

**FORTY-FOURTH DAY - MARCH 17, 2010****LEGISLATIVE JOURNAL****ONE HUNDRED FIRST LEGISLATURE  
SECOND SESSION****FORTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, March 17, 2010

**PRAYER**

The prayer was offered by Senator Carlson.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Flood presiding.

The roll was called and all members were present except Senator Pahls who was excused; and Senators Cook, Cornett, Dubas, Gloor, and Lathrop who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the forty-third day was approved.

**RESOLUTIONS**

Pursuant to Rule 4, Sec. 5(b), LRs 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, and 369 were adopted.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, and 369.

**GENERAL FILE**

**LEGISLATIVE BILL 1110.** Title read. Considered.

Senator Campbell offered the following motion:  
MO88

Unanimous consent to bracket until April 14, 2010.

No objections. So ordered.

**LEGISLATIVE BILL 1048.** Title read. Considered.

**SENATOR PRICE PRESIDING**

Committee AM2159, found on page 830, was considered.

Senator Langemeier offered the following amendment to the committee amendment:

AM2244

(Amendments to Standing Committee amendments, AM2159)

- 1 1. On page 11, strike beginning with "benefit" in line
- 2 16 through "provide" in line 17 and insert "offer"; and strike
- 3 beginning with "at" in line 21 through "84-712.05" in line 27
- 4 and insert "contingent upon the applicant and electric suppliers
- 5 negotiating in good faith a power purchase agreement and any other
- 6 necessary agreements".

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

The committee amendment, as amended, was adopted with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

Senator Langemeier withdrew his amendments, AM2010 and FA65, found on pages 637 and 687.

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

**LEGISLATIVE BILL 1048A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 11 present and not voting, and 2 excused and not voting.

**RESOLUTION**

**LEGISLATIVE RESOLUTION 405.** Introduced by Fulton, 29.

WHEREAS, Steve Thomlison served as a legislative aide for the Legislature in 1992 and 1993; and

WHEREAS, Steve Thomlison served in the United States Army Reserve and served his country in the United States and abroad; and

WHEREAS, Steve Thomlison will be ordained as a priest in the Roman Catholic Church at Cathedral of the Risen Christ in Lincoln, Nebraska, on May 29, 2010.

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

1. That the Legislature recognizes Steve Thomlison for his service to the Legislature and his service in the United States Army Reserve.
2. That the Legislature extends its congratulations to Steve Thomlison for his ordination as a priest in the Lincoln Diocese of the Roman Catholic Church.
3. That a copy of this resolution be sent to Steve Thomlison.

Laid over.

**AMENDMENTS - Print in Journal**

Senator Stuthman filed the following amendment to LB849:  
AM2226 is available in the Bill Room.

Senator Rogert filed the following amendment to LB1013:  
AM2178

(Amendments to Standing Committee amendments, AM1996)

1 1. Strike the original sections and all amendments  
 2 thereto and insert the following new sections:  
 3 Section 1. Section 9-647, Reissue Revised Statutes of  
 4 Nebraska, is amended to read:  
 5 9-647 No lottery shall be conducted between the hours of  
 6 1 a.m. and 6 a.m., except that if alcoholic liquor is allowed to  
 7 be sold later than 1 a.m. pursuant to a vote under subdivision  
 8 (1)(b) of section 53-179, no lottery shall be conducted between the  
 9 hour established pursuant to such vote and 6 a.m. within the area  
 10 affected by the vote.

11 Sec. 2. Section 53-179, Reissue Revised Statutes of  
 12 Nebraska, is amended to read:  
 13 53-179 (1) No alcoholic liquor, including beer, shall be  
 14 sold at retail or dispensed on any day between the hours of 1 a.m.  
 15 and 6 a.m., except that the ~~The~~ local governing body of any city  
 16 or village with respect to area inside the corporate limits of such  
 17 city or village, or the county board with respect to area outside  
 18 the corporate limits of any city or village, may by ordinance or  
 19 resolution (a) require closing prior to 1 a.m. on any day or (b)  
 20 if adopted by a vote of at least sixty percent of the members  
 21 of such local governing body or county board, permit retail sale  
 22 or dispensing of alcoholic liquor for consumption on the premises,  
 1 excluding sales for consumption off the premises, later than 1 a.m.  
 2 and prior to 2 a.m. on any day.

3 (2) Except as provided for and allowed by ordinance of a  
 4 local governing body applicable to area inside the corporate limits  
 5 of a city or village or by resolution of a county board applicable  
 6 to area inside such county and outside the corporate limits of any  
 7 city or village, no alcoholic liquor, including beer, shall be sold  
 8 at retail or dispensed between the hours of 6 a.m. Sunday and 1  
 9 a.m. Monday. No ordinance or resolution allowed by this subsection  
 10 shall permit alcoholic liquor, other than beer and wine, to be

11 sold at retail or dispensed between the hours of 6 a.m. Sunday  
 12 and 12 noon Sunday. This subsection shall not apply after 12 noon  
 13 on Sunday to a licensee which is a nonprofit corporation and the  
 14 holder of a Class C license or a Class I license.

15 (3) It shall be unlawful on property licensed to sell  
 16 alcoholic liquor at retail to allow alcoholic liquor in open  
 17 containers to remain or be in possession or control of any person  
 18 for purposes of consumption between the hours of ~~4:15 a.m.~~ fifteen  
 19 minutes after the closing hour applicable to the licensed premises  
 20 and 6 a.m. on any day. ~~When any city or village provides by~~  
 21 ~~ordinance or any county provides by resolution for an earlier~~  
 22 ~~closing hour, the provisions of this subsection shall become~~  
 23 ~~effective fifteen minutes after such closing hour instead of 1:15~~  
 24 ~~a.m.~~

25 (4) Nothing in this section shall prohibit licensed  
 26 premises from being open for other business on days and hours  
 27 during which the sale or dispensing of alcoholic liquor is  
 1 prohibited by this section.

2 Sec. 3. Original sections 9-647 and 53-179, Reissue  
 3 Revised Statutes of Nebraska, are repealed.

Senator Rogert filed the following amendment to LB945:  
 AM2121

- 1 1. On page 5, after line 19 insert the following new
- 2 subsection:
- 3 "(3) Enforcement of this section by state or local law
- 4 enforcement agencies shall be accomplished only as a secondary
- 5 action when a driver of a motor vehicle has been cited or charged
- 6 with a traffic violation or some other offense."; and in line 20
- 7 strike "(3)" and insert "(4)".
- 8 2. On page 6, line 4, strike "(4)" and insert "(5)".

