

FORTY-NINTH DAY - MARCH 26, 2010**LEGISLATIVE JOURNAL****ONE HUNDRED FIRST LEGISLATURE
SECOND SESSION****FORTY-NINTH DAY**

Legislative Chamber, Lincoln, Nebraska
Friday, March 26, 2010

PRAYER

The prayer was offered by Pastor Zach Anderson, Conestoga Parish, United Methodist Churches in Denton, Pleasant Dale, and Raymond.

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.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-eighth day was approved.

RESOLUTION

LEGISLATIVE RESOLUTION 454. Introduced by Gay, 14.

PURPOSE: The purpose of this interim study is to conduct research and provide recommendations regarding for-profit, specialty, or physician-owned hospitals and their potential impact on the health care delivery system in Nebraska.

In conducting the study, the committee shall consult with hospital administrators, physicians, other health care professionals, community members, individuals related to the health care work force, and other interested parties.

Issues to be considered by the committee may include, but shall not be limited to:

- (1) The history and status of hospital development in the United States;
- (2) State and federal legislation regarding hospital development, including certificate of need;
- (3) The impact of for-profit, specialty, or physician-owned hospitals on the existing health care market, including utilization, access for the uninsured and underinsured, and community hospitals; and

(4) The impact of physician ownership and self-referrals on health care delivery, quality of patient care, and health care costs.

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 on or before December 31, 2010.

Referred to the Executive Board.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of March 25, 2010, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

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

Boddy, Heath
Health Care Association, Nebraska
Martinez, Larry M.
Glaxo Smith Kline

REPORTS

The following reports were received by the Legislature:

Auditor of Public Accounts

State of Nebraska Statewide Single Audit for the year ended June 30, 2009

Retirement Systems, Public Employees

Annual Plan Review

BILLS ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB935 with 44 ayes, 1 nay, and 4 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 935. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2009, LB 313, sections 8, 9, and 17; Laws 2009, LB 315, section 76; and Laws 2009, First Special Session, LB 1, sections 13, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 27, 28, 29, 30, 31, 32, 35, 37, 40, 41, 42, 43, 44, 46, 48, 49, 54, 55, 57, 65, 66, 67, 70, 76, 79, 80, 81, 86, 87, 90, 92, 93, 94, 97, 98, 104, 108, 112, 113, 115, 117, 119, 120, 123, 124, 125, 126, 129, 130, 131, 132, 133, 134, 135, 136, 143, 144, 145, 146, 147, 151, 162, 165, 166, 173, 174, 175, 180, 181, 182, 184, 185, 186, 187, 189, 192, 193, 194, 195, 199, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 216, 219, 221, 225, 227, and 228; to define terms; to appropriate funds for general operations, postsecondary education, capital construction, and state aid; to provide and change transfers of funds; to change appropriations; to provide for agency efficiency review plans; to state intent; 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, 49:

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

Voting in the negative, 0.

Not voting, 0.

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

The following bills were read and put upon final passage:

LEGISLATIVE BILL 317.

A BILL FOR AN ACT relating to the Cash Reserve Fund; to amend section 84-612, Revised Statutes Supplement, 2009, as amended by section 7, Legislative Bill 2, One Hundred First Legislature, First Special Session, 2009; to provide for a transfer as prescribed; 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, 49:

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

Voting in the negative, 0.

Not voting, 0.

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

LEGISLATIVE BILL 1106. With Emergency Clause.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend sections 68-901, 68-907, and 68-908, Reissue Revised Statutes of Nebraska; to define terms; to provide for school-based health centers; to provide for School Health Center Advisory Councils; to provide for amending or seeking a waiver to the medicaid state plan; to harmonize provisions; 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, 49:

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

Voting in the negative, 0.

Not voting, 0.

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 1106A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1106, One Hundred First Legislature, Second Session, 2010; and to reduce an appropriation.

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, 49:

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

Voting in the negative, 0.

Not voting, 0.

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

LEGISLATIVE BILL 1090. With Emergency Clause.

A BILL FOR AN ACT relating to claims against the state; to appropriate funds for the payment of certain claims; to provide for payment of the claims; to authorize agencies to write off certain claims as prescribed; 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, 49:

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

Voting in the negative, 0.

Not voting, 0.

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 1091.

A BILL FOR AN ACT relating to claims against the state; to disapprove certain claims.

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, 49:

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

Voting in the negative, 0.

Not voting, 0.

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 LB888 with 44 ayes, 0 nays, and 5 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 888.

A BILL FOR AN ACT relating to limited liability companies; to amend sections 9-614, 67-248.02, 70-1903, 77-2704.57, 77-2716, and 77-2734.01, Reissue Revised Statutes of Nebraska, and sections 21-2601 and 21-2654, Revised Statutes Supplement, 2009; to adopt the Nebraska Uniform Limited Liability Company Act; to terminate the Limited Liability Company Act; to provide applicability; to change provisions relating to charging orders involving limited liability companies; to harmonize provisions; to provide an operative date; 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, 49:

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

Voting in the negative, 0.

Not voting, 0.

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

The following bill was read and put upon final passage:

LEGISLATIVE BILL 888A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 888, 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, 49:

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

Voting in the negative, 0.

Not voting, 0.

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 LB571 with 44 ayes, 0 nays, and 5 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 571.

