

THIRD DAY - JANUARY 8, 2010**LEGISLATIVE JOURNAL****ONE HUNDRED FIRST LEGISLATURE
SECOND SESSION****THIRD DAY**

Legislative Chamber, Lincoln, Nebraska
Friday, January 8, 2010

PRAYER

The prayer was offered by Senator Carlson.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Speaker Flood presiding.

The roll was called and all members were present except Senators Cornett and Gay who were excused; and Senator Christensen who was excused until he arrives.

PRESIDENT SHEEHY PRESIDING**CORRECTIONS FOR THE JOURNAL**

The Journal for the second day was approved.

REFERENCE COMMITTEE REPORT

The Executive Board submits the following report:

LB/LR	Committee
LB682	General File
LB683	General File
LB684	General File
LB685	Executive Board
LB686	Government, Military and Veterans Affairs
LB687	Judiciary
LB688	Transportation and Telecommunications
LB689	Natural Resources
LB690	Banking, Commerce and Insurance
LB691	Banking, Commerce and Insurance
LB692	Revenue
LB693	Banking, Commerce and Insurance
LB694	Judiciary

LB695	Judiciary
LB696	Natural Resources
LB697	Transportation and Telecommunications
LB698	Revenue
LB699	Judiciary
LB700	Business and Labor
LB701	Health and Human Services
LB702	Health and Human Services
LB703	Judiciary
LB704	Revenue
LB705	Transportation and Telecommunications
LB706	Health and Human Services
LB707	Judiciary
LB708	Revenue
LB709	Business and Labor
LB710	Health and Human Services
LB711	Education
LB712	Judiciary
LB713	Education
LB714	Government, Military and Veterans Affairs
LB715	Government, Military and Veterans Affairs
LB716	Education
LB717	Executive Board
LB718	Government, Military and Veterans Affairs
LB719	Transportation and Telecommunications
LB720	Banking, Commerce and Insurance
LB721	Government, Military and Veterans Affairs
LB722	Government, Military and Veterans Affairs
LB723	Transportation and Telecommunications
LB724	Revenue
LB725	Transportation and Telecommunications
LB726	Health and Human Services
LB727	Judiciary
LB728	Judiciary
LB729	Business and Labor
LB730	Banking, Commerce and Insurance
LB731	Agriculture
LB732	Judiciary
LB733	Health and Human Services
LB734	Natural Resources
LB735	Transportation and Telecommunications
LB736	Banking, Commerce and Insurance
LB737	Government, Military and Veterans Affairs
LB738	Banking, Commerce and Insurance
LB739	Transportation and Telecommunications
LB740	Appropriations
LB741	Education
LB742	Government, Military and Veterans Affairs
LB743	Natural Resources

LB744 General Affairs
 LB745 Education
 LB746 Judiciary
 LB747 Natural Resources
 LB748 Agriculture
 LB749 Transportation and Telecommunications
 LB750 Education
 LB751 Banking, Commerce and Insurance
 LB752 Banking, Commerce and Insurance
 LB753 Government, Military and Veterans Affairs
 LB754 Education
 LB755 Natural Resources
 LB756 Judiciary
 LB757 Judiciary
 LB758 Judiciary
 LB759 Banking, Commerce and Insurance
 LB760 Banking, Commerce and Insurance
 LB761 Transportation and Telecommunications
 LB762 Banking, Commerce and Insurance
 LB763 Judiciary
 LB764 Natural Resources
 LR271CA Revenue
 LR273 Government, Military and Veterans Affairs

Atkins, Sallie - Nebraska State Fair Board - Agriculture
 Burke, Jerrod - Game and Parks Commission - Natural Resources
 Demuth, Martin - Board of Educational Lands and Funds - Education
 Hiatt, Michael - State Electrical Board - General Affairs
 Hotz, Robert W. - Tax Equalization and Review Commission - Revenue
 Lovgren, Linda - Nebraska State Fair Board - Agriculture
 Marshall, Norris - Game and Parks Commission - Natural Resources
 McMeen, Reynold - State Emergency Response Commission - Government,
 Military and Veterans Affairs
 Oltman, Nancy - Commission for the Blind and Visually Impaired - Health
 and Human Services
 Van Newkirk, Perry - Nebraska Oil and Gas Conservation Commission -
 Natural Resources
 Walla, Darrell - Commission for the Blind and Visually Impaired - Health
 and Human Services

(Signed) John Wightman, Chairperson
 Executive Board

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 794. Introduced by White, 8; Campbell, 25; Conrad, 46; Cook, 13; Council, 11; Giese, 17; Haar, 21; Karpisek, 32; McGill, 26; Mello, 5; Nordquist, 7; Sullivan, 41; Wallman, 30.

A BILL FOR AN ACT relating to elections; to amend sections 32-808 and 32-939, Reissue Revised Statutes of Nebraska; to change provisions relating to early voting; and to repeal the original sections.

LEGISLATIVE BILL 795. Introduced by Council, 11.

A BILL FOR AN ACT relating to natural resources districts; to amend section 2-32,101, Reissue Revised Statutes of Nebraska; to authorize the employment of law enforcement officers as prescribed; and to repeal the original section.

LEGISLATIVE BILL 796. Introduced by Stuthman, 22.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 39-2215, 66-489, 66-489.01, 66-495.01, 66-4,105, 66-4,114, 66-4,145, 66-4,146, 66-697, 66-6,107, 66-6,109, 66-6,111, and 66-726, Reissue Revised Statutes of Nebraska; to change fuel tax provisions; to impose a fuel tax for completion of the state expressway system; to provide a duty for the Revisor of Statutes; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 797. Introduced by Langemeier, 23.

A BILL FOR AN ACT relating to the Nebraska Power Review Board; to amend section 70-1003, Reissue Revised Statutes of Nebraska; to change duties of the board relating to hearings and a report as prescribed; to eliminate obsolete requirements; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 798. Introduced by Langemeier, 23.

A BILL FOR AN ACT relating to the Nebraska Litter Reduction and Recycling Act; to amend section 81-1566, Reissue Revised Statutes of Nebraska; to change a termination date; and to repeal the original section.

LEGISLATIVE BILL 799. Introduced by Krist, 10.

A BILL FOR AN ACT relating to the Building Construction Act; to amend sections 71-6403, 71-6404, 71-6405, and 71-6406, Reissue Revised Statutes of Nebraska; to change the state building code; to change restrictions on political subdivisions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 800. Introduced by Ashford, 20.

A BILL FOR AN ACT relating to children; to amend sections 24-313, 25-2728, 29-2258, 29-2269, 43-246, 43-247, 43-248, 43-251.01, 43-253, 43-254, 43-258, 43-278, 43-281, 43-285, 43-2.106.01, 43-2.129, 43-403, 43-406, 43-413, 43-415, 43-2404.02, 77-3442, 79-209, 79-210, 79-527, and 79-2111, Reissue Revised Statutes of Nebraska, and sections 43-245, 43-250, and 79-2104, Revised Statutes Supplement, 2009; to eliminate juvenile review panels, expedite appeals, provide for civil citations, change evaluation, detention, and placement provisions, provide plenary jurisdiction over parents, guardians, and custodians, and provide for videoconference hearings under the Nebraska Juvenile Code; to change detention and evaluation provisions under the Health and Human Services, Office of Juvenile Services Act; to provide a duty for the Supreme Court; to change County Juvenile Services Aid Program provisions; to change school truancy provisions, use of a learning community levy, and school reporting; to create and provide duties for a task force; to provide powers and duties for learning community coordinating councils relating to re-engagement of students into the educational system; to harmonize provisions; to repeal the original sections; and to outright repeal sections 43-287.01, 43-287.02, 43-287.03, 43-287.04, 43-287.05, and 43-287.06, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 801. Introduced by Fulton, 29.

