

**SEVENTEENTH DAY - FEBRUARY 1, 2010****LEGISLATIVE JOURNAL****ONE HUNDRED FIRST LEGISLATURE  
SECOND SESSION****SEVENTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, February 1, 2010

**PRAYER**

The prayer was offered by Senator Dierks.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Sheehy presiding.

The roll was called and all members were present except Senators Howard, Langemeier, and Pahls who were excused; and Senators Ashford, Cornett, Dubas, Gay, Karpisek, and Stuthman who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the sixteenth day was approved.

**COMMITTEE REPORTS**

Enrollment and Review

**LEGISLATIVE BILL 798.** Placed on Select File.

**LEGISLATIVE BILL 731.** Placed on Select File.

**LEGISLATIVE BILL 738.** Placed on Select File.

**LEGISLATIVE BILL 814.** Placed on Select File.

**LEGISLATIVE BILL 721.** Placed on Select File with amendment.

ER8153

- 1 1. On page 1, line 3, strike "qualifications" and insert
- 2 "qualification".

**LEGISLATIVE BILL 722.** Placed on Select File.

**LEGISLATIVE BILL 791.** Placed on Select File with amendment.

ER8154

- 1 1. On page 1, strike beginning with "provide" in line 1
- 2 through line 2 and insert "amend section 21-2003, Revised Statutes
- 3 Supplement, 2009; to provide for the electronic filing of documents

4 as prescribed; to harmonize provisions; and to repeal the original  
5 section.".

6 2. On page 2, line 9, strike the first comma.

(Signed) Jeremy Nordquist, Chairperson

### COMMITTEE REPORTS

Banking, Commerce and Insurance

**LEGISLATIVE BILL 890.** Placed on General File.

**LEGISLATIVE BILL 891.** Placed on General File.

**LEGISLATIVE BILL 892.** Placed on General File.

(Signed) Pete Pirsch, Vice Chairperson

Natural Resources

**LEGISLATIVE BILL 643.** Placed on General File with amendment.  
AM1620

1 1. On page 2, lines 10 and 11; and on page 3, lines 1 and

2 2, strike "one hundred eighty" and insert "ninety".

3 2. On page 2, strike lines 16 through 18.

4 3. On page 3, strike beginning with "If" in line 6

5 through line 9.

(Signed) Chris Langemeier, Chairperson

### NOTICE OF COMMITTEE HEARINGS

Transportation and Telecommunications

Room 1113

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

LB761

LB772

LB810

LB841

LB924

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

LB697

LB945

LB926

LB982

(Signed) Deb Fischer, Chairperson

**MESSAGE FROM THE GOVERNOR**

January 27, 2010

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

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individuals are being appointed to the Board of Public Roads Classifications and Standards:

James Litchfield, 201 Highland Street, Wakefield, NE 68784  
James Daws, 1091 N. 7th Street, Seward, NE 68434

Contingent upon your approval, the following individuals are being reappointed to the Board of Public Roads Classifications and Standards:

Barbara Keegan, P.O. Box 224, Hemingford, NE 69348  
Randall Peters, 916 Fall Creek Road, Lincoln, NE 68510

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

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

**RESOLUTIONS**

Pursuant to Rule 4, Sec. 5(b), LR 298 and 302 were adopted.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LR 298 and 302.

**GENERAL FILE**

**LEGISLATIVE BILL 743.** Title read. Considered.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 871.** Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 749.** Title read. Considered.

Committee AM1587, found on page 370, was adopted with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 816.** Title read. Considered.

Committee AM1619, found on page 370, was adopted with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

**NOTICE OF COMMITTEE HEARINGS**  
Business and Labor

Room 2102

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

LB780  
LB829  
LB833  
LB846  
LB872  
LB908  
LB963  
LB994  
LB1044  
LB961

(Signed) Steve Lathrop, Chairperson

Agriculture

Room 2102

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

LB986

(Signed) Tom Carlson, Chairperson

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 303.** Introduced by Nordquist, 7; Ashford, 20.

WHEREAS, local fundraising efforts are being held to provide assistance to the earthquake victims in Haiti; and

WHEREAS, Bancroft Elementary School in Omaha is collecting money to be donated to the American Red Cross; and

WHEREAS, the Legislature recognizes the importance of Nebraska's local fundraising efforts to help the people of Haiti.

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

1. That the Legislature commends Bancroft Elementary School for its fundraising efforts to provide assistance to the earthquake victims in Haiti.

2. That a copy of this resolution be sent to Bancroft Elementary School.

Laid over.

**LEGISLATIVE RESOLUTION 304.** Introduced by Ashford, 20; Nelson, 6.

WHEREAS, local fundraising efforts are being held to provide assistance to the earthquake victims in Haiti; and

WHEREAS, Creighton Preparatory School in Omaha is holding a special mission collection, with the funds to be donated to the Jesuit Refugee Service; and

WHEREAS, the Legislature recognizes the importance of Nebraska's local fundraising efforts to help the people of Haiti.

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

1. That the Legislature commends Creighton Preparatory School for its fundraising efforts to provide assistance to the earthquake victims in Haiti.

2. That a copy of this resolution be sent to Creighton Preparatory School.

Laid over.

**LEGISLATIVE RESOLUTION 305.** Introduced by Lathrop, 12; Ashford, 20; Conrad, 46; Council, 11; Flood, 19; Lautenbaugh, 18; Nelson, 6; Pirsch, 4; White, 8; Wightman, 36.

