

THIRTY-NINTH DAY - MARCH 10, 2010**LEGISLATIVE JOURNAL****ONE HUNDRED FIRST LEGISLATURE
SECOND SESSION****THIRTY-NINTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 10, 2010

PRAYER

The prayer was offered by Pastor Rhegan Stansbury, Salvation Army, Beatrice.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Sheehy presiding.

The roll was called and all members were present except Senators Harms and Pahls who were excused; and Senators Coash, Cornett, Council, Dubas, Fulton, Gay, and Karpisek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-eighth day was approved.

GENERAL FILE

LEGISLATIVE BILL 937A. Title read. Considered.

Senator Fischer moved for a call of the house. The motion prevailed with 32 ayes, 0 nays, and 17 not voting.

Senator Fischer requested a record vote on the advancement of the bill.

Voting in the affirmative, 31:

Avery	Dubas	Howard	Pankonin	Utter
Campbell	Fischer	Janssen	Pirsch	Wallman
Carlson	Giese	Krist	Price	Wightman
Christensen	Gloor	Langemeier	Rogert	
Conrad	Hadley	Lautenbaugh	Schilz	
Cornett	Hansen	Louden	Stuthman	
Dierks	Heidemann	McCoy	Sullivan	

Voting in the negative, 10:

Adams	Cook	Lathrop	Mello	Nordquist
Ashford	Haar	McGill	Nelson	White

Present and not voting, 1:

Flood

Excused and not voting, 7:

Coash	Fulton	Harms	Pahls
Council	Gay	Karpisek	

Advanced to Enrollment and Review Initial with 31 ayes, 10 nays, 1 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

SELECT FILE

LEGISLATIVE BILL 888A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 571. ER8083, found on page 1141, First Session, 2009, was adopted.

Senator Lathrop renewed the Lathrop-Pahls amendment, AM1534, found on page 184.

The Lathrop-Pahls amendment was adopted with 36 ayes, 0 nays, 6 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

MOTION - Return LR295CA to Select File

Senator McGill moved to return LR295CA to Select File for her specific amendment, AM2114, found on page 780.

The McGill motion to return prevailed with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

SELECT FILE

LEGISLATIVE RESOLUTION 295CA. The McGill specific amendment, AM2114, found on page 780, was adopted with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

GENERAL FILE

LEGISLATIVE BILL 1014. Senator Adams renewed his amendment, AM2058, found on page 730 and considered on page 786, to the committee amendment.

Senator Giese moved the previous question. The question is, "Shall the debate now close?"

Senator Giese moved for a call of the house. The motion prevailed with 27 ayes, 1 nay, and 21 not voting.

Senator Giese requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 19:

Adams	Conrad	Karpisek	Nordquist	Sullivan
Ashford	Giese	Lathrop	Pankonin	Wallman
Avery	Haar	McGill	Price	White
Campbell	Hadley	Mello	Rogert	

Voting in the negative, 22:

Carlson	Fischer	Janssen	McCoy	Utter
Christensen	Flood	Krist	Nelson	Wightman
Coash	Gay	Langemeier	Pirsch	
Cook	Hansen	Lautenbaugh	Schilz	
Dierks	Heidemann	Louden	Stuthman	

Present and not voting, 5:

Cornett	Dubas	Fulton	Gloor	Howard
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Excused and not voting, 3:

Council	Harms	Pahls
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The motion to cease debate failed with 19 ayes, 22 nays, 5 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Avery moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

The Adams amendment was adopted with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

Committee AM1979, found on page 681 and considered on page 786, as amended, was renewed.

SPEAKER FLOOD PRESIDING

PRESIDENT SHEEHY PRESIDING

Senator Haar moved the previous question. The question is, "Shall the debate now close?"

Senator Haar moved for a call of the house. The motion prevailed with 35 ayes, 0 nays, and 14 not voting.

The motion to cease debate prevailed with 25 ayes, 8 nays, 13 present and not voting, and 3 excused and not voting.

The committee amendment, as amended, was adopted with 43 ayes, 0 nays, 3 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Pending.

