

FORTIETH DAY - MARCH 11, 2010**LEGISLATIVE JOURNAL****ONE HUNDRED FIRST LEGISLATURE
SECOND SESSION****FORTIETH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, March 11, 2010

PRAYER

The prayer was offered by Reverend Jimmy Shelbourn, First Presbyterian Church, Beatrice.

ROLL CALL

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

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

CORRECTIONS FOR THE JOURNAL

Page 810, lines 5 and 6, strike "with amendment" and insert "Second".
The Journal for the thirty-ninth day was approved as corrected.

MOTION - Approve Appointment

Senator Gay moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 785:

Board of Emergency Medical Services
Bernard Kanger Jr.

Voting in the affirmative, 30:

Adams	Cook	Hadley	Lathrop	Price
Avery	Council	Howard	Lautenbaugh	Rogert
Campbell	Dierks	Janssen	McCoy	Schilz
Carlson	Fischer	Karpisek	McGill	Stuthman
Christensen	Gay	Krist	Pankonin	Wallman
Coash	Gloor	Langemeier	Pirsch	White

Voting in the negative, 0.

Present and not voting, 14:

Conrad	Fulton	Heidemann	Nelson	Utter
Dubas	Giese	Louden	Nordquist	Wightman
Flood	Hansen	Mello	Sullivan	

Excused and not voting, 5:

Ashford	Cornett	Haar	Harms	Pahls
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The appointment was confirmed with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 948. Considered.

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

Voting in the affirmative, 27:

Ashford	Cook	Hadley	Mello	Wallman
Avery	Cornett	Hansen	Nordquist	White
Campbell	Council	Howard	Price	Wightman
Carlson	Dubas	Krist	Rogert	
Coash	Giese	Lathrop	Schilz	
Conrad	Haar	McGill	Sullivan	

Voting in the negative, 13:

Adams	Fulton	Langemeier	Pankonin	Utter
Fischer	Gloor	McCoy	Pirsch	
Flood	Heidemann	Nelson	Stuthman	

Present and not voting, 6:

Christensen	Janssen	Lautenbaugh
Gay	Karpisek	Louden

Excused and not voting, 3:

Dierks	Harms	Pahls
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Advanced to Enrollment and Review Initial with 27 ayes, 13 nays, 6 present and not voting, and 3 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 370. Introduced by Stuthman, 22.

WHEREAS, the Lindsay Holy Family Lady Bulldogs won the 2010 Class D-2 Girls' State Basketball Championship; and

WHEREAS, the Lady Bulldogs defeated the previously unbeaten Wynot Blue Devils 40-37 in the championship game; and

WHEREAS, the Lady Bulldogs' victory was their first state championship since 1993; 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 Lindsay Holy Family Lady Bulldogs on winning the 2010 Class D-2 Girls' State Basketball Championship.

2. That a copy of this resolution be sent to the Lindsay Holy Family Lady Bulldogs and their coach, Travis Friesen.

Laid over.

COMMITTEE REPORTS

Business and Labor

LEGISLATIVE BILL 908. Placed on General File.

LEGISLATIVE BILL 1055. Placed on General File.

LEGISLATIVE BILL 833. Indefinitely postponed.

LEGISLATIVE BILL 846. Indefinitely postponed.

LEGISLATIVE BILL 963. Indefinitely postponed.

LEGISLATIVE BILL 1044. Indefinitely postponed.

(Signed) Steve Lathrop, Chairperson

COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 571. Placed on Final Reading.

ST9080

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

1. In the E & R amendments, ER8083, on page 1, lines 15 and 16, "45-1002, 45-1024," has been struck; and in line 17 ", and sections 45-1002 and 45-1024, Revised Statutes Supplement, 2009" has been inserted after "2008".

2. In the Standing Committee amendments, AM983:

a. Sections 9 and 10 and all amendments thereto have been struck and the following new sections inserted:

Sec. 10. Section 45-1002, Revised Statutes Supplement, 2009, is amended to read:

45-1002 (1) For purposes of the Nebraska Installment Loan Act:

(a) Applicant means a person applying for a license under the act;

(b) Breach of security of the system means unauthorized acquisition of data that compromises the security, confidentiality, or integrity of the information maintained by the Nationwide Mortgage Licensing System and Registry, its affiliates, or its subsidiaries;

(c) Department means the Department of Banking and Finance;

(d) Debt cancellation contract means a loan term or contractual arrangement modifying loan terms under which a financial institution agrees to cancel all or part of a borrower's obligation to repay an extension of credit from the financial institution upon the occurrence of a specified event. The debt cancellation contract may be separate from or a part of other loan documents. The term debt cancellation contract does not include loan payment deferral arrangements in which the triggering event is the borrower's unilateral election to defer repayment or the financial institution's unilateral decision to allow a deferral of repayment;

(e) Debt suspension contract means a loan term or contractual arrangement modifying loan terms under which a financial institution agrees to suspend all or part of a borrower's obligation to repay an extension of credit from the financial institution upon the occurrence of a specified event. The debt suspension contract may be separate from or a part of other loan documents. The term debt suspension contract does not include loan payment deferral arrangements in which the triggering event is the borrower's unilateral election to defer repayment or the financial institution's unilateral decision to allow a deferral of repayment;

(f) Director means the Director of Banking and Finance;

(g) Financial institution has the same meaning as in section 8-101;

(h) Guaranteed asset protection waiver means a waiver that is offered, sold, or provided in accordance with the Guaranteed Asset Protection Waiver Act;

~~(h)(i)~~ (i) Licensee means any person who obtains a license under the act;
Nebraska Installment Loan Act;

~~(i)(i)~~ (j)(i) Mortgage loan originator means an individual who for compensation or gain (A) takes a residential mortgage loan application or (B) offers or negotiates terms of a residential mortgage loan.

(ii) Mortgage loan originator does not include (A) any individual who is not otherwise described in subdivision (i)(A) of this subdivision and who performs purely administrative or clerical tasks on behalf of a person who is described in any such clause, (B) a person or entity that only performs real estate brokerage activities and is licensed or registered in accordance with applicable state law, unless the person or entity is compensated by a lender, a mortgage broker, or other mortgage loan originator or by any agent of such lender, mortgage broker, or other mortgage loan originator, or (C) a person or entity solely involved in extensions of credit relating to time-share programs as defined in section 76-1702;

~~(j)~~(k) Nationwide Mortgage Licensing System and Registry means a mortgage licensing system developed and maintained by the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators for the licensing and registration of mortgage loan originators, mortgage bankers, and installment loan companies;

~~(k)~~(l) Person means individual, partnership, limited liability company, association, financial institution, trust, corporation, and any other legal entity; and

~~(l)~~(m) Real property means an owner-occupied single-family, two-family, three-family, or four-family dwelling which is located in this state, which is occupied, used, or intended to be occupied or used for residential purposes, and which is, or is intended to be, permanently affixed to the land.

(2) Except as provided in subsection (3) of section 45-1017, no revenue arising under the ~~act~~ Nebraska Installment Loan Act shall inure to any school fund of the State of Nebraska or any of its governmental subdivisions.

(3) Loan, when used in the Nebraska Installment Loan Act, does not include any loan made by a person who is not a licensee on which the interest does not exceed the maximum rate permitted by section 45-101.03.

(4) Nothing in the Nebraska Installment Loan Act applies to any loan made by a person who is not a licensee if the interest on the loan does not exceed the maximum rate permitted by section 45-101.03.

Sec. 11. Section 45-1024, Revised Statutes Supplement, 2009, is amended to read:

45-1024 (1) Except as provided in section 45-1025 and subsection (6) of this section, every licensee may make loans and may contract for and receive on such loans charges at a rate not exceeding twenty-four percent per annum on that part of the unpaid principal balance on any loan not in excess of one thousand dollars, and twenty-one percent per annum on any remainder of such unpaid principal balance. Except for loans secured by mobile homes, a licensee may not make loans for a period in excess of one hundred forty-five months if the amount of the loan is greater than three thousand dollars but less than twenty-five thousand dollars. Charges on loans made under the Nebraska Installment Loan Act shall not be paid, deducted, or received in advance. The contracting for, charging of, or receiving of charges as provided for in subsection (2) of this section shall not be deemed to be the payment, deduction, or receipt of such charges in advance.