A BILL FOR AN ACT relating to consumer protection; to amend sections 45-335, 45-336, and 60-1411.02, Revised Statutes Cumulative Supplement, 2008, and sections 45-1002 and 45-1024, Revised Statutes Supplement, 2009; to adopt the Guaranteed Asset Protection Waiver Act; to change provisions relating to installment sales, installment loans, and regulation of the motor vehicle industry; 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, 49:

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

Voting in the negative, 0.

Not voting, 0.

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

The following bill was read and put upon final passage:

LEGISLATIVE BILL 943. With Emergency Clause.

A BILL FOR AN ACT relating to the Civil Service Act; to amend sections 19-1825 and 19-1826, Reissue Revised Statutes of Nebraska; to provide for the merger of civil service commissions as prescribed; 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, 49:

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

Voting in the negative, 0.

Not voting, 0.

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

RESOLUTION ON FINAL READING

The following resolution was read and put upon final passage:

LEGISLATIVE RESOLUTION 297CA.

THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 2010 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article XIII, section 2:

XIII-2 Notwithstanding any other provision in the Constitution, the Legislature may authorize any county or incorporated city or village, including cities operating under home rule charters, to acquire, own, develop, and lease real and personal property suitable for use by manufacturing or industrial enterprises and to issue revenue bonds for the purpose of defraying the cost of acquiring and developing such property by construction, purchase, or otherwise. The Legislature may also authorize such county, city, or village to acquire, own, develop, and lease real and personal property suitable for use by enterprises as determined by law if such property is located in blighted areas as determined by law and to issue revenue bonds for the purpose of defraying the cost of acquiring and developing or financing such property by construction, purchase, or otherwise. Such bonds shall not become general obligation bonds of the governmental subdivision by which such bonds are issued. Any real or personal property acquired, owned, developed, or used by any such county, city, or village pursuant to this section shall be subject to taxation to the same extent as private property during the time it is leased to or held by private interests, notwithstanding the provisions of Article VIII, section 2, of the Constitution. The acquiring, owning, developing, and leasing of such property shall be deemed for a public purpose, but the governmental subdivision shall not have the right to acquire such property by condemnation. The principal of and interest on any bonds issued may be secured by a pledge of the lease and the revenue therefrom and by mortgage upon such property. No such governmental subdivision shall have the power to operate any such property as a business or in any manner except as the lessor thereof.

Notwithstanding any other provision in the Constitution, the Legislature may also authorize any incorporated city or village, including cities operating under home rule charters, to appropriate ~~from local sources of~~

~~revenue~~—such funds as may be deemed necessary for an economic or industrial development project or program subject to approval by a vote of a majority of the registered voters of such city or village voting upon the question. ~~For purposes of this provision, funds from local sources of revenue shall mean funds raised from general taxes levied by the city or village and shall not include any funds received by the city or village which are derived from state or federal sources.~~ Subject to such vote, funds may be derived from property tax, local option sales tax, or any other general tax levied by the city or village or generated from municipally owned utilities or grants, donations, or state and federal funds received by the city or village subject to any restrictions of the grantor, donor, or state or federal law.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to change the powers of municipalities relating to fund sources for economic or industrial development.

For

Against.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Present and not voting, 2:

Ashford

Dierks

A constitutional three-fifths majority having voted in the affirmative, the resolution was declared passed for the general election.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 1051. With Emergency Clause.

A BILL FOR AN ACT relating to the Abstracters Act; to amend sections 76-545, 76-547, and 76-550, Reissue Revised Statutes of Nebraska; to change provisions relating to certificate terms, fees, and rosters of abstracters; 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, 49:

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

Voting in the negative, 0.

Not voting, 0.

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 727.

A BILL FOR AN ACT relating to courts; to amend section 24-730, Reissue Revised Statutes of Nebraska; to change provisions relating to compensation of retired judges for temporary duty; 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, 49:

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

Voting in the negative, 0.

Not voting, 0.

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

LEGISLATIVE BILL 763.

A BILL FOR AN ACT relating to asbestos-related liabilities; to adopt the Successor Asbestos-Related Liability 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, 47:

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

Voting in the negative, 1:

Conrad

Present and not voting, 1:

Utter

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

LEGISLATIVE BILL 1087.

A BILL FOR AN ACT relating to schools; to amend sections 79-215, 79-1113, 79-1124, 79-1125.01, and 79-1142, Reissue Revised Statutes of Nebraska, and section 79-1110, Revised Statutes Supplement, 2009; to change provisions relating to payments for educational services as prescribed; to define and redefine terms under the Special Education Act; to harmonize provisions; to provide an operative date; 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, 49:

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

Voting in the negative, 0.

Not voting, 0.

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

RESOLUTION ON FINAL READING

The following resolution was read and put upon final passage:

LEGISLATIVE RESOLUTION 284CA.

THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 2010 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article IV, sections 1 and 3:

IV-1 The executive officers of the state shall be the Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, ~~State Treasurer,~~ Attorney General, and the heads of such other executive departments as set

forth herein or as may be established by law. The Legislature may provide for the placing of the above named officers as heads over such departments of government as it may by law establish.

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

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

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

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

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

The term of office of the State Treasurer elected at the general election at which this constitutional amendment passes shall end on January 8, 2015, at which time the office shall be abolished.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to abolish the office of the State Treasurer on January 8, 2015.

For

Against.

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

Voting in the affirmative, 38:

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

Voting in the negative, 8:

Coash	Janssen	Louden	Schilz
Hansen	Lautenbaugh	Nelson	Stuthman

Present and not voting, 3:

Fulton	Price	Sullivan
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A constitutional three-fifths majority having voted in the affirmative, the resolution was declared passed for the general election.

