

FOURTH DAY - JANUARY 11, 2010

LEGISLATIVE JOURNAL

**ONE HUNDRED FIRST LEGISLATURE
SECOND SESSION**

FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, January 11, 2010

PRAYER

The prayer was offered by Senator Coash.

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 Ashford, Christensen, Langemeier, and Stuthman who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the third day was approved.

REFERENCE COMMITTEE REPORT

The Executive Board submits the following report:

LB/LR	Committee
LB716	Government, Military and Veterans Affairs (rereferred)
LB734	Health and Human Services (rereferred)
LB765	Judiciary
LB766	Health and Human Services
LB767	Government, Military and Veterans Affairs
LB768	Government, Military and Veterans Affairs
LB769	Judiciary
LB770	Executive Board
LB771	Judiciary
LB772	Transportation and Telecommunications
LB773	Transportation and Telecommunications
LB774	Revenue
LB775	Revenue
LB776	Appropriations
LB777	Government, Military and Veterans Affairs
LB778	Health and Human Services

LB779 Revenue
 LB780 Business and Labor
 LB781 Urban Affairs
 LB782 Transportation and Telecommunications
 LB783 General Affairs
 LB784 Judiciary
 LB785 Natural Resources
 LB786 General Affairs
 LB787 Transportation and Telecommunications
 LB788 General Affairs
 LB789 Revenue
 LB790 Health and Human Services
 LB791 Government, Military and Veterans Affairs
 LB792 Judiciary
 LB793 Appropriations
 LR276CA Revenue

(Signed) John Wightman, Chairperson
Executive Board

MOTION - Print in Journal

Senator Council filed the following motion to LB307:
 MO70
 Recommit to Judiciary Committee.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of January 8, 2010,
 in accordance with Section 49-1481, Revised Statutes of Nebraska.
 Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Abboud, Chris
 Agri-Business Association, Nebraska
 Brain Injury Association of America
 Manheim's Omaha Auto Auction
 Monsanto
 Omaha Police Union, Local 101
 Adair, Peggy
 CASA for Douglas County
 League of Women Voters of Nebraska
 Adams, Donald D., Jr.
 Nebraskans First, Inc.
 Adams, John H.
 International Gamco, Inc.

Alberts, Dan
Third Planet Windpower

Amack, Angela K.
Columbus Public Schools
Electrical Workers, International Brotherhood of
Fire Fighters Association, Nebraska Professional
Grand Island Public Schools

American Communications Group, Inc.
American Cancer Society
American Heart Association
American Wind Energy Association
Amputee Coalition of Nebraska
Behavioral Health Organizations, Nebraska Association of
Center for Rural Affairs
Child Healthcare Alliance, Nebraska
Dental Assistants of Nebraska
EHPV (Big Red) Lottery Services, LLC d/b/a Big Red Keno
Emergency Medical Service Association, Nebraska
Empyrean Brewing Company
Engineers and Architects, Nebraska Board of
Goodwill Industries, Nebraska
Iowa/Nebraska Primary Care Association
Nebraska Film Association
Physical Therapy Association, Nebraska Chapter of American
Physician Assistants, Nebraska Academy of
Psychological Association, Nebraska
Public Employees, AFSCME Local 61, Nebraska Association of
Public Health, Friends of in Nebraska
Research Nebraska!
Respiratory Care, Nebraska Society for
Speech, Language, & Hearing Association, Nebraska
Surgical Technologists, Association of
Teamsters Local Union 554
YMCA of Nebraska

Andersen, Robert C.
Cooperative Council, Nebraska

Anderson, Kristen
Realtors Association, Nebraska

Anderson, Robert L.
Agri-Business Association, Nebraska
Anderson Management Services, Inc.

Anderson, Tim W.
Central Nebraska Public Power & Irrigation District

Austin, Jordan
National Rifle Association Institute for Legislative Action

Baack, Dennis G.
Community College Association, Nebraska

Babcock, Marsha L.
Mechanical Contractors Assn. of Omaha

- Barrett, John
Cox Communications
- Bateman, Joseph R.
Union Pacific Railroad
- Beattie, George
Bankers Association, Nebraska
- Beermann, Allen J.
Press Association, Nebraska
- Belcher, Barbara N.
Merck Sharp & Dohme Corp. and its Affiliates
- Bell, David
Loup River Public Power District
- Benjamin, Melody
Cattlemen, Inc., Nebraska
- Benson, Sandra E.
AARP
- Blomstedt, Matthew L.
Educational Service Unit Coordinating Council
- Boehm, John M.
Mortgage Association, Nebraska
- Boesch, Elizabeth L.
Nebraska Public Power District
- Bohrer, Bruce J.
Lincoln Chamber of Commerce
- Bonaiuto, John A.
School Boards, Nebraska Association of
- Bowling, Karen
Family Council, Nebraska
- Boyer, Steve
Third Planet Windpower
- Brady, Justin J.
Radcliffe, Walter H. of Radcliffe & Associates
- Brandt, Horan, Hallstrom and Stilmock
Bankers Association, Nebraska
Bankers Insurance and Services Company, Nebraska (NBISCO)
Firefighters Association, Nebraska State Volunteer
National Federation of Independent Business
Nebraskans For Workers Compensation Equity
NETWORKS, Inc.
Pharmacists Association, Nebraska
- Brashear, Kermit A.
Cox Communications
Learning Community of Douglas and Sarpy County
Sarpy County Board of Commissioners
- Bromm, Curt
AFLAC
Cable Communications Association, Nebraska
KZ Co.
Lexington Public Schools

Verizon Wireless
Bruckner, Traci
Center for Rural Affairs
Bruning, Deonne L.
Century Link (formerly Embarq Corp.)
Cox Communications
Northern Natural Gas
U. S. Cellular
Buntain, David R.
Medical Association, Nebraska
Regions I, II and V Services
Burhan, Charles H.
Liberty Mutual Insurance
Burroughs, Sheila K.
Certified Public Accountants, Nebraska Society of
Campbell, Mary
Lincoln Public Schools
Carstenson, Eric B.
Telecommunications Association, Nebraska
Carter, Jennifer
Applesseed Center for Law in the Public Interest, Nebraska
Cavanaugh Law Firm, PC, LLO
Creighton University
Explore Information Services, LLC
Independent Insurance Agents of Nebraska
Tenet Health System
Cavanaugh, James P.
Cavanaugh Law Firm PC, LLO
Cavanaugh, Patrick B.
Cavanaugh Law Firm PC, LLO
Cheloha, John A. 'Jack'
City of Omaha
Christiansen, Craig R.
Education Association, Nebraska State
Clark, Douglas R.
Metropolitan Utilities District
Clayburn, Neal
Education Association, Nebraska State
Coleman, Steven D.
Papillion - La Vista Public Schools
Courtney, Robert
AARP
Cover, Joni R.
Pharmacists Association, Nebraska
Cox, Christopher
National Rifle Association Institute for Legislative Action
Crawford, Kristin Lawson
Kissel/E&S Associates, LLC
Cunningham, Douglas

Affiliated Foods Midwest
 Cunningham, James R.
 Catholic Conference, Nebraska
 Curtis, Carol A.
 AstraZeneca Pharmaceuticals
 Cutshall & Nowka
 Anheuser-Busch Companies
 Area Agencies on Aging, Nebraska Association of
 Area Health Education Centers
 BryanLGH Health System
 Chief Probation Officers Coalition
 Community Lottery System, Inc.
 County Attorneys Association, Nebraska
 Credit Advisors
 Dietetic Association, Nebraska
 Elkhorn Public Schools
 Family Physicians, Nebraska Academy of
 Funeral Directors Association, Nebraska
 Home & Community Health Agencies, Nebraska Association of
 Meda Pharmaceutical Inc.
 Metropolitan Utilities District
 Nebraska Public Power District
 Nebraska State College Systems, Board of Trustees of the
 NET Foundation for Television
 Peetz & Company
 Pfizer, Inc.
 Police Officers' Association of Nebraska
 Pork Producers Association, Nebraska
 Poultry Industries, Inc., Nebraska
 Radiologic Technologists, Nebraska Society of
 Resources Districts, Nebraska Association of
 Rural Community School Association, Nebraska
 Sheriffs Association, Nebraska
 Society of Human Resources Management's (SHRM) Nebraska State
 Council
 Southern Public Power District
 Trucking Association, Nebraska
 Union Pacific Railroad
 Water Coalition, Nebraska
 Cutshall, Bruce A.
 Cutshall & Nowka
 Dake Abel, Julie
 Public Employees, AFSCME Local 61, Nebraska Association of
 Dibbern, Chris M.
 Nebraska Municipal Power Pool
 Dittmer, Judy
 AARP
 Dix, Larry
 County Officials, Nebraska Association of