(2) When the loan contract requires repayment in substantially equal and consecutive monthly installments of principal and charges combined, the licensee may, at the time the loan is made, precompute the charges at the agreed rate on scheduled unpaid principal balances according to the terms of the contract and add such charges to the principal of the loan. Every payment may be applied to the combined total of principal and precomputed charges until the contract is fully paid. All payments made on account of any loan except for default and deferment charges shall be deemed to be applied to the unpaid installments in the order in which they are due. The portion of the precomputed charges applicable to any particular month of the contract, as originally scheduled or following a deferment, shall be that

proportion of such precomputed charges, excluding any adjustment made for a first installment period of more than one month and any adjustment made for deferment, which the balance of the contract scheduled to be outstanding during such month bears to the sum of all monthly balances originally scheduled to be outstanding by the contract. This section shall not limit or restrict the manner of calculating charges, whether by way of add-on, single annual rate, or otherwise, if the rate of charges does not exceed that permitted by this section. Charges may be contracted for and earned at a single annual rate, except that the total charges from such rate shall not be greater than the total charges from the several rates otherwise applicable to the different portions of the unpaid balance according to subsection (1) of this section. All loan contracts made pursuant to this subsection are subject to the following adjustments:

(a) Notwithstanding the requirement for substantially equal and consecutive monthly installments, the first installment period may not exceed one month by more than twenty-one days and may not fall short of one month by more than eleven days. The charges for each day exceeding one month shall be one-thirtieth of the charges which would be applicable to a first installment period of one month. The charge for extra days in the first installment period may be added to the first installment and such charges for such extra days shall be excluded in computing any rebate;

(b) If prepayment in full by cash, a new loan, or otherwise occurs before the first installment due date, the charges shall be recomputed at the rate of charges contracted for in accordance with subsection (1) or (2) of this section upon the actual unpaid principal balances of the loan for the actual time outstanding by applying the payment, or payments, first to charges at the agreed rate and the remainder to the principal. The amount of charges so computed shall be retained in lieu of all precomputed charges;

(c) If a contract is prepaid in full by cash, a new loan, or otherwise after the first installment due date, the borrower shall receive a rebate of an amount which is not less than the amount obtained by applying to the unpaid principal balances as originally scheduled or, if deferred, as deferred, for the period following prepayment, according to the actuarial method, the rate of charge contracted for in accordance with subsection (1) or (2) of this section. The licensee may round the rate of charge to the nearest one-half of one percent if such procedure is not consistently used to obtain a greater yield than would otherwise be permitted. Any default and deferment charges which are due and unpaid may be deducted from any rebate. No rebate shall be required for any partial prepayment. No rebate of less than one dollar need be made. Acceleration of the maturity of the contract shall not in itself require a rebate. If judgment is obtained before the final installment date, the contract balance shall be reduced by the rebate which would be required for prepayment in full as of the date judgment is obtained;

(d) If any installment on a precomputed or interest bearing loan is unpaid in full for ten or more consecutive days, Sundays and holidays included, after it is due, the licensee may charge and collect a default charge not exceeding an amount equal to five percent of such installment. If any installment payment is made by a check, draft, or similar signed order which is not honored because of insufficient funds, no account, or any other reason

except an error of a third party to the loan contract, the licensee may charge and collect a fifteen-dollar bad check charge. Such default or bad check charges may be collected when due or at any time thereafter;

(e) If, as of an installment due date, the payment date of all wholly unpaid installments is deferred one or more full months and the maturity of the contract is extended for a corresponding period, the licensee may charge and collect a deferment charge not exceeding the charge applicable to the first of the installments deferred, multiplied by the number of months in the deferment period. The deferment period is that period during which no payment is made or required by reason of such deferment. The deferment charge may be collected at the time of deferment or at any time thereafter. The portion of the precomputed charges applicable to each deferred balance and installment period following the deferment period shall remain the same as that applicable to such balance and periods under the original loan contract. No installment on which a default charge has been collected, or on account of which any partial payment has been made, shall be deferred or included in the computation of the deferment charge unless such default charge or partial payment is refunded to the borrower or credited to the deferment charge. Any payment received at the time of deferment may be applied first to the deferment charge and the remainder, if any, applied to the unpaid balance of the contract, except that if such payment is sufficient to pay, in addition to the appropriate deferment charge, any installment which is in default and the applicable default charge, it shall be first so applied and any such installment shall not be deferred or subject to the deferment charge. If a loan is prepaid in full during the deferment period, the borrower shall receive, in addition to the required rebate, a rebate of that portion of the deferment charge applicable to any unexpired full month or months of such deferment period; and

(f) If two or more full installments are in default for one full month or more at any installment date and if the contract so provides, the licensee may reduce the contract balance by the rebate which would be required for prepayment in full as of such installment date and the amount remaining unpaid shall be deemed to be the unpaid principal balance and thereafter in lieu of charging, collecting, receiving, and applying charges as provided in this subsection, charges may be charged, collected, received, and applied at the agreed rate as otherwise provided by this section until the loan is fully paid.

(3) The charges, as referred to in subsection (1) of this section, shall not be compounded. The charging, collecting, and receiving of charges as provided in subsection (2) of this section shall not be deemed compounding. If part or all of the consideration for a loan contract is the unpaid principal balance of a prior loan, then the principal amount payable under such loan contract may include any unpaid charges on the prior loan which have accrued within sixty days before the making of such loan contract and may include the balance remaining after giving the rebate required by subsection (2) of this section. Except as provided in subsection (2) of this section, charges shall (a) be computed and paid only as a percentage per month of the unpaid principal balance or portions thereof and (b) be computed on the basis of the number of days actually elapsed. For purposes of computing charges,

whether at the maximum rate or less, a month shall be that period of time from any date in a month to the corresponding date in the next month but if there is no such corresponding date then to the last day of the next month, and a day shall be considered one-thirtieth of a month when computation is made for a fraction of a month.

(4) Except as provided in subsections (5) and (6) of this section, in addition to that provided for under the Nebraska Installment Loan Act, no further or other amount whatsoever shall be directly or indirectly charged, contracted for, or received. If any amount, in excess of the charges permitted, is charged, contracted for, or received, the loan contract shall not on that account be void, but the licensee shall have no right to collect or receive any interest or other charges whatsoever. If such interest or other charges have been collected or contracted for, the licensee shall refund to the borrower all interest and other charges collected and shall not collect any interest or other charges contracted for and thereafter due on the loan involved, as liquidated damages, and the licensee or its assignee, if found liable, shall pay the costs of any action relating thereto, including reasonable attorney's fees. No licensee shall be found liable under this subsection if the licensee shows by a preponderance of the evidence that the violation was not intentional and resulted from a bona fide error notwithstanding the maintenance of procedures reasonably adopted to avoid any such error.

(5) A borrower may be required to pay all reasonable expenses incurred in connection with the making, closing, disbursing, extending, readjusting, or renewing of loans. Such expenses may include abstracting, recording, releasing, and registration fees; premiums paid for nonfiling insurance; premiums paid on insurance policies covering tangible personal property securing the loan; amounts charged for a debt cancellation contract or a debt suspension contract, as agreed upon by the parties, if the debt cancellation contract or debt suspension contract is a contract of a financial institution and such contract is sold directly by such financial institution or by an unaffiliated, nonexclusive agent of such financial institution in accordance with 12 C.F.R. part 37, as such part existed on January 1, 2006, and the financial institution is responsible for the unaffiliated, nonexclusive agent's compliance with such part; title examinations; credit reports; survey; ~~and~~ taxes or charges imposed upon or in connection with the making and recording or releasing of any mortgage; and amounts charged for a guaranteed asset protection waiver. Except as provided in subsection (6) of this section, a borrower may also be required to pay a nonrefundable loan origination fee not to exceed the lesser of five hundred dollars or an amount equal to seven percent of that part of the original principal balance of any loan not in excess of two thousand dollars and five percent on that part of the original principal balance in excess of two thousand dollars, if the licensee has not made another loan to the borrower within the previous twelve months. If the licensee has made another loan to the borrower within the previous twelve months, a nonrefundable loan origination fee may only be charged on new funds advanced on each successive loan. Such reasonable initial charges may be collected from the borrower or included in the principal balance of the loan at the time the loan is made and shall not be considered interest or a charge for the use of the money loaned.