Senator Pirsch filed the following amendment to LB864:  
 AM2208

(Amendments to Standing Committee amendments, AM1679)

- 1 1. On page 5, lines 1, 5, and 14, before "judicial"
- 2 insert "district court".

### **BILL ON FIRST READING**

The following bill was read for the first time by title:

**LEGISLATIVE BILL 1105A.** Introduced by Council, 11.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1105, One Hundred First Legislature, Second Session, 2010.

**GENERAL FILE**

**LEGISLATIVE BILL 861.** Title read. Considered.

Committee AM2140, found on page 853, was adopted with 30 ayes, 0 nays, 18 present and not voting, and 1 excused and not voting.

**SPEAKER FLOOD PRESIDING**

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 16 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 961.** Title read. Considered.

Committee AM2118, found on page 808, was considered.

Pending.

**AMENDMENTS - Print in Journal**

Senator Lathrop filed the following amendment to LB563:  
AM2227

(Amendments to Standing Committee amendments, AM2079)

- 1 1. On page 1, after line 6 insert:
- 2 "(2) Construction has the same meaning as in section
- 3 48-2103;"; in line 7 strike "(2)" and insert "(3)"; in line 10
- 4 strike "construction and" and strike "are" and insert "is"; in
- 5 line 11 strike "(3)" and insert "(4)"; in line 14 strike "(4)" and
- 6 insert "(5)"; and in line 15 strike "(5)" and insert "(6)".
- 7 2. On page 2, line 11, strike "(6)(n) or (6)(q)" and
- 8 insert "(6)"; in line 16 after the period insert "The act shall
- 9 also not be construed to affect or alter the use of the term
- 10 independent contractor as interpreted by the Department of Revenue
- 11 and shall not be construed to affect any action brought pursuant to
- 12 the Nebraska Revenue Act of 1967.".
- 13 3. On page 3, line 6, strike "any contractor who
- 14 violates" and insert "if the commissioner finds, after notice
- 15 and hearing, that a contractor has violated"; in line 7 after "Act"
- 16 insert ", the contractor"; in line 16 before the period insert "and
- 17 with the Nebraska Workers' Compensation Court"; in line 19 strike
- 18 "and" and insert an underscored comma and after "Revenue" insert
- 19 ", and Nebraska Workers' Compensation Court"; and in line 21 strike
- 20 "criminal prosecution" and insert "action".
- 21 4. On page 4, line 3, after "Revenue" insert ", Nebraska
- 22 Workers' Compensation Court,"; in line 19 after "construction"
- 1 insert "or delivery service" and after "contractor" insert
- 2 "or subcontractor"; in line 20 after "construction" insert
- 3 "or delivery"; and in line 24 strike "individual" and insert
- 4 "employee".

Senator Council filed the following amendment to LB1105:  
AM2241

(Amendments to Standing Committee amendments, AM2147)

1 1. Insert the following new sections:

2 Sec. 4. Section 29-3921, Reissue Revised Statutes of  
3 Nebraska, as amended by section 16, Legislative Bill 3, One Hundred  
4 First Legislature, First Special Session, 2009, is amended to read:  
5 29-3921 The Commission on Public Advocacy Operations Cash  
6 Fund is created. The fund shall be used for the operations of  
7 the commission, except that transfers may be made from the fund  
8 to the General Fund at the direction of the Legislature through  
9 June 30, 2011. The Commission on Public Advocacy Operations Cash  
10 Fund shall consist of money remitted pursuant to section 33-156.  
11 It is the intent of the Legislature that the commission shall  
12 be funded solely from the fund. Any money in the fund available  
13 for investment shall be invested by the state investment officer  
14 pursuant to the Nebraska Capital Expansion Act and the Nebraska  
15 State Funds Investment Act.

16 The State Treasurer shall transfer two hundred fifty  
17 thousand dollars from the Commission on Public Advocacy Operations  
18 Cash Fund to the University Cash Fund within fifteen days after  
19 May 1, 2008. Such funds shall be used for a study of the  
20 juvenile legal defense and guardian ad litem systems utilizing  
21 the University of Nebraska Public Policy Center to create,  
22 administer, and review a Request for Proposals to select from  
1 a national search a research consultant that is qualified to  
2 provide a methodologically sound and objective assessment of  
3 Nebraska's juvenile justice system. The assessment shall include:  
4 (1) Gathering of general data and information about the structure  
5 and funding mechanisms for juvenile legal defense and guardian ad  
6 litem representation; (2) a review of caseloads; (3) examining  
7 issues related to the timing of appointment of counsel and  
8 guardians ad litem; (4) supervision of attorneys; (5) charging  
9 and trying juveniles as adults; (6) frequency with which juveniles  
10 waive their right to counsel and under what conditions they do  
11 so; (7) allocation of resources; (8) adequacy of juvenile court  
12 facilities; (9) compensation of attorneys; (10) supervising and  
13 training of attorneys; (11) access to investigators, experts,  
14 social workers, and support staff; (12) access to educational  
15 officers, teachers, educational staff, and truancy officers; (13)  
16 the relationship between a guardian ad litem, a juvenile's legal  
17 counsel, and the judicial system with identified educational  
18 staff regarding a juvenile's educational status; (14) examining  
19 issues related to truancy and the relationship between the school  
20 districts and the juvenile court system; (15) recidivism; (16) time  
21 to permanency and time in court, especially when a guardian ad  
22 litem is appointed; and (17) coordination of representation for  
23 those juveniles that may have been appointed an attorney in a

24 juvenile delinquency matter and a guardian ad litem because of  
 25 abuse or neglect. The assessment shall also highlight promising  
 26 approaches and innovative practices within the state and offer  
 27 recommendations to improve weak areas.

1 The State Treasurer shall transfer up to fifty thousand  
 2 dollars from the Commission on Public Advocacy Operations Cash  
 3 Fund to the Community Corrections Uniform Data Analysis Cash Fund  
 4 in FY2010-11. The executive director of the Community Corrections  
 5 Council shall certify the exact amount of such transfer based upon  
 6 the actual costs of the study required to carry out the provisions  
 7 of this legislative bill.