- Dobler, James B.
Farmers Mutual of Nebraska
- Donaldson, R. Eric
Altria Client Services Inc. and its Affiliates (formerly Philip Morris USA Inc.)
- Donovan, Steve
Ducks Unlimited, Great Plains
- Downey, Robert A.
Capital Humane Society
- Dudley, William H.
AFLAC
- Dukesherer, James C.
Rural Electric Association, Nebraska
- Dulaney, Michael S.
School Administrators, Nebraska Council of
- Edson, Dean E.
Resources Districts, Nebraska Association of
- Edwards, Jon
County Officials, Nebraska Association of
- Egr, James M.
Firefighters Association, Nebraska State Volunteer
- Elliott, Joseph W.
Professional Insurance Agents of Nebraska
- Epler, Robert
AARP
- Eret, Don
Tractor Testing Laboratory, Supporters of Nebraska
- Erickson, Julie S.
American Communications Group, Inc.
- Ernst, Dan E.
School Administrators, Nebraska Council of
- Esposito, Mikilin M.
City of Lincoln
- Evans, Eric A.
Advocacy Services, Inc., Nebraska
- Ferrell, Beth Bazyn
County Officials, Nebraska Association of
- Fischer-Lempke, Marla J.
ARC of Nebraska
- Fraizer, Theodore D. (Tad)
Insurance Association, American
Mutual of Omaha Insurance Company
Updowntowners, Inc.
- Freeman, Clayton
Alzheimer's Association, Midlands Chapter
- Fritz, Teresa Stitche
Alzheimer's Association of the Great Plains
- Gangwish, Duane
Cattlemen, Inc., Nebraska

- Genrich, Richard L.
Eagles, Fraternal Order of, NE State Aerie
Veterans & Social Societies, Inc., Nebraska Council of Fraternal
- Gilbertson, Korby M.
Radcliffe, Walter H. of Radcliffe & Associates
Wildlife Protectors Association, Inc./Operation Game Thief, Nebraska
- Goc, John J.
Metropolitan Utilities District
- Gossman, Abigail
MedImmune, Inc.
- Gottschalk, Kristen
Rural Electric Association, Nebraska
- Gould, John 'Jack'
Common Cause National
Common Cause Nebraska
- Guinan, Trish
Education Association, Nebraska State
- Hack, Mace A.
Nature Conservancy, The
- Hale, Brian R.
School Boards, Nebraska Association of
- Hale, Susan
Planned Parenthood of the Heartland
- Hallstrom, Robert J.
Brandt, Horan, Hallstrom and Stilmock
- Hamilton Consulting
Life Lock, Inc.
- Hansen, John K.
Farmers Union, Nebraska
- Hartmann, William
One-Call Notification Center, Nebraska Statewide
- Harvey, William F.
EHPV (Big Red) Lottery Services, LLC d/b/a Big Red Keno
Vigilnet America Inc.
- Hassebrook, Charles, Jr.
Center for Rural Affairs
- Haubensak, Richard
Constellation NewEnergy Gas Division (formerly Cornerstone Energy, Inc.)
- Hayes, Jason William
Tax Research Council, Inc., Nebraska
- Head, Craig J.
Farm Bureau Federation, Nebraska
- Hedman, Gary
Southern Public Power District
- Hernandez, Jennifer
Children & Families Foundation, Nebraska
- Herzog, Frank
AARP

Higgins, Shirley
Nebraska Public Power District

Hinds, Carolyn C
AARP

Hoffman, Jerry
Education Association, Nebraska State

Holmquist, David W.
American Cancer Society

Holmquist, Jay
Rural Electric Association, Nebraska

Hood, Jane Renner
Humanities Council, Nebraska

Horn, Ryan
Wal-Mart Stores, Inc.

Hurst, Lisa
Life Technologies Corporation

Husch Blackwell Sanders, LLP
Chiropractic Physicians Association, Nebraska
Crown Cork and Seal Company, Inc.
Home Instead, Inc.
Papio-Missouri Natural Resources District, Nebraska
Wal-Mart Stores, Inc.
Waste Management

Intermill, Mark
AARP

Jaeschke, Ronda
SourceGas Distribution, LLC

Jeffers, Thomas E.
Cooperative Council, Nebraska

Jensen, Ronald L./Jensen Associates, Inc.
Altria Client Services Inc. and its Affiliates (formerly Philip Morris USA Inc.)
Children's Respite Care Center, Inc.
Dental Hygienists Association, Nebraska
Eli Lilly and Company
Health Management Systems
Homes & Services for the Aging, Nebraska Association of
Johnson, DeMaris/The Johnson Group
Magellan Health Services, Inc.
Mosaic
National Rifle Association Institute for Legislative Action
Nurse Anesthetists, Nebraska Association of
Optometric Association, Nebraska
Podiatric Medical Association, Nebraska
Service Providers, Nebraska Association of

Jensen, S. Michael
Great Plains Communications

Johnson, DeMaris - The Johnson Group
Bromm, Curtis A.

Cable Communications Association, Nebraska
Check Cashers, Nebraska Association of
County Attorneys Association, Nebraska
Industrial Energy Users of Nebraska
Jensen, Ronald/Jensen & Associates
Water Resources Association, Nebraska

Johnson, Dick
Builders and Contractors, Inc., Associated

Johnson, Kimberly
United Parcel Service

Johnson, Larry A.
Trucking Association, Nebraska

Johnson, Mary A.
Ruth Mueller Robak LLC

Jordison, John C.
Great Plains Communications
Renaissance Nebraska Project, Inc.

Kamm, Richard D.
Adams Central Junior-Senior High
Grand Island Northwest Public Schools
Lakeview Community Schools

Karl, Jamie T.
Chamber of Commerce & Industry, Nebraska

Karnes, David
Curbside Rewards LLC
EHPV (Big Red) Lottery Services, LLC d/b/a Big Red Keno
Father Flanagans Boys Home aka Boys Town
Vigilnet America Inc.

Kay, Sara A.
AIA Nebraska

Keigher, Timothy P.
Community College Association, Nebraska
Keigher/Rasmussen & Associates, LLC
Petroleum Marketers & Convenience Store Assn., Nebraska

Keigher/Rasmussen & Associates, LLC
AirBoat Association, Nebraska
Credit Management
Iowa/Nebraska Equipment Dealers Association
Land Improvement Contractors Association, Nebraska
LensCrafters
MillerCoors LLC (formerly Miller Brewing Company)
National Guard Assn. of Nebraska

Kelley and Jerram, P.C.
Beverage Operators of Nebraska, Responsible
Douglas County, Nebraska
Eastern Nebraska Human Services Agency
Elevator Industry Work Preservation
Fraternal Order of Police, Nebraska
Johnson Brothers/Finocchiaro, LLC

Omaha Exposition & Racing, Inc.
Kelley Governmental Relations, LLC
Metro Area Transit
Omaha Airport Authority
Kelley, Michael
Kelley and Jerram, P.C.
Kelley Governmental Relations, LLC
Kelley, Sean
Kelley and Jerram, P.C.
Kelley Governmental Relations, LLC
Kelsey, Michael D.
Cattlemen, Inc., Nebraska
Kennedy, Barry L.
Chamber of Commerce & Industry, Nebraska
Kenny, Timothy R.
Investment Finance Authority, Nebraska
Kevil, G. Bruce
Home Builders Association, Nebraska State
Kidwell, Katie L.
Civic Reform, Nebraskans for
Kilgarin, Karen
Education Association, Nebraska State
Kissel, Gordon
Kissel/E&S Associates, LLC
Kissel/Erickson & Sederstrom Associates, LLC
American Petroleum Institute
Ameristar Casinos, Inc.
Beverage Distributors of Nebraska, Associated
CASA Association, Nebraska
Cooperative Council, Nebraska
County Court Association, Nebraska
Engineers, Nebraska Society of Professional
Erickson & Sederstrom, PC
Golf Course Superintendents Association, Nebraska
Hearing Society, Nebraska
Historical Society, Nebraska State
Kaplan Higher Education in Nebraska c/o MultiState Associates, Inc.
Lancaster County Board of Commissioners
March of Dimes Birth Defects Foundation
Nebraska Municipal Power Pool
Professional Engineers Coalition
Ralston Public School District
Regional Administrators, Nebraska Association of
Sarpy County, United Cities of
Telecare Corporation
TransCanada Pipelines Limited
West Corporation
Kohout, Joseph D.
Kissel/E&S Associates, LLC

Kolterman, Jessica A.
Farm Bureau Federation, Nebraska

Krannawitter, Brian
American Heart Association

Krumland, Gary G.
League of Nebraska Municipalities

Kruse, Dacia D.
Omaha Chamber of Commerce, Greater

Lange, Robert G.
Ameritas Life Insurance Corporation

Levy, David C.
Midwest Wind Energy

Libsack, Fiona
Regional West Health Services

Licht, Alice L.
Agri-Business Association, Nebraska
Anderson Management Services, Inc.
Auctioneers Association, Nebraska
Automotive Recycling Industry of Nebraska
Aviation Trade Association, Nebraska
Hotel & Motel Association, Inc., Nebraska
Pest Control Association, Nebraska State

Licht, Andrew W.
Anderson Management Services, Inc.

Likes, Steven C., Esq.
Investment Finance Authority, Nebraska

Lillis, John J.
Nebraskans United For Life

Lindsay, John
O'Hara, Lindsay & Associates, Inc.

Lineweber, Ray L.
United Transportation Union

Loeffler, Michael T.
Northern Natural Gas

Logsdon, Robert R.
Cox Communications

Lombardi, Richard A.
American Communications Group, Inc.

Lowrey, Lon
Novartis Pharmaceuticals Corporation

Luetkenhaus, Brandon M.
Credit Union League and Affiliates, Nebraska

Mahlman, Dale L.
Medical Association, Nebraska

Mainwaring, Brenda
Union Pacific Railroad

Marsh, Laurel S.
ACLU Nebraska

Mass, Ken E.