BILLS ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB1036 with 37 ayes, 1 nay, and 11 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1036.

A BILL FOR AN ACT relating to anatomical gifts; to amend sections 60-494, 60-495, 60-2907, 71-531, 71-4813, 71-4814, 71-4816, and 71-4822, Reissue Revised Statutes of Nebraska, and sections 23-1825, 23-1826, 23-1827, 23-1828, 23-1829, 23-1830, 23-1831, 23-1832, and 60-493, Revised Statutes Cumulative Supplement, 2008; to adopt the Revised Uniform Anatomical Gift Act; to provide penalties; to change provisions relating to coroners, issuance of operators' licenses and state identification cards, human immunodeficiency virus infection tests, hospital protocols, and the Donor Registry of Nebraska; to repeal the Uniform Anatomical Gift Act and provisions related to hospital protocols; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 71-4801, 71-4802, 71-4803, 71-4804, 71-4805, 71-4806, 71-4807, 71-4809, 71-4810, 71-4811, 71-4812, 71-4815, 71-4817, and 71-4818, 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, 48:

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

Voting in the negative, 0.

Present and not voting, 1:

Howard

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

The following bill was read and put upon final passage:

LEGISLATIVE BILL 919. With Emergency Clause.

A BILL FOR AN ACT relating to cities of the first class; to amend section 17-301, Reissue Revised Statutes of Nebraska; to change and eliminate procedures and population requirements for reorganization of cities of the first class as cities of the second class; to require a plan to increase a city's population; to repeal the original section; to outright repeal section 17-305.01, Reissue Revised Statutes of Nebraska; 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, 49:

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

Voting in the negative, 0.

Not voting, 0.

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

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 935, 317, 1106, 1106A, 1090, 1091, 888, 888A, 571, 943, LR297CA, LBs 1051, 727, 763, 1087, LR284CA, LBs 1036, and 919.

RESOLUTIONS

LEGISLATIVE RESOLUTION 455. Introduced by Stuthman, 22.

WHEREAS, the Leigh High School speech team won the D2-2 District Speech Championship for 2010; and

WHEREAS, the Leigh High School speech team scored 134 points to win the championship and qualified nine individuals to compete at the state competition; 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 Leigh High School speech team on winning the D2-2 District Speech Championship for 2010.

2. That a copy of this resolution be sent to the Leigh High School speech team and their coach, Gailen Volquardsen.

Laid over.

LEGISLATIVE RESOLUTION 456. Introduced by Stuthman, 22.

WHEREAS, the Howells High School speech team won the D1-1 District Speech Championship for 2010; and

WHEREAS, the Howells High School speech team scored 138 points to win the championship and qualified thirteen individuals to compete at the state competition; and

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

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

1. That the Legislature congratulates the Howells High School speech team on winning the D1-1 District Speech Championship for 2010.

2. That a copy of this resolution be sent to the Howells High School speech team and their coach, Traci Sindelar.

Laid over.

LEGISLATIVE RESOLUTION 457. Introduced by Stuthman, 22.

WHEREAS, the Lindsay Holy Family High School speech team won the D2-3 District Speech Championship for 2010; and

WHEREAS, the Lindsay Holy Family High School speech team scored 101.5 points to win the championship and qualified eleven individuals to compete at the state competition; 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 High School speech team on winning the D2-3 District Speech Championship for 2010.

2. That a copy of this resolution be sent to the Lindsay Holy Family High School speech team and their coach, China Wiese.

Laid over.

LEGISLATIVE RESOLUTION 458. Introduced by Stuthman, 22.

WHEREAS, Beth Langdon was crowned the 2010 Clarkson Czech Slovak Queen; and

WHEREAS, Beth Langdon, a senior at Clarkson High School, read a dramatic account of the emigration of her ancestors for the talent portion of the competition; and

WHEREAS, the Legislature should recognize the 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 Beth Langdon for being crowned the 2010 Clarkson Czech Slovak Queen.

2. That a copy of this resolution be sent to Beth Langdon.

Laid over.

SELECT FILE

LEGISLATIVE BILL 510. ER8203, found on page 971, was adopted.

Senator Council renewed her amendment, AM2229, found on page 1053.

SENATOR COOK PRESIDING

Pending.

COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 780. Placed on Select File.

(Signed) Jeremy Nordquist, Chairperson

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 701. Placed on Final Reading.

LEGISLATIVE BILL 820. Placed on Final Reading.

ST9091

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

1. In the E & R amendments, ER8196, on page 1, line 2, "section" has been struck and "sections 60-6,289 and" inserted; in line 3 "height restrictions for vehicles and" has been inserted after the second "to"; and in line 5 "section" has been struck and "sections" inserted.

LEGISLATIVE BILL 864. Placed on Final Reading.

LEGISLATIVE BILL 880. Placed on Final Reading.

ST9086

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

1. In the E & R amendments, ER8198, on page 12, the matter beginning with "the" in line 26 through "testing" in line 27 has been struck and "provisions relating to common and permissible fireworks" inserted.

LEGISLATIVE BILL 880A. Placed on Final Reading.

LEGISLATIVE BILL 901. Placed on Final Reading.

LEGISLATIVE BILL 918. Placed on Final Reading.

ST9090

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

1. On page 1, line 2, "77-5719," has been inserted after "77-5715,".

LEGISLATIVE BILL 924. Placed on Final Reading.

