

**TWENTY-FIRST DAY - FEBRUARY 5, 2010****LEGISLATIVE JOURNAL****ONE HUNDRED FIRST LEGISLATURE  
SECOND SESSION****TWENTY-FIRST DAY**

Legislative Chamber, Lincoln, Nebraska  
Friday, February 5, 2010

**PRAYER**

The prayer was offered by Senator Heidemann.

**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 Council, Krist, and Pahls who were excused; and Senator McGill who was excused until she arrives.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the twentieth day was approved.

**COMMITTEE REPORTS**

Enrollment and Review

**LEGISLATIVE BILL 725.** Placed on Select File with amendment.  
ER8158

- 1 1. On page 1, line 1, strike "motor carriers" and insert
- 2 "agricultural vehicles"; in line 2 after "Nebraska" insert ",
- 3 and section 60-363, Revised Statutes Cumulative Supplement, 2008;
- 4 to change provisions relating to fertilizer trailer registration
- 5 certificates".
- 6 2. On page 17, line 24, strike "(7)", show as stricken,
- 7 and insert "(8)".

**LEGISLATIVE BILL 762.** Placed on Select File.

**LEGISLATIVE BILL 708.** Placed on Select File.

**LEGISLATIVE BILL 806.** Placed on Select File.

**LEGISLATIVE BILL 873.** Placed on Select File.

**LEGISLATIVE BILL 667.** Placed on Select File with amendment.  
ER8157

- 1 1. In the Standing Committee amendments, AM1575, on page
- 2 2, line 14, strike "subsection" and insert "subdivision".

**LEGISLATIVE BILL 711.** Placed on Select File.  
**LEGISLATIVE BILL 797.** Placed on Select File.  
**LEGISLATIVE BILL 832.** Placed on Select File.  
**LEGISLATIVE BILL 911.** Placed on Select File.

(Signed) Jeremy Nordquist, Chairperson

### COMMITTEE REPORTS

Government, Military and Veterans Affairs

**LEGISLATIVE BILL 768.** Placed on General File.  
**LEGISLATIVE BILL 850.** Placed on General File.

The Government, Military and Veterans Affairs 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.

Reynold McMeen - State Emergency Response Commission

Aye: 7 Senators Avery, Giese, Janssen, Karpisek, Krist, Price, Sullivan.  
 Nay: 0. Absent: 1 Senator Pahl.

(Signed) Bill Avery, Chairperson

### RESOLUTIONS

**LEGISLATIVE RESOLUTION 313.** Introduced by McCoy, 39.

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, the 100th anniversary of the Boy Scouts of America is on February 8, 2010, and troops around the country will be celebrating this occasion throughout 2010 in a number of events and programs; and

WHEREAS, scouts from the Cornhusker Council, Mid-America Council, and Overland Trails Council, a group which represents eighty-three of Nebraska's ninety-three counties, are gathering together on February 3, 2010, 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 sent to the Cornhusker Council, Mid-America Council, and Overland Trails Council of the Boy Scouts of America.

Laid over.

**LEGISLATIVE RESOLUTION 314.** Introduced by Dubas, 34.

WHEREAS, Mitchell George Moeller has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest achievement rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Mitchell George Moeller has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 12 of which are in required areas, and complete a community service project approved by the troop and the scout council; and

WHEREAS, only five percent of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout.

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

1. That the Legislature congratulates Mitchell George Moeller on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Mitchell George Moeller.

Laid over.

## MESSAGES FROM THE GOVERNOR

February 2, 2010

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

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed

to the Child Abuse Prevention Fund Board:

Camille Ohri, 923 E. Tipperary, O'Neill, NE 68763

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

February 4, 2010

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

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individual is being reappointed to the Commission for the Deaf and Hard of Hearing:

Raymond Meester, 4300 Everett St., Lincoln, NE 68506

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

**AMENDMENT - Print in Journal**

Senator Langemeier filed the following amendment to LB912:  
AM1748

1. Strike section 5.

**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of February 4, 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

