

NINETEENTH DAY - FEBRUARY 3, 2010

LEGISLATIVE JOURNAL

**ONE HUNDRED FIRST LEGISLATURE
SECOND SESSION**

NINETEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 3, 2010

PRAYER

The prayer was offered by Senator Carlson.

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 Senator Pahls who was excused; and Senators Ashford, Conrad, Cornett, Gloor, Haar, Hansen, Loudon, and Sullivan who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eighteenth day was approved.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 816. Placed on Select File with amendment.
ER8155

- 1 1. On page 2, line 1, strike the first comma; and
- 2 in line 5 after the first semicolon insert "to delete obsolete
- 3 provisions;".
- 4 2. On page 21, lines 8 and 11, after "distributor" insert
- 5 an underscored comma.
- 6 3. On page 40, line 17, after "seq." insert an
- 7 underscored comma.
- 8 4. On page 56, line 4, after the comma insert "or".
- 9 5. On page 77, line 22, strike ", his", show as stricken,
- 10 and insert "and the defendant's".
- 11 6. On page 79, line 7; and page 105, line 15, strike the
- 12 last comma and show as stricken.
- 13 7. On page 80, line 17, strike the comma and show as
- 14 stricken.
- 15 8. On page 85, line 19, after "metal" insert an

16 underscored comma.

17 9. On page 103, line 25, strike the semicolon and insert

18 an underscored colon.

LEGISLATIVE BILL 788. Placed on Select File.

(Signed) Jeremy Nordquist, Chairperson

NOTICE OF COMMITTEE HEARINGS

Judiciary

Room 1113

Wednesday, February 10, 2010 1:30 p.m.

LB795

LB880

LB881

LB868

LB1102

LB874

Thursday, February 11, 2010 1:30 p.m.

LB1094

LB901

LB936

LB876

LB835

(Signed) Brad Ashford, Chairperson

Government, Military and Veterans Affairs

Room 1507

Wednesday, February 10, 2010 1:30 p.m.

LB1015

LB718

LB1059

Thursday, February 11, 2010 1:30 p.m.

LB1009

LB970

LB1039

LB767

LB947

(Signed) Bill Avery, Chairperson

GENERAL FILE

LEGISLATIVE BILL 650A. Title read. Considered.

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

WITHDRAW - Amendment to LB190

Senator Avery withdrew his amendment, AM1677, found on page 388, to LB190.

MOTION - Return LB190 to Select File

Senator Avery moved to return LB190 to Select File for his specific amendment, AM1715, found on page 416.

The Avery motion to return prevailed with 43 ayes, 0 nays, 4 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 190. The Avery specific amendment, AM1715, found on page 416, was adopted with 37 ayes, 2 nays, 8 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

NOTICE OF COMMITTEE HEARINGS

Health and Human Services

Room 1510

Wednesday, February 10, 2010 1:30 p.m.

Nancy Oltman - Commission for the Blind and Visually Impaired
Darrell Walla - Commission for the Blind and Visually Impaired

LB858
LB1036
LB1022
LB1067

(Signed) Tim Gay, Chairperson

Transportation and Telecommunications

Room 2102

Friday, February 19, 2010 1:00 p.m.

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

(Signed) Deb Fischer, Chairperson

COMMITTEE REPORTS

Transportation and Telecommunications

LEGISLATIVE BILL 723. Placed on General File.**LEGISLATIVE BILL 787.** Placed on General File.**LEGISLATIVE BILL 914.** Placed on General File.

(Signed) Deb Fischer, Chairperson

Executive Board

LEGISLATIVE BILL 685. Placed on General File.**LEGISLATIVE BILL 770.** Placed on General File with amendment.
AM1714

- 1 1. Insert the following new section:
- 2 Sec. 3. Section 49-617, Revised Statutes Cumulative
- 3 Supplement, 2008, is amended to read:
- 4 49-617 The Revisor of Statutes shall cause the statutes
- 5 to be printed. The printer shall deliver all completed copies to
- 6 the Supreme Court. These copies shall be held and disposed of
- 7 by the court as follows: Sixty copies to the State Library to
- 8 exchange for statutes of other states; five copies to the State
- 9 Library to keep for daily use; not to exceed twenty-five copies
- 10 to the Legislative Council for bill drafting and related services
- 11 to the Legislature and executive state officers; as many copies
- 12 to the Attorney General as he or she has attorneys on his or her
- 13 staff; as many copies to the Commission on Public Advocacy as it
- 14 has attorneys on its staff; up to sixteen copies to the State
- 15 Court Administrator; thirteen copies to the Tax Commissioner; eight
- 16 copies to the Nebraska Publications Clearinghouse; six copies to
- 17 the Public Service Commission; four copies to the Secretary of
- 18 State; four copies to the Tax Equalization and Review Commission;
- 19 four copies to the Clerk of the Legislature for use in his or
- 20 her office and three copies to be maintained in the legislative
- 21 chamber, one copy on each side of the chamber and one copy at