8 Sec. 5. Original section 29-3921, Reissue Revised  
 9 Statutes of Nebraska, as amended by section 16, Legislative Bill  
 10 3, One Hundred First Legislature, First Special Session, 2009, is  
 11 repealed.

Senator Coash filed the following amendment to LB861:  
 AM2163

(Amendments to Standing Committee amendments, AM2140)

1 1. Insert the following new sections:  
 2 Sec. 3. Section 9-647, Reissue Revised Statutes of  
 3 Nebraska, is amended to read:  
 4 9-647 No lottery shall be conducted between the hours of  
 5 1 a.m. and 6 a.m., except that if alcoholic liquor is allowed to  
 6 be sold later than 1 a.m. pursuant to a vote under subdivision  
 7 (1)(b) of section 53-179, no lottery shall be conducted between the  
 8 hour established pursuant to such vote and 6 a.m. within the area  
 9 affected by the vote.

10 Sec. 77. Section 53-179, Reissue Revised Statutes of  
 11 Nebraska, is amended to read:  
 12 53-179 (1) No alcoholic liquor, including beer, shall be  
 13 sold at retail or dispensed on any day between the hours of 1 a.m.  
 14 and 6 a.m., except that the ~~The~~ local governing body of any city  
 15 or village with respect to area inside the corporate limits of such  
 16 city or village, or the county board with respect to area outside  
 17 the corporate limits of any city or village, may by ordinance or  
 18 resolution (a) require closing prior to 1 a.m. on any day or (b)  
 19 if adopted by a vote of at least sixty percent of the members  
 20 of such local governing body or county board, permit retail sale  
 21 or dispensing of alcoholic liquor for consumption on the premises,  
 22 excluding sales for consumption off the premises, later than 1 a.m.  
 1 and prior to 2 a.m. on any day.

2 (2) Except as provided for and allowed by ordinance of a  
 3 local governing body applicable to area inside the corporate limits  
 4 of a city or village or by resolution of a county board applicable  
 5 to area inside such county and outside the corporate limits of any  
 6 city or village, no alcoholic liquor, including beer, shall be sold  
 7 at retail or dispensed between the hours of 6 a.m. Sunday and 1  
 8 a.m. Monday. No ordinance or resolution allowed by this subsection

9 shall permit alcoholic liquor, other than beer and wine, to be  
 10 sold at retail or dispensed between the hours of 6 a.m. Sunday  
 11 and 12 noon Sunday. This subsection shall not apply after 12 noon  
 12 on Sunday to a licensee which is a nonprofit corporation and the  
 13 holder of a Class C license or a Class I license.

14 (3) It shall be unlawful on property licensed to sell  
 15 alcoholic liquor at retail to allow alcoholic liquor in open  
 16 containers to remain or be in possession or control of any person  
 17 for purposes of consumption between the hours of ~~4:15 a.m.~~ fifteen  
 18 minutes after the closing hour applicable to the licensed premises  
 19 and 6 a.m. on any day. ~~When any city or village provides by~~  
 20 ~~ordinance or any county provides by resolution for an earlier~~  
 21 ~~closing hour, the provisions of this subsection shall become~~  
 22 ~~effective fifteen minutes after such closing hour instead of 1:15~~  
 23 ~~a.m.~~

24 (4) Nothing in this section shall prohibit licensed  
 25 premises from being open for other business on days and hours  
 26 during which the sale or dispensing of alcoholic liquor is  
 27 prohibited by this section.

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

Senator Cornett filed the following amendment to LB918:  
 AM2240

(Amendments to Standing Committee amendments, AM1905)

1 1. Insert the following new section:

2 Sec. 3. Section 77-5719, Reissue Revised Statutes of  
 3 Nebraska, is amended to read:

4 77-5719 Taxpayer means any person subject to sales and  
 5 use taxes under the Nebraska Revenue Act of 1967 and subject to  
 6 withholding under section 77-2753 and any corporation, partnership,  
 7 limited liability company, cooperative, including a cooperative  
 8 exempt under section 521 of the Internal Revenue Code of 1986,  
 9 as amended, limited cooperative association, or joint venture that  
 10 is or would otherwise be a member of the same unitary group, if  
 11 incorporated, that is subject to such sales and use taxes or such  
 12 withholding. Taxpayer does not include a political subdivision or  
 13 an organization that is exempt from income taxes under section  
 14 501(a) of the Internal Revenue Code of 1986, as amended, or any  
 15 partnership, limited liability company, cooperative, including a  
 16 cooperative exempt under section 521 of the Internal Revenue Code  
 17 of 1986, as amended, limited cooperative association, or joint  
 18 venture in which political subdivisions or organizations described  
 19 in section 501(c) or (d) of the code hold an ownership interest of  
 20 ~~ten-twenty~~ percent or more.

21 2. On page 13, line 21, after "77-5715," insert  
 22 "77-5719"; and in line 26 after "77-5715," insert "77-5719,".

1 3. Renumber the remaining sections accordingly.



Senator Pankonin filed the following amendment to LB1010:  
AM2249

(Amendments to Standing Committee amendments, AM2029)

- 1 1. Insert the following new section:
- 2 Sec. 5. When the acquisition of a parcel of private real
- 3 property, or an interest therein, for a trail divides the private
- 4 real property in such a manner that the owner has no reasonable
- 5 access to one part of the divided parcel, the district shall allow
- 6 reasonable access across the trail at a location mutually agreed
- 7 upon by the owner of such divided parcel and the district.
- 8 2. On page 1, lines 3 and 6; page 4, line 16; and page 5,
- 9 lines 7 and 15, strike "7" and insert "8".
- 10 3. On page 4, line 3, after the first semicolon insert
- 11 "potential benefit to communities and public facilities adjacent to
- 12 the trail route;".
- 13 4. On page 6, line 10, strike "7" and insert "8".
- 14 5. Renumber the remaining sections accordingly.

**MOTION - Print in Journal**

Senator Gloor filed the following motion to LB702:  
MO89

Unanimous consent to bracket until April 14, 2010.

**UNANIMOUS CONSENT - Add Cointroducer**

Senator Dubas asked unanimous consent to add her name as cointroducer to LB961. No objections. So ordered.