Bromm, Curt  
Good Samaritan Hospital  
Byers, Thomas L.  
Magellan Midstream Partners  
Cook, Autumn Foster  
Nebraska Friends of Midwives  
Cutshall & Nowka  
Shelton Wholesale, Inc.  
Goc, John J.  
Appraisers, Nebraska Coalition of  
Harding, William A.  
League of Nebraska Municipalities  
Johnson, DeMaris  
Good Samaritan Hospital  
Kidman, Victoria  
State Farm Insurance Companies  
Kulesher Jarecke, Kate M.  
Brain Injury Group of Nebraska (BIG-N)  
Plucker, Julia  
Brodersen, Roger  
Ruth Mueller Robak LLC  
Good Samaritan Hospital  
Home Builders Association, Nebraska State  
Stewart, Chandra  
Nebraska Friends of Midwives  
Winston, Ken  
Wachiska Audubon Society

**REPORTS**

The following reports were received by the Legislature:

**Coordinating Commission for Postsecondary Education**

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

**Economic Development, Department of**

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

**Health and Human Services, Department of**

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

**Labor, Department of**

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

**Motor Vehicles, Department of**

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

**Real Estate Commission, Nebraska**

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

**University of Nebraska**

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

**MOTION - Withdraw LB946**

Senator Hadley renewed his motion, MO79, found on page 451, to withdraw LB946.

The Hadley motion to withdraw the bill prevailed with 38 ayes, 0 nays, 6 present and not voting, and 5 excused and not voting.

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 682.**

A BILL FOR AN ACT relating to the Department of Natural Resources; to eliminate a terminated fund; and to outright repeal section 61-217, 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, 45:

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

Voting in the negative, 0.

Excused and not voting, 4:

Council      Krist              Lautenbaugh    Pahls

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

**LEGISLATIVE BILL 683.**

A BILL FOR AN ACT relating to the Department of Natural Resources; to eliminate an obsolete intent provision; and to outright repeal section 61-219, 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, 44:

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

Voting in the negative, 0.

Present and not voting, 1:

Mello

Excused and not voting, 4:

Council      Krist              Lautenbaugh    Pahls

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 LB684 with 44 ayes, 0 nays, 1 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 684.**

A BILL FOR AN ACT relating to social security; to amend sections 68-601, 68-602, 68-603, 68-604, 68-605, 68-608, 68-610, 68-620, 68-621, 68-622, and 68-631, Reissue Revised Statutes of Nebraska; to eliminate two terminated funds; to harmonize provisions; to repeal the original sections; and to outright repeal sections 68-612 and 68-613, 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, 43:

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

Voting in the negative, 0.

Present and not voting, 2:

Cornett          Howard

Excused and not voting, 4:

Council          Krist                  Lautenbaugh    Pahls

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

**ANNOUNCEMENTS**

The Chair announced today is Senator Dubas' birthday.

The Chair announced February 6 is Senator Wallman's birthday.



**BILLS ON FINAL READING**

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 183.**

A BILL FOR AN ACT relating to the Nebraska Telecommunications Regulation Act; to amend section 86-101, Reissue Revised Statutes of Nebraska; to provide requirements for the sale of an exchange by a telecommunications company; to provide powers and duties for the Public Service Commission; 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, 45:

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

Voting in the negative, 0.

Excused and not voting, 4:

Council	Krist	Lautenbaugh	Pahls
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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 LB254 with 42 ayes, 0 nays, 3 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 254.** With Emergency Clause.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-2622 and 2-2626, Reissue Revised Statutes of Nebraska, and section 2-2646, Revised

Statutes Supplement, 2009; to require Nebraska aerial pesticide business licenses for aerial pesticide application; to harmonize provisions; to provide an operative date; 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	Cornett	Haar	Louden	Rogert
Ashford	Dierks	Hadley	McCoy	Schilz
Avery	Dubas	Hansen	McGill	Stuthman
Campbell	Fischer	Harms	Mello	Sullivan
Carlson	Flood	Heidemann	Nelson	Utter
Christensen	Fulton	Howard	Nordquist	Wallman
Coash	Gay	Karpisek	Pankonin	White
Conrad	Giese	Langemeier	Pirsch	Wightman
Cook	Gloor	Lathrop	Price	

Voting in the negative, 0.