(6)(a) Loans secured solely by real property that are not made pursuant to subdivision (11) of section 45-101.04 on real property shall not be subject to the limitations on the rate of interest provided in subsection (1) of this section or the limitations on the nonrefundable loan origination fee under subsection (5) of this section if (i) the principal amount of the loan is seven thousand five hundred dollars or more and (ii) the sum of the principal amount of the loan and the balances of all other liens against the property do not exceed one hundred percent of the appraised value of the property. Acceptable methods of determining appraised value shall be made by the department pursuant to rule, regulation, or order.

(b) An origination fee on such loan shall be computed only on the principal amount of the loan reduced by any portion of the principal that consists of the amount required to pay off another loan made under this subsection by the same licensee.

(c) A prepayment penalty on such loan shall be permitted only if (i) the maximum amount of the penalty to be assessed is stated in writing at the time the loan is made, (ii) the loan is prepaid in full within two years from the date of the loan, and (iii) the loan is prepaid with money other than the proceeds of another loan made by the same licensee. Such prepayment penalty shall not exceed six months interest on eighty percent of the original principal balance computed at the agreed rate of interest on the loan.

(d) A licensee making a loan pursuant to this subsection may obtain an interest in any fixtures attached to such real property and any insurance proceeds payable in connection with such real property or the loan.

(e) For purposes of this subsection, principal amount of the loan means the total sum owed by the borrower including, but not limited to, insurance premiums, loan origination fees, or any other amount that is financed, except that for purposes of subdivision (6)(b) of this section, loan origination fees shall not be included in calculating the principal amount of the loan.

b. On page 1, line 3, "6" has been struck and "7" inserted; and

c. On page 28, lines 3 and 4, "45-1002, 45-1024," has been struck; and in line 5 "and sections 45-1002 and 45-1024, Revised Statutes Supplement, 2009," has been inserted after the comma.

(Signed) Jeremy Nordquist, Chairperson

GENERAL FILE

LEGISLATIVE RESOLUTION 300CA. Read. Considered.

Committee AM1971, found on page 624, was considered.

PRESIDENT SHEEHY PRESIDING

Senator Avery moved for a call of the house. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The committee amendment lost with 23 ayes, 3 nays, 18 present and not voting, and 5 excused and not voting.

Failed to advance to Enrollment and Review Initial with 7 ayes, 12 nays, 25 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

COMMITTEE REPORT

Rules

The Rules Committee met on the proposed rules change to Rule 1, Sec. 19, found on page 556. The proposal was adopted by the Rules Committee with a unanimous vote on February 23, 2010, and recommends its adoption by the full Legislature.

The Rules Committee met on the proposed rules change to Rule 5, Sec. 5, found on page 608. The proposal was indefinitely postponed by the Rules Committee with a vote of 4-0, with one abstention, on February 23, 2010.

(Signed) Scott Lautenbaugh, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 371. Introduced by Cornett, 45; Adams, 24; Ashford, 20; Avery, 28; Campbell, 25; Carlson, 38; Conrad, 46; Cook, 13; Council, 11; Dierks, 40; Dubas, 34; Fischer, 43; Flood, 19; Fulton, 29; Gay, 14; Giese, 17; Gloor, 35; Haar, 21; Hadley, 37; Hansen, 42; Heidemann, 1; Howard, 9; Janssen, 15; Karpisek, 32; Krist, 10; Lathrop, 12; Lautenbaugh, 18; Loudon, 49; McCoy, 39; McGill, 26; Mello, 5; Nordquist, 7; Pankonin, 2; Pirsch, 4; Price, 3; Rogert, 16; Schilz, 47; Stuthman, 22; Sullivan, 41; Utter, 33; Wallman, 30; White, 8; Wightman, 36.

WHEREAS, women have served honorably and with courage in all of America's wars and conflicts since the American Revolution; and

WHEREAS, the United States military has evolved from a predominantly male force to a force made up of more than fourteen percent women currently serving on active duty, and nearly seventeen percent women serving in the Reserves and the National Guard; and

WHEREAS, the population of women veterans is increasing exponentially from 1.1 million in 1980 to a projection of nearly 2 million by 2020, comprising more than ten percent of the veteran population in 2020; and

WHEREAS, the projected population of male veterans is expected to continue to decline; and

WHEREAS, given that an unprecedented number of women are serving in the military and participating in Operation Enduring Freedom and Operation Iraqi Freedom, the United States Department of Veterans Affairs is working to provide consistent, comprehensive, and quality health care and benefits to women veterans of all eras; and

WHEREAS, the number of women veterans has increased over the last decade because there is an increasing number and proportion of women who are entering and leaving the military, women are living longer than men, and women veterans have a younger age distribution compared to men veterans; and

WHEREAS, even though the United States Department of Veterans Affairs has been at the forefront of health care and lifestyle solutions affecting an aging male population, there is now a growing need to improve health care services for women veterans, to ensure clinicians are properly trained to provide primary care and gender specific care to women of all ages, and to identify innovative courses of treatment and solutions to obstacles that are unique to women veterans; and

WHEREAS, with a rapidly increasing number of women serving in the military and returning from deployments as seasoned veterans, some with exposure to combat, the United States Department of Veterans Affairs facilities and veterans service organizations are working to ensure that the post-deployment mental and physical health needs unique to women veterans are also met; and

WHEREAS, even though the roles of women in the military have changed over time and will continue to change, these women deserve to be acknowledged for their military service and treated with equal respect.

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

1. That the Legislature encourages the Nebraska Department of Veterans' Affairs and its women veterans state coordinator to work in conjunction with the National Foundation for Women Legislators and the Center for Women Veterans at the United States Department of Veterans Affairs to reach out to all women veterans within the state to encourage them to bring their specific needs and concerns to the attention of agency officials so that state legislators and agency officials can work together to identify unique issues impacting women veterans and consider policy solutions that will improve the quality of life for women veterans within the state.

2. That the Legislature honors all of the women in this state who have heroically answered their call to duty and recognizes the important role women have played in shaping this great nation.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 1021. Title read. Considered.

Committee AM1969, found on page 625, was considered.

Senator Avery renewed his amendment, AM2033, found on page 718, to the committee amendment.

Pending.

COMMITTEE REPORTS

Appropriations

LEGISLATIVE BILL 317. Placed on General File with amendment.
AM2101

- 1 1. Strike the original sections and insert the following
2 new sections:
- 3 Section 1. Section 84-612, Revised Statutes Supplement,
4 2009, as amended by section 7, Legislative Bill 2, One Hundred
5 First Legislature, First Special Session, 2009, is amended to read:
6 84-612 (1) There is hereby created within the state
7 treasury a fund known as the Cash Reserve Fund which shall be under
8 the direction of the State Treasurer. The fund shall only be used
9 pursuant to this section.
- 10 (2) The State Treasurer shall transfer funds from the
11 Cash Reserve Fund to the General Fund upon certification by the
12 Director of Administrative Services that the current cash balance
13 in the General Fund is inadequate to meet current obligations. Such
14 certification shall include the dollar amount to be transferred.
15 Any transfers made pursuant to this subsection shall be reversed
16 upon notification by the Director of Administrative Services that
17 sufficient funds are available.
- 18 (3) The State Treasurer, at the direction of the
19 budget administrator of the budget division of the Department
20 of Administrative Services, shall transfer such amounts not to
21 exceed seven million seven hundred fifty-three thousand two hundred
22 sixty-three dollars in total from the Cash Reserve Fund to the
23 Nebraska Capital Construction Fund between July 1, 2003, and June
1 30, 2007.
- 2 (4) The State Treasurer, at the direction of the budget
3 administrator, shall transfer an amount equal to the total amount
4 transferred pursuant to subsection (3) of this section from the
5 General Fund to the Cash Reserve Fund on or before June 30, 2008.
- 6 (5) In addition to receiving transfers from other funds,
7 the Cash Reserve Fund shall receive federal funds received by the
8 State of Nebraska for undesignated general government purposes,
9 federal revenue sharing, or general fiscal relief of the state.
- 10 (6) On June 15, 2009, the State Treasurer shall transfer
11 four million nine hundred ninety thousand five hundred five dollars
12 from the Cash Reserve Fund to the General Fund.
- 13 (7) On or before June 16, 2009, the State Treasurer, at
14 the direction of the budget administrator, shall transfer fifty
15 million dollars from the Cash Reserve Fund to the General Fund.
- 16 (8) The State Treasurer, at the direction of the budget
17 administrator, shall transfer such amounts, as certified by the
18 Director of Administrative Services, for employee health insurance
19 claims and expenses, not to exceed twelve million dollars in total

20 from the Cash Reserve Fund to the State Employees Insurance Fund
21 between May 1, 2007, and June 30, 2011.

