, vintage wine shall mean a wine verified to be ten years of
9 age or older and not available from a primary American source of
10 supply. A person who receives a license pursuant to this subsection
11 shall pay the fee required in subdivision (10) of section 53-124.
12 Such fee shall be collected by the commission and be remitted to
13 the State Treasurer for credit to the General Fund.

14 (4) The commission may issue a shipping license to any
15 person who sells and ships alcoholic liquor from another state
16 directly to a consumer in this state. A person who receives a
17 license pursuant to this subsection shall pay the fee required in
18 subdivision (11) of section 53-124. Until April 30, 2012, such fee
19 shall be collected by the commission and remitted to the State
20 Treasurer for credit to the Winery and Grape Producers Promotional
21 Fund.

22 (5) The application for a shipping license shall be
23 in such form as the commission prescribes. The application shall
24 contain all provisions the commission deems proper and necessary to
25 effectuate the purpose of any section of the act and the rules and
26 regulations of the commission that apply to manufacturers and shall
27 include, but not be limited to, provisions that the applicant, in
1 consideration of the issuance of such shipping license, agrees:

2 (a) To comply with and be bound by section 53-164.01 in
3 making and filing reports, paying taxes, penalties, and interest,
4 and keeping records;

5 (b) To permit and be subject to all of the powers granted
6 by section 53-164.01 to the commission or its duly authorized
7 employees or agents for inspection and examination of the
8 applicant's premises and records and to pay the actual expenses,
9 excluding salary, reasonably attributable to such inspections and
10 examinations made by duly authorized employees of the commission
11 if within the United States; and

12 (c) That if the applicant violates any of the provisions
13 of the application or the license, any section of the act, or
14 any of the rules and regulations of the commission that apply to
15 manufacturers, the commission may revoke or suspend such shipping
16 license for such period of time as it may determine.

17 Sec. 3. Original section 53-123.15, Revised Statutes
18 Cumulative Supplement, 2008, and section 53-124, Revised Statutes
19 Supplement, 2009, are repealed.

LEGISLATIVE BILL 266. Indefinitely postponed.

LEGISLATIVE BILL 600. Indefinitely postponed.

LEGISLATIVE RESOLUTION 6CA. Indefinitely postponed.

(Signed) Russ Karpisek, Chairperson

Urban Affairs

LEGISLATIVE BILL 848. Placed on General File with amendment.

AM1646

1 1. On page 2, line 4, reinstate the stricken "each year".

(Signed) Amanda McGill, Chairperson

Judiciary

LEGISLATIVE BILL 746. Placed on General File with amendment.

AM1669

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

3 Sec. 2. Section 20-506, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 20-506 (1) The Racial Profiling Advisory Committee is
6 created.

7 ~~(2)-(2)(a)~~ The committee shall consist of ~~the~~

8 (i) The executive director of the Nebraska Commission
9 on Law Enforcement and Criminal Justice, who also shall be the
10 chairperson of the committee; ~~and~~

11 (ii) The Superintendent of Law Enforcement and Public
12 Safety or his or her designee;

13 (iii) The executive director of the Commission on
14 Mexican-Americans or his or her designee; and

15 (iv) The executive director of the Commission on Indian
16 Affairs or his or her designee.

17 (b) The committee shall also consist of the following
18 persons, each appointed by the Governor from a list of three names
19 submitted to the Governor for each position

20 ~~(a)~~ (i) A representative appointed by of the Fraternal
21 Order of Police;

22 ~~(b)~~ (ii) A representative appointed by of the Nebraska
23 County Sheriffs Association;

1 ~~(c)~~ (iii) A representative appointed by of the Police
2 Officers Association of Nebraska;

3 ~~(d)~~ (iv) A representative appointed by of the American
4 Civil Liberties Union of Nebraska;

5 ~~(e)~~ A representative appointed by the Nebraska State

- 6 ~~Patrol;~~
 7 ~~(f)-(v)~~ A representative ~~appointed by~~ of the AFL-CIO; ~~and~~
 8 ~~(g)-(vi)~~ A representative ~~appointed by~~ of the Police
 9 Chiefs Association of Nebraska;
 10 (vii) A representative of the Nebraska branches of the
 11 National Association for the Advancement of Colored People; and
 12 (viii) A representative of the Minority Justice Committee
 13 of the Supreme Court and Nebraska State Bar Association.
 14 (3) The committee shall meet and organize within thirty
 15 days after the appointment of the members. The committee shall
 16 meet ~~quarterly~~ semiannually at a time and place to be fixed by the
 17 committee. Special meetings may be called by the chairperson or at
 18 the request of two or more members of the committee.
 19 (4) The committee shall advise the executive director
 20 of the commission in the conduct of his or her duties regarding
 21 the review required pursuant to subsection (6) of section 20-504,
 22 provide an analysis of the review, and make policy recommendations
 23 with respect to racial profiling.

(Signed) Brad Ashford, Chairperson

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 147. Placed on Final Reading.

LEGISLATIVE BILL 181. Placed on Final Reading.

LEGISLATIVE BILL 216. Placed on Final Reading.

LEGISLATIVE BILL 235. Placed on Final Reading.

ST9068

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

1. In the Heidemann amendment, AM1649, section 7 has been renumbered as section 6.

2. In the Adams amendment, AM1640, on page 2, line 27, "energy" has been inserted after "solar".

3. On page 1, the matter beginning with "provide" in line 1 through line 2 and all amendments thereto have been struck and "provide for leases involving the production of solar energy or wind energy; and to declare an emergency." inserted.

LEGISLATIVE BILL 552. Placed on Final Reading.

ST9069

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

1. On page 1, the matter beginning with "amend" in line 1 through line 5 and all amendments thereto have been struck and "amend section 81-2402, Reissue Revised Statutes of Nebraska; to adopt the Nebraska Construction

Prompt Pay Act; to harmonize provisions; to provide an operative date; and to repeal the original section." inserted.

(Signed) Jeremy Nordquist, Chairperson

NOTICE OF COMMITTEE HEARINGS
Judiciary

Room 1113

Friday, February 5, 2010 1:30 p.m.

LB840
LB771
LB886
LB968
LB984

(Signed) Brad Ashford, Chairperson

General Affairs

Room 1510

Monday, February 8, 2010 1:30 p.m.

LB834
LB854
LB883
LB1000
LB942
LB1013

Monday, February 22, 2010 1:30 p.m.

LB887
LB1012
LB744
LR296CA
LB985
LB1023

Michael Hiatt - State Electrical Board
Steve Homan - Nebraska Arts Council

(Signed) Russ Karpisek, Chairperson

AMENDMENT - Print in Journal

Senator Janssen filed the following amendment to LB200:
AM1644

- 1 1. On page 2, strike lines 23 through 25.
- 2 2. On page 3, strike lines 1 through 3; in line 4 strike
- 3 "(5)" and insert "(4)"; in line 9 strike "(6)" and insert "(5)";
- 4 and strike lines 14 through 17.

UNANIMOUS CONSENT - Add Cointroducers

Senator McCoy asked unanimous consent to add his name as cointroducer to LB741, LB860, LB868, LB889, LB895, LB982, and LR292. No objections. So ordered.

Senators Christensen and McCoy asked unanimous consent to add their names as cointroducers to LB817. No objections. So ordered.

VISITOR

Visitor to the Chamber was Senator Carlson's son, Nathan, from Holdrege.

ADJOURNMENT

At 11:58 a.m., on a motion by Speaker Flood, the Legislature adjourned until 10:00 a.m., Monday, February 1, 2010.

Patrick J. O'Donnell
Clerk of the Legislature