Present and not voting, 1:

Janssen

Excused and not voting, 4:

Council      Krist      Lautenbaugh      Pahls

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 261.**

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend section 60-4,111.01, Reissue Revised Statutes of Nebraska; to provide for use of machine-readable information encoded on an operator's license or a state identification card; to provide penalties; 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, 34:

Adams	Cook	Gloor	McCoy	Rogert
Avery	Cornett	Hadley	McGill	Schilz
Campbell	Dubas	Heidemann	Mello	Sullivan
Carlson	Fischer	Janssen	Nelson	Utter
Christensen	Flood	Karpisek	Nordquist	Wallman
Coash	Gay	Langemeier	Pirsch	Wightman
Conrad	Giese	Lathrop	Price	

Voting in the negative, 10:

Ashford	Fulton	Hansen	Louden	Stuthman
Dierks	Haar	Howard	Pankonin	White

Present and not voting, 1:

Harms

Excused and not voting, 4:

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

**LEGISLATIVE BILL 325.**

A BILL FOR AN ACT relating to elections; to amend sections 32-328, 32-329, 32-914.02, 32-915, 32-930, and 32-1002, Reissue Revised Statutes of Nebraska, and section 32-607, Revised Statutes Supplement, 2009; to change provisions relating to clerical errors on the precinct list of registered voters, updates of registration records due to change of address, candidate filing forms, provisional ballots, and challenges to voters; 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, 45:

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

Voting in the negative, 0.

Excused and not voting, 4:

Council          Krist                  Lautenbaugh    Pahls

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

### **LEGISLATIVE BILL 522.**

A BILL FOR AN ACT relating to volunteer fire and rescue departments; to amend section 35-901, Reissue Revised Statutes of Nebraska; to change provisions relating to the use of funds, fees, and charges; 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, 45:

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

Voting in the negative, 0.

Excused and not voting, 4:

Council          Krist                  Lautenbaugh    Pahls

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

### **LEGISLATIVE BILL 139.**

A BILL FOR AN ACT relating to the Commission on Mexican-Americans; to amend sections 81-8,262, 81-8,265, 81-8,270, and 81-8,271.01, Reissue Revised Statutes of Nebraska; to rename the commission and a fund; 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, 38:

Adams	Cornett	Gloor	Lathrop	Price
Ashford	Dierks	Haar	McCoy	Rogert
Avery	Dubas	Hadley	McGill	Schilz
Campbell	Fischer	Harms	Mello	Sullivan
Carlson	Flood	Heidemann	Nelson	White
Christensen	Fulton	Howard	Nordquist	Wightman
Coash	Gay	Janssen	Pankonin	
Conrad	Giese	Langemeier	Pirsch	

Voting in the negative, 5:

Hansen	Karpisek	Louden	Stuthman	Wallman
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Present and not voting, 2:

Cook	Utter
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Excused and not voting, 4:

Council	Krist	Lautenbaugh	Pahls
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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 LB197 with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

#### **LEGISLATIVE BILL 197.** With Emergency Clause.

A BILL FOR AN ACT relating to the Nebraska educational savings plan trust; to amend sections 77-2716, 85-1801, 85-1802, 85-1804, 85-1807, 85-1808, and 85-1813, Reissue Revised Statutes of Nebraska, and Laws 2009, First Special Session, LB 1, section 228; to redefine terms; to create and eliminate funds; to change and eliminate provisions relating to the use of funds; to provide for and change transfers of funds; to harmonize provisions; to provide an operative date; to repeal the original sections; to outright repeal section 85-1803, Reissue Revised Statutes of Nebraska, as amended by section 95, Legislative Bill 3, One Hundred First Legislature, First Special Session, 2009; 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	Cornett	Haar	Lathrop	Price
Ashford	Dierks	Hadley	Louden	Rogert
Avery	Dubas	Hansen	McCoy	Schilz
Campbell	Fischer	Harms	McGill	Stuthman
Carlson	Flood	Heidemann	Mello	Sullivan
Christensen	Fulton	Howard	Nelson	Wallman
Coash	Gay	Janssen	Nordquist	White
Conrad	Giese	Karpisek	Pankonin	Wightman
Cook	Gloor	Langemeier	Pirsch	

Voting in the negative, 0.