22 (9) On July 9, 2007, the State Treasurer shall transfer
23 five million dollars from the Cash Reserve Fund to the Job Training
24 Cash Fund. The State Treasurer shall transfer from the Job Training
25 Cash Fund to the Cash Reserve Fund such amounts as directed in
26 section 81-1201.21.

27 (10) On July 7, 2008, the State Treasurer shall transfer
1 five million dollars from the Cash Reserve Fund to the Job Training
2 Cash Fund. The State Treasurer shall transfer from the Job Training
3 Cash Fund to the Cash Reserve Fund such amounts as directed in
4 section 81-1201.21.

5 (11) On or before June 30, 2009, the State Treasurer
6 shall transfer nine million five hundred ninety thousand dollars
7 from the Cash Reserve Fund to the Nebraska Capital Construction
8 Fund.

9 (12) The State Treasurer, at the direction of the budget
10 administrator, shall transfer an amount equal to the total amount
11 transferred pursuant to subsection (8) of this section from the
12 appropriate health insurance accounts of the State Employees
13 Insurance Fund in such amounts as certified by the Director of
14 Administrative Services to the Cash Reserve Fund on or before June
15 30, 2011.

16 (13) On July 7, 2009, the State Treasurer shall transfer
17 five million dollars from the Cash Reserve Fund to the Roads
18 Operations Cash Fund. The Department of Roads shall use such
19 funds to provide the required state match for federal funding made
20 available to the state through congressional earmarks.

21 (14) Within five days after the budget division of the
22 Department of Administrative Services notifies the State Treasurer
23 that matching fund requirements under section 82-331 have been met,
24 the State Treasurer shall transfer one million dollars from the
25 Cash Reserve Fund to the Nebraska Cultural Preservation Endowment
26 Fund.

27 (15) On or before June 15, 2010, the State Treasurer,
1 at the direction of the budget administrator, shall transfer one
2 hundred five million dollars from the Cash Reserve Fund to the
3 General Fund.

4 (16) On or before June 15, 2011, the State Treasurer,
5 at the direction of the budget administrator, shall transfer one
6 hundred fifty-one million dollars from the Cash Reserve Fund to the
7 General Fund.

8 (17) On June 15, 2009, the State Treasurer shall transfer
9 seven million five hundred thousand dollars from the Cash Reserve
10 Fund to the Governor's Emergency Cash Fund.

11 (18) On July 7, 2009, the State Treasurer shall
12 transfer one million dollars from the Cash Reserve Fund to the
13 State Visitors Promotion Cash Fund. The Department of Economic
14 Development shall use such funds to provide funding for the

15 promotion and support of the hosting of a Special Olympics national
 16 event by a city of the primary class.

17 (19) On or before June 30, 2011, the State Treasurer,
 18 at the direction of the budget administrator, shall transfer three
 19 million dollars from the Cash Reserve Fund to the General Fund.

20 Sec. 2. Original section 84-612, Revised Statutes
 21 Supplement, 2009, as amended by section 7, Legislative Bill 2,
 22 One Hundred First Legislature, First Special Session, 2009, is
 23 repealed.

LEGISLATIVE BILL 935. Placed on General File with amendment.
 AM2117 is available in the Bill Room.

(Signed) Lavon Heidemann, Chairperson

Natural Resources

LEGISLATIVE BILL 1048. Placed on General File with amendment.
 AM2159 is available in the Bill Room.

(Signed) Chris Langemeier, Chairperson

MOTION - Print in Journal

Senator Lautenbaugh filed the following motion to LB1021:

MO87

Bracket until April 14, 2010.

AMENDMENT - Print in Journal

Senator Lautenbaugh filed the following amendment to LB1021:

AM2065

(Amendments to Standing Committee amendments, AM1969)

1 1. Insert the following new sections:

2 Sec. 17. Section 85-502, Reissue Revised Statutes of
 3 Nebraska, is amended to read:

4 85-502 Rules and regulations established by the governing
 5 board of each state postsecondary educational institution shall
 6 require as a minimum that a person is not deemed to have
 7 established a residence in this state, for purposes of sections
 8 85-501 to 85-504, unless such person is lawfully present in the
 9 United States and

10 (1) Such person is of legal age or is an emancipated
 11 minor and has established a home in Nebraska where he or she
 12 is habitually present for a minimum period of one hundred eighty
 13 days, with the bona fide intention of making this state his or her
 14 permanent residence, supported by documentary proof;

15 (2) The parents, parent, or guardian having custody of a
 16 minor registering in the educational institution have established

17 a home in Nebraska where such parents, parent, or guardian are
 18 or is habitually present with the bona fide intention to make
 19 this state their, his, or her permanent residence, supported by
 20 documentary proof. If a student has matriculated in any state
 21 postsecondary educational institution while his or her parents,
 22 parent, or guardian had an established home in this state, and the
 1 parents, parent, or guardian ceases to reside in the state, such
 2 student shall not thereby lose his or her resident status if such
 3 student has the bona fide intention to make this state his or her
 4 permanent residence, supported by documentary proof;

5 (3) Such student is of legal age and is a dependent for
 6 federal income tax purposes of a parent or former guardian who
 7 has established a home in Nebraska where he or she is habitually
 8 present with the bona fide intention of making this state his or
 9 her permanent residence, supported by documentary proof;

10 (4) Such student is a nonresident of this state prior
 11 to marriage and marries a person who has established a home in
 12 Nebraska where he or she is habitually present with the bona fide
 13 intention of making this state his or her permanent residence,
 14 supported by documentary proof;

15 ~~(5) Except as provided in subdivision (8) of this~~
 16 ~~section, such~~ Such student, if an alien, ~~has applied to or~~
 17 ~~has a petition pending with the United States Immigration and~~
 18 ~~Naturalization Service to attain lawful status under federal~~
 19 ~~immigration law and~~ has established a home in Nebraska for a
 20 period of at least one hundred eighty days where he or she is
 21 habitually present with the bona fide intention to make this state
 22 his or her permanent residence, supported by documentary proof;

23 (6) Such student is a staff member or a dependent of a
 24 staff member of the University of Nebraska, one of the Nebraska
 25 state colleges, or one of the community college areas who joins
 26 the staff immediately prior to the beginning of a term from an
 27 out-of-state location; or

1 (7) Such student is on active duty with the armed
 2 services of the United States and has been assigned a permanent
 3 duty station in Nebraska, or is a legal dependent of a person on
 4 active duty with the armed services of the United States assigned a
 5 permanent duty station in Nebraska; ~~or~~

6 ~~(8)(a) Such student resided with his or her parent,~~
 7 ~~guardian, or conservator while attending a public or private high~~
 8 ~~school in this state and:~~

9 ~~(i) Graduated from a public or private high school in~~
 10 ~~this state or received the equivalent of a high school diploma in~~
 11 ~~this state;~~

12 ~~(ii) Resided in this state for at least three years~~
 13 ~~before the date the student graduated from the high school or~~
 14 ~~received the equivalent of a high school diploma;~~

15 (iii) Registered as an entering student in a state
 16 postsecondary educational institution not earlier than the 2006
 17 fall semester; and

18 (iv) Provided to the state postsecondary educational
 19 institution an affidavit stating that he or she will file
 20 an application to become a permanent resident at the earliest
 21 opportunity he or she is eligible to do so.

