

**THIRTY-SECOND DAY - FEBRUARY 24, 2010****LEGISLATIVE JOURNAL****ONE HUNDRED FIRST LEGISLATURE  
SECOND SESSION****THIRTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, February 24, 2010

**PRAYER**

The prayer was offered by Pastor Bob Chitwood, Brownville Christian Church, Brownville.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Langemeier presiding.

The roll was called and all members were present except Senators Christensen, Pahls, and White who were excused.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirty-first day was approved.

**COMMITTEE REPORT**

General Affairs

**LEGISLATIVE BILL 870.** Placed on General File with amendment.  
AM1938

1 1. On page 2, line 19, after the period insert "Prior to  
2 the issuance of a temporary operating permit, the purchaser shall  
3 supply the commission with documentation from the seller that the  
4 seller is current on all accounts with any wholesaler under section  
5 53-123.02. A seller who provides false information regarding such  
6 accounts is guilty of a Class IV misdemeanor for each offense.";  
7 and in line 23 after the period insert "If the application is  
8 withdrawn by the applicant or is denied by the commission, the  
9 previous license may be reinstated at the discretion of the  
10 commission upon request by the previous licensee.".

(Signed) Russ Karpisek, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 926.** Title read. Considered.

Committee AM1942, found on page 581, was considered.

**SENATOR CARLSON PRESIDING****SPEAKER FLOOD PRESIDING**

The committee amendment was adopted with 41 ayes, 0 nays, 5 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 4 present and not voting, and 3 excused and not voting.

**COMMITTEE REPORTS**

Transportation and Telecommunications

**LEGISLATIVE BILL 772.** Placed on General File.

**LEGISLATIVE BILL 933.** Placed on General File.

**LEGISLATIVE BILL 719.** Indefinitely postponed.

(Signed) Deb Fischer, Chairperson

Judiciary

**LEGISLATIVE BILL 728.** Placed on General File.

**LEGISLATIVE BILL 763.** Placed on General File.

**LEGISLATIVE BILL 915.** Placed on General File.

(Signed) Brad Ashford, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 1063.** Title read. Considered.

Committee AM1961, found on page 583, was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 381.** Title read. Considered.

Committee AM1609, found on page 567, was considered.

Senator Cornett offered the following motion:

MO83

Bracket until April 14, 2010.

**SENATOR HEIDEMANN PRESIDING**

**SENATOR CARLSON PRESIDING**

**SPEAKER FLOOD PRESIDING**

Senator Hadley moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 13 nays, and 10 not voting.

Senator Cornett moved for a call of the house. The motion prevailed with 41 ayes, 0 nays, and 8 not voting.

Senator Cornett requested a roll call vote, in reverse order, on her motion to bracket.

Voting in the affirmative, 21:

Adams	Fischer	Hansen	Louden	Wightman
Campbell	Flood	Harms	Pankonin	
Carlson	Fulton	Heidemann	Pirsch	
Cornett	Gay	Howard	Price	
Dubas	Hadley	Langemeier	Utter	

Voting in the negative, 22:

Ashford	Council	Krist	Nelson	Sullivan
Avery	Giese	Lathrop	Nordquist	Wallman
Coash	Haar	Lautenbaugh	Rogert	
Conrad	Janssen	McGill	Schilz	
Cook	Karpisek	Mello	Stuthman	

Present and not voting, 1:

Gloor

Excused and not voting, 5:

Christensen	Dierks	McCoy	Pahls	White
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The Cornet motion to bracket failed with 21 ayes, 22 nays, 1 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Pending.

**COMMITTEE REPORTS**

## Health and Human Services

**LEGISLATIVE BILL 1106.** Placed on General File with amendment. AM1948

1 1. Insert the following new section:

2 Sec. 4. (1) To ensure that the interests of the school  
 3 district, community, and health care provider are reflected  
 4 within the policies, procedures, and scope of services of  
 5 school-based health centers, each school or school district hosting  
 6 a school-based health center shall establish a School Health Center  
 7 Advisory Council.

8 (2) The School Health Center Advisory Council shall  
 9 include:

10 (a) At least one representative of the school  
 11 administration or school district administration;

12 (b) At least one representative of the sponsoring  
 13 facility; and

14 (c) At least one parent recommended by a school  
 15 administrator or school district administrator and approved by  
 16 a majority vote of the school board. Any parent serving on the  
 17 School Health Center Advisory Council shall have at least one  
 18 child enrolled in the school or school district through which the  
 19 school-based health center is organized.

20 (3) If another institution or organization sponsors the  
 21 school-based health center, at least one representative of each  
 22 sponsoring institution or organization shall be included on the  
 23 School Health Center Advisory Council.