LEGISLATIVE BILL 970. Placed on Final Reading.

LEGISLATIVE BILL 975. Placed on Final Reading.

(Signed) Jeremy Nordquist, Chairperson

COMMITTEE REPORT

Natural Resources

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

Perry Van Newkirk - Nebraska Oil and Gas Conservation Commission

Aye: 8 Senators Carlson, Cook, Dubas, Fischer, Haar, Langemeier, McCoy, Schilz. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Chris Langemeier, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 459. Introduced by Nordquist, 7.

PURPOSE: The purpose of this resolution is to study Nebraska's level of preparedness for emergencies and disasters, especially in relation to the state's children. The study should examine Nebraska's statutes, rules, and regulations in terms of:

(1) Establishing child care licensure requirements that ensure robust emergency preparedness and response plans for shelter-in-place, evacuation, communication, family reunification, and considerations for children with special needs;

(2) Implementing continuity of operation plans within foster care, group residential homes, and juvenile detention facilities that provide adequate shelter and services to children during and after a disaster;

(3) Improving school disaster preparedness and building the resilience of teachers, parents, and children;

(4) Ensuring that state and local emergency stockpiles include sufficient amounts of pediatric supplies and medications, including antivirals to treat influenza in the event of a pandemic;

(5) Requiring development of comprehensive long-term disaster recovery plans that prioritize the reestablishment of schools and child care facilities, supervised after-school programs, and access to medical care and mental health services for all children; and

(6) Creating other necessary or advisable statutes, rules, or regulations that improve the welfare of children during and after disasters.

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

1. That the Health and Humans 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 460. Introduced by Nordquist, 7.

PURPOSE: The purpose of this resolution is to study issues relating to the implementation and funding of the medicaid state plan amendment or waiver passed for secure residential and subacute behavioral health services as a component of LB 603 of 2009.

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 and the Appropriations Committee of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 461. Introduced by Cook, 13; McGill, 26.

PURPOSE: The purpose of this study is to examine the federal Americans with Disabilities Act of 1990 as it relates to parking accessibility for handicapped or disabled persons. The study should include Nebraska statutes, rules, and regulations governing handicapped and disabled parking permits and business practices relating to parking spaces for handicapped or disabled persons. Specific attention should be given to obstructions such as snow piles, flower sales, construction equipment, and trash containers which are placed in handicapped parking spaces which violate statutory

requirements that such spaces be exclusively used for parking by handicapped or disabled persons. The study should include recommendations for enforcement of accessibility of such parking spaces and removal of obstructions.

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

1. That the Urban 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.

LEGISLATIVE RESOLUTION 462. Introduced by Coash, 27.

PURPOSE: The purpose of this interim study is to examine the issues of payment responsibility and payment rates for medical care of county inmates and those in emergency protective custody. The issues to be addressed by this interim study shall include, but not be limited to:

(1) Whether hospitals or counties should pay for the medical care of those in custody;

(2) If a county should pay, an examination of whether it should be the county of the inmate's residence, the county where the crime was committed or warrant was issued, the county where the correctional facility is located, or the county where the inmate is injured on work release;

(3) Whether there is a need for a statewide interlocal agreement among counties regarding such payment; and

(4) Once a payer is established, an examination of what reimbursement rate should be used.

The parties to be involved in this study shall include, but not be limited to: The Nebraska Association of County Officials; the Nebraska Hospital Association; law enforcement, including the Nebraska Sheriff's Association and the Department of Correctional Services; the Office of the Ombudsman; regional behavioral health authorities; the League of Nebraska Municipalities; and the director of the Division of Behavioral Health of the Department of Health and Human Services.

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 463. Introduced by Mello, 5; Harms, 48.

PURPOSE: The purpose of this interim study is to examine the feasibility of implementing a program similar to the StateStat management accountability process used for executive agencies in the State of Maryland. This interim study would examine the feasibility of a requirement that state agencies submit a report to the Appropriations Committee of the Legislature as part of their annual budget that includes a strategic plan and performance measurement report.

Specifically, this report would include the following metrics: Adopt a strategic plan and establish operational goals; adopt comprehensive performance measures and citizen satisfaction measures; collect and analyze data on a timely basis; participate in performance review; and regularly assess strategic plans and current progress made to meet stated goals.

This interim study will examine whether Nebraska state agencies are currently meeting the aforementioned requirements, their ability to meet the aforementioned requirements, the resources required to do so, and the steps necessary to implement a StateStat program for the State of Nebraska.

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

1. That the Appropriations 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 464. Introduced by Giese, 17.

PURPOSE: The purpose of this interim study is to examine staffing requirements for nursing homes. The issues addressed by this interim study shall include, but not be limited to:

(1) An examination of current minimum staffing requirements under the Nebraska Nursing Home Act and other state and federal laws;

(2) A review of minimum staffing ratios adopted in other states, including ratios expressed as an hours per resident day (hprd) standard, ratios based on the number of staff per resident, and ratios based on the number of staff per resident bed, occupied or otherwise; and

(3) An examination of the possible correlation between increased staffing hours and increased quality of care in nursing homes.

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.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 26, 2010, at 10:20 a.m. were the following: LBs 935e, 317, 1106e, 1106A, 1090e, 1091, 888, 888A, 571, 943e, 1051e, 727, 763, 1087, 1036, and 919e.