A BILL FOR AN ACT relating to consumer protection; to amend sections 87-301, 87-303, 87-303.02, 87-303.03, 87-303.10, and 87-306, Reissue Revised Statutes of Nebraska, and section 87-302, Revised Statutes Supplement, 2009; to change provisions relating to the Uniform Deceptive Trade Practices Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 802. Introduced by Coash, 27.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701.10 and 77-2701.16, Reissue Revised Statutes of Nebraska; to redefine contractor or repairperson and gross receipts to exclude sod as prescribed; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 803. Introduced by Nordquist, 7; Rogert, 16.

A BILL FOR AN ACT relating to the Chiropractic Practice Act; to amend section 38-806, Reissue Revised Statutes of Nebraska; to exclude licensed

physical therapists; and to repeal the original section.

LEGISLATIVE BILL 804. Introduced by Flood, 19.

A BILL FOR AN ACT relating to documentary stamp tax; to amend section 76-902, Reissue Revised Statutes of Nebraska; to exempt certain deeds from taxation; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 805. Introduced by Transportation and Telecommunications Committee: Fischer, 43, Chairperson; Campbell, 25; Gay, 14; Hadley, 37; Lautenbaugh, 18; Louden, 49; Stuthman, 22.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 75-363 and 75-364, Reissue Revised Statutes of Nebraska, and sections 18-1739, 60-3,193.01, 60-462.01, and 60-4,147.02, Revised Statutes Supplement, 2009; to adopt by reference updates to the International Registration Plan and certain federal laws and regulations relating to parking permits for persons with disabilities, operators' licenses, transporting hazardous materials, and motor carrier safety and procedure; and to repeal the original sections.

LEGISLATIVE BILL 806. Introduced by Campbell, 25.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1347, Reissue Revised Statutes of Nebraska; to change a provision relating to valuation of agricultural or horticultural land; and to repeal the original section.

LEGISLATIVE BILL 807. Introduced by McCoy, 39.

A BILL FOR AN ACT relating to insurance; to amend section 44-7501, Reissue Revised Statutes of Nebraska; to require automobile liability policies to be issued for a minimum term; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 808. Introduced by Transportation and Telecommunications Committee: Fischer, 43, Chairperson; Campbell, 25; Gay, 14; Hadley, 37; Lautenbaugh, 18; Louden, 49; Stuthman, 22.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend sections 60-4,169 and 75-362, Reissue Revised Statutes of Nebraska, and sections 60-465 and 60-4,150, Revised Statutes Cumulative Supplement, 2008; to change provisions relating to commercial motor vehicles and commercial drivers' licenses and to adopt certain federal regulations relating to operating authority; and to repeal the original sections.

LEGISLATIVE BILL 809. Introduced by Rogert, 16.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-110, Revised Statutes Supplement, 2009; to change the statute of limitations for fraud involving certain assistance programs; to provide applicability; and to repeal the original section.

LEGISLATIVE BILL 810. Introduced by Rogert, 16.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-3,135 and 60-480.01, Revised Statutes Supplement, 2009; to change provisions relating to undercover license plates and drivers' licenses; and to repeal the original sections.

LEGISLATIVE BILL 811. Introduced by Transportation and Telecommunications Committee: Fischer, 43, Chairperson; Campbell, 25; Gay, 14; Hadley, 37; Lautenbaugh, 18; Loudon, 49; Stuthman, 22.

A BILL FOR AN ACT relating to the Public Service Commission; to amend sections 71-1567, 71-4609, 75-134, 75-136, 75-156, 75-722, 86-123, 86-158, 86-209, 86-255, 86-269, and 86-578, Reissue Revised Statutes of Nebraska; to change appeal procedures as prescribed; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 812. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to the Uniform Credentialing Act; to amend sections 38-1,104, 38-1,105, and 38-1,106, Reissue Revised Statutes of Nebraska; to require notice and an opportunity to be heard for credential holders subject to investigation regarding a complaint; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 813. Introduced by Gloor, 35.

A BILL FOR AN ACT relating to dental services; to amend sections 44-3802 and 44-3805, Reissue Revised Statutes of Nebraska; to prevent prepaid dental service plans from limiting fees for certain services; and to repeal the original sections.

LEGISLATIVE BILL 814. Introduced by Gloor, 35; Dubas, 34; Fulton, 29; Hadley, 37; Pahls, 31; Sullivan, 41; Utter, 33.

A BILL FOR AN ACT relating to the Securities Act of Nebraska; to amend section 8-1111, Reissue Revised Statutes of Nebraska; to change provisions relating to transactions exempt from registration; and to repeal the original section.

LEGISLATIVE BILL 815. Introduced by Haar, 21; Avery, 28.

A BILL FOR AN ACT relating to government; to amend sections 13-504 and 13-516, Reissue Revised Statutes of Nebraska, and section 84-602.02,

Revised Statutes Supplement, 2009; to change requirements for budget statements for certain political subdivisions; to change requirements for the Taxpayer Transparency Act; and to repeal the original sections.

LEGISLATIVE BILL 816. Introduced by Fischer, 43.

A BILL FOR AN ACT relating to motor vehicle industry regulation; to amend sections 25-2602.01, 28-1316, 44-3526, 60-1401.01, 60-1402, 60-1403, 60-1403.01, 60-1404, 60-1405, 60-1406, 60-1407, 60-1407.01, 60-1407.02, 60-1407.03, 60-1407.04, 60-1411.03, 60-1415, 60-1415.01, 60-1417.02, 60-1420, 60-1421, 60-1422, 60-1427, 60-1428, 60-1430, 60-1430.01, 60-1430.02, 60-1432, 60-1436, 60-1437, 60-1438, 60-1438.01, 60-1440, 60-2602, 60-2603, 60-2604, and 71-4603, Reissue Revised Statutes of Nebraska, sections 60-194, 60-373, 60-375, 60-380, 60-381, 60-3,116, 60-1411.01, 60-1411.02, and 60-2701, Revised Statutes Cumulative Supplement, 2008, sections 60-144, 60-164, and 60-1401.02, Revised Statutes Supplement, 2009, and section 60-1409, Reissue Revised Statutes of Nebraska, as amended, by section 36, Legislative Bill 3, One Hundred First Legislature, First Special Session, 2009; to name an act; to transfer definitions; to define and redefine terms; to change provisions relating to licenses and franchises; to prohibit certain acts; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 817. Introduced by Rogert, 16.