1 (4) The School Health Center Advisory Council may also  
 2 include students enrolled in the school or school district through  
 3 which the school-based health center is organized. Any such  
 4 students must be appointed by a school administrator or school  
 5 district administrator.

6 2. On page 2, line 3, strike "section 4" and insert  
 7 "sections 4 and 5".

8 3. On page 3, strike lines 8 and 9 and insert the  
 9 following new subdivision:

10 "(e) Does not perform abortion services or refer or  
 11 counsel for abortion services and does not dispense, prescribe, or  
 12 counsel for contraceptive drugs or devices; and"; and in lines 10  
 13 and 11 after "medical" insert "or dental".

14 4. On page 4, line 5, strike beginning with the first  
 15 comma through "community" and insert "or school district".

16 5. On page 6, line 13, after "Insurance" insert  
 17 "Program"; and in line 15 after "2010" insert ", and for treatment  
 18 for pregnant women who are lawfully residing in the United States  
 19 and who are otherwise eligible for medicaid pursuant to the federal

- 20 Children's Health Insurance Program Reauthorization Act of 2009,  
 21 Public Law 111-3, as such law existed on January 1, 2010".  
 22 6. Renumber the remaining sections accordingly.

(Signed) Tim Gay, Chairperson

General Affairs

**LEGISLATIVE BILL 887.** Indefinitely postponed.

(Signed) Russ Karpisek, Chairperson

Natural Resources

**LEGISLATIVE BILL 1057.** Placed on General File with amendment.  
 AM1895

1 1. On page 2, strike beginning with "(1)" in line  
 2 1 through line 25 and insert "(1) The Republican River Basin  
 3 Water Sustainability Task Force is created. The task force  
 4 shall consist of twenty-one voting members and, except for the  
 5 state agency representatives, shall be residents representing a  
 6 cross-section of the Republican River basin. The Governor shall  
 7 appoint two representatives from each natural resource district in  
 8 the basin; four representatives from the irrigation districts in  
 9 the basin; one representative each from the University of Nebraska  
 10 Institute of Agriculture and Natural Resources, the Game and Parks  
 11 Commission, the Department of Agriculture, and the Department of  
 12 Natural Resources; one representative each from a school district,  
 13 a city, a county, and a public power district in the basin;  
 14 and two representatives from agriculture-related businesses in  
 15 the Republican basin. The chairperson of the Executive Board of  
 16 the Legislative Council shall appoint three ex officio, nonvoting  
 17 members from the Legislature, two of whom are residents of the  
 18 basin and one who is the chairperson of the Natural Resources  
 19 Committee of the Legislature. For administrative and budgetary  
 20 purposes only, the task force shall be housed within the Department  
 21 of Natural Resources. Additional advisory support may be requested  
 22 from appropriate federal and state agencies. Members of the task  
 23 force who are not state employees shall be reimbursed for their  
 1 actual and necessary expenses incurred in carrying out their duties  
 2 as members as provided in sections 81-1174 to 81-1177.

3 (2) The task force shall meet no less than quarterly  
 4 and shall hire a trained facilitator to conduct its meetings. The  
 5 purposes of the task force are to define water sustainability for  
 6 the Republican River basin, develop and recommend a plan to help  
 7 reach water sustainability in the basin, and develop and recommend  
 8 a plan to help avoid a water-short year in the basin."  
 9 2. On page 3, strike beginning with "ensure" in line 1  
 10 through the period in line 3; and in line 12 strike "shall".

(Signed) Chris Langemeier, Chairperson

General Affairs

The General Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Steve Homan - Nebraska Arts Council

Aye: 8 Senators Coash, Cook, Dierks, Dubas, Karpisek, Krist, Price, Rogert.  
Nay: 0. Absent: 0. Present and not voting: 0.

The General Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Michael Hiatt - State Electrical Board

Aye: 8 Senators Coash, Cook, Dierks, Dubas, Karpisek, Krist, Price, Rogert.  
Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Russ Karpisek, Chairperson

**RESOLUTION**

**LEGISLATIVE RESOLUTION 332.** Introduced by Wallman, 30.

WHEREAS, Jesse Hinz won the 2010 Class B State Wrestling Championship in the heavyweight division; and

WHEREAS, Jesse Hinz, a senior at Beatrice High School, defeated Jacob Griess of Grand Island Northwest High School 9-4 to win the state championship; and

WHEREAS, the state championship gave Jesse Hinz his second state medal, as he finished fourth in the heavyweight division in 2009; and

WHEREAS, the Legislature should recognize the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates Jesse Hinz on winning the 2010 Class B State Wrestling Championship in the heavyweight division.
2. That a copy of this resolution be sent to Jesse Hinz.