COMMITTEE REPORTS

Judiciary

LEGISLATIVE BILL 801. Placed on General File with amendment.
AM1972

- 1 1. Strike original section 7.
- 2 2. On page 12, line 1, after the semicolon insert "or";
- 3 strike lines 2 through 5; and in line 6 strike "(20)" and insert
- 4 "(19)".
- 5 3. On page 13, lines 3 through 18, reinstate the stricken
- 6 matter and strike the new matter; in line 19 strike "(d)" and
- 7 insert "(c)"; and in line 21 strike "(e)" and insert "(d)".
- 8 4. On page 17, line 15, strike "87-303.10,".
- 9 5. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 1094. Placed on General File with amendment.
AM1953

- 1 1. On page 2, strike lines 16 and 17 and insert:
2 "(4) Consumer means a person residing or domiciled in
3 Nebraska or who elects to enter into a transaction under the act,
4 whether it be in person, over the Internet, by facsimile, or by
5 any other electronic means and who has a pending legal claim and
6 is represented by an attorney at the time he or she receives the
7 nonrecourse civil litigation funding."
8 2. On page 8, line 10, after the period insert "For
9 purposes of determining a civil litigation funding company's
10 character, fitness, and financial responsibility, the Secretary
11 of State shall request a company to submit: A copy of the company's
12 articles of incorporation, articles of organization, certificate
13 of limited partnership, or other organizational documents; proof
14 of registration with a Nebraska registered agent; and proof of a
15 surety bond or irrevocable letter of credit issued and confirmed
16 by a financial institution authorized by law to transact business
17 in the State of Nebraska that is equal to double the amount of
18 the largest funding in the past calendar year or fifty thousand
19 dollars, whichever is greater."

LEGISLATIVE BILL 1105. Placed on General File with amendment.
AM2147

- 1 1. Strike the original sections and insert the following
2 new sections:
3 Section 1. The Community Corrections Council is directed
4 to supervise a study of the costs of administering the death
5 penalty in Nebraska. The study is to be completed by December 1,
6 2010, and presented in a report to the Legislature. It is the
7 intent of the Legislature that the Community Corrections Council
8 use the College of Public Affairs and Community Service of the
9 University of Nebraska at Omaha to coordinate and conduct the
10 study. It is also the intent of the Legislature that the cost of
11 the study not exceed fifty thousand dollars.
12 Sec. 2. The study conducted pursuant to section 1 of this
13 act shall examine the direct and indirect costs of administering
14 the death penalty and non-death-penalty sentences resulting from
15 murder in the first degree in Nebraska, including:
16 (1) The costs to the Attorney General's office for
17 expenditures for staff salaries, benefits, and operating expenses
18 related to death penalty issues including any contracting for
19 assistance;
20 (2) The costs to the Department of Correctional Services
21 for staff salaries, benefits, and operating expenses in housing
22 inmates on death row and carrying out the death penalty, including
23 any contracting for assistance;
1 (3) The costs to counties in county attorney staff time
2 and other expenses relating to the prosecution of death penalty

3 cases and in preparing for the presentation of aggravating and
 4 mitigating circumstances with respect to sentencing proceedings in
 5 such cases, including, but not limited to, expert witness fees,
 6 additional investigations, and contracting for assistance;

7 (4) Costs to county public defenders' offices and the
 8 Public Advocacy Commission in providing a defense against the
 9 imposition of the death penalty;

10 (5) The costs to counties for court-appointed attorneys
 11 hired to defend capital cases; and

12 (6) The costs to the Supreme Court, Court of Appeals, and
 13 district courts and an estimate of the costs to the federal courts
 14 in staff salaries, benefits, and operating expenses relating to the
 15 disposition of capital cases.

16 Sec. 3. The study conducted pursuant to sections 1 and
 17 2 of this act shall examine those costs borne by the Attorney
 18 General, the Department of Correctional Services, law enforcement,
 19 the counties, the courts, and the advocacy offices involved in
 20 capital cases in Nebraska in comparison to noncapital cases in
 21 Nebraska for convictions of persons under section 28-303 over the
 22 past twenty-five years.

(Signed) Brad Ashford, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 368. Introduced by Carlson, 38; Utter, 33.