A BILL FOR AN ACT relating to handguns; to amend section 69-2403, Reissue Revised Statutes of Nebraska; to exempt permitholders under the Concealed Handgun Permit Act from the requirement to obtain a certificate to purchase a handgun; and to repeal the original section.

LEGISLATIVE BILL 818. Introduced by Sullivan, 41; Utter, 33.

A BILL FOR AN ACT relating to the Real Property Appraiser Act; to amend section 76-2221, Reissue Revised Statutes of Nebraska; to change provisions relating to disclosures for certain exempt real estate opinions or analysis; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 819. Introduced by Transportation and Telecommunications Committee: Fischer, 43, Chairperson; Campbell, 25; Gay, 14; Hadley, 37; Lautenbaugh, 18; Loudon, 49; Stuthman, 22.

A BILL FOR AN ACT relating to highways and roads; to amend sections 60-6,123 and 60-6,190, Reissue Revised Statutes of Nebraska; to change provisions relating to traffic control signals and speed limits; and to repeal the original sections.

LEGISLATIVE BILL 820. Introduced by Janssen, 15.

A BILL FOR AN ACT relating to motor vehicles; to amend sections

60-6,114, 60-6,294, and 60-6,298, Revised Statutes Cumulative Supplement, 2008; to provide an exception from width, height, length, weight, and load restrictions for certain emergency vehicles; to eliminate provisions relating to permits for certain emergency vehicles; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 821. Introduced by Fischer, 43.

A BILL FOR AN ACT relating to state roads; to amend section 39-1365.01, Reissue Revised Statutes of Nebraska; to change provisions relating to road priorities; and to repeal the original section.

LEGISLATIVE BILL 822. Introduced by Janssen, 15.

A BILL FOR AN ACT relating to liens; to amend section 52-137, Reissue Revised Statutes of Nebraska; to change provisions relating to construction liens; and to repeal the original section.

LEGISLATIVE BILL 823. Introduced by Janssen, 15.

A BILL FOR AN ACT relating to county assessors; to amend sections 23-3201, 77-1340, and 77-1340.04, Reissue Revised Statutes of Nebraska, and section 32-519, Revised Statutes Supplement, 2009; to provide for the appointment of county assessors in certain counties; to provide operative dates; to repeal the original sections; to outright repeal section 77-1340, Reissue Revised Statutes of Nebraska, as amended by section 3 of this legislative bill; and to declare an emergency.

LEGISLATIVE BILL 824. Introduced by Fischer, 43.

A BILL FOR AN ACT relating to courts; to amend section 25-1628, Revised Statutes Supplement, 2009; to change provisions relating to master jury lists; and to repeal the original section.

LEGISLATIVE BILL 825. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to horseracing; to amend sections 2-219, 2-1203, 2-1203.01, 2-1203.02, 2-1207, 2-1207.01, 2-1208, 2-1211, 2-1216, 2-1221, 2-1222, 2-1226, and 28-1113, Reissue Revised Statutes of Nebraska; to eliminate provisions relating to teleracing and telephonic wagering and provide requirements for licensing satellite facilities for wagering as prescribed; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 2-1230, 2-1231, 2-1232, 2-1233, 2-1234, 2-1235, 2-1236, 2-1237, 2-1238, 2-1239, 2-1240, 2-1241, and 2-1242, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 826. Introduced by Pahls, 31.

A BILL FOR AN ACT relating to government; to adopt the County

Consolidation Act.

LEGISLATIVE BILL 827. Introduced by Howard, 9; Campbell, 25; Gloor, 35; Harms, 48; Wallman, 30.

A BILL FOR AN ACT relating to health occupations and professions; to amend sections 38-601, 38-701, 38-1101, 38-2301, 38-2601, and 38-3001, Reissue Revised Statutes of Nebraska, and sections 38-2001, 38-2801, and 38-3301, Revised Statutes Supplement, 2009; to provide continuing education requirements for certain practitioners as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 828. Introduced by Gloor, 35.

A BILL FOR AN ACT relating to medical radiography; to amend sections 38-1901, 38-1902, 38-1908, and 38-1918, Reissue Revised Statutes of Nebraska; to define and redefine terms; to change requirements for medical radiographers and limited radiographers; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 829. Introduced by Rogert, 16.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-106, Revised Statutes Supplement, 2009; to change certain notice requirements relating to coverage under the act; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 830. Introduced by Coash, 27; Hansen, 42; Lautenbaugh, 18; Loudon, 49; Schilz, 47; Sullivan, 41.

A BILL FOR AN ACT relating to insurance; to adopt the Tourism Insurance Act; and to provide an operative date.

LEGISLATIVE BILL 831. Introduced by Utter, 33.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend section 60-4,124, Revised Statutes Cumulative Supplement, 2008; to change provisions relating to school permits; and to repeal the original section.

LEGISLATIVE BILL 832. Introduced by Fischer, 43; Carlson, 38; Dubas, 34; Langemeier, 23; McCoy, 39; Schilz, 47.

A BILL FOR AN ACT relating to petroleum release remedial action; to amend section 66-1501, Reissue Revised Statutes of Nebraska; to eliminate a private insurance requirement; to harmonize provisions; to repeal the original section; and to outright repeal section 66-1532, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 833. Introduced by Fulton, 29.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-1,110, Revised Statutes Cumulative Supplement, 2008; to provide for confidentiality of compensation court records as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 834. Introduced by Howard, 9.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-135 and 53-1,104, Reissue Revised Statutes of Nebraska, and section 53-132, Revised Statutes Cumulative Supplement, 2008; to change provisions relating to issuance and renewal of licenses and to penalties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 835. Introduced by Howard, 9.

A BILL FOR AN ACT relating to insurance; to amend section 44-2835, Revised Statutes Cumulative Supplement, 2008; to change certain reporting provisions under the Nebraska Hospital-Medical Liability Act; and to repeal the original section.

LEGISLATIVE BILL 836. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to deer; to amend sections 37-403, 37-448, and 77-2715.07, Reissue Revised Statutes of Nebraska, and section 37-514, Revised Statutes Supplement, 2009; to permit certain persons to hunt and possess deer as prescribed; to provide for a mandatory deer depredation season and change provisions relating to special deer depredation seasons; to provide an exception to prohibited hunting with artificial light; to provide a tax credit; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 837. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to the Tax Equalization and Review Commission; to amend section 77-5016, Reissue Revised Statutes of Nebraska; to provide for entry of default orders; and to repeal the original section.

LEGISLATIVE BILL 838. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to public contracts; to amend sections 39-8,105, 39-1302, and 60-6,188, Reissue Revised Statutes of Nebraska; to require certain provisions in highway and bridge construction and maintenance contracts; to require identifying signage as prescribed; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

LEGISLATIVE BILL 839. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to the Administrative Procedure Act; to amend section 84-906, Reissue Revised Statutes of Nebraska; to change provisions relating to validity of rules and regulations as prescribed; and to repeal the original section.

LEGISLATIVE BILL 840. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-201, Reissue Revised Statutes of Nebraska; to change provisions relating to criminal attempt; and to repeal the original section.