22 the desk of the Clerk of the Legislature, under control of the
23 sergeant at arms; ~~three copies to the Auditor of Public Accounts;~~
1 three copies to the Department of Health and Human Services; two
2 copies each to the Governor of the state, the Chief Justice and
3 each judge of the Supreme Court, each judge of the Court of
4 Appeals, the Clerk of the Supreme Court, the Reporter of the
5 Supreme Court and Court of Appeals, the Commissioner of Labor,
6 the Auditor of Public Accounts, and the Revisor of Statutes;
7 one copy each to the Secretary of State of the United States,
8 each Indian tribal court located in the State of Nebraska, the
9 library of the Supreme Court of the United States, the Adjutant
10 General, the Air National Guard, the Commissioner of Education,
11 the State Treasurer, the Board of Educational Lands and Funds, the
12 Director of Agriculture, the Director of Administrative Services,
13 the Director of Aeronautics, the Director of Economic Development,
14 the director of the Nebraska Public Employees Retirement ~~Board,~~
15 Systems, the Director-State Engineer, the Director of Banking
16 and Finance, the Director of Insurance, the Director of Motor
17 Vehicles, the Director of Veterans' Affairs, the Director of
18 Natural Resources, the Director of Correctional Services, the
19 Nebraska Emergency Operating Center, each judge of the Nebraska
20 Workers' Compensation Court, each commissioner of the Commission
21 of Industrial Relations, the Nebraska Liquor Control Commission,
22 the State Real Estate Commission, the secretary of the Game and
23 Parks Commission, the Board of Pardons, each state institution
24 under the Department of Health and Human Services, each state
25 institution under the State Department of Education, the State
26 Surveyor, the Nebraska State Patrol, the materiel division of
27 the Department of Administrative Services, the personnel division
1 of the Department of Administrative Services, the Nebraska Motor
2 Vehicle Industry Licensing Board, the Board of Trustees of the
3 Nebraska State Colleges, each of the Nebraska state colleges, each
4 district judge of the State of Nebraska, each judge of the county
5 court, each judge of a separate juvenile court, the Lieutenant
6 Governor, each United States Senator from Nebraska, each United
7 States Representative from Nebraska, each clerk of the district
8 court for the use of the district court, the clerk of the Nebraska
9 Workers' Compensation Court, each clerk of the county court, each
10 county attorney, each county public defender, each county law
11 library, and the inmate library at all state penal and correctional
12 institutions, and each member of the Legislature shall be entitled
13 to two complete sets, and two complete sets of such volumes as are
14 necessary to update previously issued volumes, but each member of
15 the Legislature and each judge of any court referred to in this
16 section shall be entitled, on request, to an additional complete
17 set. Copies of the statutes distributed without charge, as listed
18 in this section, shall be the property of the state or governmental
19 subdivision of the state and not the personal property of the
20 particular person receiving a copy. Distribution of statutes to the

- 21 library of the College of Law of the University of Nebraska shall
 22 be as provided in sections 85-176 and 85-177.
 23 2. On page 2, line 25, after "Nebraska" insert ", and
 24 section 49-617, Revised Statutes Cumulative Supplement, 2008".
 25 3. Renumber the remaining sections accordingly.

(Signed) John Wightman, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 888. Placed on General File.

LEGISLATIVE BILL 912. Placed on General File.

(Signed) Pete Pirsch, Vice Chairperson

GENERAL FILE

LEGISLATIVE BILL 200. Senator Janssen offered the following motion:
 MO77

Reconsider the vote on FA60.

SPEAKER FLOOD PRESIDING

SENATOR LANGEMEIER PRESIDING

Senator Schilz moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

Senator Janssen moved for a call of the house. The motion prevailed with 39 ayes, 0 nays, and 10 not voting.

Senator Janssen requested a roll call vote on his motion to reconsider.