- AFL-CIO, Nebraska State
- McBride, David S.
Health Underwriters, Nebraska Association of
Insurance and Financial Advisors, National Association of
Optometric Association, Nebraska
- McClure, Jeanne L.
Alegent Health
- McClure, John
Nebraska Public Power District
- McClymont, Pete
Cattlemen, Inc., Nebraska
- McCullough, Jacqueline K.
Engineering Companies/Nebraska, American Council of
- McDonald, Vickie
Center For People In Need
- McGuire, Mark D.
Cameco (formerly Crow Butte) Resources, Inc.
Education Association, Nebraska State
- McHugh, Jim
Regional West Health Services
- McKenzie, Janis M.
Gifted, Nebraska Association For The
Independent Colleges & Universities of Nebraska (AICUN), Association
of
Insurance Federation, Nebraska
- Meek, Randy D.
Brotherhood of Locomotive Engineers, Nebraska State Legislative Board
- Menzel, Elaine
County Officials, Nebraska Association of
- Meradith, Steve
Windstream
- Merritt, Gary James
Auto Dealers Association, Nebraska Independent
- Meurrens, Bradley A.
Advocacy Services, Inc., Nebraska
- Micek, Cora
Hospital Association, Nebraska
- Mikkelsen, Brian
Education Association, Nebraska State
- Miller, Amy
ACLU Nebraska
- Miller, Jeffrey T.
Veterans of Foreign Wars
- Mills, Jack D.
Blue Cross & Blue Shield of Nebraska
Risk Management Association, Nebraska Intergovernmental
- Mines, Mick
Humane Society, Nebraska
Insurance and Financial Advisors, National Association of

- League of Nebraska Municipalities
- Mines & Associates
- Mischo, Craig
 - Bayer Health Care
- Morfeld, Adam
 - Civic Reform, Nebraskans for
- Mortland, Thomas
 - Berkshire Hathaway Homestate Companies
- Moylan, James H.
 - Beverage Association, Nebraska Licensed
 - Reynolds American (formerly RJ Reynolds Tobacco)
- Mueller, William J.
 - Ruth Mueller Robak LLC
- Munguia, Roberto F.
 - Burlington Northern Santa Fe
- Murphy, Jeremy P.
 - Catholic Conference, Nebraska
- Nabb, Douglas
 - Fremont Public Schools
- Napp, Jaimee
 - Identity Theft Action Council of Nebraska (iTAC)
- Nathan, Robbie
 - AARP
- Neville, Brennan S.
 - National Indemnity Company
- Nielsen, Coleen J.
 - Criminal Defense Attorneys Association, Nebraska
 - Insurance Information Service, Nebraska
 - Medco Health Solutions, Inc.
 - Merck Sharp & Dohme Corp. and its Affiliates
 - State Farm Insurance Companies
- Nolan, Michael
 - League of Nebraska Municipalities
- Nowka, Trent P.
 - Cutshall & Nowka
- O'Hara, Lindsay and Associates, Inc.
 - AIA Nebraska
 - Ambulatory Centers, Nebraska Association of Independent
 - Automobile Manufacturers, Alliance of
 - Beverage Association, Nebraska
 - Black Hills Corporation (formerly Aquila)
 - Blue Cross & Blue Shield of Nebraska
 - City of Hastings
 - City of Lincoln
 - County Judges Association, Nebraska
 - First National of Nebraska, Inc.
 - Housing & Redevelopment Officials, Nebraska Chapter of the National
 - Association of
 - Humane Society of the United States, The

Humanities Council, Nebraska
Nebraskans Against the Death Penalty
Nucor Corporation
Nurses Association, Nebraska
Omaha Public Power District
Omaha Public Schools
Professional Employer Organizations, National Association of
SourceGas Distribution, LLC
Trial Attorneys, Nebraska Association of
Valmont Industries, Inc.
Winnebago Tribe of Nebraska
O'Neill, Thomas J., Jr.
Independent Colleges & Universities of Nebraska (AICUN), Association
of
Olsen, Keith R.
Farm Bureau Federation, Nebraska
Orton, Leroy
Irrigation Association, Nebraska State
Waste Water Assn., Nebraska On-Site
Well Drillers Association, Nebraska
Othmer, Mark F.
Iowa/Nebraska Equipment Dealers Association
Otto, James A.
Restaurant Association, Nebraska
Retail Federation, Nebraska
Ozanne, Colleen K.
Center For People In Need
Pack, Mary M.
Radcliffe, Walter H. of Radcliffe & Associates
Paden, Nicholas
Broadband Coalition, Nebraska
Cambridge Telephone Company
Clarks Telecommunications Co.
Consolidated Telephone Company
Great Plains Communications
Hamilton Telecommunications
Hartelco (formerly Hartington Telecommunications, Inc.)
Hershey Coop Telephone Co.
HunTel Systems, Inc.
Ignition Interlock Systems of IA, Inc.
K & M Telephone Company
Nebraska Central Telephone Company
Northeast Nebraska Telephone Co.
Stanton Telecom, Inc.
Three River Telco
Parker, David R.
Great West Casualty Company
Passarelli, Angelo D.
Millard Public Schools

- Petz, Natalie, Petz & Company
2010 Special Olympics USA National Games
Alegent Health
American Legal Finance Association
Apollo Group, Inc./Univ. of Phoenix
Behavioral Health, Advocates for
Boys and Girls Club of America
Children & Families Foundation, Nebraska
Coventry Insurance
Cutshall & Nowka
Kiewit Corporation
Metropolitan Entertainment & Convention Authority (Qwest Center
Omaha)
Omaha Zoological Society
Tenaska
- Peters, William E.
Burlington Northern Santa Fe
Cigar Association of America, Inc.
Medx12, Inc.
- Peterson, Alan E.
Media of Nebraska, Inc.
- Peterson, Patricia Schuett
Investment Finance Authority, Nebraska
- Petsch, Jean M.
General Contractors, Associated (NE Building Chapter)
- Pieper, James S.
Cox Communications
Learning Community of Douglas and Sarpy County
Sarpy County Board of Commissioners
- Pierson, Darwin R.
Oil & Gas Association, Nebraska Independent
- Plofchan, Paul
Pfizer, Inc.
- Plucker, Julia
Collectors Association, Nebraska
- Pollock, Andy
Friends of Nebraska Nonprofit Hospitals
Gottsch Enterprises
Morrison Enterprises, LLC
Nebraska Energy Export Association
NorthWestern Energy
Progressive Swine Technologies
- Polt, Brendon A.
Health Care Association, Nebraska
- Popken, Kent T.
Qwest Communications
- Potter, Cara E.
National Association of Chain Drug Stores
- Prenda, Amy

Cutshall & Nowka
 Ptacek, Patrick J.
 Grain and Feed Association, Nebraska
 Radcliffe, Walter H. of Radcliffe & Associates
 2013 US Senior Open Local Organizing Committee
 ALTRIA Client Services, Inc. (Formerly UST Public Affairs, Inc.)
 Bellevue Public Schools
 Broadcasters Association, Nebraska
 Cable Communications Association, Nebraska
 Cemetery Association, Nebraska State
 Certified Public Accountants, Nebraska Society of
 Community Financial Services of America (CFSA) c/o MultiStates
 Associates Inc.
 Compensation Insurance, National Council on (NCCI)
 Fair Board, Nebraska State
 Father Flanagans Boys Home aka Boys Town
 Father Flanagans Boys Home d/b/a Boys Town National Research
 Hospital
 Guaranteed Asset Protection Association
 Health Care Association, Nebraska
 Home Builders Association, Nebraska State
 Horsemen's Benevolent & Protective Association
 INTRALOT USA
 League of Nebraska Municipalities
 Lincoln Public Schools
 Media of Nebraska, Inc.
 Medical Center, Nebraska
 Metropolitan Community College
 Motion Picture Association of America
 Nebraska Expressways for Economic Development (NEED)
 Nebraska Technical Services, Inc.
 Optometric Association, Nebraska
 Property Casualty Insurers Association of America
 Public Health Funding, Nebraskans for
 Pyrotechnics Association, Nebraska
 Realtors Association, Nebraska
 Republic National Distributing Company (Formerly Wholesale Liquor
 Distributors Association, Nebraska)
 Sanofi Pasteur, (MultiState Associates, Inc on behalf of)
 Small Smiles of Nebraska c/o Multistate Associates Inc.
 State Troopers Association of Nebraska, Inc.
 Telecommunications Association, Nebraska
 Tyson Foods, Inc.
 University of Nebraska
 Rea, James M.
 Lincoln Education Association
 Redoutey, Laura J.
 Hospital Association, Nebraska
 Reiman, Charlene