WHEREAS, the Sandy Creek Lady Cougars won the 2010 Class C-2 Girls' State Basketball Championship; and

WHEREAS, the Lady Cougars defeated the Hartington Cedar Catholic Lady Trojans 49-44 to win Sandy Creek's ninth state championship under coach Russ Ninemire which ties the Lady Cougars with Class A Lincoln Southeast for the second-most state titles in girls' basketball; and

WHEREAS, the Lady Cougars finished with a record of 23-3; and

WHEREAS, the Lady Cougars displayed remarkable ability and teamwork throughout their outstanding season; and

WHEREAS, the Legislature recognizes 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 the Sandy Creek Lady Cougars basketball team on winning the 2010 Class C-2 Girls' State Basketball Championship.

2. That the Legislature congratulates head coach Russ Ninemire and assistant coach Jeremy Borer for their excellent season and guidance of the team.

3. That a copy of this resolution be sent to the Sandy Creek Lady Cougars and their head coach, Russ Ninemire.

Laid over.

LEGISLATIVE RESOLUTION 369. Introduced by Howard, 9; Avery, 28; Campbell, 25; Carlson, 38; Christensen, 44; Dierks, 40; Giese, 17; Gloor, 35; Hadley, 37; Hansen, 42; McCoy, 39; Nelson, 6; Pirsch, 4; Price, 3; Schilz, 47; Sullivan, 41; Wallman, 30.

WHEREAS, prescription drug abuse is a growing and pervasive problem throughout the United States; and

WHEREAS, drug-related deaths are more frequent than traffic fatalities in sixteen states; and

WHEREAS, teens abuse prescription drugs more than ecstasy, methamphetamine, crack cocaine, and heroin combined; and

WHEREAS, an estimated 4.7 million individuals abused prescription drugs for the first time in 2008; and

WHEREAS, prescription pain medication is the fastest growing addiction in the United States; and

WHEREAS, abuse of prescription drugs affects not only individuals, but also their families and communities.

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

1. That the Legislature recognizes October 2010 as Prescription Drug Abuse Awareness Month in Nebraska.

2. That during October 2010 communities are encouraged to participate in activities designed to increase public awareness about the dangers of prescription drug abuse.

Laid over.

UNANIMOUS CONSENT - Add Cointroducer

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

VISITORS

Visitors to the Chamber were members of Leadership Kearney from Kearney; Juliana Zieno from Omaha; 12 twelfth-grade students and teacher from Lawrence Nelson High School, Nelson; Andrew Zimmerman from Omaha; 49 fourth-grade students and teachers from Shell Creek Elementary, Columbus; and 90 fourth-grade students from Fire Ridge Elementary, Elkhorn.

RECESS

At 11:59 a.m., on a motion by Speaker Flood, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Sheehy presiding.

ROLL CALL

The roll was called and all members were present except Senators Harms and Pahls who were excused; and Senators Ashford and Conrad who were excused until they arrive.

ANNOUNCEMENT

The Chair announced today is Senator Haar's birthday.

GENERAL FILE

LEGISLATIVE BILL 1081. Title read. Considered.

Committee AM1930, found on page 603, was considered.

Senator Cornett renewed her amendment, AM2026, found on page 708, to the committee amendment.

The Cornett amendment was adopted with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

The committee amendment, as amended, was adopted with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 9 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 948. Title read. Considered.

Committee AM1921, found on page 624, was considered.

SENATOR WIGHTMAN PRESIDING

Pending.

WITHDRAW - Motion to Suspend Rules

The Heidemann et al. motion, found on page 776, to suspend the rules, Rule 8, Sec. 5, to allow the Appropriations Committee to place appropriations bills on General File later than the 40th legislative day and to permit the Legislature to pass the appropriations bills after the 50th legislative day, was withdrawn.