WHEREAS, Judge John T. Grant was born in Omaha, Nebraska, on October 25, 1920, and later attended and graduated from Creighton Preparatory School and Creighton University; and

WHEREAS, Judge Grant served honorably in the Army during World War II, including thirty months overseas; and

WHEREAS, after a lengthy career as a private practice attorney, Judge Grant was appointed to the Douglas County District Court; and

WHEREAS, Judge Grant was later appointed to the Nebraska Supreme Court and served as a member of the court from 1983 to 1992; and

WHEREAS, Judge Grant was known for his many positive attributes, including his serious legal mind, his patience and graciousness, his ability to work well with competing sides, and his wonderful sense of humor; and

WHEREAS, as a lawyer and judge, Judge Grant contributed greatly to the civility and camaraderie between and among lawyers and the judiciary; and

WHEREAS, Judge Grant passed away on January 26, 2010, and is survived by a large and loving family.

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

1. That the Legislature honors the memory of Judge John T. Grant and his many contributions and achievements.

2. That the Legislature expresses and extends its sympathy and condolences to the family of Judge John T. Grant.

3. That a copy of this resolution be sent to the family of Judge John T. Grant.

Laid over.

**LEGISLATIVE RESOLUTION 306.** Introduced by Lathrop, 12.

WHEREAS, the Boy Scouts of America has been instilling timeless values in our youth since its founding in 1910, with a mission of serving others through its many programs; and

WHEREAS, the Boy Scouts of America is committed to helping millions of youth succeed by providing the support, friendship, and mentoring necessary to live a productive and fulfilling life; and

WHEREAS, Boy Scout troops around the country are celebrating the 100th anniversary of their organization on February 8, 2010; and

WHEREAS, troops from the Lewis and Clark District of the Mid-America Council are joining together to celebrate this occasion.

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

1. That the Legislature congratulates the Boy Scouts of America on celebrating its 100th anniversary.

2. That a copy of this resolution be provided to Troop 377 of the Lewis and Clark District of the Mid-America Council of the Boy Scouts of America.

Laid over.

**LEGISLATIVE RESOLUTION 307.** Introduced by Pirsch, 4; Ashford, 20.

WHEREAS, local fundraising efforts are being held to provide assistance to the earthquake victims in Haiti; and

WHEREAS, Beveridge Magnet Center in Omaha is holding a number of fundraising efforts, including collecting change during lunch hours, holding candy sales and garage sales, and holding a "Hat for Haiti" day during which students are allowed to wear a hat at school if they make a donation, with all funds to be donated to the American Red Cross; and

WHEREAS, the Legislature recognizes the importance of Nebraska's local fundraising efforts to help the people of Haiti.

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

1. That the Legislature commends Beveridge Magnet Center for its fundraising efforts to provide assistance to the earthquake victims in Haiti.

2. That a copy of this resolution be sent to Beveridge Magnet Center.

Laid over.

### **GENERAL FILE**

**LEGISLATIVE BILL 788.** Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 200.** Title read. Considered.

Senator Janssen renewed his amendment, AM1644, found on page 404.

Pending.

### **UNANIMOUS CONSENT - Add Cointroducers**

Senator Gloor asked unanimous consent to add his name as cointroducer to LB817. No objections. So ordered.

Senator McCoy asked unanimous consent to add his name as cointroducer to LB865. No objections. So ordered.

Senators Gay and Mello asked unanimous consent to add their names as cointroducers to LB1004. No objections. So ordered.

**REFERENCE COMMITTEE REPORT**

The Executive Board submits the following report:

- Daws, James - Board of Public Roads Classifications and Standards -  
Transportation and Telecommunications
- Keegan, Barbara - Board of Public Roads Classifications and Standards -  
Transportation and Telecommunications
- Litchfield, James - Board of Public Roads Classifications and Standards -  
Transportation and Telecommunications
- Peters, Randall - Board of Public Roads Classifications and Standards -  
Transportation and Telecommunications

(Signed) John Wightman, Chairperson  
Executive Board

**AMENDMENTS - Print in Journal**

Senator Lathrop filed the following amendment to LB200:  
FA59

Strike page 2 lines 6 and 7 and page 2 line 21 through page 3 line 17.

Senator Price filed the following amendment to LB200:  
AM1693

- 1 1. On page 3, after line 17, insert the following new
- 2 subsections:
- 3 "(8) Subsections (1) through (7) of this section
- 4 terminate on January 1, 2016.
- 5 (9) Beginning January 1, 2016, a person shall not operate
- 6 or be a passenger on a motorcycle or moped on any highway in this
- 7 state unless such person is wearing a protective helmet of the type
- 8 and design manufactured for use by an operator of a motorcycle or
- 9 moped and unless such helmet is secured properly on his or her
- 10 head with a chin strap while the motorcycle or moped is in motion.
- 11 Such protective helmets shall be designed to reduce injuries to
- 12 the user resulting from head impacts and shall be designed to
- 13 protect the user by remaining on the user's head, deflecting blows,
- 14 resisting penetration, and spreading the force of impact. Such
- 15 helmets shall consist of lining, padding, and a chin strap and
- 16 shall meet or exceed the standards for helmets established in the
- 17 United States Department of Transportation's Federal Motor Vehicle
- 18 Safety Standard No. 218, 49 C.F.R. 571.218."



**VISITORS**

Visitors to the Chamber were members of Family and Consumer Science Teachers of Nebraska (FCSTN) and Family, Career, and Community Leaders of America (FCCLA) from across the state.

The Doctor of the Day was Dr. Eric Thomsen from Beatrice.

**ADJOURNMENT**

At 11:58 a.m., on a motion by Speaker Flood, the Legislature adjourned until 9:00 a.m., Tuesday, February 2, 2010.

Patrick J. O'Donnell  
Clerk of the Legislature