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

PRESENTED TO THE SECRETARY OF STATE

Presented to the Secretary of State on March 26, 2010, at 10:23 a.m. were the following: LR 297CA and 284CA.

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

EXPLANATION OF VOTES

Had I been present, I would have voted "aye" on the advancement of LBs 594 and 780 to Enrollment and Review Initial.

(Signed) Arnie Stuthman

AMENDMENTS - Print in Journal

Senator Utter filed the following amendment to LB779:
AM2345

(Amendments to AM2316)

- 1 1. On page 9, line 5, after "2" insert "a"; and after
- 2 line 16 insert:
- 3 "(b) The amount to be appropriated for distribution as
- 4 state assistance to a political subdivision under this subsection
- 5 after the tenth year shall be reduced to fifty percent of the
- 6 amount calculated under subdivision (a) of this subsection. The
- 7 remaining fifty percent shall be transferred to the General Fund.".
- 8 2. On page 10, line 4, after "appropriation" insert "and
- 9 transfer".

Senator Campbell filed the following amendment to LB999:
AM2366

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

3 Sec. 2. (1) The Legislature finds that Nebraska's general
4 acute and critical access hospitals provide a foundation of health
5 care throughout the state. This long-established means of providing
6 health care is changing. Because health care delivery is evolving,
7 it is important to assess needs in Nebraska and determine whether
8 licensure and regulation should be changed to reflect current and
9 future practices.

10 (2) The department shall not accept an application or
11 issue a license for a new hospital beginning on September 1,
12 2010, and continuing through August 31, 2011, except that this
13 prohibition shall not apply to an application for a license as a
14 critical access hospital.

15 (3) The Health and Human Services Committee of the
16 Legislature shall study health care in Nebraska. The study shall
17 include, but not be limited to:

18 (a) A comparison of the roles of Nebraska's general acute
19 hospitals, critical access hospitals, ambulatory surgical centers,
20 and other limited service facilities, such as physician-owned
21 hospitals and investor-owned hospitals, and the impact of such
22 hospitals, centers, and facilities on access to services, quality
23 of health care, and cost, including medicaid costs and insurance
1 premiums;

2 (b) Compliance with the federal Emergency Medical
3 Treatment and Active Labor Act, 42 U.S.C. 1395, as such act existed
4 on January 1, 2010;

5 (c) Referral practices;

6 (d) Ownership disclosure;

7 (e) Uncompensated and under-compensated patient care;

8 (f) Joint ventures among or between hospitals,

9 physicians, and investors;

10 (g) Reinvestment in facilities;

11 (h) Examination and definition of community benefits;

12 (i) Clarification and definition of limited service

13 facilities, such as physician-owned hospitals and investor-owned
14 hospitals, and other definitions as needed; and

15 (j) The impact of federal health care reform on the items
16 in subdivisions (a) through (i) of this subsection.

17 (4) The committee shall seek information from resources,
18 including, but not limited to, physicians; representatives of
19 hospitals, ambulatory surgical centers, physician-owned hospitals,
20 investor-owned hospitals, public health agencies, the department,
21 and allied professions such as behavioral health service providers,
22 nurses, pharmacists, and emergency care providers; businesses;
23 consumers; insurers; communities; the Legislative Fiscal Analyst;
24 and the office of Legislative Research.

25 (5) The committee shall report its findings to the
 26 Legislature by December 31, 2010.

Senator Cornett filed the following amendment to LB999:
 AM2374

- 1 1. On page 2, lines 7 and 8, strike "September 1, 2010"
- 2 and insert "January 1, 2011".

Senator Rogert filed the following amendment to LB945:
 AM2367

- 1 1. On page 4, line 6, strike "3 points" and insert "2
- 2 points".
- 3 2. On page 5, line 25, strike "Two hundred" and insert
- 4 "Fifty".
- 5 3. On page 6, line 1, strike "Three" and insert "One";
- 6 and in line 2 strike "Five hundred" and insert "One hundred fifty".

Senator Hansen filed the following amendment to LB999:
 AM2280

- 1 1. On page 2, line 10, after "hospital" insert "or an
- 2 application for a license relating to any hospital project which
- 3 has begun construction prior to July 1, 2010,".

SELECT FILE

LEGISLATIVE BILL 510. The Council amendment, AM2229, found on page 1053 and considered in this day's Journal, was renewed.

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

Senator Council requested a roll call vote on her amendment.

The Council amendment lost with 22 ayes, 13 nays, 13 present and not voting, and 1 excused and not voting.

Senator Pirsch offered the following amendment:
 AM2372

(Amendments to E & R amendments, ER8203)

- 1 1. Strike section 6.
- 2 2. On page 2, line 1, strike "seventy-five percent of";
- 3 and strike beginning with "and" in line 5 through "Fund" in line 6.
- 4 3. On page 5, strike beginning with the last comma in
- 5 line 17 through "83" in line 18.
- 6 4. Renumber the remaining sections accordingly.

SPEAKER FLOOD PRESIDING

Passed over.

LEGISLATIVE BILL 1070. ER8204, found on page 974, was adopted.

Senator Adams withdrew his amendment, AM2305, found on page 1039.

Senator Adams offered the following amendment:
AM2347 is available in the Bill Room.

The Adams amendment was adopted with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

RESOLUTIONS

LEGISLATIVE RESOLUTION 465. Introduced by Rogert, 16; Hansen, 42; Janssen, 15; Krist, 10; Mello, 5; Nordquist, 7; White, 8.