Voting in the affirmative, 42:

Adams	Dubas	Harms	McCoy	Schilz
Campbell	Fischer	Heidemann	McGill	Stuthman
Carlson	Flood	Howard	Mello	Sullivan
Christensen	Fulton	Janssen	Nelson	Utter
Coash	Gay	Karpisek	Nordquist	White
Conrad	Giese	Krist	Pankonin	Wightman
Cook	Gloor	Langemeier	Pirsch	
Council	Hadley	Lautenbaugh	Price	
Dierks	Hansen	Louden	Rogert	

Voting in the negative, 2:

Ashford Avery

Present and not voting, 4:

Cornett Haar Lathrop Wallman

Excused and not voting, 1:

Pahls

The Janssen motion to reconsider prevailed with 42 ayes, 2 nays, 4 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Senator McCoy offered the following motion:

MO78

Bracket until February 9, 2010.

The McCoy motion to bracket prevailed with 34 ayes, 0 nays, 9 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 705. Title read. Considered.

Senator Pirsch offered the following amendment:

AM1729

- 1 1. Insert the following new sections:
- 2 Section 1. Section 60-3,122, Revised Statutes Supplement,
- 3 2009, is amended to read:
- 4 60-3,122 (1) Any person may, in addition to the
- 5 application required by section 60-385, apply to the department
- 6 for license plates designed by the department to indicate that he
- 7 or she is a survivor of the Japanese attack on Pearl Harbor if he
- 8 or she:
- 9 (a) Was a member of the United States Armed Forces on
- 10 December 7, 1941;
- 11 (b) Was on station on December 7, 1941, during the hours
- 12 of 7:55 a.m. to 9:45 a.m. Hawaii time at Pearl Harbor, the island
- 13 of Oahu, or offshore at a distance not to exceed three miles;
- 14 (c) Was discharged or otherwise separated with a
- 15 characterization of honorable from the United States Armed Forces;
- 16 and
- 17 (d) Holds a current membership in a Nebraska Chapter of
- 18 the Pearl Harbor Survivors Association.
- 19 (2) The license plates shall be issued upon the applicant
- 20 paying the regular license fee and an additional fee of five
- 21 dollars and furnishing proof satisfactory to the department that
- 22 the applicant fulfills the requirements provided by subsection (1)
- 23 of this section. The additional fee shall be remitted to the
- 1 State Treasurer for credit to the Nebraska Veteran Cemetery System

2 Operation Fund. ~~Only one motor vehicle, trailer, semitrailer, or~~
 3 ~~cabin trailer owned by the applicant shall be so licensed at any~~
 4 ~~one time. Any number of motor vehicles, trailers, semitrailers, or~~
 5 cabin trailers owned by the applicant may be so licensed at any one
 6 time. Motor vehicles and trailers registered under section 60-3,198
 7 shall not be so licensed.

8 (3) If the license plates issued pursuant to this section
 9 are lost, stolen, or mutilated, the recipient of the plates shall
 10 be issued replacement license plates upon request and without
 11 charge.

12 Sec. 2. Section 60-3,123, Revised Statutes Supplement,
 13 2009, is amended to read:

14 60-3,123 (1) Any person who was captured and incarcerated
 15 by an enemy of the United States during a period of conflict with
 16 such enemy and who was discharged or otherwise separated with a
 17 characterization of honorable from or is currently serving in the
 18 United States Armed Forces may, in addition to the application
 19 required in section 60-385, apply to the department for license
 20 plates designed to indicate that he or she is a former prisoner of
 21 war.

22 (2) The license plates shall be issued upon the applicant
 23 paying the regular license fee and an additional fee of five
 24 dollars and furnishing proof satisfactory to the department that
 25 the applicant was formerly a prisoner of war. The additional fee
 26 shall be remitted to the State Treasurer for credit to the Nebraska
 27 Veteran Cemetery System Operation Fund. ~~Only one motor vehicle,~~
 1 ~~trailer, semitrailer, or cabin trailer owned by an applicant shall~~
 2 ~~be so licensed at any one time. Any number of motor vehicles,~~
 3 trailers, semitrailers, or cabin trailers owned by the applicant
 4 may be so licensed at any one time. Motor vehicles and trailers
 5 registered under section 60-3,198 shall not be so licensed.

6 (3) If the license plates issued under this section are
 7 lost, stolen, or mutilated, the recipient of the license plates
 8 shall be issued replacement license plates upon request and without
 9 charge.

10 2. On page 3, line 3, strike "section 60-3,124" and
 11 insert "sections 60-3,122, 60-3,123, and 60-3,124"; and in line 4
 12 strike "is" and insert "are".

13 3. Renumber the remaining sections accordingly.