**VISITORS**

Visitors to the Chamber were 4 ninth- through twelfth-grade students, teacher, and sponsor from Lexington; members of Banner County Wind Association; 40 fifth-grade students and teachers from Clarmar Elementary, Fremont; Senator Utter's wife, Kathy, from Hastings and daughter, Denise Ott, from Fort Riley, Kansas; 18 twelfth-grade students, teacher, and sponsors from Bertrand; Senator Carlson's grandchildren, Ava and Ian Carlson, from Des Moines, Sue Vanskyver and Ruth Epley from Nelson, and Cindy Nelson from Superior; 65 fourth-grade students and teachers from Ashland Greenwood School, Ashland; and 46 third- and fourth-grade students, teachers, and sponsors from Harrison Elementary, Omaha.

**CEREMONIES**

Upon recess the Speaker introduced a group from the Nebraska Association of Former State Legislators.

**RECESS**

At 11:45 a.m., on a motion by Senator Nordquist, the Legislature recessed until 1:30 p.m.

**AFTER RECESS**

The Legislature reconvened at 1:30 p.m., Speaker Flood presiding.

**ROLL CALL**

The roll was called and all members were present except Senators Pahls and Pankonin who were excused; and Senators Conrad, Cook, Dierks, Fischer, and Karpisek who were excused until they arrive.

**GENERAL FILE**

**LEGISLATIVE BILL 800A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 9 present and not voting, and 7 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 943.** ER8182, found on page 766, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE RESOLUTION 297CA.** ER8183, found on page 766, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 1051.** Senator Christensen withdrew his amendment, AM2012, found on page 919.

Senator Christensen offered the following amendment:  
AM2256

- 1 1. Strike original section 4 and insert the following new
- 2 section:
- 3 Sec. 5. Since an emergency exists, this act takes effect
- 4 when passed and approved according to law.
- 5 2. On page 3, line 10, reinstate the stricken matter and
- 6 strike "fifty"; and in line 11 strike "four".
- 7 3. Renumber the remaining section accordingly.

The Christensen amendment was adopted with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 727.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 763.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 1087.** ER8181, found on page 755, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE RESOLUTION 284CA.** Considered.

**SENATOR LANGEMEIER PRESIDING**

**SENATOR ROBERT PRESIDING**

Senator Janssen offered the following motion:

MO90

Indefinitely postpone.

Pending.

### COMMITTEE REPORTS

Enrollment and Review

**LEGISLATIVE BILL 935.** Placed on Select File with amendment. ER8202 is available in the Bill Room.

**LEGISLATIVE BILL 317.** Placed on Select File with amendment. ER8205

- 1 1. On page 1, strike beginning with "Reissue" in line
- 2 2 through line 4 and insert "Revised Statutes Supplement, 2009,
- 3 as amended by section 7, Legislative Bill 2, One Hundred First
- 4 Legislature, First Special Session, 2009; to provide for a transfer
- 5 as prescribed; and to repeal the original section."

**LEGISLATIVE BILL 1106.** Placed on Select File with amendment. ER8206

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 68-901, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 68-901 Sections 68-901 to 68-967 and sections 4 and 5 of
- 6 this act shall be known and may be cited as the Medical Assistance
- 7 Act.

8 Sec. 2. Section 68-907, Reissue Revised Statutes of  
9 Nebraska, is amended to read:

10 68-907 For purposes of the Medical Assistance Act:

11 (1) Committee means the Health and Human Services  
12 Committee of the Legislature;

13 (2) Department means the Department of Health and Human  
14 Services;

15 (3) Medicaid Reform Plan means the Medicaid Reform Plan  
16 submitted on December 1, 2005, pursuant to the Medicaid Reform Act  
17 enacted pursuant to Laws 2005, LB 709;

18 (4) Medicaid state plan means the comprehensive written  
19 document, developed and amended by the department and approved  
20 by the federal Centers for Medicare and Medicaid Services, which  
21 describes the nature and scope of the medical assistance program  
22 and provides assurances that the department will administer the  
23 program in compliance with federal requirements;

1 (5) Provider means a person providing health care or  
2 related services under the medical assistance program; ~~and~~

3 (6) School-based health center means a health center  
4 that:

5 (a) Is located in or is adjacent to a school facility;

6 (b) Is organized through school, school district,  
7 learning community, community, and provider relationships;

8 (c) Is administered by a sponsoring facility;

9 (d) Provides school-based health services onsite  
10 during school hours to children and adolescents by health care  
11 professionals in accordance with state and local laws, rules, and  
12 regulations, established standards, and community practice;

13 (e) Does not perform abortion services or refer or  
14 counsel for abortion services and does not dispense, prescribe, or  
15 counsel for contraceptive drugs or devices; and

16 (f) Does not serve as a child's or an adolescent's  
17 medical or dental home but augments and supports services provided  
18 by the medical or dental home;

19 (7) School-based health services may include any  
20 combination of the following as determined in partnership with a  
21 sponsoring facility, the school district, and the community:

22 (a) Medical health;

23 (b) Behavioral and mental health;

24 (c) Preventive health; and

25 (d) Oral health;

26 (8) Sponsoring facility means:

27 (a) A hospital;

1 (b) A public health department as defined in section  
2 71-1626;

3 (c) A federally qualified health center as defined in  
4 section 1905(l)(2)(B) of the federal Social Security Act, 42 U.S.C.  
5 1396d(l)(2)(B), as such act and section existed on January 1, 2010;

6 (d) A nonprofit health care entity whose mission is to  
 7 provide access to comprehensive primary health care services;  
 8 (e) A school or school district; or  
 9 (f) A program administered by the Indian Health Service  
 10 or the federal Bureau of Indian Affairs or operated by an  
 11 Indian tribe or tribal organization under the federal Indian  
 12 Self-Determination and Education Assistance Act, or an urban Indian  
 13 program under title V of the federal Indian Health Care Improvement  
 14 Act, as such acts existed on January 1, 2010; and

15 ~~(6)-(9)~~ Waiver means the waiver of applicability to  
 16 the state of one or more provisions of federal law relating to  
 17 the medical assistance program based on an application by the  
 18 department and approval of such application by the federal Centers  
 19 for Medicare and Medicaid Services.

20 Sec. 3. Section 68-908, Reissue Revised Statutes of  
 21 Nebraska, is amended to read:

22 68-908 (1) The department shall administer the medical  
 23 assistance program.