Laid over.

**AMENDMENTS - Print in Journal**

Senator Fischer filed the following amendment to LB937:  
AM1987

(Amendments to Standing Committee amendments, AM1949)

- 1 1. Insert the following new section:
- 2 Sec. 3. Since an emergency exists, this act takes effect
- 3 when passed and approved according to law.
- 4 2. On page 4, lines 15 and 20 and 21, strike "January 1,
- 5 2011," and insert "the effective date of this act".

Senator Langemeier filed the following amendment to LB1048:  
AM2010 is available in the Bill Room.

Senator Cornett filed the following amendment to LB579:  
AM2024

(Amendments to Final Reading copy)

- 1 1. On page 8, strike beginning with "For" in line 8
- 2 through the period in line 10; and in line 12 strike "two" and
- 3 insert "ten".
- 4 2. On page 16, line 19, strike "this".
- 5 3. On page 17, line 15, after "shall" insert "knowingly".
- 6 4. On page 20, strike lines 22 through 25.
- 7 5. On page 21, strike line 1 and insert the following new
- 8 subdivision:
- 9 "(b) A client shall be solely responsible for (i)
- 10 directing, supervising, training, and controlling the work of
- 11 the covered employees with respect to the business activities of
- 12 the client or when such employees are otherwise acting under the
- 13 express direction and control of the client and (ii) the acts,
- 14 errors, or omissions of the covered employees with regard to such
- 15 activities or when such employees are otherwise acting under the
- 16 express direction and control of the client;" and in line 23
- 17 strike "sale" and insert "provision".
- 18 6. On page 22, strike lines 2 through 5; and in line 6
- 19 strike "(8)" and insert "(7)".
- 20 7. On page 23, line 15, strike "(9)" and insert "(8)".
- 21 8. On page 25, line 12, strike "separate" and insert
- 22 "itemized"; and strike beginning with "the" in line 13 through
- 1 "signed" in line 14 and insert "enrollment".
- 2 9. On page 26, line 25, after "provided" insert "for any
- 3 such professional employer agreement in effect on the operative
- 4 date of this section and".
- 5 10. On page 27, line 1, strike "the" and insert "any new"
- 6 and strike "and prior to" and insert "or"; and in line 2 after
- 7 "provision" insert "after the operative date of this section".
- 8 11. On page 29, lines 10 and 15, strike "a specified" and
- 9 insert "an itemized".
- 10 12. On page 52, line 8, after the period insert

11 "Subsections (5), (6), and (7) of this section apply beginning  
 12 on January 1, 2012."; and strike beginning with "pursuant" in line  
 13 11 through "2012" in line 13.  
 14 13. On page 53, strike beginning with "pursuant" in line  
 15 17 through "2012" in line 18.  
 16 14. On page 54, after line 16, insert the following new  
 17 subdivision:  
 18 "(e) Notice of the cancellation or nonrenewal of a master  
 19 policy or the termination of coverage for a client or the employees  
 20 of a client under such a policy shall be given by the professional  
 21 employer organization to the client within fifteen days after  
 22 the cancellation, nonrenewal, or termination unless replacement  
 23 coverage has been obtained."; and strike beginning with "pursuant"  
 24 in line 19 through "2012" in line 20.

### **MOTION - Print in Journal**

Senator Cornett filed the following motion to LB381:  
 MO84  
 Indefinitely postpone.

### **ANNOUNCEMENT**

Senator Wightman announced the Executive Board will hold an executive session Thursday, February 25, 2010, at 8:45 a.m., in Room 2102.

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

Senator Fischer asked unanimous consent to add her name as cointroducer to LB926. No objections. So ordered.

Senators Sullivan and Utter asked unanimous consent to add their names as cointroducers to LB931. No objections. So ordered.

### **WITHDRAW - Cointroducer**

Senator Langemeier withdrew his name as cointroducer to LB931.

### **VISITORS**

Visitors to the Chamber were James, Cassandra, and Abigail Lowery from Burwell; Chris, Brooke, Ashley, and Bradley Conrad from Omaha; members of Nebraska Christian Home Educators from across the state; 18 students and sponsors from Madison High School, Madison; a group from Battle Creek, Madison, Meadow Grove, Norfolk, and Tilden; and members of Project Extra Mile from across the state.



**ADJOURNMENT**

At 12:01 p.m., on a motion by Senator Sullivan, the Legislature adjourned until 9:00 a.m., Thursday, February 25, 2010.

Patrick J. O'Donnell  
Clerk of the Legislature