Present and not voting, 1:

Utter

Excused and not voting, 4:

Council      Krist      Lautenbaugh      Pahls

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 210.** With Emergency Clause.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-27,137.02, Reissue Revised Statutes of Nebraska; to change provisions relating to aid to natural resources districts; 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, 44:

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

Voting in the negative, 0.

Present and not voting, 1:

Louden

Excused and not voting, 4:

Council      Krist      Lautenbaugh      Pahls

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 279.**

A BILL FOR AN ACT relating to land-use planning; to amend sections 14-407, 15-1103, and 19-923, Reissue Revised Statutes of Nebraska; to require notification of military installations regarding development of real property; 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, 44:

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

Voting in the negative, 0.

Present and not voting, 1:

Schilz

Excused and not voting, 4:

Council      Krist              Lautenbaugh    Pahls

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

**LEGISLATIVE BILL 475.**

A BILL FOR AN ACT relating to county government; to amend section 23-1401, Reissue Revised Statutes of Nebraska; to change a provision relating to duties of the county comptroller; to create the office of auditor; 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, 45:

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

Voting in the negative, 0.

Excused and not voting, 4:

Council      Krist              Lautenbaugh    Pahls

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

**LEGISLATIVE BILL 550.**

A BILL FOR AN ACT relating to the Military Code; to amend sections 55-101, 55-120, 55-121, 55-125, 55-126, and 55-135, Reissue Revised Statutes of Nebraska; to change provisions relating to Military Department personnel; to provide peace officer powers and duties to National Guard members; 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, 45:

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

Voting in the negative, 0.

Excused and not voting, 4:

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

**LEGISLATIVE BILL 147.**

A BILL FOR AN ACT relating to change of name; to amend sections 25-21,271 and 28-376, Reissue Revised Statutes of Nebraska, and sections 28-718 and 29-4004, Revised Statutes Supplement, 2009; to change petition requirements for a change of name; to require delivery of court orders regarding name changes; to require inclusion and notification of name changes for the Adult Protective Services Central Registry, the central register of child protection cases, and the central registry of sex offenders; to provide an operative date; 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, 45:

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

Voting in the negative, 0.

Excused and not voting, 4:

Council          Krist                  Lautenbaugh    Pahls

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

### **LEGISLATIVE BILL 181.**

A BILL FOR AN ACT relating to the Nebraska Telecommunications Regulation Act; to amend section 86-101, Reissue Revised Statutes of Nebraska; to provide requirements for wire-crossing agreements between railroad carriers and telecommunications carriers as prescribed; 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, 45:

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

Voting in the negative, 0.

Excused and not voting, 4:

Council          Krist                  Lautenbaugh    Pahls

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

### **LEGISLATIVE BILL 216.**

A BILL FOR AN ACT relating to civil liability; to eliminate motor vehicle and aircraft guest statutes; to harmonize provisions; and to outright repeal sections 3-129.01, 25-21,237, and 25-21,238, 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, 36:

Adams	Cornett	Haar	McCoy	Stuthman
Ashford	Dierks	Hadley	McGill	Sullivan
Campbell	Dubas	Harms	Mello	Wallman
Carlson	Fischer	Heidemann	Nordquist	White
Christensen	Flood	Howard	Pankonin	
Coash	Gay	Karpisek	Pirsch	
Conrad	Giese	Lathrop	Price	
Cook	Gloor	Louden	Reger	

Voting in the negative, 8:

Fulton	Janssen	Nelson	Utter
Hansen	Langemeier	Schilz	Wightman

Present and not voting, 1:

Avery

Excused and not voting, 4:

Council      Krist      Lautenbaugh      Pahls

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

**LEGISLATIVE BILL 235.** With Emergency Clause.

A BILL FOR AN ACT relating to school lands; to provide for leases involving the production of solar energy or wind energy; 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	Cornett	Haar	Lathrop	Price
Ashford	Dierks	Hadley	Louden	Rogert
Avery	Dubas	Hansen	McCoy	Schilz
Campbell	Fischer	Harms	McGill	Stuthman
Carlson	Flood	Heidemann	Mello	Sullivan
Christensen	Fulton	Howard	Nelson	Utter
Coash	Gay	Janssen	Nordquist	Wallman
Conrad	Giese	Karpisek	Pankonin	White
Cook	Gloor	Langemeier	Pirsch	Wightman

Voting in the negative, 0.

Excused and not voting, 4:

Council      Krist      Lautenbaugh      Pahls

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 552.**

A BILL FOR AN ACT relating to construction; to 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.

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

Voting in the negative, 0.

Excused and not voting, 4:

Council      Krist      Lautenbaugh      Pahls

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 682, 683, 684, 183, 254, 261, 325, 522, 139, 197, 210, 279, 475, 550, 147, 181, 216, 235, and 552.

**NOTICE OF COMMITTEE HEARINGS**

Natural Resources

Room 1525

Wednesday, February 17, 2010 1:30 p.m.

LB755  
LB964

Thursday, February 18, 2010 1:30 p.m.

LB785  
LB1016  
LB1025

Wednesday, February 24, 2010 1:30 p.m.

Jerrold Burke - Game and Parks Commission

LB1048

(Signed) Chris Langemeier, Chairperson

**REFERENCE COMMITTEE REPORT**

The Executive Board submits the following report:

Meester, Raymond - Commission for the Deaf and Hard of Hearing - Health and Human Services

Ohri, Camille - Child Abuse Prevention Fund Board - Health and Human Services

(Signed) John Wightman, Chairperson  
Executive Board

**AMENDMENTS - Print in Journal**

Senator Christensen filed the following amendment to LB650:  
AM1682

(Amendments to Standing Committee amendments, AM1582)

- 1 1. Strike section 10 and insert the following new
- 2 section:
- 3 Sec. 10. If a minitruck does not have a manufacturer's
- 4 vehicle identification number, the owner of the minitruck may apply
- 5 for a certificate of title by presenting (1)(a) a manufacturer's
- 6 statement of origin for the minitruck or (b)(i) a bill of sale
- 7 or a manufacturer's or importer's certificate for a minitruck
- 8 purchased before January 1, 2011, or a manufacturer's or importer's
- 9 certificate for a minitruck purchased on or after January 1, 2011,
- 10 and (ii) an affidavit by the owner affirming ownership for the
- 11 minitruck, (2) a statement that an inspection has been conducted on
- 12 the minitruck, and (3) a vehicle identification number as described
- 13 in section 60-148. The certificate of title shall indicate the
- 14 make and model year of the minitruck. If the model year cannot
- 15 be determined, the model year of the minitruck shall be the year
- 16 application for title was made.

Senator Avery filed the following amendment to LB722:  
AM1771

- 1 1. On page 6, strike beginning with "use" in line 4
- 2 through line 5 and all amendments thereto and insert "maintain the
- 3 historic and cultural integrity of the building or land.".

**GENERAL FILE**

**LEGISLATIVE BILL 867.** Committee AM1638, found on page 399 and considered on page 451, was renewed.

The committee amendment was adopted with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 848.** Title read. Considered.

Committee AM1646, found on page 401, was adopted with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 746.** Title read. Considered.

Committee AM1669, found on page 401, was considered.

**SENATOR ROBERT PRESIDING**

The committee amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

**COMMITTEE REPORTS**

Natural Resources

**LEGISLATIVE BILL 689.** Placed on General File.

**LEGISLATIVE BILL 764.** Placed on General File with amendment.  
AM1751

- 1 1. On page 2, line 20, strike "on or before October
- 2 1"; and strike beginning with "maintain" in line 24 through
- 3 "appropriated" in line 25 and insert "manage such river basin,
- 4 subbasin, or reach to achieve and sustain a balance between water
- 5 uses and water supplies for the long term".