COMMITTEE REPORTS

Business and Labor

LEGISLATIVE BILL 709. Placed on General File with amendment. AM1824

- 1 1. Strike section 7.
- 2 2. On page 2, strike beginning with "Board" in line
- 3 9 through "memoranda" in line 23 and insert "Rule or regulation
- 4 means any rule, regulation, or standard issued by an agency,
- 5 including the amendment or repeal thereof whether with or without
- 6 prior hearing and designed to implement, interpret, or make
- 7 specific the law enforced or administered by it or governing
- 8 its organization or procedure. Rule or regulation does not include
- 9 (a) rules and regulations concerning the internal management of
- 10 the agency not affecting private rights, private interests, or
- 11 procedures available to the public, (b) permits, certificates of
- 12 public convenience and necessity, franchises, rate orders, and rate
- 13 tariffs and any rules of interpretation thereof, (c) declaratory
- 14 rulings, (d) interagency or intra-agency memoranda, or (e) rules
- 15 and regulations necessary to implement federal law. For purposes of
- 16 the act, every rule and regulation which prescribes a penalty shall
- 17 be presumed to have general applicability or to affect private
- 18 rights and interests"; and in line 24 strike "(5)" and insert
- 19 "(3)".
- 20 3. On page 3, line 19, strike "(1)".
- 21 4. On page 4, line 2, strike "(a)" and insert "(1)"; in
- 22 line 4 strike "(b)" and insert "(2)"; in line 7 strike "(c)" and
- 23 insert "(3)"; in line 9 strike "(d)" and insert "(4)"; in line 12
- 1 strike "(e)" and insert "(5)"; and strike lines 14 through 19.
- 2 5. On page 5, strike beginning with "and" in line 14
- 3 through "board" in line 15.

LEGISLATIVE BILL 925. Placed on General File with amendment. AM2106

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. For purposes of sections 1 to 6 of this act:
- 4 (1) Nebraska laborer means any person who has resided in
- 5 Nebraska for at least thirty days and intends to become or remain a
- 6 Nebraska resident or has resided within fifty miles from a Nebraska
- 7 border for at least thirty days;

8 (2) Period of excessive unemployment means any month
 9 immediately following two consecutive calendar months during which
 10 the level of unemployment in the state has exceeded four percent
 11 as measured by the United States Bureau of Labor Statistics in its
 12 monthly publication of employment and unemployment figures; and

13 (3) Public works project means a project constructed on
 14 behalf of the State of Nebraska or a department or agency thereof,
 15 a county board, the contracting board of a city, village, or
 16 school district, or a public board or public utility empowered
 17 by law to enter into a contract by public bidding for erecting
 18 and finishing a public building, bridge, highway, or other public
 19 structure or improvement. Public works project does not include
 20 general maintenance on an existing structure or a project performed
 21 in a time of emergency as defined by subdivision (8) of section
 22 39-892.

23 Sec. 2. If, at the time of the award of a contract for
 1 a public works project covered by sections 1 to 6 of this act,
 2 there is a period of excessive unemployment in this state, every
 3 person who is charged with the duty, either by law or contract,
 4 of constructing or building the public works project shall employ
 5 only Nebraska laborers on such project, and every contract let by
 6 any such person shall contain a provision requiring that Nebraska
 7 laborers be used, except that other laborers may be used when
 8 Nebraska laborers are not available or are incapable of performing
 9 the particular type of work involved, if so certified by the
 10 contractor.

11 Sec. 3. Sections 1 to 6 of this act apply to all labor
 12 on public works projects performed by contractors, subcontractors,
 13 and individuals required to register pursuant to the Contractor
 14 Registration Act.

15 Sec. 4. Sections 1 to 6 of this act shall not apply to
 16 districts as defined in section 70-601.

17 Sec. 5. In all contracts involving the expenditure of
 18 federal aid funds, sections 1 to 6 of this act shall not be
 19 enforced in such manner as to conflict with any federal statute,
 20 rule, or regulation.

21 Sec. 6. The Department of Labor shall enforce sections 1
 22 to 6 of this act. The department, as represented by the Attorney
 23 General, or an aggrieved party may sue for injunctive relief
 24 against the awarding of a contract or the continuation of a
 25 contract for a public works project if the requirements of sections
 26 1 to 6 of this act are not being met.

LEGISLATIVE BILL 961. Placed on General File with amendment.
 AM2118

- 1 1. On page 2, strike beginning with "Any" in line 12
- 2 through line 19 and show as stricken; and in line 20 after "Fund"
- 3 insert "or the subaccount established in subsection (1) of this
- 4 section".

5 2. On page 5, line 7, after "organization" insert
6 "holding a certificate of exemption under section 501(c)(3) of
7 the Internal Revenue Code"; and in line 24 strike "positions" and
8 insert "a minimum of four positions in rural areas and a minimum of
9 eight positions in high-poverty areas".