22 (b) If the parent, guardian, or conservator with whom the
 23 student resided ceases to reside in the state, such student shall
 24 not lose his or her resident status under this subdivision if the
 25 student has the bona fide intention to make this state his or her
 26 permanent residence, supported by documentary proof.

27 The changes made to this section by this legislative bill
 1 shall not apply to any student enrolled in a state postsecondary
 2 educational institution on September 1, 2010, or to any student
 3 enrolled in grade twelve in a high school in Nebraska on September
 4 1, 2010.

5 The changes made to this section by this legislative
 6 bill shall not apply to any student in Nebraska on and after
 7 the effective or operative date of any federal legislation which
 8 preempts such changes.

9 Sec. 18. Original section 85-502, Reissue Revised
 10 Statutes of Nebraska, is repealed.

UNANIMOUS CONSENT - Add Cointroducer

Senator Cook asked unanimous consent to add her name as cointroducer to LB1014. No objections. So ordered.

VISITORS

Visitors to the Chamber were members of Boys and Girls Clubs of Nebraska from across the state; 76 fourth-grade students and teachers from Fairview Elementary, Bellevue; and 105 fourth-grade students and teachers from Crete.

RECESS

At 11:55 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.

EXPLANATION OF VOTE

Had I been present, I would have voted "aye" on the advancement of LB948 to Enrollment and Review Initial.

(Signed) M.L. Dierks

BILLS ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 258.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-180.05, Reissue Revised Statutes of Nebraska, and section 53-101, Revised Statutes Supplement, 2009; to change and provide penalties for minors in possession of alcoholic liquor; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

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

Voting in the negative, 3:

Janssen	Stuthman	Wallman
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Present and not voting, 3:

Coash	Council	Louden
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Excused and not voting, 3:

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

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB579 with 41 ayes, 1 nay, 4 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 579.

A BILL FOR AN ACT relating to labor; to amend sections 44-7515, 48-151, and 48-443, Reissue Revised Statutes of Nebraska, sections 44-7504, 48-115, 48-145, 48-146, and 48-602, Revised Statutes Cumulative Supplement, 2008, and section 48-144.03, Revised Statutes Supplement, 2009; to adopt the Professional Employer Organization Registration Act; to create a fund; to provide penalties; to harmonize insurance, workers' compensation, safety committee, and unemployment benefit provisions; to provide operative dates; to provide severability; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Excused and not voting, 3:

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

The following bills were read and put upon final passage:

LEGISLATIVE BILL 689.

A BILL FOR AN ACT relating to the ethanol excise tax; to amend sections 66-1345, 66-1345.01, and 66-1345.02, Reissue Revised Statutes of Nebraska, and section 61-218, Revised Statutes Cumulative Supplement, 2008, as amended by section 39, Legislative Bill 3, One Hundred First Legislature, First Special Session, 2009; to change provisions relating to the collection and remittance of the excise tax; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

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

Voting in the negative, 1:

Heidemann

Present and not voting, 4:

Gloor	Haar	Krist	Lathrop
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Excused and not voting, 3:

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

LEGISLATIVE BILL 735.

A BILL FOR AN ACT relating to telecommunications; to adopt the Kelsey Smith Act.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Excused and not voting, 3:

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

LEGISLATIVE BILL 764.

A BILL FOR AN ACT relating to the Nebraska Ground Water Management and Protection Act; to amend section 46-717, Reissue Revised Statutes of Nebraska, and section 46-715, Revised Statutes Supplement, 2009; to change provisions relating to integrated management plans; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Excused and not voting, 3:

Harms Nelson Pahls

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

LEGISLATIVE BILL 768.

A BILL FOR AN ACT relating to county government; to provide for the termination of township boards within certain counties as prescribed.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Excused and not voting, 3:

Harms Nelson Pahls

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

LEGISLATIVE BILL 770. With Emergency Clause.

A BILL FOR AN ACT relating to state government; to amend sections 49-501.01 and 49-508, Reissue Revised Statutes of Nebraska, and section 49-617, Revised Statutes Cumulative Supplement, 2008; to change provisions relating to the distribution of the session laws and journal of the Legislature and copies of the statutes; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

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

Voting in the negative, 0.

Present and not voting, 1:

Karpisek

Excused and not voting, 3:

Harms	Nelson	Pahls
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A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 799.

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

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Excused and not voting, 3:

Harms Nelson Pahls

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

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB805 with 39 ayes, 4 nays, 3 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 805.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-4,129, 60-4,169, 60-6,123, 60-6,190, 75-362, 75-363, and 75-364, Reissue Revised Statutes of Nebraska, sections 60-465 and 60-4,150, Revised Statutes Cumulative Supplement, 2008, and sections 18-1739, 60-3,193.01, 60-462.01, 60-484.02, and 60-4,147.02, Revised Statutes Supplement, 2009; to adopt by reference updates to the International Registration Plan and certain federal laws and regulations relating to parking permits for persons with disabilities, operators' licenses, transporting hazardous materials, and motor carrier safety and procedure; to allow the release of digital image or signature information to local law enforcement officers; to change provisions relating to commercial motor vehicles, employment driving permits, commercial drivers' licenses, traffic control signals, and speed limits; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Harms Pahls

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

The following bills were read and put upon final passage:

LEGISLATIVE BILL 821.

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

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Harms Pahls

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

LEGISLATIVE BILL 865.

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 eliminate penalties and provisions relating to bovines and equines; 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.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Harms Pahls

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

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB910 with 39 ayes, 2 nays, 6 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 910.

A BILL FOR AN ACT relating to the Commercial Dog and Cat Operator Inspection Act; to amend sections 28-1018, 54-637, and 54-638, Reissue Revised Statutes of Nebraska, sections 54-603 and 54-611, Revised Statutes Cumulative Supplement, 2008, and sections 37-528, 54-626, 54-627, 54-627.01, and 54-645, Revised Statutes Supplement, 2009; to provide for a license fee; to define and license animal rescues under the act; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

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

Voting in the negative, 2:

Louden Stuthman

Present and not voting, 2:

Lathrop Nordquist

Excused and not voting, 2:

Harms Pahls

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

The following bills were read and put upon final passage:

LEGISLATIVE BILL 910A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 910, One Hundred First Legislature, Second Session, 2010.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

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

Voting in the negative, 0.

Present and not voting, 4:

Flood	Langemeier	Lathrop	Nordquist
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Excused and not voting, 2:

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

LEGISLATIVE BILL 926.

A BILL FOR AN ACT relating to highways; to amend sections 39-204, 39-205, and 39-210, Reissue Revised Statutes of Nebraska; to redefine terms; to change requirements for a specific information sign panel; to provide minimum requirements for farm wineries as prescribed; to change requirements for tourist-oriented directional sign panels; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Harms Pahls

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

LEGISLATIVE BILL 1006.

A BILL FOR AN ACT relating to schools; to amend sections 79-101 and 79-214, Reissue Revised Statutes of Nebraska; to change provisions relating to kindergarten entrance age; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Harms Pahls

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

LEGISLATIVE BILL 1063.

A BILL FOR AN ACT relating to the Nebraska Arts Council; to amend sections 82-326 and 82-329, Reissue Revised Statutes of Nebraska, and section 82-331, Revised Statutes Supplement, 2009; to authorize an art maintenance fund and change inspection provisions for works of art; to change intent relating to transfers to the Nebraska Cultural Preservation

Endowment Fund; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Harms Pahls

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

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 258, 579, 689, 735, 764, 768, 770, 799, 805, 821, 865, 910, 910A, 926, 1006, and 1063.

GENERAL FILE

LEGISLATIVE BILL 836. Title read. Considered.

Committee AM1864, found on page 584, was considered.

Senator Louden renewed his amendment, AM2115, found on page 761, to the committee amendment.

SENATOR STUTHMAN PRESIDING

The Louden amendment was adopted with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

The committee amendment, as amended, was adopted with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 11, 2010, at 2:57 p.m. were the following: LBs 258, 579, 689, 735, 764, 768, 770e, 799, 805, 821, 865, 910, 910A, 926, 1006, and 1063.