PURPOSE: The purpose of this resolution is to study the benefits associated with constructing another nuclear power plant in Fort Calhoun, Nebraska. The Fort Calhoun Station is a nuclear power plant owned and operated by the Omaha Public Power District and is located on the west bank of the Missouri River nineteen miles north of Omaha.

Since the 1970's, there are new reactor designs that have been created, and there are multiple safeguards that have been put into place to ensure safety. The United States Nuclear Regulatory Commission regulates one hundred four nuclear power plants in the nation, including the Fort Calhoun Station. The Commission exists for the purpose of ensuring safety for the citizenry and the environment while enabling the use of radioactive material for public benefit.

The nuclear power industry in the United States has one of the lowest rates for accidents per worker at the nuclear power plants. In 2008, the rate held at 0.13 industrial accidents per two hundred thousand worker-hours, which is significantly lower than the 0.24 rate in 2005.

In 1957, the Price-Anderson Act established financial liability to ensure that each reactor company is liable for approximately one hundred million dollars in damages in the event of a reactor accident. As a result of this act as amended, in combination with the advent of computer technology, communication and accountability at the nuclear power plants have progressed and evolved over time.

Nuclear power is consistent, available, environmentally clean, safe, and cost effective. It does not produce harmful carbon dioxide emissions nor does it deplete our natural resources. Nuclear power has a long production life, and the power that is produced has the potential for reprocessing as is done in France, Japan, and Russia.

In February 2010, the eight billion dollars of federal loan guarantees under the administration of President Barack Obama will fund the construction of two nuclear reactors in the State of Georgia. This will open up immediate opportunities to construct nuclear power plants all over the nation, thereby

reducing greenhouse gases associated with global warming and, at the same time, revitalize our economy through the creation of jobs during the construction and operation of nuclear power plants.

It is estimated that the construction of the two nuclear reactors in Georgia will create three thousand five hundred jobs and eight hundred fifty permanent jobs during their operation.

For these reasons, it is important to conduct a study on the benefits associated with building another nuclear power plant in Fort Calhoun, Nebraska.

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

1. That the Natural Resources 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 466. Introduced by Campbell, 25.

PURPOSE: The purpose of this resolution is to study the operation and accomplishments of the Drug Use Review and preferred drug list activities of the Division of Medicaid and Long-Term Care of the Department of Health and Human Services. The issues addressed by this study shall include, but not be limited to:

(1) Reviewing the manner of operation of each of these activities to determine if they are achieving the results for which they are intended and the manner of doing so, including an analysis of the interaction between the two processes and an inquiry regarding the availability of the most effective medication therapy to Nebraska medicaid recipients;

(2) With regard to the preferred drug list activity, identifying any drug cost savings that have been achieved to this point, taken against (a) the costs of carrying out the activity and (b) the savings associated with prior utilization control programs in order to determine the net savings accomplished by the preferred drug list; and

(3) With regard to the preferred drug list activity, identifying the appropriate role of the pharmaceutical and therapeutics committee.

The study may involve interested parties, both public and private.

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 467. Introduced by Gay, 14; Campbell, 25; Gloor, 35; Heidemann, 1; Mello, 5; Nordquist, 7; Pahls, 31.

PURPOSE: The purpose of this interim study is to conduct research and provide recommendations for implementing the federal Patient Protection and Affordable Care Act. The interim study will examine health care financing and delivery under the act to determine the impact on health care coverage for all Nebraskans.

This study shall be conducted by a select committee consisting of two members of the Appropriations Committee of the Legislature appointed by the chairperson of the committee, two members of the Banking, Commerce and Insurance Committee of the Legislature appointed by the chairperson of the committee, two members of the Health and Human Services Committee of the Legislature appointed by the chairperson of the committee, and three additional members who are not members of such committees, with one member appointed by each chairperson of such committees. The chairperson of the select committee shall be the chairperson of the Health and Human Services Committee unless he or she is not appointed to the select committee, in which case the chairperson of the select committee shall be one of the two members of the Health and Human Services Committee who were appointed to the select committee, selected by the chairperson of the Health and Human Services Committee.

In conducting the study, the select committee shall consult with employers, small businesses, consumers, insurers, health care providers, the Department of Health and Human Services, the Department of Insurance, and other interested parties. Issues considered by the select committee may include, but shall not be limited to:

(1) The effect of the federal Patient Protection and Affordable Care Act on Nebraska;

(2) The role of employer-sponsored insurance and public programs in providing health care coverage for Nebraskans; and

(3) Available funding options to ensure 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 a select committee of the Legislature shall be designated as provided in this resolution 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 on or before December 31, 2010.

Referred to the Executive Board.

AMENDMENTS - Print in Journal

Senator Gay filed the following amendment to LB999:

AM2363

- 1 1. On page 2, line 7, after "hospital" insert "that
- 2 does not accept patients under the medical assistance program
- 3 established under section 68-903".

Senator Conrad filed the following amendment to LB999:

AM2361

- 1 1. On page 2, line 7, after "hospital" insert "that does
- 2 not have an emergency room".

Senator Ashford filed the following amendment to LB510:

AM2377

(Amendments to E & R amendments, ER8203)

- 1 1. On page 2, line 1, strike "seventy-five" and insert
- 2 "fifty"; and in line 5 strike "and shall distribute" and insert "
- 3 twenty-five percent of such funds to the Violence Prevention Cash
- 4 Fund, and".