LEGISLATIVE BILL 841. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend section 60-484.02, Revised Statutes Supplement, 2009; to allow the release of digital image or signature information to local law enforcement officers; and to repeal the original section.

LEGISLATIVE BILL 842. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-1401, Reissue Revised Statutes of Nebraska; to change provisions relating to procedures in cases of death occurring during apprehension or custody; and to repeal the original section.

LEGISLATIVE BILL 843. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-502, 28-503, and 28-504, Reissue Revised Statutes of Nebraska; to change provisions relating to arson; and to repeal the original sections.

LEGISLATIVE BILL 844. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to the Nebraska Law Enforcement Training Center; to amend section 81-1413, Reissue Revised Statutes of Nebraska; to change provisions relating to tuition, fees, and expenses; and to repeal the original section.

LEGISLATIVE BILL 845. Introduced by Howard, 9; Ashford, 20; Nordquist, 7.

A BILL FOR AN ACT relating to state government; to amend section 81-1603, Reissue Revised Statutes of Nebraska; to require energy conservation plans; to provide duties for the State Energy Office; and to repeal the original section.

LEGISLATIVE BILL 846. Introduced by Schilz, 47.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-125, Revised Statutes Supplement, 2009; to change interest rate provisions on certain compensation court awards; to repeal the original section; and to declare an emergency.

RESOLUTIONS

LEGISLATIVE RESOLUTION 277CA. Introduced by Karpisek, 32.

THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 2010 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 24:

III-24 (1) Except as provided in this section, the Legislature shall not authorize any game of chance or any lottery or gift enterprise when the consideration for a chance to participate involves the payment of money for the purchase of property, services, or a chance or admission ticket or requires an expenditure of substantial effort or time.

(2) The Legislature may authorize and regulate a state lottery pursuant to subsection (3) of this section and other lotteries, raffles, and gift enterprises which are intended solely as business promotions or the proceeds of which are to be used solely for charitable or community betterment purposes without profit to the promoter of such lotteries, raffles, or gift enterprises.

(3)(a) The Legislature may establish a lottery to be operated and regulated by the State of Nebraska. The proceeds of the lottery shall be appropriated by the Legislature for the costs of establishing and maintaining the lottery and for the following purposes, as directed by the Legislature:

(i) The first five hundred thousand dollars after the payment of prizes and operating expenses shall be transferred to the Compulsive Gamblers Assistance Fund;

(ii) Forty-four and one-half percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the Nebraska Environmental Trust Fund to be used as provided in the Nebraska Environmental Trust Act;

(iii) Forty-four and one-half percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be used for education as the Legislature may direct;

(iv) Ten percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the Nebraska State Fair Board if the most populous city within the county in which the fair is located provides matching funds equivalent to ten percent of the funds available for transfer. Such matching funds may be obtained from the city and any other private or public entity, except that no portion of such matching funds shall be

provided by the state. If the Nebraska State Fair ceases operations, ten percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the General Fund; and

(v) One percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the Compulsive Gamblers Assistance Fund.

(b) No lottery game shall be conducted as part of the lottery unless the type of game has been approved by a majority of the members of the Legislature.

(4) Nothing in this section shall be construed to prohibit (a) the enactment of laws providing for the licensing and regulation of wagering on the results of horseraces, wherever run, either within or outside of the state, by the parimutuel method, when such wagering is conducted by licensees within a licensed racetrack enclosure or at a satellite wagering facility if approved by the appropriate county, city, or village or (b) the enactment of laws providing for the licensing and regulation of bingo games conducted by nonprofit associations which have been in existence for a period of five years immediately preceding the application for license, except that bingo games cannot be conducted by agents or lessees of such associations on a percentage basis.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to allow for parimutuel wagering on horseraces at a satellite wagering facility if approved by the appropriate county, city, or village.

For

Against.

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 278CA. Introduced by Nordquist, 7; Council, 11.

THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 2010 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article IV, section 25, and add a new section 9 to Article IV:

IV-9 Beginning with the term of office commencing after the adoption of this section as part of this Constitution, there shall be paid as salaries to certain constitutional officers as follows:

Governor, the sum of eighty-five thousand dollars per year;

Lieutenant Governor, the sum of sixty thousand dollars per year;

Secretary of State, the sum of sixty-five thousand dollars per year;

Auditor of Public Accounts, the sum of sixty thousand dollars per year;

State Treasurer, the sum of sixty thousand dollars per year; and Attorney General, the sum of seventy-five thousand dollars per year. Such salaries shall be payable in equal monthly installments.

IV-25 The Except as otherwise provided in Article IV, section 9, of this Constitution, the officers provided for in this article shall receive such salaries as may be provided by law. Such officers, or such other officers as may be provided for by law, shall not receive for their own use any fees, costs, or interest upon public money in their hands. All fees that ~~may hereafter be~~ are payable by law for services performed, or received by an officer provided for in this article, by virtue of his or her office, shall be paid forthwith into the state treasury.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to set salaries in the Constitution for the Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, Attorney General, and State Treasurer.

For

Against.

Referred to the Reference Committee.

AMENDMENTS - Print in Journal

Senator Adams filed the following amendment to LB235:
AM1541

(Amendments to Standing Committee amendments, AM681)

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Leases involving the production of solar or
- 4 wind energy on school lands shall be governed by sections 1 to 4 of
- 5 this act.
- 6 Sec. 2. For purposes of sections 1 to 4 of this act:
- 7 (1) Board means the Board of Educational Lands and Funds;
- 8 (2) Lease means any lease, easement, covenant, or other
- 9 such contractual arrangement authorized by the board pursuant to
- 10 sections 1 to 4 of this act; and
- 11 (3) Lessee means any individual, corporation, or other
- 12 entity that enters into a lease with the board pursuant to sections
- 13 1 to 4 of this act.
- 14 Sec. 3. The board may authorize leases for the production
- 15 of solar or wind energy on school lands for such durations
- 16 and under such terms and conditions as the board shall deem
- 17 appropriate, except that the initial term for any such wind energy
- 18 lease shall not exceed forty years. In making such determinations,
- 19 the board shall consider comparable arrangements involving other
- 20 lands similarly situated and any other relevant factors bearing
- 21 upon such leases. Any such lease authorized by the board shall be

22 created in writing and shall be filed, duly recorded, and indexed
 1 in the office of the register of deeds of the county in which the
 2 real property subject to the lease is located. Such leases shall
 3 include, as applicable, the contents specified in sections 66-911
 4 and 66-911.01.

5 Sec. 4. The board may adopt and promulgate such rules
 6 and regulations as it shall deem necessary to regulate the leases
 7 authorized in sections 1 to 4 of this act and to prescribe such
 8 terms and conditions of such leases as it shall deem necessary
 9 to protect the interests of the state. Failure of the lessee to
 10 utilize the land for the purpose for which the land was leased
 11 shall be cause for cancellation of the lease.

12 Sec. 5. Section 72-204, Reissue Revised Statutes of
 13 Nebraska, is amended to read:

14 72-204 The Board of Educational Lands and Funds shall
 15 cause school land to be classified for rental purposes (1) at least
 16 once each five years, (2) each time that the land is leased or that
 17 an assignment of a lease is made, and (3) when the board deems it
 18 to be in the best interest of the state. The leasing of the land
 19 shall be ~~regulated~~ governed by sections 72-232 to 72-239, except
 20 that leases involving the production of solar or wind energy on
 21 school lands shall be governed by sections 1 to 4 of this act.