24 (2) The department may (a) enter into contracts and  
 25 interagency agreements, (b) adopt and promulgate rules and  
 26 regulations, (c) adopt fee schedules, (d) apply for and implement  
 27 waivers and managed care plans for eligible recipients, and (e)  
 1 perform such other activities as necessary and appropriate to  
 2 carry out its duties under the Medical Assistance Act. A covered  
 3 item or service as described in section 68-911 that is furnished  
 4 through a school-based health center, furnished by a provider, and  
 5 furnished under a managed care plan pursuant to a waiver does not  
 6 require prior consultation or referral by a patient's primary care  
 7 physician to be covered.

8 (3) The department shall maintain the confidentiality  
 9 of information regarding applicants for or recipients of medical  
 10 assistance and such information shall only be used for purposes  
 11 related to administration of the medical assistance program and the  
 12 provision of such assistance or as otherwise permitted by federal  
 13 law.

14 (4)(a) The department shall prepare an annual summary  
 15 and analysis of the medical assistance program for legislative  
 16 and public review, including, but not limited to, a description  
 17 of eligible recipients, covered services, provider reimbursement,  
 18 program trends and projections, program budget and expenditures,  
 19 the status of implementation of the Medicaid Reform Plan, and  
 20 recommendations for program changes.

21 (b) The department shall provide a draft report of such  
 22 summary and analysis to the Medicaid Reform Council no later than  
 23 September 15 of each year. The council shall conduct a public  
 24 meeting no later than October 1 of each year to discuss and receive  
 25 public comment regarding such report. The council shall provide  
 26 any comments and recommendations regarding such report in writing  
 27 to the department no later than November 1 of each year. The

1 department shall submit a final report of such summary and analysis  
2 to the Governor, the Legislature, and the council no later than  
3 December 1 of each year. Such final report shall include a response  
4 to each written recommendation provided by the council.

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

11 (2) The School Health Center Advisory Council shall  
12 include:

13 (a) At least one representative of the school  
14 administration or school district administration;

15 (b) At least one representative of the sponsoring  
16 facility; and

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

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

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

5 Sec. 5. (1) On or before July 1, 2010, the department  
6 shall submit an application to the Centers for Medicare and  
7 Medicaid Services of the United States Department of Health and  
8 Human Services, amending the medicaid state plan or seeking a  
9 waiver thereto to provide for utilization of money to allow for  
10 payments for treatment for children who are lawfully residing in  
11 the United States and who are otherwise eligible for medicaid and  
12 CHIP pursuant to the federal Children's Health Insurance Program  
13 Reauthorization Act of 2009, Public Law 111-3, as such act existed  
14 on January 1, 2010, and for treatment for pregnant women who  
15 are lawfully residing in the United States and who are otherwise  
16 eligible for medicaid pursuant to the federal Children's Health  
17 Insurance Program Reauthorization Act of 2009, Public Law 111-3, as  
18 such act existed on January 1, 2010.

19 (2) For purposes of this section, (a) CHIP means the  
20 Children's Health Insurance Program established pursuant to 42  
21 U.S.C. 1397aa et seq., and (b) medicaid means the program for  
22 medical assistance established under 42 U.S.C. 1396 et seq., as

23 such sections existed on January 1, 2010.

24 Sec. 6. Original sections 68-901, 68-907, and 68-908,  
25 Reissue Revised Statutes of Nebraska, are repealed.

26 Sec. 7. Since an emergency exists, this act takes effect  
27 when passed and approved according to law.

1 2. On page 1, strike beginning with "a" in line 3

2 through the semicolon in line 4 and insert "terms; to provide for  
3 school-based health centers; to provide for School Health Center

4 Advisory Councils;".

**LEGISLATIVE BILL 1106A.** Placed on Select File.

**LEGISLATIVE BILL 1091.** Placed on Select File.

**LEGISLATIVE BILL 1090.** Placed on Select File with amendment.  
ER8207

1 1. Strike the original sections and all amendments

2 thereto and insert the following new sections:

3 Section 1. The following sums of money, or so much  
4 thereof as may be required, are hereby appropriated from the  
5 General Fund or from other funds as indicated in the state  
6 treasury, not otherwise appropriated, for the payment of tort  
7 claims which have been settled by the State Claims Board and  
8 approved by the district court, which have been settled by the  
9 Attorney General in the district court, or in which court judgments  
10 have been entered and which require the approval of the Legislature  
11 for payment.

12 \$145,000.00 for Tort Claim Numbers 02-591, 02-592,  
13 02-593, 02-594, 02-595, and 02-596, against the Department of  
14 Health and Human Services, pay \$45,000.00 to Harris Kuhn Law Firm,  
15 Tiffany McLaughlin, and Bill McLaughlin and \$100,000.00 to MeLife  
16 Tower Resource Group, Inc., out of the General Fund.

17 \$32,973.56 for Tort Claim Numbers 2006-00661 and  
18 2006-00727 against the Department of Roads, pay to Eric B. Brown,  
19 in trust for James and Susan Christman, 1133 H Street, Lincoln, NE  
20 68508, out of the Roads Operations Cash Fund.

21 \$1,450,000 for Tort Claim Number 2008-02412 against the  
22 Department of Roads, pay to Tom Wolfe and James E. Schaefer,  
23 attorney, out of the Roads Operations Cash Fund.

1 \$225,869.24 for Tort Claim Number 2009-03745, against the  
2 Supreme Court, pay to Yvonne Watson, 1311 Bridle Drive, North  
3 Platte, NE 69101, out of the General Fund.

4 The claims included in this section shall be paid through  
5 Program 591 in Agency 65.

6 For informational purposes only, the appropriations  
7 contained in this section and fund source:

<u>FUND SOURCE</u>	<u>DOLLAR AMOUNT</u>
<u>GENERAL FUND</u>	<u>\$370,869.24</u>
<u>CASH FUND</u>	<u>\$1,482,973.56</u>

11 REVOLVING FUND \$-0-  
 12 TOTAL \$1,853,842.80

13 Sec. 2. The following sums of money, or so much thereof  
 14 as may be required, are hereby appropriated from the General  
 15 Fund or from other funds as indicated in the state treasury, not  
 16 otherwise appropriated, for the payment of workers' compensation  
 17 claims which have been settled by the Attorney General in the  
 18 Nebraska Workers' Compensation Court or in which court judgments  
 19 have been entered and which require the approval of the Legislature  
 20 for payment.