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

AMENDMENT - Print in Journal

Senator Karpisek filed the following amendment to LB869:
AM2116

- 1 1. On page 2, line 12; page 8, line 10; and page 9, line
- 2 16, strike "five" and insert "four".
- 3 2. On page 11, line 20, strike "four" and insert "three".

RESOLUTIONS

LEGISLATIVE RESOLUTION 372. Introduced by Gloor, 35.

PURPOSE: The purpose of this interim study is to study the potential effect of national health care reform proposals on Nebraska and to analyze policy options for responding to and implementing health care reform measures. To carry out the purpose of this resolution, the study committee shall consider input from employers, including small businesses, consumer groups, insurers, providers, the Department of Health and Human Services, the Department of Insurance, health care consumers, and other interested parties as the committee deems necessary and beneficial.

The issues to consider include, but are not limited to:

- (1) The anticipated effect of federal programs seeking to achieve health care reform on Nebraska health care services;
- (2) The role of employer-sponsored insurance and public programs in providing health care coverage for Nebraskans;
- (3) The large number of Nebraskans who are uninsured or underinsured;
- (4) The cost shift which is imposed on Nebraska employers and consumers who purchase health insurance by the underfunding of public programs and the high levels of uncompensated care borne by hospitals and clinics;
- (5) Policy options that are available to eliminate the number of Nebraskans who are uninsured or underinsured, make private health insurance more affordable for businesses and individuals, and strengthen public programs for low-income Nebraskans; and
- (6) Available funding options to assure a financially sustainable and affordable health care system.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 373. Introduced by Flood, 19.

WHEREAS, the Nebraska School Chemical Cleanout Campaign is a national partnership with the United States Environmental Protection Agency to: (1) Rid K-12 schools of inappropriate, outdated, unknown, and unnecessary chemicals; (2) raise awareness of the potential risks from mismanaged chemicals in schools; and (3) prevent future chemical mismanagement in schools through training, curriculum and policy changes, and long-term solutions; and

WHEREAS, the State Emergency Response Commission endorsed the Nebraska School Chemical Cleanout Campaign as a critical need; and

WHEREAS, Governor Dave Heineman endorsed the Nebraska School Chemical Cleanout Campaign on September 21, 2007; and

WHEREAS, the Nebraska School Chemical Cleanout Campaign has resulted in the following accomplishments during its first 18 months: (1) 103 schools have participated in cleanout campaigns; (2) 62 schools are prepared for cleanout; (3) 6,497 chemicals (20,633 pounds) have been removed; (4) 3,457 pounds of highly hazardous chemicals have been removed; (5) 21 schools have had radioactive chemicals removed; (6) 887 pounds of mercury have been removed from 75 schools; (7) 46 schools had potential explosives removed; and (8) the total cost of removal thus far has been \$136,600, all covered by grant funds; and

WHEREAS, schools that participated in the Nebraska School Chemical Cleanout Campaign have benefited by: (1) Reducing the potential for chemical exposures, fires, and spills; (2) creating healthier school environments; (3) decreasing liability; (4) reducing the cost of proper disposal for taxpayers; (5) protecting the environment; and (6) protecting students, school staff, and the community.

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

1. That the Legislature supports the Nebraska School Chemical Cleanout Campaign.

2. That the Legislature encourages Nebraska schools to adopt and perform responsible chemical management and build a school chemical cleanout campaign for the protection of students and school staff that is successful, sustainable, and self-sufficient.

3. That a copy of this resolution be sent to Keep Nebraska Beautiful.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 965. Title read. Considered.

Committee AM1999, found on page 694, was adopted with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 918. Title read. Considered.

Committee AM1905, found on page 603, was adopted with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 975. Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 8 present and not voting, and 8 excused and not voting.

AMENDMENTS - Print in Journal

Senator Adams filed the following amendment to LB1071:
AM2165

(Amendments to Standing Committee amendments, AM2103)

- 1 1. Insert the following new sections:
- 2 Sec. 4. Section 79-318, Revised Statutes Supplement,
- 3 2009, is amended to read:
- 4 79-318 The State Board of Education shall:
- 5 (1) Appoint and fix the compensation of the Commissioner
- 6 of Education;
- 7 (2) Remove the commissioner from office at any time for
- 8 conviction of any crime involving moral turpitude or felonious act,
- 9 for inefficiency, or for willful and continuous disregard of his or
- 10 her duties as commissioner or of the directives of the board;
- 11 (3) Upon recommendation of the commissioner, appoint and
- 12 fix the compensation of a deputy commissioner and all professional
- 13 employees of the board;
- 14 (4) Organize the State Department of Education into such
- 15 divisions, branches, or sections as may be necessary or desirable
- 16 to perform all its proper functions and to render maximum service
- 17 to the board and to the state school system;

18 (5) Provide, through the commissioner and his or her
19 professional staff, enlightened professional leadership, guidance,
20 and supervision of the state school system, including educational
21 service units. In order that the commissioner and his or her
22 staff may carry out their duties, the board shall, through the
1 commissioner: (a) Provide supervisory and consultation services
2 to the schools of the state; (b) issue materials helpful in the
3 development, maintenance, and improvement of educational facilities
4 and programs; (c) establish rules and regulations which govern
5 standards and procedures for the approval and legal operation
6 of all schools in the state and for the accreditation of all
7 schools requesting state accreditation. All public, private,
8 denominational, or parochial schools shall either comply with
9 the accreditation or approval requirements prescribed in this
10 section and section 79-703 or, for those schools which elect not
11 to meet accreditation or approval requirements, the requirements
12 prescribed in subsections (2) through (6) of section 79-1601.
13 Standards and procedures for approval and accreditation shall
14 be based upon the program of studies, guidance services, the
15 number and preparation of teachers in relation to the curriculum
16 and enrollment, instructional materials and equipment, science
17 facilities and equipment, library facilities and materials, and
18 health and safety factors in buildings and grounds. Rules and
19 regulations which govern standards and procedures for private,
20 denominational, and parochial schools which elect, pursuant to the
21 procedures prescribed in subsections (2) through (6) of section
22 79-1601, not to meet state accreditation or approval requirements
23 shall be as described in such section; (d) institute a statewide
24 system of testing to determine the degree of achievement and
25 accomplishment of all the students within the state's school
26 systems if it determines such testing would be advisable;
27 (e) prescribe a uniform system of records and accounting for
1 keeping adequate educational and financial records, for gathering
2 and reporting necessary educational data, and for evaluating
3 educational progress; (f) cause to be published laws, rules, and
4 regulations governing the schools and the school lands and funds
5 with explanatory notes for the guidance of those charged with the
6 administration of the schools of the state; (g) approve teacher
7 education programs conducted in Nebraska postsecondary educational
8 institutions designed for the purpose of certifying teachers
9 and administrators; (h) approve ~~teacher-certificated-employee~~
10 evaluation policies and procedures developed by school districts
11 and educational service units; and (i) approve general plans and
12 adopt educational policies, standards, rules, and regulations for
13 carrying out the board's responsibilities and those assigned to the
14 State Department of Education by the Legislature;
15 (6) Adopt and promulgate rules and regulations for
16 the guidance, supervision, accreditation, and coordination of
17 educational service units. Such rules and regulations for

18 accreditation shall include, but not be limited to, (a) a
19 requirement that programs and services offered to school districts
20 by each educational service unit shall be evaluated on a regular
21 basis, but not less than every seven years, to assure that
22 educational service units remain responsive to school district
23 needs and (b) guidelines for the use and management of funds
24 generated from the property tax levy and from other sources of
25 revenue as may be available to the educational service units,
26 to assure that public funds are used to accomplish the purposes
27 and goals assigned to the educational service units by section
1 79-1204. The State Board of Education shall establish procedures to
2 encourage the coordination of activities among educational service
3 units and to encourage effective and efficient educational service
4 delivery on a statewide basis;

5 (7) Submit a biennial report to the Governor and the
6 Clerk of the Legislature covering the actions of the board, the
7 operations of the State Department of Education, and the progress
8 and needs of the schools and recommend such legislation as may be
9 necessary to satisfy these needs;

10 (8) Prepare and distribute reports designed to acquaint
11 school district officers, teachers, and patrons of the schools with
12 the conditions and needs of the schools;