22 When a lease is offered for sale, the new rental shall be made
 23 public. When the board has ordered the reclassification of any of
 24 the school lands in any county, it shall prescribe the method and
 25 promulgate rules governing the classification of educational lands.
 26 It shall have a classification of all the educational lands in the
 27 county prepared by a competent person, who shall make a detailed
 1 field examination of each forty-acre tract of educational lands
 2 for the purpose of obtaining information as to the type and rating
 3 of the soil, its adaptability, the topographical character of the
 4 land, and the location and number of acres of each type. His or her
 5 report of such field examination shall be prepared in the form of
 6 a detailed map with complete explanations and shall be filed with
 7 the board. The board may employ private appraisal firms to aid it
 8 in determining the value of educational lands.

9 Sec. 6. Original section 72-204, Reissue Revised Statutes
 10 of Nebraska, is repealed.

Senator Carlson filed the following amendment to LB254:
 AM1536

1 1. On page 3, strike beginning with "If" in line 17
 2 through the period in line 24 and insert "The application shall be
 3 accompanied by an annual license fee of one hundred dollars.".

4 2. On page 4, strike beginning with "dollars" in line 2
 5 through the period in line 8 and insert "fifty dollars. All fees
 6 collected pursuant to this section shall be remitted to the State
 7 Treasurer for credit to the Pesticide Administrative Cash Fund.".

8 3. On page 21, line 9, strike "2009" and insert "2010".

Senator Avery filed the following amendment to LB550:
AM1539

- 1 1. Insert the following new section:
- 2 Sec. 3. Section 55-121, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 55-121 The Adjutant General shall be appointed by the
- 5 Governor from the active or retired commissioned officers of the
- 6 National Guard of this state. Such Adjutant General shall be or
- 7 have been a commissioned officer who has actively served in the
- 8 National Guard of this state for at least five years, shall have
- 9 attained at least the grade of lieutenant colonel, and shall be
- 10 able to become eligible for promotion to general officer. If a
- 11 retired officer is appointed, he or she shall not have been retired
- 12 for more than two years at the time he or she is considered
- 13 for appointment. He or she shall hold his or her office as
- 14 provided in section 55-136. He or she shall receive for his or her
- 15 services such salary as the Governor shall direct, payable ~~monthly,~~
- 16 biweekly, except that such salary shall not exceed the annual pay
- 17 and allowances of regular military officers of equal rank. If funds
- 18 made available by the federal government are in excess of the
- 19 amount payable as directed by the Governor, the excess shall be
- 20 used to reduce the amount required to be paid by the state. Due
- 21 to the interrelated nature of the Adjutant General's state and
- 22 federal duties, the Adjutant General shall not be required to take
- 23 paid or unpaid leave or leaves of absence to perform his or her
- 1 federal duties, whether or not under federal orders. The Adjutant
- 2 General shall continue to receive his or her salary during all
- 3 such periods. The Adjutant General shall only be required to take
- 4 leave or leaves of absence during those times when he or she is
- 5 absent and performing neither his or her state nor federal duties
- 6 as Adjutant General. This section shall not apply if the Adjutant
- 7 General is called to active duty of the United States under 10
- 8 U.S.C.
- 9 2. On page 5, line 2, strike "monthly.", show as
- 10 stricken, and insert "biweekly".
- 11 3. On page 6, line 7, after "55-120," insert "55-121,".
- 12 4. Renumber the remaining sections and correct internal
- 13 references accordingly.

Senator Rogert filed the following amendment to LB261:
AM1544

(Amendments to Standing Committee amendments, AM182)

- 1 1. On page 1, line 18, strike "(3)" and insert "(3)(a)".
- 2 2. On page 2, after line 16 insert the following new
- 3 subdivision:
- 4 "(b) Information scanned, compiled, stored, or preserved
- 5 pursuant to subdivision (a) of this subsection may be retained only
- 6 as long as required by state or federal law.".

7 3. On page 3, after line 3 insert the following new
 8 subsection:
 9 "(5) Except as provided in subsection (4) of this
 10 section, information scanned, compiled, stored, or preserved
 11 pursuant to this section may not be traded or sold to a third
 12 party, used for any marketing or sales purpose, or, unless pursuant
 13 to a court order, reported or shared with any third party. A
 14 person who violates this subsection shall be guilty of a Class IV
 15 felony.".

Senator Cook filed the following amendment to LB341:

AM1542

1 1. Strike the original sections and all amendments
 2 thereto and insert the following new sections:
 3 Section 1. Section 38-2315, Reissue Revised Statutes of
 4 Nebraska, is amended to read:
 5 38-2315 (1) A nurse practitioner may provide health
 6 care services within specialty areas. A nurse practitioner shall
 7 function by establishing collaborative, consultative, and referral
 8 networks as appropriate with other health care professionals.
 9 Patients who require care beyond the scope of practice of a
 10 nurse practitioner shall be referred to an appropriate health care
 11 provider.
 12 (2) Nurse practitioner practice means health promotion,
 13 health supervision, illness prevention and diagnosis, treatment,
 14 and management of common health problems and chronic conditions,
 15 including:
 16 (a) Assessing patients, ordering diagnostic tests and
 17 therapeutic treatments, synthesizing and analyzing data, and
 18 applying advanced nursing principles;
 19 (b) Dispensing, incident to practice only, sample
 20 medications which are provided by the manufacturer and are
 21 provided at no charge to the patient and drugs for the treatment
 22 and prevention of tuberculosis which are provided through the
 23 department and are dispensed at no charge to the patient; and
 1 (c) Prescribing therapeutic measures and medications
 2 relating to health conditions within the scope of practice. Any
 3 limitation on the prescribing authority of the nurse practitioner
 4 for controlled substances listed in Schedule II of section 28-405
 5 shall be recorded in the integrated practice agreement established
 6 pursuant to section 38-2310.
 7 (3) A nurse practitioner who has proof of a current
 8 certification from an approved certification program in a
 9 psychiatric or mental health specialty may manage the care of
 10 patients committed under the Nebraska Mental Health Commitment
 11 Act. Patients who require care beyond the scope of practice of a
 12 nurse practitioner who has proof of a current certification from an
 13 approved certification program in a psychiatric or mental health
 14 specialty shall be referred to an appropriate health care provider.