21 \$19,000.00 for a Workers' Compensation Claim, pay to  
 22 Charyl Henne and Kirk Meade, 213 East Holland Avenue, Alpine, TX  
 23 79830, out of the Workers' Compensation Claims Revolving Fund.

24 \$100,000.00 for a Workers' Compensation Claim, pay to  
 25 Bradley Warner and James Bocott, 121 West 2nd Street, North Platte,  
 26 NE 69103, out of the Workers' Compensation Claims Revolving Fund.

27 The claims included in this section shall be paid through  
 1 Program 593 in Agency 65.

2 For informational purposes only, the appropriations  
 3 contained in this section and fund source:

<u>FUND SOURCE</u>	<u>DOLLAR AMOUNT</u>
<u>GENERAL FUND</u>	<u>\$-0-</u>
<u>CASH FUND</u>	<u>\$-0-</u>
<u>REVOLVING FUND</u>	<u>\$119,000.00</u>
<u>TOTAL</u>	<u>\$119,000.00</u>

9 Sec. 3. The Director of Administrative Services is hereby  
 10 authorized and directed to draw his or her warrants upon the  
 11 funds in the state treasury enumerated in this act, in favor of  
 12 the several beneficiaries named in this act for the amount set  
 13 opposite their respective names upon the presentation of proper  
 14 vouchers therefor. The several amounts appropriated in this act  
 15 shall be in full payment of any and all claims, rights, causes  
 16 of action, damages, and demands of every character and kind owing  
 17 by or against the State of Nebraska, its officers, agents, and  
 18 employees, and their successors and assigns with respect to each  
 19 of the beneficiaries respectively in whose favor the appropriations  
 20 are made. The director shall not deliver any warrant for any  
 21 items appropriated in this act until a receipt and release in  
 22 full, releasing the State of Nebraska, its officers, employees, and  
 23 agents, and their successors and assigns, has been filed by each of  
 24 the beneficiaries respectively. Upon presentation of the warrants,  
 25 the State Treasurer is hereby directed to pay the same out of money  
 26 in the General Fund or out of money in other funds indicated in  
 27 this act not otherwise appropriated.

1 Sec. 4. The following requests were filed by state  
 2 agencies seeking permission to write off certain accounts. The  
 3 State Claims Board reviewed and approved the following requests:  
 4 \$4,372.15 for Request Number 2009-03468, made by the  
 5 Department of Insurance.



6     \$40.00 for Request Number 2009-03469, made by the  
 7     Department of Insurance.  
 8     \$6.00 for Request Number 2009-03470, made by the  
 9     Department of Insurance.  
 10    \$19,459.22 for Request Number 2009-03743, made by the  
 11    Lottery Division of the Department of Revenue.  
 12    \$60.00 for Request Number 2009-03910, made by the  
 13    Department of Health and Human Services.  
 14    \$38,251.53 for Request Number 2010-04016, made by the  
 15    Nebraska Accountability and Disclosure Commission.  
 16    \$2.89 for Request Number 2010-04102, made by the  
 17    Legislative Council.  
 18    \$413,878.22 for Request Number 2010-04118, made by the  
 19    Department of Health and Human Services.  
 20    \$1,082.47 for Request Number 2010-04177, made by the  
 21    Military Department.  
 22    Sec. 5. Since an emergency exists, this act takes effect  
 23    when passed and approved according to law.

**LEGISLATIVE BILL 1071.** Placed on Select File with amendment.  
 ER8199 is available in the Bill Room.

(Signed) Jeremy Nordquist, Chairperson

**AMENDMENT - Print in Journal**

Senator Heidemann filed the following amendment to LB935:  
 AM2246

(Amendments to E & R amendments, ER8202)

1     1. Purpose: To authorize the expenditure of Corporation  
 2     for Public Broadcast funds for radio transmitter tower replacement.  
 3     Amendment:  
 4     1. On page 9, line 24, after "926." insert "There is  
 5     hereby appropriated \$180,000 Cash Fund estimate for FY2009-10 for  
 6     Program 917, the unexpended balance of which existing on June 30,  
 7     2010, is hereby reappropriated for FY2010-11."  
 8     2. Purpose: Add \$43,100 General Funds for 2011  
 9     redistricting and additional Cash Fund transfer to the General  
 10    Fund.  
 11    Amendment:  
 12    1. On page 13, lines 13 and 14, strike "937,234" and  
 13    insert "980,334".  
 14    2. On page 105, line 23, strike "102,439" and insert  
 15    "145,539".

**SELECT FILE**

**LEGISLATIVE RESOLUTION 284CA.** Senator Janssen renewed his  
 motion, MO90, found in this day's Journal, to indefinitely postpone.

Senator Janssen withdrew his motion to indefinitely postpone.

**SENATOR CARLSON PRESIDING**

Senator Campbell moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 32 ayes, 4 nays, and 13 not voting.

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

Senator Utter requested a roll call vote on the advancement of the resolution.

Voting in the affirmative, 35:

Adams	Council	Gloor	Krist	Pirsch
Avery	Dierks	Haar	Langemeier	Price
Campbell	Dubas	Hadley	Lathrop	Rogert
Carlson	Fischer	Harms	McCoy	Utter
Conrad	Flood	Heidemann	McGill	Wallman
Cook	Gay	Howard	Mello	White
Cornett	Giese	Karpisek	Nordquist	Wightman

Voting in the negative, 7:

Coash	Janssen	Louden	Stuthman
Hansen	Lautenbaugh	Nelson	

Present and not voting, 4:

Christensen	Fulton	Schilz	Sullivan
-------------	--------	--------	----------

Excused and not voting, 3:

Ashford	Pahls	Pankonin
---------	-------	----------

Advanced to Enrollment and Review for Engrossment with 35 ayes, 7 nays, 4 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

**LEGISLATIVE BILL 1036.** ER8180, found on page 752, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 919.** ER8178, found on page 752, was adopted.

Senator Schilz renewed his amendment, AM2128, found on page 814.

The Schilz amendment was adopted with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 937.** ER8179, found on page 752, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 1018.** ER8186, found on page 766, was adopted.

Senator Cornett renewed her amendment, AM2214, found on page 910.

The Cornett amendment was adopted with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 882.** ER8184, found on page 766, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 956.** ER8187, found on page 768, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 836.** ER8190, found on page 892, was adopted.

Senator Hansen renewed his amendment, AM2191, found on page 883.