SourceGas Distribution, LLC
Rempe, Jay E.
Farm Bureau Federation, Nebraska
Renner, Shawn D.
Media of Nebraska, Inc.
Rex, L. Lynn
League of Nebraska Municipalities
Reynolds, Jeff
Center for Rural Affairs
Richards, Thomas
Omaha Public Power District
Rieker, Bruce R.
Hospital Association, Nebraska
Riibe, Diane
Project Extra Mile
Ring, Kenneth T.
AARP
Riskowski, Al
Family Council, Nebraska
Robak, Kim M.
Ruth Mueller Robak LLC
Roland, Gene
SourceGas Distribution, LLC
Root, David
Medco Health Solutions, Inc.
Ruth Mueller Robak LLC
Airport Officials, Nebraska Association of
American Express Travel Related Services, Inc.
Ash Grove Cement Co.
AT&T Corporation
Bankers Association, Heartland Community
Better Nebraska Association
Chief Industries, Inc.
Children and Family Coalition of Nebraska
Commercial Property Owners, Nebraska Association of
Constellation NewEnergy Gas Division (formerly Cornerstone Energy,
Inc.)
Copic Companies
Court Reporters Association, Nebraska
Dental Association, Nebraska
District Court Judges Association, Nebraska
Duncan Aviation
Eastern Nebraska Development Council
eBay, Inc.
Electrical Contractors Association, National
Eye Physicians and Surgeons, Nebraska Academy of
First Data Corporation
General Contractors of America, NE Chapter, Associated
Independent Accountants, Nebraska Society of

Land Title Association, Nebraska
Lincoln Airport Authority
Lower Republican NRD
Lyman-Richey Corporation
Machinery Company, Nebraska
Madonna Rehabilitation Hospital
MedImmune Incorporated
Methodist Health Systems, Nebraska
Millard Public Schools
Nebraska Interactive
Nebraska State Bar Association
Pharmaceutical Research and Manufacturers of America
Press Association, Nebraska
Sterling Distribution Co.
Veterinary Medical Association, Nebraska
Viaero Wireless

Ryan, Beth
Cutshall & Nowka

Sahling-Zart, Shelley R.
Lincoln Electric System

Schaefer, Matthew T.
Ruth Mueller Robak LLC

Schafer, Andrea R.
Norris Public Power District

Scherer, Larry
Education Association, Nebraska State

Schleppenbach, Greg
Catholic Conference, Nebraska

Schmit Industries, Inc.
Chiropractic Physicians Association, Nebraska
Ethanol Producers, Assoc. of Nebraska

Schmit-Albin, Julie
Nebraska Right to Life

Schuller, Lynne
Horsemens Benevolent & Protective Association
Propane Gas Association, Nebraska

Schultz, William E.
Marksmanship Association, Nebraska

Sears, T. Jay
Education Association, Nebraska State

Sedlacek, Ronald J.
Chamber of Commerce & Industry, Nebraska
Husch Blackwell Sanders, LLP

Seibert, Tiffany
Voices for Children

Shasky, Kelly Stevens
Washington Center, The

Sheard, James W., Jr.
Nebraska Change to Win Coalition c/o Teamsters Local 554

- Siefken, Kathy
Grocery Industry Association, Nebraska
Shazam
- Stilmock, Gerald M.
Brandt, Horan, Hallstrom and Stilmock
- Sullivan, J. Scott
Credit Union League and Affiliates, Nebraska
- Todd, A. Loy, Jr.
Car & Truck Dealers Association, Nebraska New
- Uhe, Fred J.
Sarpy County Board of Commissioners
- Ullstrom, Galen F.
Mutual of Omaha Insurance Company
- Valentin, Michaela L.
Blue Cross & Blue Shield of Nebraska
- Veak, Becky
Children & Families Foundation, Nebraska
- Vodvarka, Dan
Certified Public Accountants, Nebraska Society of
- Wagner, Connie
Licensed Practical Nurse Association of Nebraska
- Watson, James S.
United Healthcare Services, Inc. and Affiliates
- Weber, Rocky
Cooperative Council, Nebraska
- Werner, Terry
Social Workers, Nebraska Chapter, National Association of
- Wesely, Don
O'Hara, Lindsay & Associates, Inc.
- Wheeler, Harold
AARP
- White, Rosemary
AAA Nebraska and The Auto Club Group
- Wightman, Anna Castner
First National of Nebraska, Inc.
- Williams, David M.
Ameritas Life Insurance Corporation
- Wimmer, J. Kent
Western Sugar Cooperative (CO)
- Winger, Dwight
Rural Telecommunications Coalition, Nebraska
- Winston, Ken
Library Association, Nebraska
Sierra Club, Nebraska
- Withem, Ron
University of Nebraska
- Wolf, Jesse
Education Association, Nebraska State
- Woods, Kara

Johnson, DeMaris/The Johnson Group
Wurster, Donald F.
National Indemnity Company
Yost, Jeffrey G.
Community Foundation, Nebraska
Yost, Kurt T.
Bankers, Nebraska Independent Community
Central Nebraska Public Power & Irrigation District
Midwest Check Cashiers, Inc.
Young, Justin
Occupational Therapy Association, Nebraska
Zaenglein, Norbert
Autobody Association, Nebraska
Zalenski, Susan D.
Johnson & Johnson
Zeeb, Chris M.
Firearms Owners Association, Nebraska (NFOA)
Zieg, Patricia A.
Apria Healthcare, Inc.
Zulkowski, Katie W.
Ruth Mueller Robak LLC
Zumwinkle, Mike
Cargill/Excel

MOTION - Adopt Permanent Rules

Senator Lautenbaugh moved to adopt the permanent rules for the One Hundred First Legislature, Second Session, and any special sessions held during the 2010 calendar year.

The Rules Committee renewed the proposed rules change, Proposed Rules Change 1, found on page 131, to Rule 4, Sec. 1.

The Rules Committee's proposed rules change, Proposed Rules Change 1, was adopted with 40 ayes, 0 nays, 5 present and not voting, and 4 excused and not voting.

Senator Lautenbaugh renewed his motion, found in this day's Journal, to adopt the permanent rules, as amended, for the One Hundred First Legislature, Second Session, and any special sessions held during the 2010 calendar year.

The Lautenbaugh motion to adopt permanent rules, as amended, prevailed with 43 ayes, 0 nays, 2 present and not voting, and 4 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 682. Title read. Considered.

Advanced to Enrollment and Review Initial with 45 ayes, 0 nays, 1 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 683. Title read. Considered.

Advanced to Enrollment and Review Initial with 44 ayes, 0 nays, 3 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 684. Title read. Considered.

Advanced to Enrollment and Review Initial with 45 ayes, 0 nays, 2 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 261. Considered.

PRESIDENT SHEEHY PRESIDING

Committee AM182, found on page 367 and considered on page 576, First Session, 2009, was renewed.

Senator Fischer renewed her amendment, AM323, found on page 576, First Session, 2009, to the committee amendment.

Pending.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 847. Introduced by Council, 11.

A BILL FOR AN ACT relating to courts; to amend sections 25-2720.01, 25-2803, and 25-2804, Reissue Revised Statutes of Nebraska; to change Small Claims Court powers relating to judgments and orders and provide for use of attorneys as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 848. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to cities of the first class; to amend section 16-707, Reissue Revised Statutes of Nebraska; to change provisions relating to board of equalization meetings; and to repeal the original section.

LEGISLATIVE BILL 849. Introduced by Gay, 14.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 68-906, 68-1017, 68-1017.01, 68-1070, 77-27,165, 83-1220, 83-1221, 83-1222, 83-1223, and 83-1224, Reissue Revised Statutes of Nebraska, and section 83-1217, Revised Statutes Supplement, 2009; to adopt federal law for purposes of the Medical Assistance Act and the Supplemental Nutrition Assistance Program; to remove and change references to Supplemental Nutrition Assistance Program coupons and benefits; to change notification requirements for child support claims against income tax refunds; to change requirements for specialized programs providing developmental disability services; to change provisions relating to hearing officers of the Division of Developmental Disabilities; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 850. Introduced by Avery, 28.

A BILL FOR AN ACT relating to public postsecondary educational institutions; to require the provision of information on early voting to students.

LEGISLATIVE BILL 851. Introduced by Avery, 28.

A BILL FOR AN ACT relating to political subdivisions; to amend sections 13-2703, 13-2705, 13-2706, and 13-2707, Reissue Revised Statutes of Nebraska, and section 13-2610, Revised Statutes Supplement, 2009; to change provisions under the Convention Center Facility Financing Assistance Act and the Local Civic, Cultural, and Convention Center Financing Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 852. Introduced by Avery, 28.

A BILL FOR AN ACT relating to elections; to amend section 32-816, Reissue Revised Statutes of Nebraska; to change provisions relating to write-in space on official ballots for certain offices; and to repeal the original section.

LEGISLATIVE BILL 853. Introduced by Wightman, 36; Ashford, 20; Council, 11.

A BILL FOR AN ACT relating to criminal law; to amend sections 28-105, 29-2204, 29-2520, 29-2522, 29-2524, and 83-1,105.01, Reissue Revised Statutes of Nebraska; to change the statutes to reflect the Nebraska Supreme Court opinion *State v. Conover*, 270 Neb. 446, 703 N.W.2d 898 (2005); to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 854. Introduced by Howard, 9.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-131.01 and 53-135, Reissue Revised Statutes of

Nebraska; to change requirements for licensure; and to repeal the original sections.

LEGISLATIVE BILL 855. Introduced by Fischer, 43.

A BILL FOR AN ACT relating to pharmacies; to amend section 38-2845, Reissue Revised Statutes of Nebraska, and section 38-2801, Revised Statutes Supplement, 2009; to adopt the Remote Pharmacy Act; to define and redefine terms; to change provisions relating to the Pharmacy Practice Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 856. Introduced by Janssen, 15.

A BILL FOR AN ACT relating to the state highway system; to amend section 39-1359, Reissue Revised Statutes of Nebraska; to provide for rules and regulations regarding memorials in the right-of-way; and to repeal the original section.