MOTION - Print in Journal

Senator Ashford filed the following motion to LB510:

MO94

Bracket until April 14, 2010.

AMENDMENTS - Print in Journal

Senator Karpisek filed the following amendment to LB999:

AM2360

- 1 1. On page 2, line 7, after "hospital" insert "in any
- 2 city of the primary class".

Senator Karpisek filed the following amendment to LB712:

AM2355

(Amendments to Standing Committee amendments, AM2288)

- 1 1. Insert the following new sections:
- 2 Sec. 7. Section 28-1006, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 28-1006 (1) It shall be the duty of the sheriff, a police
- 5 officer, or the Nebraska State Patrol to make prompt investigation
- 6 of and arrest for any violation of section 28-1005.
- 7 (2) Any animal, equipment, device, or other property
- 8 or things involved in any violation of section 28-1005 shall be
- 9 subject to seizure, and disposition may be made in accordance

10 with the method of disposition directed for contraband in ~~section~~
 11 sections 29-818 and 29-820.

12 (3) Any animal involved in any violation of section
 13 28-1005 shall be subject to seizure. Distribution or disposition
 14 ~~may shall~~ be made as provided in section 29-818 and in such manner
 15 as the court may direct. The court may give preference to adoption
 16 alternatives through humane societies or comparable institutions
 17 and to the protection of such animal's welfare. For a humane
 18 society or comparable institution to be considered as an adoption
 19 alternative under this subsection, it must first be licensed by
 20 the Department of Agriculture as having passed the inspection
 21 requirements in the Commercial Dog and Cat Operator Inspection
 22 Act and paid the fee for inspection under the act. The court may
 1 prohibit an adopting or purchasing party from selling such animal
 2 for a period not to exceed one year.

3 (4) In addition to any other sentence given for a
 4 violation of section 28-1005, the sentencing court may order the
 5 defendant to reimburse a public or private agency for expenses
 6 incurred in conjunction with the care, impoundment, or disposal,
 7 including adoption, of an animal involved in the violation of
 8 such section. Whenever the court believes that such reimbursement
 9 may be a proper sentence or the prosecuting attorney requests,
 10 the court shall order that the presentence investigation report
 11 include documentation regarding the nature and amount of the
 12 expenses incurred. The court may order that reimbursement be made
 13 immediately, in specified installments, or within a specified
 14 period of time, not to exceed five years after the date of
 15 judgment.

16 Sec. 8. Section 28-1012, Reissue Revised Statutes of
 17 Nebraska, is amended to read:

18 28-1012 (1) Any law enforcement officer who has reason
 19 to believe that an animal has been abandoned or is being cruelly
 20 neglected or cruelly mistreated may seek a warrant authorizing
 21 entry upon private property to inspect, care for, or impound the
 22 animal.

23 (2) Any law enforcement officer who has reason to believe
 24 that an animal has been abandoned or is being cruelly neglected or
 25 cruelly mistreated may issue a citation to the owner as prescribed
 26 in sections 29-422 to 29-429.

27 (3) Any animal, equipment, device, or other property or
 1 things involved in a violation of section 28-1009 or 28-1010 shall
 2 be subject to seizure and distribution or disposition ~~may shall~~
 3 be made under section 29-818 and in such manner as the court may
 4 direct.

5 (4) Any animal involved in a violation of section
 6 28-1009 or 28-1010 shall be subject to seizure. Distribution
 7 or disposition ~~may shall~~ be made under section 29-818 and in such
 8 manner as the court may direct. The court may consider adoption
 9 alternatives through humane societies or comparable institutions

10 and the protection of such animal's welfare. For a humane
11 society or comparable institution to be considered as an adoption
12 alternative under this subsection, it must first be licensed by
13 the Department of Agriculture as having passed the inspection
14 requirements in the Commercial Dog and Cat Operator Inspection
15 Act and paid the fee for inspection under the act. The court may
16 prohibit an adopting or purchasing party from selling such animal
17 for a period not to exceed one year.

18 (5) Any law enforcement officer acting under this section
19 shall not be liable for damage to property if such damage is not
20 the result of the officer's negligence.

21 Sec. 9. Section 28-1019, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 28-1019 (1)(a) If a person is convicted of a Class IV
24 felony under section 28-1005 or 28-1009, the sentencing court shall
25 order such person not to own, possess, or reside with any animal
26 for at least five years after the date of conviction, but such time
27 restriction shall not exceed fifteen years. Any person violating
1 such court order shall be guilty of a Class I misdemeanor.

2 (b) If a person is convicted of a Class I misdemeanor
3 under subdivision (2)(a) of section 28-1009 or a Class III
4 misdemeanor under section 28-1010, the sentencing court may order
5 such person not to own, possess, or reside with any animal after
6 the date of conviction, but such time restriction, if any, shall
7 not exceed five years. Any person violating such court order shall
8 be guilty of a Class IV misdemeanor.

9 (c) Any animal involved in a violation of a court order
10 under subdivision (a) or (b) of this subsection shall be subject
11 to seizure by law enforcement. Distribution or disposition shall be
12 made under section 29-818.

13 (2) This section shall not apply to any person convicted
14 under section 28-1005 or 28-1009 if a licensed physician confirms
15 in writing that ownership or possession of or residence with an
16 animal is essential to the health of such person.