13 (9) Provide for consultation with professional educators
14 and lay leaders for the purpose of securing advice deemed necessary
15 in the formulation of policies and in the effectual discharge of
16 its duties;

17 (10) Make studies, investigations, and reports and
18 assemble information as necessary for the formulation of policies,
19 for making plans, for evaluating the state school program, and for
20 making essential and adequate reports;

21 (11) Submit to the Governor and the Legislature a
22 budget necessary to finance the state school program under its
23 jurisdiction, including the internal operation and maintenance of
24 the State Department of Education;

25 (12) Interpret its own policies, standards, rules, and
26 regulations and, upon reasonable request, hear complaints and
27 disputes arising therefrom;

1 (13) With the advice of the Department of Motor Vehicles,
2 adopt and promulgate rules and regulations containing reasonable
3 standards, not inconsistent with existing statutes, governing: (a)
4 The general design, equipment, color, operation, and maintenance
5 of any vehicle with a manufacturer's rated seating capacity of
6 eleven or more passengers used for the transportation of public,
7 private, denominational, or parochial school students; and (b)
8 the equipment, operation, and maintenance of any vehicle with a
9 capacity of ten or less passengers used for the transportation of
10 public, private, denominational, or parochial school students, when
11 such vehicles are owned, operated, or owned and operated by any
12 public, private, denominational, or parochial school or privately

13 owned or operated under contract with any such school in this
 14 state, except for vehicles owned by individuals operating a school
 15 which elects pursuant to section 79-1601 not to meet accreditation
 16 or approval requirements. Similar rules and regulations shall be
 17 adopted and promulgated for operators of such vehicles as provided
 18 in section 79-607;

19 (14) Accept, on behalf of the Nebraska Center for the
 20 Education of Children who are Blind or Visually Impaired, devises
 21 of real property or donations or bequests of other property, or
 22 both, if in its judgment any such devise, donation, or bequest
 23 is for the best interest of the center or the students receiving
 24 services from the center, or both, and irrigate or otherwise
 25 improve any such real estate when in the board's judgment it would
 26 be advisable to do so; and

27 (15) Upon acceptance of any devise, donation, or bequest
 1 as provided in this section, administer and carry out such devise,
 2 donation, or bequest in accordance with the terms and conditions
 3 thereof. If not prohibited by the terms and conditions of any such
 4 devise, donation, or bequest, the board may sell, convey, exchange,
 5 or lease property so devised, donated, or bequeathed upon such
 6 terms and conditions as it deems best and remit all money derived
 7 from any such sale or lease to the State Treasurer for credit to
 8 the State Department of Education Trust Fund.

9 Each member of the Legislature shall receive a copy of
 10 the report required by subdivision (7) of this section by making a
 11 request for it to the commissioner.

12 None of the duties prescribed in this section shall
 13 prevent the board from exercising such other duties as in its
 14 judgment may be necessary for the proper and legal exercise of its
 15 obligations.

16 Sec. 36. Section 86-505, Reissue Revised Statutes of
 17 Nebraska, is amended to read:

18 86-505 Enterprise means ~~the entirety of all one or~~
 19 more departments, offices, boards, bureaus, commissions, or
 20 institutions in of the state for which money is to be appropriated
 21 for communications or data processing services, equipment, or
 22 facilities, including all executive, legislative, and judicial
 23 departments, the Nebraska state colleges, the University of
 24 Nebraska, and all other state institutions and entities.

25 2. Amend the operative date and repealer sections so that
 26 the sections added by this amendment become operative on their
 27 effective date with the emergency clause.

1 3. Renumber the remaining sections and correct internal
 2 references accordingly.

Senators Heidemann, Conrad, Fulton, Hansen, Mello, Nelson, Nordquist,
 and Wightman filed the following amendment to LB935:
 AM2185

(Amendments to Standing Committee amendments, AM2117)

- 1 1. Purpose: Increase Tax Equity and Educational
 2 Opportunities Support Act aid by \$3,018,661 General Funds to
 3 reflect aid certification on March 10, 2010.
 4 Amendment:
 5 1. On page 101, line 9, strike "1,001,846,434" and insert
 6 "1,004,865,095"; in line 13 strike "1,436,313,686" and insert
 7 "1,439,332,347"; and in line 19 strike "\$1,001,846,434" and insert
 8 "\$1,004,865,095".
 9 2. On page 102, line 1, strike "\$793,715,899" and insert
 10 "\$796,734,560".

Senator Heidemann filed the following amendment to LB935:
 AM2169

(Amendments to Standing Committee amendments, AM2117)

- 1 1. Insert the following new section:
 2 Sec. 108. Laws 2009, First Special Session, LB 1, section
 3 199, is amended to read:
 4 Sec. 199. AGENCY NO. 74 -- NEBRASKA POWER REVIEW BOARD
 5 Program No. 72 - Enforcement of Standards
 6 FY2009-10 FY2010-11
 7 ~~CASH FUND~~ 392,038 391,069
 8 ~~CASH FUND~~ 392,038 641,069
 9 ~~PROGRAM TOTAL~~ 392,038 391,069
 10 ~~PROGRAM TOTAL~~ 392,038 641,069
 11 ~~SALARY LIMIT~~ 184,093 188,104
 12 2. On page 112, line 1, after "195," insert "199,".
 13 3. Renumber the remaining sections accordingly.

COMMITTEE REPORTS

Judiciary

LEGISLATIVE BILL 757. Placed on General File.
LEGISLATIVE BILL 758. Placed on General File.
LEGISLATIVE BILL 809. Placed on General File.
LEGISLATIVE BILL 842. Placed on General File.
LEGISLATIVE BILL 847. Placed on General File.
LEGISLATIVE BILL 907. Placed on General File.
LEGISLATIVE BILL 1045. Placed on General File.
LEGISLATIVE BILL 1085. Placed on General File.

LEGISLATIVE BILL 894. Placed on General File with amendment.
 AM1958

- 1 1. On page 2, line 25, after the first comma insert
 2 "bypasses".
 3 2. On page 3, line 3, after "countermeasure" insert "as
 4 defined in section 3 of this act".
 5 3. On page 4, strike beginning with "(a)" in line 5
 6 through "(b)" in line 8.

LEGISLATIVE BILL 988. Placed on General File with amendment.
AM1685

- 1 1. On page 2, line 21, strike "eighty" and insert
- 2 "ninety".

LEGISLATIVE BILL 990. Placed on General File with amendment.
AM2183

- 1 1. On page 2, line 5, after "her" insert "remaining".

(Signed) Brad Ashford, Chairperson

General Affairs

LEGISLATIVE BILL 861. Placed on General File with amendment.
AM2140 is available in the Bill Room.

LEGISLATIVE BILL 1012. Placed on General File with amendment.
AM2162

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 2-1201, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 2-1201 (1) There hereby is created a State Racing
- 6 Commission.
- 7 (2) Until the effective date of this act, the commission
- 8 shall consist consisting of three members who shall be appointed
- 9 by the Governor and subject to confirmation by a majority of the
- 10 members elected to the Legislature and may be for cause removed by
- 11 the Governor. One member shall be appointed each year for a term
- 12 of three years. The members shall serve until their successors are
- 13 appointed and qualified.
- 14 (3) On and after the effective date of this act, the
- 15 commission shall consist of five members who shall be appointed
- 16 by the Governor and subject to confirmation by a majority of the
- 17 members elected to the Legislature and may be for cause removed by
- 18 the Governor. One member of the commission shall be appointed from
- 19 each congressional district, as such districts existed on January
- 20 1, 2010, and two members of the commission shall be appointed at
- 21 large for terms as follows:
- 22 (a) The member representing the second congressional
- 23 district who is appointed on or after April 1, 2010, shall serve
- 1 until March 31, 2014, and until his or her successor is appointed
- 2 and qualified. Thereafter the term of the member representing such
- 3 district shall be four years and until his or her successor is
- 4 appointed and qualified;
- 5 (b) The member representing the third congressional
- 6 district who is appointed on or after April 1, 2011, shall serve
- 7 until March 31, 2015, and until his or her successor is appointed
- 8 and qualified. Thereafter the term of the member representing such

9 district shall be four years and until his or her successor is
 10 appointed and qualified;

11 (c) The member representing the first congressional
 12 district who is appointed on or after April 1, 2012, shall serve
 13 until March 31, 2016, and until his or her successor is appointed
 14 and qualified. Thereafter the term of the member representing such
 15 district shall be four years and until his or her successor is
 16 appointed and qualified;

17 (d) Not later than sixty days after the effective date
 18 of this act, the Governor shall appoint one at-large member who
 19 shall serve until March 31, 2013, and until his or her successor is
 20 appointed and qualified. Thereafter the term of such member shall
 21 be four years and until his or her successor is appointed and
 22 qualified; and

23 (e) Not later than sixty days after the effective date
 24 of this act, the Governor shall appoint one at-large member who
 25 shall serve until March 31, 2014, and until his or her successor is
 26 appointed and qualified. Thereafter the term of such member shall
 27 be four years and until his or her successor is appointed and
 1 qualified.