10 3. On page 6, line 12, strike "and"; in line 14 strike
11 the period and insert a semicolon; after line 14 insert:

12 "(i) That the number of trainees will not exceed one
13 hundred twenty-five percent of the number of positions that will be
14 available at the time of application; and

15 (j) That the goods or services produced by the business
16 are generally exportable in nature resulting in additional money
17 to the community or the state and the positions available or
18 to be created are not local retail positions."; and in line
19 16 after "81-1201.21" insert "shall be subject to an audit by
20 the Department of Economic Development and" and after "report"
21 insert "or provide"; in line 17 strike "Department of Economic
22 Development" and insert "department"; in line 21 strike "and"; in
23 line 23 strike the period and insert "; and"; and after line 23
1 insert:

2 "(d) A copy of the training curriculum.".

3 4. On page 7, line 11, before "A" insert "(1)".

4 5. On page 8, after line 7 insert:

5 "(2) Up to four percent of each training grant awarded
6 under the program under subsection (3) of section 81-1201.21 shall
7 be made available to the Department of Economic Development to
8 finance the costs of administering such program. Such funds shall
9 be allocated from the subaccount within the Job Training Cash Fund
10 for training grants. The department shall not accept funds that do
11 not go directly to administering such program. The department shall
12 include in the annual report it provides to the Appropriations
13 Committee of the Legislature a summary of the administrative costs
14 of such program, including the percentage of each training grant
15 received by the department for administrative purposes and the
16 purpose for which it was used to carry out the intent of the
17 program."; and in line 25 strike "return to the state" and insert
18 "repay".

19 6. On page 9, line 1, after the period insert "No
20 dollars shall be expended from the Job Training Cash Fund that are
21 not used for the purposes outlined in subsection (2) of section
22 81-1201.21.".

(Signed) Steve Lathrop, Chairperson

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 888A. Placed on Final Reading.**LEGISLATIVE RESOLUTION 295CA.** Placed on Final Reading
Second.

ST9081

The following changes, required to be reported for publication in the Journal, have been made:

1. In the McGill amendment, AM2114, on page 1, line 9, "also" has been struck.

(Signed) Jeremy Nordquist, Chairperson

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE RESOLUTION 284CA. Placed on Select File.**LEGISLATIVE BILL 937A.** Placed on Select File.

(Signed) Jeremy Nordquist, Chairperson

GENERAL FILE**LEGISLATIVE BILL 948.** Committee AM1921, found on page 624 and considered in this day's Journal, was renewed.

Senator McCoy offered the following amendment to the committee amendment:

AM2131

(Amendments to Standing Committee amendments, AM1921)

- 1 1. On page 1, line 3, strike "shall" and insert "may";
- 2 and in line 4 strike beginning with "responsible" through "state"
- 3 and insert "purchase is made in the best interests of the state".

Senator McCoy moved for a call of the house. The motion prevailed with 36 ayes, 0 nays, and 13 not voting.

Senator Price requested a roll call vote on the McCoy amendment.

Voting in the affirmative, 15:

Adams	Fulton	Langemeier	McCoy	Schilz
Fischer	Heidemann	Lautenbaugh	Nelson	Stuthman
Flood	Janssen	Louden	Pankonin	Utter

Voting in the negative, 25:

Avery	Cook	Haar	Lathrop	Rogert
Campbell	Council	Hadley	McGill	Sullivan
Carlson	Dierks	Hansen	Nordquist	Wallman
Coash	Dubas	Karpisek	Pirsch	White
Conrad	Giese	Krist	Price	Wightman

Present and not voting, 7:

Ashford	Cornett	Gloor	Mello
Christensen	Gay	Howard	

Excused and not voting, 2:

Harms	Pahls
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The McCoy amendment lost with 15 ayes, 25 nays, 7 present and not voting, and 2 excused and not voting.

The committee amendment was adopted with 33 ayes, 1 nay, 13 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Pending.

COMMITTEE REPORTS

Judiciary

LEGISLATIVE BILL 939. Placed on General File.

LEGISLATIVE BILL 507. Placed on General File with amendment.
AM2107

1 1. Strike original section 1 and insert the following new
2 section:

3 Section 1. Section 28-323, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 28-323 (1) A person commits the offense of domestic
6 assault in the third degree if he or she:

7 (a) Intentionally and knowingly causes bodily injury to
8 his or her intimate partner; ~~or~~

9 (b) ~~Places, by physical menace, his or her~~ Threatens an
10 intimate partner ~~in fear of with imminent bodily injury; or~~

11 (c) Threatens an intimate partner in a menacing manner.