SENATOR CARLSON PRESIDING

The Pirsch amendment was adopted with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

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

LEGISLATIVE BILL 725. Title read. Considered.

Committee AM1630, found on page 376, was considered.

Pending.

RESOLUTIONS

LEGISLATIVE RESOLUTION 310. Introduced by Krist, 10; Avery, 28; Coash, 27; Conrad, 46; Fulton, 29; Giese, 17; Haar, 21; Hadley, 37; Janssen, 15; Karpisek, 32; McGill, 26; Price, 3; Sullivan, 41.

WHEREAS, the 155th Air Refueling Wing of the Nebraska Air National Guard distinguished itself as an Air Force Outstanding Unit through exceptionally meritorious service during the period of July 1, 2007, through June 30, 2009; and

WHEREAS, during this same period, the unit distinguished itself by successfully employing its mobilized and volunteer-unit members in support of homeland defense, Operations Noble Eagle, Enduring Freedom, and Iraqi Freedom, and a host of expeditionary combat-support deployments; and

WHEREAS, the unit's personnel and assigned Stratotanker aircraft performed brilliantly in the execution of worldwide missions of vital importance to our strategic national interests and excelled in operational readiness, flying and ground safety, energy conservation, environmental protection, community involvement, and compliance inspections; and

WHEREAS, the unit flew more than five thousand seven hundred hours of operational training with over one thousand two hundred hours of combat or combat-support missions; and

WHEREAS, fifty-eight aircrew members were recognized with Flying Hour Safety Award milestones by the AMC Safety Center, and the unit has accumulated over one hundred fifteen thousand Class A/B mishap-free flying hours while performing global combat, combat support, and training missions; and

WHEREAS, the unit maintained a 95.9% retention rate and 104% unit strength; and

WHEREAS, the unit received the Air National Guard Director's Challenge Award for exceeding 120% of individual recruiting goals in fiscal year 2008; and

WHEREAS, the unit received inspection ratings of Excellent, Outstanding, 100% Compliance, Best Seen to Date, and Best and was validated well above the bar for Mission Readiness; and

WHEREAS, the unit continued its history of outstanding community service by providing orientation flights for over five hundred community leaders, hosting events for more than one thousand American Legion Boys and Girls State participants, providing aerospace instruction to more than two thousand at risk fifth-grade students through STARBASE Nebraska, holding community blood drives, supporting the 2008 National Veterans Wheelchair Games, and being recognized as the largest regional contributor

to the Combined Federal Campaign and for increasing participation in the campaign by 50%; and

WHEREAS, sections and individual unit members have been recognized for superior achievement, including 2008 Air National Guard Comptroller Organization of the Year, 2007 Kenneth W. Disney Award, Air National Guard Best Food Services Program, thirty-eight Nebraska National Guard Emergency Service awards for support of Hurricane Gustav, Public Affairs writing awards, and the Air National Guard Chief of Staff Team Spirit Excellence Award.

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

1. That the Legislature hereby congratulates and extends its appreciation to the men and women of the 155th Air Refueling Wing of the Nebraska Air National Guard on earning their tenth Air Force Outstanding Unit Award and thanks them for their excellent service to this state and nation.

2. That a copy of this resolution be sent to the Adjutant General of the Nebraska National Guard, Brigadier General Judd H. Lyons.

Laid over.

LEGISLATIVE RESOLUTION 311. Introduced by Flood, 19.

WHEREAS, the NEBRASKAland Foundation, on Saturday, February 27, 2010, at the annual Statehood Day Dinner held in the Nebraska State Capitol, will present the Distinguished NEBRASKAlander Award, along with the Wagonmaster, Trailblazer, and Pioneer Awards; and

WHEREAS, the Wagonmaster Award is presented to Dick Mercer, a resident of Kearney who has a distinguished career as a progressive farmer, cattleman, and steward of our soil and water resources. He has served as chairman of the Central Platte Natural Resources District, as a longtime natural resources district board member, as president of the Nebraska Livestock Feeders, and as a member of the Nebraska Environmental Trust Board. He has received various awards including the Farm Family of the Year, Nebraska Cattleman of the Year, Knights of Ak-Sar-Ben Court of Honor, and the Public Service to Agriculture Award; and

WHEREAS, the Pioneer Award is presented to Maxine Moul, a resident of Lincoln who was recently appointed by President Barack Obama to serve as the Nebraska State Director of the United States Department of Agriculture Rural Development. Maxine has founded a printing and publishing firm in Syracuse, served as Lieutenant Governor under former Governor Ben Nelson from 1991-93, directed the Department of Economic Development from 1993-99, served as chief executive officer of the Nebraska Community Foundation, and served as coordinator of EndowNebraska; and