LEGISLATIVE BILL 857. Introduced by Gay, 14.

A BILL FOR AN ACT relating to the Public Service Commission; to amend sections 71-1559 and 71-4604.01, Reissue Revised Statutes of Nebraska; to eliminate limitations on certain fees; to create and eliminate funds; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 858. Introduced by Sullivan, 41.

A BILL FOR AN ACT relating to service animals; to amend sections 20-126, 20-131.01, and 28-1009.01, Reissue Revised Statutes of Nebraska, and sections 20-126.01, 20-127, 20-128, 20-129, 20-131.02, and 20-131.04, Revised Statutes Cumulative Supplement, 2008; to provide protections and penalties for mobility-impaired and otherwise disabled persons who use service animals as prescribed; to provide additional requirements for service animals and service animals in training; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 859. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to courts; to amend sections 25-2705 and 25-2805, Reissue Revised Statutes of Nebraska; to change provisions relating to trial by jury; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 860. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to the Concealed Handgun Permit Act; to amend section 69-2433, Reissue Revised Statutes of Nebraska; to change permit application provisions relating to misdemeanor crimes of violence;

and to repeal the original section.

LEGISLATIVE BILL 861. Introduced by General Affairs Committee: Karpisek, 32, Chairperson; Coash, 27; Cook, 13; Dierks, 40; Dubas, 34; Krist, 10; Price, 3; Rogert, 16.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 9-823, 28-421, 53-123.12, 53-124.13, 53-124.14, 53-138.01, 53-139, 53-1,104, 60-4,152, 71-5730, and 79-267, Reissue Revised Statutes of Nebraska, sections 48-1902, 53-122, 53-123.13, 53-123.15, 53-124.12, 53-132, 53-134, 53-164.01, 53-169.01, 53-403, and 60-4,119, Revised Statutes Cumulative Supplement, 2008, and sections 53-101, 53-103, 53-124, and 53-131, Revised Statutes Supplement, 2009; to transfer definitions and fee provisions; to change provisions relating to distribution of license fees in accordance with the Constitution of Nebraska; to eliminate unconstitutional provisions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 862. Introduced by Christensen, 44; Carlson, 38.

A BILL FOR AN ACT relating to natural resources; to amend sections 2-3226.01 and 2-3226.05, Revised Statutes Cumulative Supplement, 2008; to change provisions relating to river-flow enhancement bonds; to change provisions relating to an occupation tax as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 863. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to cities of the first class; to amend section 31-744, Reissue Revised Statutes of Nebraska, and section 16-130, Revised Statutes Supplement, 2009; to change provisions relating to annexation; to provide duties for sanitary and improvement districts; and to repeal the original sections.

LEGISLATIVE BILL 864. Introduced by Pirsch, 4; Ashford, 20; Carlson, 38; Council, 11; Fulton, 29; Giese, 17; Nelson, 6.

A BILL FOR AN ACT relating to the Community Corrections Act; to amend sections 47-619 and 47-624, Revised Statutes Cumulative Supplement, 2008; to provide duties for the Community Corrections Council regarding reporting centers; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 865. Introduced by Fischer, 43; Carlson, 38; Cornett, 45; Dubas, 34; Schilz, 47.

A BILL FOR AN ACT relating to animals; to amend sections 28-1008 and 28-1013, Revised Statutes Supplement, 2009; to adopt the Livestock Animal Welfare Act; to harmonize provisions; to provide a duty for the Revisor of

Statutes; to repeal the original sections; and to outright repeal sections 28-1009.02, 28-1009.03, 28-1013.01, and 28-1013.02, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 866. Introduced by Howard, 9; Gloor, 35.

A BILL FOR AN ACT relating to the Pharmacy Practice Act; to amend sections 38-2817, 71-436, and 71-7435, Reissue Revised Statutes of Nebraska, and sections 38-2801, 38-2802, 38-2850, 38-2867, and 38-2869, Revised Statutes Supplement, 2009; to define and redefine terms; to provide for a dispensing practitioner permit; to change provisions relating to an exception to the practice of pharmacy; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 867. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to alcoholic liquors; to amend section 53-124, Revised Statutes Supplement, 2009; to change fees for shipping licenses; and to repeal the original section.

LEGISLATIVE BILL 868. Introduced by Flood, 19.

A BILL FOR AN ACT relating to criminal procedure; to amend sections 29-2262, 29-2266, 29-2277, 29-2278, 29-2279, 48-126.01, 48-147, 53-180.05, 60-6,211.02, and 60-6,211.06, Reissue Revised Statutes of Nebraska, sections 48-115 and 48-145, Revised Statutes Cumulative Supplement, 2008, and section 48-106, Revised Statutes Supplement, 2009; to name, change, and adopt provisions for the Community Service Sentencing Act; to provide for community service programs; to state findings and intent; to remove offenders performing community service and persons fulfilling conditions of probation from coverage under the Nebraska Workers' Compensation Act; to limit liability of a community service program under the Community Service Act and provide duties; to change penalties for a minor in possession of alcohol and a minor driving with blood alcohol concentration within certain limits; to harmonize provisions; and to repeal the original sections.

RESOLUTIONS

LEGISLATIVE RESOLUTION 279CA. Introduced by Avery, 28.

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 2:

III-2 The first power reserved by the people is the initiative whereby laws may be enacted and constitutional amendments adopted by the people

independently of the Legislature. This power may be invoked by petition wherein the proposed measure shall be set forth at length. If the petition be for the enactment of a law, it shall be signed by ~~seven-four~~ percent of the registered voters of the state, and if the petition be for the amendment of the Constitution, the petition therefor shall be signed by ~~ten-fifteen~~ percent of such registered voters. In all cases the registered voters signing such petition shall be so distributed as to include five percent of the registered voters of each of two-fifths of the counties of the state, and when thus signed, the petition shall be filed with the Secretary of State who shall submit the measure thus proposed to the electors of the state at the first general election held not less than four months after such petition shall have been filed. The same measure, either in form or in essential substance, shall not be submitted to the people by initiative petition, either affirmatively or negatively, more often than once in three years. If conflicting measures submitted to the people at the same election be approved, the one receiving the highest number of affirmative votes shall thereby become law as to all conflicting provisions. The constitutional limitations as to the scope and subject matter of statutes enacted by the Legislature shall apply to those enacted by the initiative. Initiative measures shall contain only one subject. The Legislature shall not amend, repeal, modify, or impair a law enacted by the people by initiative, contemporaneously with the adoption of this initiative measure or at any time thereafter, except upon a vote of at least two-thirds of all the members of the Legislature.

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 change the number of signatures required on initiative petitions.

For

Against.

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 280. Introduced by Stuthman, 22.

WHEREAS, the Howells Bobcats won the 2009 Class D-1 State Football Championship; and

WHEREAS, the Bobcats defeated Giltner High School 68-28 to win the state title; and

WHEREAS, the Bobcats also won state titles in 2000, 2001, 2002, 2003, 2004, 2005, and 2008; 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 the Howells Bobcats on winning the 2009 Class D-1 State Football Championship.

2. That a copy of this resolution be sent to the Howells Bobcats and their coach, Mike Speirs.

Laid over.

LEGISLATIVE RESOLUTION 281. Introduced by Stuthman, 22.

WHEREAS, the Humphrey St. Francis Flyers won the 2009 Class D-2 State Football Championship; and

WHEREAS, the Flyers defeated Hayes Center High School 34-0 to win the state title; and

WHEREAS, the Flyers were able to capture the 2009 state title after a runner-up finish in 2008; 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 the Humphrey St. Francis Flyers on winning the 2009 Class D-2 State Football Championship.

2. That a copy of this resolution be sent to the Humphrey St. Francis Flyers and their coach, Eric Kessler.

Laid over.

MOTION - Print in Journal

Senator Lautenbaugh filed the following motion to LB796:

MO71

Indefinitely postpone.

NOTICE OF COMMITTEE HEARING

Urban Affairs

Room 1510

Tuesday, January 19, 2010 1:30 p.m.

LB781

(Signed) Amanda McGill, Chairperson

ATTORNEY GENERAL'S OPINIONOpinion 10002

SUBJECT: Elimination of the constitutional office of State Treasurer on a date that does not coincide with the end of an incumbent Treasurer's term of office.

REQUESTED BY: Senator Dennis Utter
Nebraska State Legislature

WRITTEN BY: Jon Bruning, Attorney General
Charles E. Lowe, Assistant Attorney General

Introduction

In a letter to this office dated November 20, 2009, you indicate that, at the next session of the Nebraska Legislature, you are planning to propose a constitutional amendment to eliminate the office of Nebraska State Treasurer. In that context you ask for our opinion on the question: "[C]ould the proposed Constitutional Amendment be worded to eliminate the office of State Treasurer in the middle of a term of office, or must elimination of the office of Treasurer coincide with the end of a validly elected Treasurer's term of office?"

In asking your question you clearly recognize that the State Treasurer is an officer created by the Nebraska Constitution, Neb. Const. art. IV, § 1, and that, therefore, such office may be eliminated only by means of a constitutional amendment. You also recognize that under that same section of the constitution the State Treasurer (along with the Governor, Lieutenant Governor, Secretary of State, State Auditor and Attorney General) is elected "for a term of four years." So the question is whether or not the office of State Treasurer can be eliminated by a constitutional amendment effective on some date that is before the incumbent State Treasurer at that time has served his or her full four year term in office.