12 (2) A person commits the offense of domestic assault in
13 the second degree if he or she intentionally and knowingly causes
14 bodily injury to his or her intimate partner with a dangerous
15 instrument.

16 (3) A person commits the offense of domestic assault in
 17 the first degree if he or she intentionally and knowingly causes
 18 serious bodily injury to his or her intimate partner.

19 (4) Violation of ~~subsection (1)-subdivision (1)(a) or (b)~~
 20 of this section is a Class I misdemeanor, except that for any
 21 second or subsequent violation of such subsection, ~~within twelve~~
 22 ~~years after the date of the current conviction~~, any person so
 23 offending ~~against the same intimate partner~~ is guilty of a Class IV
 1 felony.

2 (5) Violation of subdivision (1)(c) of this section is a
 3 Class I misdemeanor.

4 ~~(5)-(6)~~ Violation of subsection (2) of this section is
 5 a Class IIIA felony, except that for any second or subsequent
 6 violation of such subsection, ~~within twelve years after the date of~~
 7 ~~the current conviction~~, any person so offending ~~against the same~~
 8 ~~intimate partner~~ is guilty of a Class III felony.

9 ~~(6)-(7)~~ Violation of subsection (3) of this section is
 10 a Class III felony, except that for any second or subsequent
 11 violation under such subsection, ~~within twelve years after the date~~
 12 ~~of the current conviction~~, any person so offending ~~against the same~~
 13 ~~intimate partner~~ is guilty of a Class II felony.

14 ~~(7)-(8)~~ For purposes of this section, intimate partner
 15 means a spouse; a former spouse; persons who have a child in
 16 common whether or not they have been married or lived together
 17 at any time; and persons who are or were involved in a dating
 18 relationship. For purposes of this subsection, dating relationship
 19 means frequent, intimate associations primarily characterized by
 20 the expectation of affectional or sexual involvement, but does not
 21 include a casual relationship or an ordinary association between
 22 persons in a business or social context.

(Signed) Brad Ashford, Chairperson

AMENDMENTS - Print in Journal

Senator Carlson filed the following amendment to LB1057:
 AM2092

(Amendments to Standing Committee amendments, AM1895)

- 1 1. Insert the following new amendments:
- 2 1. Insert the following new sections:
- 3 Sec. 3. Section 61-218, Revised Statutes Cumulative
- 4 Supplement, 2008, as amended by section 39, Legislative Bill
- 5 3, One Hundred First Legislature, First Special Session, 2009, is
- 6 amended to read:
- 7 61-218 (1) The Water Resources Cash Fund is created. The
- 8 fund shall be administered by the Department of Natural Resources.
- 9 Transfers may be made from the fund to the General Fund at the
- 10 direction of the Legislature. Any money in the Water Resources
- 11 Cash Fund available for investment shall be invested by the state

12 investment officer pursuant to the Nebraska Capital Expansion Act
13 and the Nebraska State Funds Investment Act.

14 (2) The State Treasurer shall credit to the fund such
15 money as is (a) transferred to the fund by the Legislature, (b)
16 paid to the state as fees, deposits, payments, and repayments
17 relating to the fund, both principal and interest, (c) donated as
18 gifts, bequests, or other contributions to such fund from public or
19 private entities, (d) made available by any department or agency of
20 the United States if so directed by such department or agency, and
21 (e) credited to the fund from the excise taxes imposed by section
22 66-1345.01 beginning January 1, 2013.

1 (3) The fund shall be expended by the department (a)
2 to aid management actions taken to reduce consumptive uses of
3 water in river basins, subbasins, or reaches which are deemed
4 by the department overappropriated pursuant to section 46-713 or
5 fully appropriated pursuant to section 46-714 or are bound by
6 an interstate compact or decree or a formal state contract or
7 agreement and (b) to the extent funds are not expended pursuant to
8 subdivision (a) of this subsection, the department may conduct a
9 statewide assessment of short-term and long-term water management
10 activities and funding needs to meet statutory requirements in
11 sections 46-713 to 46-718 and 46-739 and any requirements of an
12 interstate compact or decree or formal state contract or agreement.
13 The fund may be used to pay for up to twenty-five thousand
14 dollars in annual expenses for the Republican River Basin Water
15 Sustainability Task Force but shall not be used to pay for any
16 other administrative expenses or any salaries for the department or
17 any political subdivision.