### **SENATOR ROBERT PRESIDING**

The Hansen amendment lost with 4 ayes, 24 nays, 17 present and not voting, and 4 excused and not voting.

Senator Stuthman offered the following amendment:

AM2111

(Amendments to Standing Committee amendments, AM1864)

- 1 1. Strike section 2.
- 2 2. On page 3, strike beginning with "and" in line 16
- 3 through "are" in line 17 and insert "is".
- 4 3. Renumber the remaining section accordingly.

The Stuthman amendment lost with 4 ayes, 22 nays, 19 present and not

voting, and 4 excused and not voting.

Senator Lautenbaugh offered the following amendment:

AM2253

(Amendments to Standing Committee amendments, AM1864)

- 1 1. On page 2, line 24, after "hunt" insert "with a
- 2 rifle within a two-hundred-yard radius of an inhabited dwelling or
- 3 livestock feedlot, to hunt without a rifle".

The Lautenbaugh amendment was adopted with 34 ayes, 1 nay, 10 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 742.** ER8193, found on page 899, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 879.** ER8174, found on page 692, was adopted.

Advanced to Enrollment and Review for Engrossment.

### **AMENDMENTS - Print in Journal**

Senator Carlson filed the following amendment to LB1057:

AM2235

(Amendments to E & R amendments, ER8192)

- 1 1. On page 1, line 5, strike "twenty-one" and insert
- 2 "twenty-two"; in line 17 strike "three" and insert "four"; and in
- 3 line 19 after "basin" insert ", one who has a portion of his or her
- 4 legislative district in the basin,".

Senator Heidemann filed the following amendment to LB1057:

AM2211

(Amendments to E & R amendments, ER8192)

- 1 1. Strike sections 2, 3, and 4 and all amendments thereto
- 2 and insert the following new sections:
- 3 Sec. 2. The Republican River Basin Water Sustainability
- 4 Task Force Cash Fund is created. The fund shall be administered by
- 5 the Department of Natural Resources and expended at the direction
- 6 of the Republican River Basin Water Sustainability Task Force.
- 7 The fund shall consist of funds appropriated by the Legislature,
- 8 money received as gifts, grants, and donations, and transfers
- 9 authorized under section 46-2,137. Any money in the fund available
- 10 for investment shall be invested by the state investment officer
- 11 pursuant to the Nebraska Capital Expansion Act and the Nebraska
- 12 State Funds Investment Act.
- 13 Sec. 3. Section 46-2,137, Reissue Revised Statutes of

14 Nebraska, is amended to read:

15 46-2,137 The Water Policy Task Force Cash Fund is  
16 created. The fund shall be administered by the Department of  
17 Natural Resources and expended at the direction of the Water Policy  
18 Task Force. The fund shall consist of funds appropriated by the  
19 Legislature, money received as gifts, grants, and donations, and  
20 transfers authorized under sections 2-1579 and 66-1519. Any money  
21 in the fund available for investment shall be invested by the state  
22 investment officer pursuant to the Nebraska Capital Expansion Act  
1 and the Nebraska State Funds Investment Act.

2 On the effective date of this act, the State Treasurer  
3 shall: (1) Transfer twenty-five thousand dollars from the Water  
4 Policy Task Force Cash Fund to the Republican River Basin Water  
5 Sustainability Task Force Cash Fund; and (2) transfer the remaining  
6 unexpected balance in the Water Policy Task Force Cash Fund to the  
7 Water Resources Trust Fund.

8 Sec. 4. Section 46-753, Reissue Revised Statutes of  
9 Nebraska, is amended to read:

10 46-753 (1) The Water Resources Trust Fund is created.  
11 The State Treasurer shall credit to the fund such money as is  
12 specifically appropriated thereto by the Legislature, transfers  
13 authorized under section 46-2,137, and such funds, fees, donations,  
14 gifts, or bequests received by the Department of Natural Resources  
15 from any federal, state, public, or private source for expenditure  
16 for the purposes described in the Nebraska Ground Water Management  
17 and Protection Act. Money in the fund shall not be subject to any  
18 fiscal-year limitation or lapse provision of unexpended balance at  
19 the end of any fiscal year or biennium. Any money in the fund  
20 available for investment shall be invested by the state investment  
21 officer pursuant to the Nebraska Capital Expansion Act and the  
22 Nebraska State Funds Investment Act.

23 (2) The fund shall be administered by the department.  
24 The department shall adopt and promulgate rules and regulations  
25 regarding the allocation and expenditure of money from the fund.

26 (3) Money in the fund may be expended by the department  
27 for costs incurred by the department, by natural resources  
1 districts, or by other political subdivisions in (a) determining  
2 whether river basins, subbasins, or reaches are fully appropriated  
3 in accordance with section 46-713, (b) developing or implementing  
4 integrated management plans for such fully appropriated river  
5 basins, subbasins, or reaches or for river basins, subbasins, or  
6 reaches designated as overappropriated in accordance with section  
7 46-713, (c) developing or implementing integrated management plans  
8 in river basins, subbasins, or reaches which have not yet become  
9 either fully appropriated or overappropriated, or (d) attaining  
10 state compliance with an interstate water compact or decree or  
11 other formal state contract or agreement.

12 (4) Except for funds paid to a political subdivision  
13 for forgoing or reducing its own water use or for implementing

14 projects or programs intended to aid the state in complying with an  
 15 interstate water compact or decree or other formal state contract  
 16 or agreement, a political subdivision that receives funds from the  
 17 fund shall provide, or cause to be provided, matching funds in  
 18 an amount at least equal to twenty percent of the amount received  
 19 from the fund by that natural resources district or political  
 20 subdivision. The department shall monitor programs and activities  
 21 funded by the fund to ensure that the required match is being  
 22 provided.

23 Sec. 5. Original sections 46-2,137 and 46-753, Reissue  
 24 Revised Statutes of Nebraska, are repealed.

25 2. Renumber the remaining section accordingly.