Discussion

The following "black letter law" appears in 67 C.J.S. Officers § 93 (2002): "A term of office may be changed by constitutional amendment, or, in a proper case, by legislative enactment." That same section of C.J.S. contains the statement that a "change of term of an office may be made in the state constitution." It goes on to say: "The sovereign power creating an office may change its tenure in the absence of constitutional restriction, and such power may be exercised subject to constitutional limitations." (Footnotes omitted.)

In the case of the State Treasurer the "sovereign power" that created the office is the people of the State of Nebraska who, by means of exercising

their right to vote, approved the constitutional provisions naming the State Treasurer as a constitutional executive officer and setting his or her term of office. Based upon the general rules set forth above, it appears that this same "sovereign power" may, by constitutional amendment, delete the State Treasurer as a constitutional officer and/or change the term of office for such officer. *State ex rel. Lull v. Frizzell*, 31 Minn. 460, 467, 18 N.W. 316, 319-20 (1884), confirms this conclusion.

It is elementary that there is no contract, express or implied, between a public officer and the government, whose agent he is, for the continuance of his office or the permanency of his salary for the full term for which he was elected. Public officers have no proprietary interest in their offices, or any right of property in the prospective compensation attached thereto. Public offices, in theory, at least, are held and exercised for the benefit of the public and not of the incumbent. Therefore, it is in all cases competent for the people, in their sovereign capacity, to abolish an office or shorten a term, or reduce or take away entirely the salary attached to it, without regard to the interests or expectations of the incumbent as to the prospective compensation. *Cooley*, *Const. Lim.* *276; *County of Hennepin v. Jones*, 18 Minn. 182, (199;) *Connor v. City of New York*, 2 *Sandf.* 355.

The Minnesota court in *Frizzell* upheld a series of constitutional amendments which shortened the terms of some constitutional officers and lengthened the terms of others.

Accordingly, it seems clear that the people, by means of a constitutional amendment, can eliminate a constitutional office at any point and that, in such circumstance, the office holder has no right to remain in office to serve out his or her entire term.

We believe that legal authority dealing with changes in terms of office for officers created by legislative enactments provides additional guidance in dealing with the issue of whether a constitutional amendment eliminating a constitutional office may take effect before the incumbent officer has served a full term of office. In this connection the section of C.J.S. cited above concludes that, since the sovereign authority that created an office may change its tenure, "the legislature may change the term of an office during the term of an incumbent, even though the effect of the change is to curtail the unexpired term of an incumbent . . ." C.J.S. goes on to explain that the legislature cannot do this when the constitution fixes the duration of the term. This means that, while the legislature clearly cannot override the provisions of the constitution and, on its own, change the terms of constitutionally created state officers, it may change the terms of state officers it has created by law, even if such change results in an incumbent officer being out of office before the previously existing term of office has expired.

Nebraska cases appear to follow this general rule that the legislature may change the terms of state officers created by statute, even if it means that an incumbent officer's term of office will be shortened. *Hamilton v. Foster*, 155 Neb. 89, 93, 50 N.W.2d 542, 544-45 (1951); *State ex rel. Comstock v. Stewart*, 52 Neb. 243, 255, 71 N.W. 998, 1002-03 (1897). See, *Op. Att'y Gen. No. 01040* (Dec. 17, 2001). In *Stewart*, a case which dealt with city council members in Lincoln, whose offices and terms of office had been created by legislation – not the constitution, the court stated:

"In the absence of any constitutional prohibition or affirmative provision fixing the term of office of any officer, or his compensation, the legislature may change such term or compensation, and such change of term or compensation will apply as well to the officers then in office as to those to be thereafter elected." The same principle applies to the offices of councilmen. The official tenure of such officers is not fixed by the constitution, and hence may be shortened or terminated at the will of the legislature.

Stewart, 52 Neb. at 255, 71 N.W. at 1002-03 (quoting *Douglas County v. Timme*, 32 Neb. 272, 275, 49 N.W. 266, 267 (1891)).

In *Stewart*, of course, it was the Nebraska Legislature that was permitted to change the terms of office for officers it had created, even if that meant incumbents' terms were shortened. There is no reason, however, why the same result would not apply where the people, by means of adopting a constitutional amendment in the prescribed manner, change the term of office of an officer created by the constitution.

The Iowa Supreme Court has made the following observations in connection with upholding the elimination of an office created by the legislature before the terms of the incumbent officer holders expired:

In 67 C. J. S., *Officers*, section 54(1), it is said:

"It has been laid down broadly that a public officer, regardless of the form of the statute under which he takes office, enjoys a privilege revocable by the sovereignty at will and that the incumbent of a public office possesses only such right to it as the laws of tenure give to him. A constitutional officer has the right, however, to perform the duties of his office until he is legally removed from office or is legally disqualified to act."

In *Eckerson v. City of Des Moines*, 137 Iowa 452, 481, 482, 115 N.W. 177, we said:

"Public offices are created in the interests of the general public, and not for the benefit of any individual. And no one in possession of an office has a constitutional right to remain therein for the full period of the term for which he was elected. * * * And as no contract right exists in favor of the incumbent of an office, it does not remain for him to quarrel with the

method of procedure adopted. In the case of a statutory office, the Legislature may even abolish the office, and with the taking effect of the law providing therefor the right of the incumbent to further act ceases eo instanti, notwithstanding the term for which he was elected has not expired."

Sueppel v. City Council of Iowa City, 257 Iowa 1350, 1357, 136 N.W.2d 523, 527 (1965).

Thus, it appears that under the law whether one is holding an office created by statute or an office created by the constitution, there is no constitutional or contractual right to continue in office for the full term if the term is shortened or ended by the body that created the office – the legislature for statutorily created offices, the people of the state through the voters for constitutionally created offices.

Conclusion

For the reasons discussed above, it is our opinion that the answer to your question is in the affirmative – i.e., your proposed constitutional amendment could be worded in such a way as to eliminate the office of State Treasurer at any point in time after adoption of the amendment by the people. Elimination of the office of State Treasurer by constitutional amendment would not have to coincide with the end of a Treasurer's term of office.

If you wish to have the elimination of the office of State Treasurer take place at some time other than the end of a term, we additionally note that your proposed constitutional amendment should be worded in such a way as to make clear not only that the office of State Treasurer is being eliminated, but also that the four year term of office provision of Neb. Const. art. IV, § 1 would not apply to the incumbent Treasurer in the event the office is eliminated effective on some date other than the end of that four year period.

Finally, if your intent is to abolish the office of State Treasurer entirely, rather than simply eliminating it as a constitutional office, you might want to draft your proposed amendment bearing in mind *Swanson v. State of Nebraska*, 132 Neb. 82, 271 N.W. 264 (1937), in which it was held that a constitutional amendment that simply deleted the office of commissioner of public lands from the list of constitutional officers in Neb. Const. art. IV, § 1 did not completely abolish the office since the constitutional amendment did not expressly abolish the office in its entirety and since the office was still referred to in numerous statutes and given many duties to perform by statute. Rather, the supreme court found that the commissioner of public lands continued to exist as a statutorily created office to carry out the duties assigned to it.

Sincerely yours,
JON BRUNING
Attorney General

(Signed) Charles E. Lowe
Assistant Attorney General

cc. Patrick J. O'Donnell
Clerk of the Legislature
17-079-20

UNANIMOUS CONSENT - Add Cointroducers

Senator Coash asked unanimous consent to add his name as cointroducer to LB726. No objections. So ordered.

Senator Christensen asked unanimous consent to add his name as cointroducer to LB763. No objections. So ordered.

Senator Council asked unanimous consent to add her name as cointroducer to LB779. No objections. So ordered.

Senator Krist asked unanimous consent to add his name as cointroducer to LB795. No objections. So ordered.

Senator Janssen asked unanimous consent to add his name as cointroducer to LB836. No objections. So ordered.

RECESS

At 11:55 a.m., on a motion by Senator McGill, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Senator Langemeier presiding.

ROLL CALL

The roll was called and all members were present except Senator Heidemann who was excused; and Senators Ashford and Dierks who were excused until they arrive.

REFERENCE COMMITTEE REPORT

The Executive Board submits the following report:

LB/LR	Committee
LB794	Government, Military and Veterans Affairs
LB795	Judiciary
LB796	Revenue
LB797	Natural Resources
LB798	Natural Resources
LB799	Urban Affairs

LB800	Judiciary
LB801	Judiciary
LB802	Revenue
LB803	Health and Human Services
LB804	Revenue
LB805	Transportation and Telecommunications
LB806	Revenue
LB807	Banking, Commerce and Insurance
LB808	Transportation and Telecommunications
LB809	Judiciary
LB810	Transportation and Telecommunications
LB811	Transportation and Telecommunications
LB812	Health and Human Services
LB813	Banking, Commerce and Insurance
LB814	Banking, Commerce and Insurance
LB815	Government, Military and Veterans Affairs
LB816	Transportation and Telecommunications
LB817	Judiciary
LB818	Banking, Commerce and Insurance
LB819	Transportation and Telecommunications
LB820	Transportation and Telecommunications
LB821	Transportation and Telecommunications
LB822	Judiciary
LB823	Revenue
LB824	Judiciary
LB825	General Affairs
LB826	Government, Military and Veterans Affairs
LB827	Health and Human Services
LB828	Health and Human Services
LB829	Business and Labor
LB830	Judiciary
LB831	Transportation and Telecommunications
LB832	Natural Resources
LB833	Business and Labor
LB834	General Affairs
LB835	Judiciary
LB836	Natural Resources
LB837	Revenue
LB838	Transportation and Telecommunications
LB839	Government, Military and Veterans Affairs
LB840	Judiciary
LB841	Transportation and Telecommunications
LB842	Judiciary
LB843	Judiciary
LB844	Judiciary
LB845	Natural Resources
LB846	Business and Labor
LR277CA	General Affairs
LR278CA	Government, Military and Veterans Affairs

(Signed) John Wightman, Chairperson
Executive Board

RESOLUTION

LEGISLATIVE RESOLUTION 282. Introduced by Hadley, 37.