18 (4) It is the intent of the Legislature that two million
19 seven hundred thousand dollars be transferred each fiscal year from
20 the General Fund to the Water Resources Cash Fund for FY2009-10
21 through FY2018-19.

22 (5)(a) Expenditures from the Water Resources Cash
23 Fund may be made to natural resources districts eligible under
24 subsection (3) of this section for activities to either achieve a
25 sustainable balance of consumptive water uses or assure compliance
26 with an interstate compact or decree or a formal state contract
27 or agreement and shall require a match of local funding in an
1 amount equal to or greater than forty percent of the total cost
2 of carrying out the eligible activity. The department shall, no
3 later than August 1 of each year, beginning in 2007, determine the
4 amount of funding that will be made available to natural resources
5 districts from the Water Resources Cash Fund and notify natural
6 resources districts of this determination. The department shall
7 adopt and promulgate rules and regulations governing application
8 for and use of the Water Resources Cash Fund by natural resources
9 districts. Such rules and regulations shall, at a minimum, include
10 the following components:

11 (i) Require an explanation of how the planned activity
 12 will assure compliance with an interstate compact or decree or a
 13 formal state contract or agreement as required by section 46-715
 14 and the controls, rules, and regulations designed to carry out the
 15 activity; and

16 (ii) A schedule of implementation of the activity or its
 17 components.

18 (b) Any natural resources district that fails to
 19 implement and enforce its controls, rules, and regulations as
 20 required by section 46-715 shall not be eligible for funding
 21 from the Water Resources Cash Fund until it is determined by the
 22 department that compliance with the provisions required by section
 23 46-715 has been established.

24 (6) The Department of Natural Resources shall submit an
 25 annual report to the Legislature no later than October 1 of each
 26 year, beginning in the year 2007, that shall detail the use of the
 27 Water Resources Cash Fund in the previous year. The report shall
 1 provide:

2 (a) Details regarding the use and cost of activities
 3 carried out by the department; and

4 (b) Details regarding the use and cost of activities
 5 carried out by each natural resources district that received funds
 6 from the Water Resources Cash Fund.

7 Sec. 4. Original section 61-218, Revised Statutes
 8 Cumulative Supplement, 2008, as amended by section 39, Legislative
 9 Bill 3, One Hundred First Legislature, First Special Session, 2009,
 10 is repealed.

11 4. Renumber the remaining section accordingly.

12 2. Renumber the remaining amendments accordingly.

Senator Schilz filed the following amendment to LB919:
 AM2128

(Amendments to Standing Committee amendments, AM1848)

1 1. Strike the original sections and all amendments
 2 thereto and insert the following new sections:

3 Section 1. Section 17-301, Reissue Revised Statutes of
 4 Nebraska, is amended to read:

5 ~~17-301 (1) Whenever any city of the first class decreases~~
 6 ~~in population until it has a population of less than five~~
 7 ~~thousand inhabitants but not less than four thousand five hundred~~
 8 ~~inhabitants, as ascertained and officially promulgated by the~~
 9 ~~federal decennial census, the mayor of any such city shall certify~~
 10 ~~such fact to the Secretary of State.~~

11 ~~(2) Whenever any city of the first class decreases in~~
 12 ~~population until it has a population of less than four thousand~~
 13 ~~five hundred inhabitants but more than eight hundred inhabitants~~
 14 ~~as ascertained and officially promulgated by the federal decennial~~
 15 ~~census, the mayor of any such city shall certify such fact to the~~
 16 ~~Secretary of State.~~

17 (3) ~~Whenever the Secretary of State receives a~~
18 ~~certification pursuant to subsection (1) of this section from the~~
19 ~~same city after two consecutive federal decennial censuses, he or~~
20 ~~she shall declare such city to have become a city of the second~~
21 ~~class as provided in section 17-305.~~

22 (4) ~~Whenever the Secretary of State receives a~~
1 ~~certification pursuant to subsection (2) of this section, he or she~~
2 ~~shall declare such city to have become a city of the second class~~
3 ~~as provided in section 17-305.~~

4 (1) This section applies to cities of the first class
5 whose population is less than five thousand inhabitants but more
6 than eight hundred inhabitants according to the federal decennial
7 census conducted in the year 2010 or any subsequent federal
8 decennial census.