15 Sec. 2. Section 38-2850, Revised Statutes Supplement,
16 2009, is amended to read:

17 38-2850 As authorized by the Uniform Credentialing Act,
18 the practice of pharmacy may be engaged in by a pharmacist, a
19 pharmacist intern, or a practitioner with a pharmacy license. The
20 practice of pharmacy shall not be construed to include:

21 (1) Persons who sell, offer, or expose for sale
22 completely denatured alcohol or concentrated lye, insecticides, and
23 fungicides in original packages;

24 (2) Practitioners, other than veterinarians, certified
25 nurse midwives, certified registered nurse anesthetists, and nurse
26 practitioners, who dispense drugs or devices as an incident to
27 the practice of their profession, except that if such practitioner
1 regularly engages in dispensing such drugs or devices to his or
2 her patients for which such patients are charged, such practitioner
3 shall obtain a pharmacy license;

4 (3) Persons who sell, offer, or expose for sale
5 nonprescription drugs or proprietary medicines, the sale of which
6 is not in itself a violation of the Nebraska Liquor Control Act;

7 (4) Medical representatives, detail persons, or persons
8 known by some name of like import, but only to the extent of
9 permitting the relating of pharmaceutical information to health
10 care professionals;

11 (5) Licensed veterinarians practicing within the scope of
12 their profession;

13 (6) Certified nurse midwives, certified registered
14 nurse anesthetists, and nurse practitioners who dispense sample
15 medications which are provided by the manufacturer and are
16 dispensed at no charge to the patient;

17 (7) Nurse practitioners who dispense drugs for the
18 treatment and prevention of tuberculosis which are provided through
19 the department and are dispensed at no charge to the patient with
20 proper labeling and patient counseling;

21 ~~(7)-(8)~~ Hospitals engaged in the compounding and
22 dispensing of drugs and devices pursuant to chart orders for
23 persons registered as patients and within the confines of the
24 hospital, except that if a hospital engages in such compounding and
25 dispensing for persons not registered as patients and within the
26 confines of the hospital, such hospital shall obtain a pharmacy
27 license or delegated dispensing permit;

1 ~~(8)-(9)~~ Optometrists who prescribe or dispense eyeglasses
2 or contact lenses to their own patients;

3 ~~(9)-(10)~~ Registered nurses employed by a hospital who
4 administer pursuant to a chart order, or procure for such
5 purpose, single doses of drugs or devices from original drug
6 or device containers or properly labeled prepackaged drug or
7 device containers to persons registered as patients and within the
8 confines of the hospital;

9 ~~(10)~~(11) Persons employed by a facility where dispensed
10 drugs and devices are delivered from a pharmacy for pickup by
11 a patient or caregiver and no dispensing or storage of drugs or
12 devices occurs;

13 ~~(11)~~(12) Persons who sell or purchase medical products,
14 compounds, vaccines, or serums used in the prevention or cure of
15 animal diseases and maintenance of animal health if such medical
16 products, compounds, vaccines, or serums are not sold or purchased
17 under a direct, specific, written medical order of a licensed
18 veterinarian; and

19 ~~(12)~~(13) A pharmacy or a person accredited by an
20 accrediting body which or who, pursuant to a medical order, (a)
21 administers, dispenses, or distributes medical gas or medical gas
22 devices to patients or ultimate users or (b) purchases or receives
23 medical gas or medical gas devices for administration, dispensing,
24 or distribution to patients or ultimate users.

25 Sec. 3. Section 38-2867, Revised Statutes Supplement,
26 2009, is amended to read:

27 38-2867 (1) Except as provided for pharmacy technicians
1 in sections 38-2890 to 38-2897, for persons described in
2 subdivision ~~(12)~~(13) of section 38-2850, and for individuals
3 authorized to dispense under a delegated dispensing permit, no
4 person other than a licensed pharmacist, a pharmacist intern, or a
5 practitioner with a pharmacy license shall provide pharmaceutical
6 care, compound and dispense drugs or devices, or dispense pursuant
7 to a medical order. Notwithstanding any other provision of law
8 to the contrary, a pharmacist or pharmacist intern may dispense
9 drugs or devices pursuant to a medical order of a practitioner
10 authorized to prescribe in another state if such practitioner could
11 be authorized to prescribe such drugs or devices in this state.

12 (2) Except as provided for pharmacy technicians in
13 sections 38-2890 to 38-2897, for persons described in subdivision
14 ~~(12)~~(13) of section 38-2850, and for individuals authorized to
15 dispense under a delegated dispensing permit, it shall be unlawful
16 for any person to permit or direct a person who is not a pharmacist
17 intern, a licensed pharmacist, or a practitioner with a pharmacy
18 license to provide pharmaceutical care, compound and dispense drugs
19 or devices, or dispense pursuant to a medical order.

20 (3) It shall be unlawful for any person to coerce
21 or attempt to coerce a pharmacist to enter into a delegated
22 dispensing agreement or to supervise any pharmacy technician for
23 any purpose or in any manner contrary to the professional judgment
24 of the pharmacist. Violation of this subsection by a health care
25 professional regulated pursuant to the Uniform Credentialing Act
26 shall be considered an act of unprofessional conduct. A violation
27 of this subsection by a facility shall be prima facie evidence
1 in an action against the license of the facility pursuant to the
2 Health Care Facility Licensure Act. Any pharmacist subjected to
3 coercion or attempted coercion pursuant to this subsection has a

4 cause of action against the person and may recover his or her
5 damages and reasonable attorney's fees.

6 (4) Violation of this section by an unlicensed person
7 shall be a Class III misdemeanor.

8 Sec. 4. Section 38-2869, Revised Statutes Supplement,
9 2009, is amended to read:

10 38-2869 (1)(a) Prior to the dispensing or the delivery
11 of a drug or device pursuant to a medical order to a patient
12 or caregiver, a pharmacist shall in all care settings conduct
13 a prospective drug utilization review. Such prospective drug
14 utilization review shall involve monitoring the patient-specific
15 medical history described in subdivision (b) of this subsection and
16 available to the pharmacist at the practice site for:

- 17 (i) Therapeutic duplication;
- 18 (ii) Drug-disease contraindications;
- 19 (iii) Drug-drug interactions;
- 20 (iv) Incorrect drug dosage or duration of drug treatment;
- 21 (v) Drug-allergy interactions; and
- 22 (vi) Clinical abuse or misuse.

23 (b) A pharmacist conducting a prospective drug
24 utilization review shall ensure that a reasonable effort is made
25 to obtain from the patient, his or her caregiver, or his or her
26 practitioner and to record and maintain records of the following
27 information to facilitate such review:

- 1 (i) The name, address, telephone number, date of birth,
2 and gender of the patient;
 - 3 (ii) The patient's history of significant disease, known
4 allergies, and drug reactions and a comprehensive list of relevant
5 drugs and devices used by the patient; and
 - 6 (iii) Any comments of the pharmacist relevant to the
7 patient's drug therapy.
- 8 (c) The assessment of data on drug use in any prospective
9 drug utilization review shall be based on predetermined standards,
10 approved by the board.

11 (2)(a) Prior to the dispensing or delivery of a drug or
12 device pursuant to a prescription, the pharmacist shall ensure that
13 a verbal offer to counsel the patient or caregiver is made. The
14 counseling of the patient or caregiver by the pharmacist shall be
15 on elements which, in the exercise of the pharmacist's professional
16 judgment, the pharmacist deems significant for the patient. Such
17 elements may include, but need not be limited to, the following:

- 18 (i) The name and description of the prescribed drug or
19 device;
- 20 (ii) The route of administration, dosage form, dose, and
21 duration of therapy;
- 22 (iii) Special directions and precautions for preparation,
23 administration, and use by the patient or caregiver;
- 24 (iv) Common side effects, adverse effects or
25 interactions, and therapeutic contraindications that may be

26 encountered, including avoidance, and the action required if such
 27 effects, interactions, or contraindications occur;

1 (v) Techniques for self-monitoring drug therapy;

2 (vi) Proper storage;

3 (vii) Prescription refill information; and

4 (viii) Action to be taken in the event of a missed dose.