WHEREAS, Dr. Richard Miller, a psychology professor at the University of Nebraska at Kearney, is the first Nebraska educator to be named a United States Professor of the Year by the Council for Advancement and Support of Education; and

WHEREAS, Dr. Miller has also received the Robert S. Daniel Award for outstanding teaching at a four-year college or university from the American Psychological Association; and

WHEREAS, Dr. Miller has also received the top University of Nebraska at Kearney teaching and mentoring awards, which include the Pratt-Heins Foundation Award for Excellence in Teaching and the Leland Holdt/Security Mutual Life Distinguished Professor Award; and

WHEREAS, Dr. Miller has also received the University of Nebraska Outstanding Teaching and Instructional Creativity Award.

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

1. That the Legislature congratulates Dr. Richard Miller for his outstanding achievements in the field of higher education.
2. That a copy of this resolution be sent to Dr. Richard Miller.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 261. The Fischer amendment, AM323, found on page 576, First Session, 2009, and considered in this day's Journal, to the committee amendment, was renewed.

The Fischer amendment was adopted with 40 ayes, 1 nay, 5 present and not voting, and 3 excused and not voting.

Senator Rogert withdrew his amendment, AM1544, found on page 125.

Senator Rogert offered the following amendment to the committee amendment:

AM1545

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

The Rogert amendment was adopted with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

Senator Lathrop offered the following amendment to the committee amendment:

FA54

Amend AM182

Add on page 2 line 6 the word "only" between "may" and "be" and on page 2 line 8 after "products" add "and may not be shared with any other person or entity".

The Lathrop amendment was adopted with 40 ayes, 0 nays, 6 present and not voting, and 3 excused and not voting.

Committee AM182, found on page 367 and considered on page 576, First Session, 2009, and considered in this day's Journal, as amended, was renewed.

The committee amendment, as amended, was adopted with 35 ayes, 5 nays, 6 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 8 nays, 5 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 522. Title read. Considered.

Advanced to Enrollment and Review Initial with 43 ayes, 0 nays, 3 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 72. Title read. Considered.

Committee AM366, found on page 513, First Session, 2009, was considered.

SENATOR FISCHER PRESIDING

SENATOR LANGEMEIER PRESIDING

Pending.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 869. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-123.12, 53-130, 53-135, and 53-138.01, Reissue Revised Statutes of Nebraska, sections 53-124.11 and 53-129, Revised Statutes Cumulative Supplement, 2008, and section 53-131, Revised Statutes Supplement, 2009; to provide for application and renewal fees; to change provisions relating to registration fees; to change the distribution of fees; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 870. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-149, Reissue Revised Statutes of Nebraska; to provide for a temporary operating permit; and to repeal the original section.

LEGISLATIVE BILL 871. Introduced by Fischer, 43.

A BILL FOR AN ACT relating to the Game Law; to amend section 37-413, Revised Statutes Supplement, 2009; to change provisions relating to persons accompanying apprentice hunters; and to repeal the original section.

LEGISLATIVE BILL 872. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to workers' compensation; to amend section 48-120.04, Revised Statutes Supplement, 2009; to change applicability of a medical fee schedule as prescribed; and to repeal the original section.

LEGISLATIVE BILL 873. Introduced by Giese, 17.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1716, Reissue Revised Statutes of Nebraska; to eliminate provisions relating to notification of delinquent property taxes; and to repeal the original section.

LEGISLATIVE BILL 874. Introduced by Giese, 17.

A BILL FOR AN ACT relating to the Nebraska Probation Administration Act; to amend section 29-2259, Reissue Revised Statutes of Nebraska; to change provisions relating to office expenses; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 875. Introduced by Giese, 17.

A BILL FOR AN ACT relating to elections; to amend sections 32-101, 32-312, 32-312.05, 32-318.01, 32-321, 32-323, 32-325, 32-902, 32-914, and 32-915, Reissue Revised Statutes of Nebraska, and section 60-484.02, Revised Statutes Supplement, 2009; to provide for voter registration on the Secretary of State's web site; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 876. Introduced by Howard, 9.

A BILL FOR AN ACT relating to insurance; to amend sections 44-2825 and 44-2832, Reissue Revised Statutes of Nebraska; to change recovery amounts under the Nebraska Hospital-Medical Liability Act; and to repeal the original sections.

LEGISLATIVE BILL 877. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-701, 77-1363, 77-1502, 77-1507, 77-3517, 77-5007, 77-5013, and 77-5016, Reissue Revised Statutes of Nebraska; to authorize appeals by the Tax Commissioner and Property Tax Administrator as prescribed; to change provisions relating to soil surveys; to change provisions relating to descriptions of property for property tax purposes; to change provisions relating to homestead exemptions; to change powers and duties of the Tax Equalization and Review Commission; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 878. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1784, 77-2756, and 77-2794, Reissue Revised Statutes of Nebraska; to change provisions relating to electronic fund transfers, income tax withholding, and overpayments of tax; to eliminate a provision relating to electronic filings and payments; to provide an operative date; to repeal the original sections; and to outright repeal section 77-2769.02, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 879. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 9-1,101, 66-719, 77-2701.38, 77-2711, 77-2712.03, 77-2789, 77-2790, 77-2796, 77-27,100, 77-27,119, 77-5725, 77-5726, 77-5735, and 81-8,128, Reissue Revised Statutes of Nebraska, and section 60-484, Revised Statutes Cumulative Supplement, 2008; to change provisions relating to waiver of interest, the streamlined sales and use tax agreement, failure to file, penalties, certain appeal procedures, certain tax incentives, and funding; to require the Department of Motor Vehicles to provide certain information to the Department of Revenue as prescribed; to provide for publication of delinquent taxpayer lists, disclosure of certain information to the Department of Labor, and applicability; to harmonize provisions; to provide

a duty for the Revisor of Statutes; to provide operative dates; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 880. Introduced by Rogert, 16; Stuthman, 22.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-1213, 28-1239.01, 28-1241, 28-1244, 28-1246, 28-1247, 28-1249, and 28-1250, Reissue Revised Statutes of Nebraska; to change provisions relating to fireworks; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 881. Introduced by Rogert, 16.

A BILL FOR AN ACT relating to the State Fire Marshal; to amend sections 28-1213, 28-1241, 28-1242, 28-1244, 28-1248, 28-1249, and 28-1250, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to fireworks; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal section 28-1247, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 882. Introduced by Rogert, 16; Dubas, 34.

A BILL FOR AN ACT relating to agriculture; to amend section 54-744, Revised Statutes Supplement, 2009; to change provisions relating to disposal of dead animals; and to repeal the original section.

LEGISLATIVE BILL 883. Introduced by Coash, 27; Karpisek, 32.

A BILL FOR AN ACT relating to farm wineries; to amend sections 53-123.11 and 53-164.01, Revised Statutes Cumulative Supplement, 2008; to provide for offsite storage facilities; to change reporting and payment requirements for farm wineries; and to repeal the original sections.

LEGISLATIVE BILL 884. Introduced by McGill, 26.

A BILL FOR AN ACT relating to labor; to amend section 48-1231, Reissue Revised Statutes of Nebraska, and sections 48-1230 and 48-1232, Revised Statutes Cumulative Supplement, 2008; to require employers to provide employees with wage and deduction information as prescribed; to provide a remedy; to harmonize sections; and to repeal the original sections.

GENERAL FILE

LEGISLATIVE BILL 72. Senator Lathrop offered the following amendment to the committee amendment:

FA55

Amend AM366

Strike Page 1 lines 15-23 and page 2 lines 1-6.

The Lathrop amendment was adopted with 30 ayes, 1 nay, 15 present and

not voting, and 3 excused and not voting.

Committee AM366, found on page 513, First Session, 2009, and considered in this day's Journal, as amended, was renewed.

The committee amendment, as amended, was adopted with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and 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 on the advancement of the bill.

Voting in the affirmative, 21:

Adams	Cornett	Giese	Lathrop	Wightman
Ashford	Council	Haar	McGill	
Avery	Dierks	Harms	Mello	
Conrad	Dubas	Howard	Rogert	
Cook	Flood	Karpisek	White	

Voting in the negative, 27:

Campbell	Gloor	Langemeier	Pahls	Sullivan
Christensen	Hadley	Lautenbaugh	Pankonin	Utter
Coash	Hansen	Louden	Pirsch	Wallman
Fischer	Heidemann	McCoy	Price	
Fulton	Janssen	Nelson	Schilz	
Gay	Krist	Nordquist	Stuthman	

Excused and not voting, 1:

Carlson

Failed to advance to Enrollment and Review Initial with 21 ayes, 27 nays, and 1 excused and not voting.