9 (2)(a) If a city of the first class has a population
10 of less than five thousand inhabitants but not less than four
11 thousand inhabitants, as ascertained and officially promulgated by
12 the most recent federal decennial census, the mayor of the city
13 shall certify such fact to the Secretary of State. If the mayor
14 and city council of the city determine that it is in the best
15 interests of such city to become a city of the second class, the
16 mayor and city council shall adopt an ordinance to that effect and
17 shall notify the Secretary of State and notice and a copy of such
18 ordinance shall accompany the certification. If the Secretary of
19 State receives such notification, he or she shall declare such city
20 to be a city of the second class. If the mayor and city council
21 determine that it is in the best interests of such city to remain
22 a city of the first class, they shall submit to the Secretary of
23 State, within nine years after the certification is required to
24 be submitted pursuant to this subdivision, an explanation of the
25 city's plan to increase the city's population.

26 (b) If a city of the first class has a population of
1 less than five thousand inhabitants but not less than four thousand
2 inhabitants, as ascertained and officially promulgated by the most
3 recent federal decennial census immediately following the census
4 referred to in subdivision (a) of this subsection, the mayor of
5 the city shall certify such fact to the Secretary of State. If the
6 mayor and city council of the city determine that it is in the best
7 interests of such city to become a city of the second class, the
8 mayor and city council shall adopt an ordinance to that effect and
9 shall notify the Secretary of State and notice and a copy of such
10 ordinance shall accompany the certification. If the Secretary of
11 State receives such notification, he or she shall declare such city
12 to be a city of the second class.

13 (c) If a city of the first class has a population of
14 less than five thousand inhabitants but not less than four thousand
15 inhabitants, as ascertained and officially promulgated by the most
16 recent federal decennial census immediately following the census
referred to in subdivision (b) of this subsection, the mayor of

17 the city shall certify such fact to the Secretary of State. After
 18 receipt of such certification, the Secretary of State shall declare
 19 such city to be a city of the second class.

20 (3) If a city of the first class has a population of
 21 less than four thousand inhabitants but more than eight hundred
 22 inhabitants, as ascertained and officially promulgated by the most
 23 recent federal decennial census, the mayor of the city shall
 24 certify such fact to the Secretary of State. After receipt of such
 25 certification, the Secretary of State shall declare such city to be
 26 a city of the second class.

27 ~~(5)~~(4) Beginning on the date upon which a city becomes
 1 a city of the second class pursuant to section 17-305, such city
 2 shall be governed by the ~~provisions of the statutes of the State~~
 3 ~~of Nebraska~~ laws of this state applicable to cities of the second
 4 class.

5 Sec. 2. Original section 17-301, Reissue Revised Statutes
 6 of Nebraska, is repealed.

7 Sec. 3. The following section is outright repealed:

8 Section 17-305.01, Reissue Revised Statutes of Nebraska.

9 Sec. 4. Since an emergency exists, this act takes effect
 10 when passed and approved according to law.

Senator Nordquist filed the following amendment to LB1106A:
 AM2158

- 1 1. On page 2, line 9, strike "\$163,665" and insert
- 2 "\$161,583"; and in line 10 strike "\$398,950" and insert "\$401,032".

UNANIMOUS CONSENT - Add Cointroducer

Senator Wallman asked unanimous consent to add his name as cointroducer to LB1077. No objections. So ordered.

VISITORS

Visitors to the Chamber were Derek Anderson from Wayne; students from the University of Nebraska at Lincoln and Kearney; 40 eighth-grade students from Southwest Middle School, Bartley; and members of Leadership Nebraska from across the state.

The Doctor of the Day was Dr. Gerald Matzke from Gothenburg.

ADJOURNMENT

At 4:08 p.m., on a motion by Speaker Flood, the Legislature adjourned until 9:00 a.m., Thursday, March 11, 2010.

Patrick J. O'Donnell
 Clerk of the Legislature