Senator Lautenbaugh filed the following amendment to LB728:  
 AM2223

(Amendments to E & R amendments, ER8194)

- 1 1. On page 3, line 1, after "depiction" insert "of  
 2 sexually explicit conduct".
- 3 2. On page 4, line 10, after "No" insert "law enforcement  
 4 officer engaged in his or her law enforcement duties, governmental  
 5 entity,"; and in lines 24 and 27 after "of" insert "sexually  
 6 explicit conduct containing".
- 7 3. On page 6, line 14, strike "(2)", show as stricken,  
 8 and insert "(2)(a)"; and strike beginning with "a" in line 20  
 9 through the underscored comma in line 25.
- 10 4. On page 7, line 7, after the period insert  
 11 paragraphing and "(b)"; in line 10 after the period insert  
 12 "(c) In the case of a violation of section 28-813.01,  
 13 28-1463.03, 28-1463.04, or 28-1463.05, victim means a person who  
 14 was a child as defined in section 28-1463.02 and a participant  
 15 or portrayed observer in the visual depiction of sexually explicit  
 16 conduct which is the subject of the violation and who has been  
 17 identified and can be reasonably notified.
- 18 (d); and in line 11 after "possession" insert "offense".

Senator Nordquist filed the following amendment to LB1106A:  
 AM2243

- 1 1. Strike the original sections and all amendments  
 2 thereto and insert the following new sections:
- 3 Section 1. There is hereby appropriated \$6,250 from the  
 4 General Fund and \$18,750 from federal funds for FY2010-11 to the  
 5 Department of Health and Human Services, for Program 33, to aid in  
 6 carrying out the provisions of Legislative Bill 1106, One Hundred  
 7 First Legislature, Second Session, 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.
- 11 Sec. 2. There is hereby appropriated (1) \$161,583 from  
 12 the General Fund and \$401,032 from federal funds for FY2010-11 and

13 (2) \$166,120 from the General Fund and \$404,934 from federal funds  
 14 for FY2011-12 to the Department of Health and Human Services, for  
 15 Program 344, to aid in carrying out the provisions of Legislative  
 16 Bill 1106, One Hundred First Legislature, Second Session, 2010.

17 No expenditures for permanent and temporary salaries and  
 18 per diems for state employees shall be made from funds appropriated  
 19 in this section.

20 Sec. 3. There is hereby appropriated (1) \$1,456,016 from  
 21 federal funds for FY2010-11 and (2) \$1,356,058 from federal funds  
 22 for FY2011-12 to the Department of Health and Human Services, for  
 23 Program 348, to aid in carrying out the provisions of Legislative  
 1 Bill 1106, One Hundred First Legislature, Second Session, 2010.

2 No expenditures for permanent and temporary salaries and  
 3 per diems for state employees shall be made from funds appropriated  
 4 in this section.

5 Sec. 4. The General Fund appropriation for FY2010-11 to  
 6 the Department of Health and Human Services, for Program 348, is  
 7 hereby reduced by \$1,361,682.

8 The reduction made pursuant to this section is to aid in  
 9 carrying out the provisions of Legislative Bill 1106, One Hundred  
 10 First Legislature, Second Session, 2010.

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 406.** Introduced by Cornett, 45.

PURPOSE: The purpose of this resolution is to study whether Nebraska's insurance laws should be amended by adopting the Physician and Patient Prescription Protection Act. The study should include an examination of issues raised during consideration of LB 1088 (Cornett), which was introduced in 2010 and referenced to the Banking, Commerce and Insurance Committee. In order to carry out the purpose of this resolution, the study committee should seek the assistance of the Department of Insurance and should consider the input of interested persons as the committee deems necessary and beneficial.

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

1. That the Banking, Commerce and Insurance 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 407.** Introduced by Cook, 13.

WHEREAS, Tyler Faulkner of Omaha, Nebraska, has earned the Girl Scout Gold Award; and

WHEREAS, the recipient of the Girl Scout Gold Award must plan and implement an individual project that reaches beyond the Girl Scouts and provides a sustainable, lasting benefit to the community; and

WHEREAS, the Girl Scout Gold Award is the highest award in Girl Scouting.

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

1. That the Legislature congratulates Tyler Faulkner for her exemplary achievement in earning the Girl Scout Gold Award.

2. That a copy of this resolution be sent to Tyler Faulkner.

Laid over.

**LEGISLATIVE RESOLUTION 408.** Introduced by Cook, 13.

WHEREAS, Kathleen Porter of Omaha, Nebraska, has earned the Girl Scout Gold Award; and

WHEREAS, the recipient of the Girl Scout Gold Award must plan and implement an individual project that reaches beyond the Girl Scouts and provides a sustainable, lasting benefit to the community; and

WHEREAS, the Girl Scout Gold Award is the highest award in Girl Scouting.

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

1. That the Legislature congratulates Kathleen Porter for her exemplary achievement in earning the Girl Scout Gold Award.

2. That a copy of this resolution be sent to Kathleen Porter.

Laid over.

**LEGISLATIVE RESOLUTION 409.** Introduced by Giese, 17; Avery, 28; Krist, 10; Price, 3.

**PURPOSE:** The purpose of this interim study is to examine the topic of online voter registration. The issues addressed by this interim study shall include, but not be limited to:

(1) A review of the processes used by other states which have adopted online voter registration;

(2) An examination of possible cost savings at the state and county level through the use of online voter registration;

(3) A review of the technology upgrades needed in the Secretary of State's office, the Department of Motor Vehicles, and other state agencies to implement a centralized system for online voter registration; and



(4) An examination of the need to use digital signatures or electronic signatures as part of a centralized system for online voter registration.

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

1. That the Government, Military and Veterans Affairs 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.

### MESSAGE FROM THE GOVERNOR

March 17, 2010

Patrick J. O'Donnell  
Clerk of the Legislature  
State Capitol, Room 2018  
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 258, 579, 689, 735, 764, 768, 770e, 799, 805, 821, 865, 910, 910A, 926, 1006, and 1063 were received in my office on March 11, 2010.

These bills were signed and delivered to the Secretary of State on March 17, 2010.

Sincerely,  
(Signed) Dave Heineman  
Governor

### UNANIMOUS CONSENT - Add Cointroducers

Senators Christensen, Flood, Pirsch, Sullivan, and White asked unanimous consent to add their names as cointroducers to LB1048. No objections. So ordered.

### VISITORS

Visitors to the Chamber were 28 fourth-grade students and teacher from Freeman Public School, Adams.

The Doctor of the Day was Dr. Tim Dalton from Lincoln.

**ADJOURNMENT**

At 4:35 p.m., on a motion by Speaker Flood, the Legislature adjourned until 9:00 a.m., Thursday, March 18, 2010.

Patrick J. O'Donnell  
Clerk of the Legislature