2 (4) Not more than ~~two~~ three members of the commission
 3 shall belong to the same political party; no more than two of
 4 the members shall reside, when appointed, in the same congressional
 5 district; and no more than two of the members shall reside
 6 in any one county. Any vacancy shall be filled by appointment
 7 by the Governor for the unexpired term. The members shall serve
 8 without compensation; but shall be reimbursed for their actual
 9 expenses incurred in the performance of their duties as provided in
 10 sections 81-1174 to 81-1177, ~~for state employees.~~ The members of
 11 the commission shall be bonded or insured as required by section
 12 11-201.

13 Sec. 2. Section 2-1219, Reissue Revised Statutes of
 14 Nebraska, is amended to read:

15 2-1219 (1) No horse in which any ~~member~~ employee of the
 16 State Racing Commission ~~or its employees~~ has any interest shall be
 17 raced at any meet under the jurisdiction of the commission.

18 (2) When any matter comes before the commission that may
 19 cause financial benefit or detriment to a member of the commission,
 20 a member of his or her immediate family, or a business with which
 21 the member is associated, which is distinguishable from the effects
 22 of such matter on the public generally or a broad segment of the
 23 public, such member shall take the following actions as soon as he
 24 or she is aware of such potential conflict or should reasonably be
 25 aware of such potential conflict, whichever is sooner:

26 (a) Prepare a written statement describing the matter
 27 requiring action or decision and the nature of the potential
 1 conflict;

2 (b) Deliver a copy of the statement to the secretary of
 3 the commission; and

4 (c) Recuse himself or herself from taking any action or
 5 making any decision relating to such matter in the discharge of his
 6 or her official duties as a member of the commission.

7 ~~(2)-(3) No member-employee of the State Racing Commission~~
~~8 or its employees shall have a pecuniary interest or engage in any~~
 9 private employment in a profession or business which is regulated
 10 by or interferes or conflicts with the performance or proper
 11 discharge of the duties of the commission.

12 ~~(3)-(4) No member-employee of the State Racing Commission~~
~~13 or its employees shall wager or cause a wager to be placed on~~
 14 the outcome of any race at a race meeting which is under the
 15 jurisdiction and supervision of the commission.

16 ~~(4)-(5) No member-employee of the State Racing Commission~~
~~17 or its employees shall have a pecuniary interest or engage in~~
 18 any private employment in a business which does business with any
 19 racing association licensed by the commission or in any business
 20 issued a concession operator license by the commission.

21 ~~(5)-(6) Any commission member or employee violating this~~
 22 section shall forfeit his or her ~~office, employment.~~

23 ~~(6)-(7) The commission shall include in its rules~~
 24 and regulations prohibitions against actual or potential specific
 25 conflicts of interest on the part of racing officials and other
 26 individuals licensed by the commission.

27 Sec. 3. Original sections 2-1201 and 2-1219, Reissue
 1 Revised Statutes of Nebraska, are repealed.

(Signed) Russ Karpisek, Chairperson

Appropriations

LEGISLATIVE BILL 636. Placed on General File with amendment.
 AM2122

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

3 Section 1. Section 66-1519, Reissue Revised Statutes of
 4 Nebraska, is amended to read:

5 66-1519 (1) There is hereby created the Petroleum Release
 6 Remedial Action Cash Fund to be administered by the department.
 7 Revenue from the following sources shall be remitted to the State
 8 Treasurer for credit to the fund:

9 (a) The fees imposed by sections 66-1520 and 66-1521;

10 (b) Money paid under an agreement, stipulation,
 11 cost-recovery award under section 66-1529.02, or settlement; and

12 (c) Money received by the department in the form
 13 of gifts, grants, reimbursements, property liquidations, or
 14 appropriations from any source intended to be used for the purposes
 15 of the fund.

16 (2) Money in the fund may be spent for: (a) Reimbursement
 17 for the costs of remedial action by a responsible person or his

18 or her designated representative and costs of remedial action
 19 undertaken by the department in response to a release first
 20 reported after July 17, 1983, and on or before June 30, 2012,
 21 including reimbursement for damages caused by the department or
 22 a person acting at the department's direction while investigating
 23 or inspecting or during remedial action on property other than
 1 property on which a release or suspected release has occurred;
 2 (b) payment of any amount due from a third-party claim; (c)
 3 fee collection expenses incurred by the State Fire Marshal; (d)
 4 direct expenses incurred by the department in carrying out the
 5 Petroleum Release Remedial Action Act; (e) other costs related
 6 to fixtures and tangible personal property as provided in section
 7 66-1529.01; (f) interest payments as allowed by section 66-1524;
 8 (g) claims approved by the State Claims Board authorized under
 9 section 66-1531; and (h) a grant to a city of the metropolitan
 10 class in the amount of three hundred thousand dollars, provided no
 11 later than September 15, 2005, to carry out the federal Residential
 12 Lead-Based Paint Hazard Reduction Act of 1992, 42 U.S.C. 4851 et
 13 seq., as such act existed on October 1, 2003; and (i) methyl
 14 tertiary butyl ether testing, to be conducted randomly at terminals
 15 within the state for up to two years ending June 30, 2003. The
 16 amount expended on the testing shall not exceed forty thousand
 17 dollars. The testing shall be conducted by the Department of
 18 Agriculture. The department may enter into contractual arrangements
 19 for such purpose. The results of the tests shall be made available
 20 to the Department of Environmental Quality. a grant to a city of
 21 the metropolitan class in the amount of three hundred thousand
 22 dollars, provided no later than September 15, 2010, to carry out
 23 the federal Residential Lead-Based Paint Hazard Reduction Act of
 24 1992, Title X, Section 1011, Public Law 102-550, as such act exists
 25 on the effective date of this act.

26 (3) Transfers may be made from the Petroleum Release
 27 Remedial Action Cash Fund to the General Fund at the direction of
 1 the Legislature. Transfers may be made from the Petroleum Release
 2 Remedial Action Cash Fund to the Water Policy Task Force Cash
 3 Fund at the direction of the Legislature. The State Treasurer
 4 shall transfer one million five hundred thousand dollars from
 5 the Petroleum Release Remedial Action Cash Fund to the Ethanol
 6 Production Incentive Cash Fund on July 1 of each of the following
 7 years: 2004 through 2011.

8 (4) Any money in the Petroleum Release Remedial Action
 9 Cash Fund available for investment shall be invested by the state
 10 investment officer pursuant to the Nebraska Capital Expansion Act
 11 and the Nebraska State Funds Investment Act.

12 Sec. 2. Original section 66-1519, Reissue Revised
 13 Statutes of Nebraska, is repealed.

(Signed) Lavon Heidemann, Chairperson

VISITORS

Visitors to the Chamber were Dan Kathol and Dave McGregor from Hartington; 11 fourth-grade students and teachers from Sacred Heart, Omaha; and Mike, Carla, and Chance Becker from Hartington.

The Doctor of the Day was Dr. Joel Gabriel from Omaha.

ADJOURNMENT

At 4:17 p.m., on a motion by Senator Utter, the Legislature adjourned until 9:00 a.m., Friday, March 12, 2010.

Patrick J. O'Donnell
Clerk of the Legislature