WHEREAS, the Trailblazer Award is presented to Dick Davis, a resident of Omaha who has distinguished himself as an athlete, school administrator, businessman, entrepreneur, and education advocate. Following his National Football League playing days, he was an Omaha Public Schools

administrator, an executive with Northern Plains Natural Gas Company, and currently is chief executive officer of Davis Companies; and

WHEREAS, the Distinguished NEBRASKAlander Award is presented to Dick Holland, a resident of Omaha whose philanthropic actions have forever changed the way of life in Omaha and the state. The focus of his giving, and before her death, the focus of his wife Mary's giving, as well, is on children and the arts. The generous giving of the Hollands has resulted in the Holland Performing Arts Center, the Holland Computing Center at the Peter Kiewit Institute, an expansion to the Child Saving Institute, and most recently, the Building Bright Futures Educational Initiative.

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

1. That the Legislature extends its appreciation to the honorees for their service to the State of Nebraska.

2. That a copy of this resolution be given to all honorees.

Laid over.

REFERENCE COMMITTEE REPORT

The Executive Board submits the following report:

Rehmeier, Randall - Public Employees Retirement Board - Nebraska Retirement Systems

(Signed) John Wightman, Chairperson
Executive Board

COMMITTEE REPORTS

Transportation and Telecommunications

LEGISLATIVE BILL 735. Placed on General File with amendment.
AM1747

- 1 1. On page 2, strike lines 8 through 11 and insert
- 2 "(2) Law enforcement agency means a police department,
- 3 a town marshal, the office of sheriff, and the Nebraska State
- 4 Patrol";
- 5 2. On page 3, strike beginning with "in" in line 1
- 6 through "and" in line 2 and insert "at the request of a law
- 7 enforcement agency"; and in line 5 before the period insert "while
- 8 acting at the request of a law enforcement agency".

LEGISLATIVE BILL 821. Placed on General File with amendment.
AM1741

- 1 1. On page 2, line 11, strike "and maintenance" and after
- 2 "system" insert "asset".

(Signed) Deb Fischer, Chairperson

AMENDMENTS - Print in Journal

Senator Lathrop filed the following amendment to LB200:

FA61

Amend AM1720

On page 2, line 7 strike "one" and insert "five".

Senator Lathrop filed the following amendment to LB200:

FA62

Amend AM1720

Add page 3, line 20 after "demand" it shall be a class three misdemeanor to operate a motorcycle without the policy coverages provided for herein.

Senator Lathrop filed the following amendment to LB200:

FA63

Amend AM1720

Strike section 4 paragraph (4) page 6 line 26 through page 7 line 3.

Senator Avery filed the following amendment to LB200:

AM1750

(Amendments to AM1720)

- 1 1. On page 6, strike beginning with "A" in line 6 through
- 2 "(2)" in line 9; in lines 9 and 24 strike "(3)" and insert "(2)";
- 3 in line 25 strike "(2)" and insert "(1)"; and strike beginning with
- 4 "(4)" in line 26 through "enforcement" in line 27 and insert "(3)
- 5 Enforcement".
- 6 2. On page 7, strike lines 4 through 8; in line 9 strike
- 7 "(6)" and insert "(4)" and strike "(5)" and insert "(3)"; and in
- 8 line 11 strike "(7)" and insert "(5)".

UNANIMOUS CONSENT - Add Cointroducers

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

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

Senator Gloor asked unanimous consent to add his name as cointroducer to LR310. No objections. So ordered.

VISITORS

Visitors to the Chamber were Suzanne Kemp and John Maag from Lincoln; Mike McCabe from Lombard, Illinois; 18 twelfth-grade students, teacher, and sponsors from Hartington; Roger Brede from Long Pine and Dale Caskey from Bassett; members of Scottsbluff/Gering United Chamber, Leadership Scotts Bluff from Scottsbluff and Gering, and Leadership Box

Butte from Alliance; and scout members of Cornhusker, Mid-America, and Overland Trails Councils and sponsors from across the state.

The Doctor of the Day was Dr. Bob Ranner from Lincoln.

ADJOURNMENT

At 11:59 a.m., on a motion by Speaker Flood, the Legislature adjourned until 9:00 a.m., Thursday, February 4, 2010.

Patrick J. O'Donnell
Clerk of the Legislature