The Chair declared the call raised.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 885. Introduced by Nordquist, 7; Mello, 5.

A BILL FOR AN ACT relating to energy; to amend sections 11-201, 13-1205, 13-2043, 33-151, 57-605, 57-607, 57-701, 57-902, 57-903, 57-904, 57-905, 57-906, 57-907, 57-908, 57-909, 57-910, 57-910.01, 57-910.02, 57-910.03, 57-910.05, 57-910.06, 57-910.07, 57-910.08,

57-910.09, 57-910.10, 57-910.11, 57-910.12, 57-911, 57-912, 57-913, 57-914, 57-915, 57-916, 57-916.01, 57-917, 57-918, 57-920, 57-921, 57-922, 57-923, 58-221, 66-1004, 66-1009, 70-1003, 72-804, 72-805, 81-1011, 81-1108.55, 81-1201.04, 81-1316, 81-1531.01, 81-1606, 81-1607, 81-1608, 81-1609, 81-1611, 81-1613, 81-1614, 81-1615, 81-1616, 81-1617, 81-1618, 81-1620, 81-1622, 81-1625, 81-1626, 81-1635, 81-1636, 81-1637, 81-1638, 81-1639, 81-1640, 81-1641, 81-3453, 81-3541, 84-166, and 84-1005, Reissue Revised Statutes of Nebraska, section 46-601.01, Revised Statutes Cumulative Supplement, 2008, sections 57-919, 81-1607.01, and 81-1634, Reissue Revised Statutes of Nebraska, as amended by sections 33, 81, and 82, respectively, Legislative Bill 3, One Hundred First Legislature, First Special Session, 2009, and section 57-705, Revised Statutes Supplement, 2009, as amended by section 32, Legislative Bill 3, One Hundred First Legislature, First Special Session, 2009; to transfer powers, duties, positions of employment, funds, violations, penalties, and other provisions relating to the Nebraska Oil and Gas Conservation Commission and the State Energy Office to the newly created Nebraska Energy Commission as prescribed; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 57-901, 81-1601, 81-1602, 81-1603, 81-1605, and 81-1612, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 886. Introduced by Stuthman, 22.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-1427 and 29-431, Reissue Revised Statutes of Nebraska; to change provisions relating to minors and tobacco as prescribed; to provide a penalty; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 887. Introduced by Stuthman, 22.

A BILL FOR AN ACT relating to horseracing; to amend section 2-1228, Reissue Revised Statutes of Nebraska; to change requirements for an interstate simulcast facility license; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 888. Introduced by Conrad, 46.

A BILL FOR AN ACT relating to limited liability companies; to amend sections 9-614, 67-248.02, 70-1903, 77-2704.57, 77-2716, and 77-2734.01, Reissue Revised Statutes of Nebraska; to adopt the Nebraska Uniform Limited Liability Company Act; to terminate the Limited Liability Company Act; to provide applicability; to harmonize provisions; to provide an operative date; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 889. Introduced by Christensen, 44.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-1406, 28-1408, 28-1409, 28-1410, 28-1411, 28-1412, 28-1413, 28-1415, 28-1416, and 29-439, Reissue Revised Statutes of Nebraska, and section 28-101, Revised Statutes Supplement, 2009; to change and eliminate

provisions relating to the justification for the use of force; to provide a presumption; to harmonize provisions; to provide severability; to repeal the original sections; and to outright repeal sections 28-1407 and 28-1414, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 890. Introduced by Pahls, 31.

A BILL FOR AN ACT relating to banking and finance; to amend sections 8-142, 8-143, 8-183.04, 8-908, 8-1502, and 21-1725.01, Reissue Revised Statutes of Nebraska, sections 8-115.01, 8-157, 8-234, and 8-374, Revised Statutes Cumulative Supplement, 2008, and sections 8-1,140, 8-355, and 21-17,115, Revised Statutes Supplement, 2009; to change provisions relating to the delivery of certain notices; to change and provide powers and duties for the Department of Banking and Finance and Director of Banking and Finance; to change capital requirements for converted savings associations; to change and provide criminal penalties and civil liability relating to violations of loan limit provisions; to revise powers of state-chartered banks, building and loan associations, and credit unions; to change provisions relating to bank holding company management; to change notice provisions relating to acquisitions; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 891. Introduced by Pahls, 31.

A BILL FOR AN ACT relating to banks and banking; to amend sections 8-101.01 and 8-602, Revised Statutes Supplement, 2009; to provide for conditional bank charters, powers and duties for the Department of Banking and Finance and the Director of Banking and Finance, and for fees; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 892. Introduced by Pahls, 31.

A BILL FOR AN ACT relating to banking and finance; to amend sections 45-101.04 and 45-1068, Reissue Revised Statutes of Nebraska, section 45-1005, Revised Statutes Cumulative Supplement, 2008, and sections 8-702, 45-701, 45-702, 45-704, 45-705, 45-724, 45-725, 45-726, 45-728, 45-730, 45-733, 45-737, 45-741, 45-742, 45-748, 45-749, 45-1002, 45-1018, 45-1033.01, and 45-1033.02, Revised Statutes Supplement, 2009; to change provisions relating to federal deposit insurance requirements, the Residential Mortgage Licensing Act, the Nebraska Installment Loan Act, and reverse-mortgage loans; to harmonize provisions; to repeal the original sections; and to declare an emergency.

RESOLUTION

LEGISLATIVE RESOLUTION 283. Introduced by Harms, 48; Louden, 49; Schilz, 47.

WHEREAS, Aubree Worden, a junior at Scottsbluff High School, was named the All-Region Girls' Cross Country Runner of the Year by the Scottsbluff Star-Herald newspaper; and

WHEREAS, Aubree Worden had an outstanding year in cross country, winning her second straight state championship in Class B and an All-Class Gold Medal at the 2009 Girls' State Cross Country Meet; 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 Aubree Worden on her achievements.
2. That a copy of this resolution be sent to Aubree Worden.

Laid over.

NOTICE OF COMMITTEE HEARING

Agriculture

Room 2102

Tuesday, January 19, 2010 1:30 p.m.

LB731

LB748

(Signed) Tom Carlson, Chairperson

AMENDMENTS - Print in Journal

Senator Lautenbaugh filed the following amendment to LB512:
AM1549

- 1 1. On page 2, line 5, strike beginning with "pursuant"
- 2 through "23-174.09" in line 7.

Senator Cornett filed the following amendment to LB72A:
AM1551

- 1 1. Strike the original section and insert the following
- 2 new section:
- 3 Section 1. There is hereby appropriated \$46,000 from
- 4 the General Fund for FY2010-11 to the State Department of
- 5 Education, for Program 25, to aid in carrying out the provisions of

6 Legislative Bill 72, One Hundred First Legislature, Second Session,
 7 2010.
 8 No expenditures for permanent and temporary salaries and
 9 per diems for state employees shall be made from funds appropriated
 10 in this section.

RESOLUTION

LEGISLATIVE RESOLUTION 284CA. Introduced by Utter, 33; Campbell, 25; Fischer, 43; Hadley, 37; Mello, 5; Nordquist, 7.

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, sections 1 and 3:

IV-1 The executive officers of the state shall be the Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, ~~State Treasurer~~, Attorney General, and the heads of such other executive departments as set forth herein or as may be established by law. The Legislature may provide for the placing of the above named officers as heads over such departments of government as it may by law establish.

The Governor, Lieutenant Governor, Attorney General, Secretary of State, and Auditor of Public Accounts, ~~and State Treasurer~~ shall be chosen at the general election held in November 1974, and in each alternate even-numbered year thereafter, for a term of four years and until their successors shall be elected and qualified.

Each candidate for Governor shall select a person to be the candidate for Lieutenant Governor on the general election ballot. In the general election one vote shall be cast jointly for the candidates for Governor and Lieutenant Governor. The Governor shall be ineligible to the office of Governor for four years next after the expiration of two consecutive terms for which he or she was elected.

The records, books, and papers of all executive officers shall be kept at the seat of government. Executive officers shall reside within the State of Nebraska during their respective terms of office. Officers in the executive department of the state shall perform such duties as may be provided by law.

The heads of all executive departments established by law, other than those to be elected as provided herein, shall be appointed by the Governor, with the consent of a majority of all members elected to the Legislature, but officers so appointed may be removed by the Governor. Subject to the provisions of this Constitution, the heads of the various executive or civil departments shall have power to appoint and remove all subordinate employees in their respective departments.

IV-3 ~~The treasurer shall be ineligible to the office of treasurer, for two years next after the expiration of two consecutive terms for which he was elected.~~

The term of office of the State Treasurer elected at the general election at which this constitutional amendment passes shall end on January 1, 2013, at which time the office shall be abolished.

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 abolish the office of the State Treasurer on January 1, 2013.

For

Against.

Referred to the Reference Committee.

UNANIMOUS CONSENT - Add Cointroducers

Senator Gay asked unanimous consent to add his name as cointroducer to LB726. No objections. So ordered.

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

VISITOR

Visitor to the Chamber was Michael Meyer from Kearney.

ADJOURNMENT

At 3:53 p.m., on a motion by Senator Schilz, the Legislature adjourned until 9:00 a.m., Tuesday, January 12, 2010.

Patrick J. O'Donnell
Clerk of the Legislature