**LEGISLATIVE BILL 885.** Indefinitely postponed.

(Signed) Chris Langemeier, Chairperson

**AMENDMENTS - Print in Journal**

Senator Avery filed the following amendment to LB190A:  
AM1769

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. The State Treasurer shall transfer \$176,000
- 4 from the State Settlement Cash Fund to the State DNA Sample and
- 5 Data Base Fund on or before August 1, 2010.
- 6 Sec. 2. There is hereby appropriated \$72,800 from the
- 7 State DNA Sample and Data Base Fund for FY2010-11 to the Department
- 8 of Correctional Services, for Program 200, to aid in carrying
- 9 out the provisions of Legislative Bill 190, One Hundred First
- 10 Legislature, Second Session, 2010.
- 11 No expenditures for permanent and temporary salaries and
- 12 per diems for state employees shall be made from funds appropriated
- 13 in this section.
- 14 Sec. 3. There is hereby appropriated \$103,200 from
- 15 the State DNA Sample and Data Base Fund for FY2010-11 to the
- 16 Nebraska State Patrol, for Program 100, to aid in carrying out the

17 provisions of Legislative Bill 190, One Hundred First Legislature,  
 18 Second Session, 2010.

19 No expenditures for permanent and temporary salaries and  
 20 per diems for state employees shall be made from funds appropriated  
 21 in this section.

22 Sec. 4. There is hereby appropriated (1) \$50,000 from  
 23 the Department of Correctional Services Facility Cash Fund for  
 1 FY2010-11 and (2) \$50,000 from the Department of Correctional  
 2 Services Facility Cash Fund for FY2011-12 to the Department of  
 3 Correctional Services, for Program 200, to aid in carrying out the  
 4 provisions of Legislative Bill 190, One Hundred First Legislature,  
 5 Second Session, 2010.

6 No expenditures for permanent and temporary salaries and  
 7 per diems for state employees shall be made from funds appropriated  
 8 in this section.

9 Sec. 5. There is hereby appropriated (1) \$34,500 from  
 10 the Nebraska State Patrol Cash Fund for FY2010-11 and (2) \$34,500  
 11 from the Nebraska State Patrol Cash Fund for FY2011-12 to the  
 12 Nebraska State Patrol, for Program 100, to aid in carrying out the  
 13 provisions of Legislative Bill 190, One Hundred First Legislature,  
 14 Second Session, 2010.

15 No expenditures for permanent and temporary salaries and  
 16 per diems for state employees shall be made from funds appropriated  
 17 in this section.

Senator Dubas filed the following amendment to LB297:  
 AM1782

(Amendments to E & R amendments, ER8144)

1 1. On page 4, line 9, strike "two million dollars in  
 2 FY2010-11,"; in line 10, after the second comma insert "and";  
 3 and strike beginning with the first comma in line 11 through  
 4 "FY2019-20" in line 14.

5 2. On page 6, line 20, after the period insert "Such  
 6 interest rate shall not fall below zero percent.".

7 3. On page 8, line 10, strike "2020" and insert "2014";  
 8 and in line 11 strike "January" and insert "July".

### **PRESENTED TO THE GOVERNOR**

Presented to the Governor on February 5, 2010, at 11:32 a.m. were the following: LBs 682, 683, 684, 183, 254e, 261, 325, 522, 139, 197e, 210e, 279, 475, 550, 147, 181, 216, 235e, and 552.

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



**UNANIMOUS CONSENT - Add Cointroducers**

Senator Dubas asked unanimous consent to add her name as cointroducer to LB650 and LB1103. No objections. So ordered.

Senators Stuthman, Sullivan, and Wallman asked unanimous consent to add their names as cointroducers to LB1103. No objections. So ordered.

**ADJOURNMENT**

At 11:46 a.m., on a motion by Speaker Flood, the Legislature adjourned until 10:00 a.m., Monday, February 8, 2010.

Patrick J. O'Donnell  
Clerk of the Legislature