17 Sec. 10. Section 29-818, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 29-818 ~~Property~~ (1) Except for pet animals or equines
20 as provided in subsection (2) of this section, property seized
21 under a search warrant or validly seized without a warrant shall
22 be safely kept by the officer seizing the same unless otherwise
23 directed by the judge or magistrate, and shall be so kept so long
24 as necessary for the purpose of being produced as evidence on any
25 trial. Property seized may not be taken from the officer having it
26 in custody by replevin or other writ so long as it is or may be
27 required as evidence in any trial, nor may it be so taken in any
1 event where a complaint has been filed in connection with which
2 the property was or may be used as evidence, and the court in
3 which such complaint was filed shall have exclusive jurisdiction
4 for disposition of the property or funds and to determine rights

5 therein, including questions respecting the title, possession,
6 control, and disposition thereof.

7 (2)(a) Any pet animal or equine seized under a search
8 warrant or validly seized without a warrant may be kept by the
9 officer seizing the same on the property of the person who owns,
10 keeps, harbors, maintains, or controls such pet animal or equine.

11 (b) When any pet animal or equine is seized or held the
12 court shall provide the person who owns, keeps, harbors, maintains,
13 or controls such pet animal or equine with notice that a hearing
14 will be had and specify the date, time, and place of such hearing.
15 Such notice shall be served by personal or residential service or
16 by certified mail. If such notice cannot be served by such methods,
17 service may be made by publication in the county where such pet
18 animal or equine was seized. Such publication shall be made after
19 application and order of the court. Unless otherwise determined and
20 ordered by the court, the date of such hearing shall be no later
21 than ten days after the seizure.

22 (c) At the hearing the court shall determine the
23 disposition of the pet animal or equine and if the court determines
24 that any pet animal or equine shall not be returned, the court
25 shall order the person from whom the pet animal or equine was
26 seized to pay all expenses for the support and maintenance of
27 the pet animal or equine, including expenses for shelter, food,
1 veterinary care, and board, necessitated by the possession of the
2 pet animal or equine. At the hearing, the court shall also consider
3 the person's ability to pay for the expenses of the pet animal
4 or equine and the amount of such payments. Payments shall be for
5 a succeeding thirty-day period with the first payment due on or
6 before the tenth day following the hearing. Payments for each
7 subsequent succeeding thirty-day period, if any, shall be due on or
8 before the tenth day of such period.

9 (d) If a person becomes delinquent in his or her payments
10 for the expenses of the pet animal or equine, the court shall hold
11 a hearing to determine the disposition of the seized pet animal or
12 equine. Notice of such hearing shall be given to the person who
13 owns, keeps, harbors, maintains, or controls such pet animal or
14 equine and to any lienholder or security interest holder of record
15 as provided in subdivision (b) of this subsection.

16 (e) An appeal may be entered within ten days after a
17 hearing under subdivision (c) or (d) of this subsection. Any person
18 filing an appeal shall post a bond sufficient to pay all costs of
19 care of the pet animal or equine for thirty days. Such payment will
20 be required for each succeeding thirty-day period until the appeal
21 is final.

22 (f) Should the person be found not guilty, all funds paid
23 for the expenses of the pet animal or equine shall be returned to
24 the person.

25 (g) For purposes of this subsection:

26 (i) Pet animal means any domestic dog, domestic cat, mini
 27 pig, domestic rabbit, domestic ferret, domestic rodent, bird except
 1 a bird raised as an agricultural animal and specifically excluding
 2 any bird possessed under a license issued by the State of Nebraska
 3 or the United States Fish and Wildlife Service, nonlethal aquarium
 4 fish, nonlethal invertebrate, amphibian, turtle, nonvenomous snake
 5 that will not grow to more than eight feet in length at maturity,
 6 or such other animal as may be specified and for which a permit
 7 shall be issued by an animal control authority after inspection and
 8 approval, except that any animal forbidden to be sold, owned, or
 9 possessed by federal or state law is not a pet animal; and

10 (ii) Equine means a horse, pony, donkey, mule, hinny, or
 11 llama.

12 (h) This section shall not preempt, and shall not be
 13 construed to preempt, any ordinance of a city of the metropolitan
 14 class.

15 2. Renumber the remaining sections and correct internal
 16 references accordingly.

17 3. Correct the operative date and repealer sections so
 18 that the sections added by this amendment become operative three
 19 calendar months after the adjournment of this legislative session.

Senator McCoy filed the following amendment to LB999:
 AM2359

- 1 1. On page 2, line 7, after "hospital" insert "in any
- 2 city of the metropolitan class".

Senator Lautenbaugh filed the following amendment to LB999:
 AM2357

- 1 1. On page 2, strike beginning with the comma in line 8
- 2 through "hospital" in line 10.

UNANIMOUS CONSENT - Add Cointroducer

Senator Giese asked unanimous consent to add his name as cointroducer to
 LR451. No objections. So ordered.

VISITORS

Visitors to the Chamber were members of Leadership Columbus from
 Columbus; 36 fourth-grade students and teachers from St. Mary's and
 St. Matthew Schools, Bellevue; 42 eleventh- and twelfth-grade students and
 teachers from Elwood; 18 fourth-grade students and sponsors from
 Maxwell; members of Louisville Nebraska Care Center Advisory Board;
 and members of Collaborative Industries from Lincoln.

The Doctor of the Day was Dr. Hans Dethlefs from La Vista.

ADJOURNMENT

At 12:07 p.m., on a motion by Senator Dierks, the Legislature adjourned until 10:00 a.m., Monday, March 29, 2010.

Patrick J. O'Donnell
Clerk of the Legislature