5 (b) The patient counseling provided for in this

6 subsection shall be provided in person whenever practical or by the

7 utilization of telephone service which is available at no cost to

8 the patient or caregiver.

9 (c) Patient counseling shall be appropriate to the

10 individual patient and shall be provided to the patient or

11 caregiver.

12 (d) Written information may be provided to the patient or

13 caregiver to supplement the patient counseling provided for in this

14 subsection but shall not be used as a substitute for such patient

15 counseling.

16 (e) This subsection shall not be construed to require a

17 pharmacist to provide patient counseling when:

18 (i) The patient or caregiver refuses patient counseling;

19 (ii) The pharmacist, in his or her professional judgment,

20 determines that patient counseling may be detrimental to the

21 patient's care or to the relationship between the patient and his

22 or her practitioner;

23 (iii) The patient is a patient or resident of a health

24 care facility or health care service licensed under the Health Care

25 Facility Licensure Act to whom prescription drugs or devices are

26 administered by a licensed or certified staff member or consultant

27 or a certified physician's assistant;

1 (iv) The practitioner authorized to prescribe drugs or

2 devices specifies that there shall be no patient counseling unless

3 he or she is contacted prior to such patient counseling. The

4 prescribing practitioner shall specify such prohibition in an oral

5 prescription or in writing on the face of a written prescription,

6 including any prescription which is received by facsimile or

7 electronic transmission. The pharmacist shall note "Contact Before

8 Counseling" on the face of the prescription if such is communicated

9 orally by the prescribing practitioner; or

10 (v) A medical gas or a medical gas device is

11 administered, dispensed, or distributed by a person described in

12 subdivision ~~(12)~~ (13) of section 38-2850.

13 Sec. 5. Original section 38-2315, Reissue Revised

14 Statutes of Nebraska, and sections 38-2850, 38-2867, and 38-2869,

15 Revised Statutes Supplement, 2009, are repealed.

UNANIMOUS CONSENT - Add Cointroducers

Senator Howard asked unanimous consent to add her name as cointroducer to LB710. No objections. So ordered.

Senator Coash asked unanimous consent to add his name as cointroducer to LB725. No objections. So ordered.

Senators Carlson, Hansen, McCoy, and Schilz asked unanimous consent to add their names as cointroducers to LB729. No objections. So ordered.

Senator Council asked unanimous consent to add her name as cointroducer to LB763. No objections. So ordered.

Senator Janssen asked unanimous consent to add his name as cointroducer to LB777. No objections. So ordered.

Senator McCoy asked unanimous consent to add his name as cointroducer to LB778. No objections. So ordered.

Senator Loudon asked unanimous consent to add his name as cointroducer to LB796. No objections. So ordered.

PROPOSED RULES CHANGE

The Rules Committee offered the following proposed rules change:

Proposed Rules Change 1

Rule 4 - Resolutions

Section 1. Identification. A resolution shall be designated as Legislative Resolution _____. All resolutions shall be numbered consecutively for each Legislature. All resolutions shall be introduced and read by the Clerk upon introduction and shall be printed in the Legislative Journal. ~~Individual members shall be limited to eight resolutions per session.~~ Individual members shall be limited to eight resolutions per session which result in the referring, scheduling, and conducting of a public hearing by a legislative committee. This limitation shall not apply to resolutions proposing an amendment to the Nebraska Constitution, ~~or to~~ resolutions proposing interim studies, or which are honorary in nature.

73-74 Attorney General Opinion No. 13--Resolutions must be printed and read before a vote is taken.

PROPOSED RULES CHANGES

The Rules Committee indefinitely postponed the following proposed rules changes:

Proposed Rules Change 2

Rule 3

Sec. 12. Electronic Submission of Documents. (a) Copies of any

additional testimony and/or exhibits being presented must be done electronically to the committee clerk for access by members choosing to use electronic media. (b) These document submissions may occur via electronic mail, disk, or portable drive and shall be placed in an electronic file by the committee clerk. (c) Senators choosing to access these documents electronically shall be permitted to use a laptop computer in committee for such access.

Renumber the remaining sections.

Proposed Rules Change 3

Rule 3

Sec. 13. Consideration and Correlation of Bills and Resolutions. (a) Committees shall consider and report without unnecessary delay all bills and resolutions referred to them. Committees shall be authorized to combine and to correlate the provisions of different bills and resolutions referred to them and related to the subject-matter jurisdiction of the committee. Committees may, before taking final action on any bill or resolution, adopt amendments thereto, for the consideration of the Legislature.

(b) The chairperson of each committee shall set for hearing all bills and resolutions referred to the committee, except as provided for in Rule 1, Section 17.

(c) During public testimony lights (colored red, yellow, and green) shall be used to indicate when a testifier has reached the limit of their allotted time for testimony. The length of time shall be uniform for each testifier, and set at the discretion of the committee chairperson, and shall not include time used by committee members to question the testifier. Any committee wishing to forgo the use of testimony lights may do so through a majority vote of the committee.

Proposed Rules Change 4

Rule 3

Sec. 6. Redistricting Committee. (a) The Redistricting Committee of the Legislature shall be established as a special committee of the Legislature in January of each year ending in one. The committee is authorized to introduce and exercise jurisdiction over legislative bills and resolutions relating to redistricting and hold hearings regarding such legislation.

(b) The committee shall be comprised of nine members of the Legislature, three from each congressional district existing on January 1 of each year ending in zero. The Executive Board shall appoint the members of the committee in January of each year ending in one. ~~No more than five members appointed to the committee shall be affiliated with the same political party.~~ No more than two members appointed from each congressional district shall be affiliated with the same political party. A

vacancy on the committee shall be filled by the Executive Board as soon as possible after the vacancy occurs.

(c) At the first meeting of the committee, the members shall select from among themselves by majority vote one member to serve as chairperson of the committee and one member to serve as vice chairperson of the committee. The chair and vice chair shall not be a member of the same political party.

(d) The committee shall continue in existence until all bills containing redistricting plans for which the Legislature has responsibility are passed and signed by the Governor. In the event of a successful legal challenge to any part of a redistricting plan, the committee shall be reconstituted for purposes of reformulating the challenged redistricting plan.

(e) The committee shall receive staff support from the office of the director of Legislative Research.

(f) The committee shall, after reviewing previous redistricting guidelines used by the Legislature, adopt substantive and procedural guidelines that will guide the Legislature's redistricting process. During the legislative session of each year ending in one, the substantive guidelines adopted by the committee shall be presented to the Legislature for approval.

(g) The committee shall at the earliest feasible time make available to the public the substantive guidelines prepared by the committee.

(h) The committee shall introduce legislative bills pertaining to redistricting congressional districts and other districts during the legislative session of each year ending in one.

(i) Based upon the information received from the United States Department of Commerce, Bureau of the Census, the committee shall formulate redistricting plans for congressional districts and other districts. The statistics and redistricting plans shall be made available to the Legislature and the public.

(j) After the statistics and redistricting plans are made available to the Legislature and the public, the committee shall schedule and conduct, as expeditiously as reasonably possible, at least one public hearing in each congressional district for the purposes of soliciting input on the proposed redistricting plans. Video and other methods may be used in addition to the procedures outlined for public hearings but not in substitution for such procedures.

(k) In addition to the above procedures, legislation introduced for the purpose of complying with the decennial redistricting process in years ending in one, shall follow the normal procedures for any legislation introduced in the Nebraska Legislature.

Proposed Rules Change 5

Rule 8

Section 1. Purpose. The purpose of this rule is to provide a procedure for the Legislature to develop appropriations for all state agencies, boards, and commissions. Such procedure shall consider the need to (1) continue the services and financial assistance provided by state agencies and programs, (2) restrict the growth in state appropriations, and (3) provide for the

efficient and effective use of state revenue by utilizing standing committee subject-matter expertise in the review of agency, board, and commission budget requests.

Sec. 2. Appropriations Committee Report. The Legislature's Appropriations Committee, by majority vote of its members, shall annually prepare a report summarizing the preliminary total General Fund appropriation recommendations for each year of the following biennium. Such report shall include information based upon the committee's initial review of (1) state agency, board, and commission budget requests, (2) the Governor's budget, (3) the estimated revenue receipts for each year of the following biennium, (4) General Fund reserve requirements, (5) express obligations, (6) legislation that would be required to enable recommended appropriations, and (7) economic conditions affecting the State of Nebraska.

Sec. 3. Report, When Required. The report required in Section 2 of this rule shall be printed in the Legislative Journal and presented to each member of the Legislature by the Chairperson of the Appropriations Committee between twenty and thirty legislative days after the Governor presents his or her budget during sessions in odd-numbered years and between fifteen and twenty legislative days after the Governor's budget presentation during session in even-numbered years.

Sec. 4. Standing Committee Appropriations Review. (a) Each standing committee may hold a budget request review hearing on the agency, board, and commission budgets reasonably encompassed in its subject-matter jurisdiction. Any such review hearing shall not be held until the Appropriations Committee has held its public hearing on that agency, board, or commission. The chairperson of the standing committee shall coordinate the scheduling of such hearings with the Chairperson of the Appropriations Committee. The standing committee shall obtain a determination from the Executive Board that the budget to be reviewed is within its subject-matter jurisdiction. The standing committee may recommend to the Legislature amendments to proposed appropriations.

(b) Standing committee amendments, if any, must be filed by the sixth legislative day following the placement of appropriations bills on General File. Standing committee amendments shall be printed in the Journal and shall be considered by the Legislature no sooner than the eighth legislative day following the placement of the appropriations bills on General File. Standing committee amendments shall be considered by the Legislature after Appropriations Committee amendments but before all other amendments. Standing committee amendments shall be considered in the order of filing.

(c) The Appropriations Committee shall make available to the appropriate standing committee all currently available information at its disposal.

Sec. 5. Bills, Held on Final Reading. The report of the Appropriations Committee shall include a recommended dollar amount of the General Fund biennium appropriation which shall be allocated for the funding of "A" bills, bills that result in the net reduction of revenue to the General Fund, tax expenditure bills, and amendments to the appropriations bills as reported to General File by the Appropriations Committee. During a 90 day session, all "A" bills which, when considered with their companion bill, appropriate general funds resulting in a net loss; all bills resulting in the reduction of revenue to the General Fund; and all tax expenditure bills shall not be read on Final Reading until the appropriations bills are passed by the Legislature. Provided the Appropriations Committee shall place appropriations bills on General File no later than the 70th legislative day in a 90 day session and the 40th legislative day in a 60 day session. If this deadline is not met, the Legislature shall consider the appropriations bills as introduced by the Governor. During a 60 day session, all "A" bills which, when considered with their companion bill, appropriate general funds resulting in a net loss; all bills resulting in the reduction of revenue to the General Fund; all tax expenditure bills; and all appropriations bills shall not be read on Final Reading prior to the 45th legislative day. The appropriations bills shall be passed no later than the 80th legislative day in a 90 day session and the 50th legislative day in a 60 day session. The appropriations provided for in an "A" bill shall be for not less than two fiscal years.

Sec. 6. Bill, Setting Tax Rates. The Legislature's tax rate bill shall be passed no later than the 85th legislative day in a 90 day session and the 55th legislative day in a 60 day session.

Sec. . Bill Authorizing or Directing Transfers of Certain Cash Funds.
No bill may be reported by the Appropriations Committee that authorizes the transfer to the General Fund or to a different cash fund all or a portion of the balance of a cash fund that is a repository of revenues derived from licensure and inspection fees, excise taxes or other similar assessment that, absent authorization for transfer to the General Fund or elsewhere, are authorized to be collected and expended only for a dedicated purpose or purposes described by the authorizing statutes imposing the fee, excise tax or similar assessment. A motion to suspend this rule shall be made by the Chairman of the Appropriations Committee and such motion shall be approved by the Legislature prior to the reading of the bill on General File.

Sec. 7. Financial Status Report. Beginning with the legislative day following the reporting of the appropriations bills to General File, there shall be attached to the daily agenda of the Legislature a General Fund Financial Status, prepared by the Legislative Fiscal Analyst under the supervision of the Chair of the Appropriations Committee. The Financial Status shall include current estimates of beginning funds available, plus estimated revenue, less the Appropriations Committee recommended budget and express obligations for the biennial period under consideration, to arrive at the calculated variance from the minimum reserve for the General Fund as specified by law. The Financial Status shall also include a listing of other

legislation on Select File and Final Reading, and Speaker's Major Proposals on General File that would deduct from or add to General Funds available above the minimum reserve requirement, should the bills pass.

In addition to data for the budget period under consideration, the Financial Status shall include data for the ensuing two years following the biennial budget period. Such data shall consist of projections of available balances, annual net receipts, and annual expenditures, based on the assessment of the Legislative Fiscal Analyst of the provisions of current law as it may relate to projected revenues and expenditures. Prior to attaching the first Financial Status to the agenda, the data and the assumptions for the ensuing years beyond the budget biennium and methods for arriving at estimates shall be reviewed by the Chair and the Vice Chair of the Appropriations and Revenue committees and shall be approved by a majority of the membership of each such committee. Upon mutual agreement by the Chairs of the Appropriations Committee and Revenue Committee, the projections may be reconsidered pursuant to the provisions of this section.

VISITORS

Visitors to the Chamber were Senator Haar's granddaughter, Jenny Haar, from Lincoln; and Senator Fischer's son, Adam Fischer, and Tisha, Caitlin, and Emilee Jacquot from Valentine.

ADJOURNMENT

At 10:55 a.m., on a motion by Senator Fulton, the Legislature adjourned until 10:00 a.m., Monday, January 11, 2010.

Patrick J. O'Donnell
Clerk of the Legislature