

**FIFTH DAY - JANUARY 12, 2010**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED FIRST LEGISLATURE**  
**SECOND SESSION**

**FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, January 12, 2010

**PRAYER**

The prayer was offered by Pastor Todd Burpo, Crossroads Wesleyan Church, Imperial.

**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 Senators Ashford, Coash, Conrad, Cornett, Council, Dierks, Haar, Karpisek, and Loudon who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fourth day was approved.

**NOTICE OF COMMITTEE HEARING**  
Transportation and Telecommunications

Room 1113

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

LB688  
LB705  
LB739  
LB749  
LB782

(Signed) Deb Fischer, Chairperson

**AMENDMENT - Print in Journal**

Senators Lathrop and Pahls filed the following amendment to LB571:  
AM1534

(Amendments to Standing Committee amendments, AM983)

- 1 1. Insert the following new section:
- 2 Sec. 7. The creditor or the creditor's designee shall
- 3 not offer a guaranteed asset protection waiver when the guaranteed
- 4 asset protection waiver contains terms that allow the creditor or
- 5 the creditor's designee to modify, unilaterally, the guaranteed
- 6 asset protection waiver, unless (1) the modification is favorable
- 7 to the borrower and is made without any additional charge to
- 8 the borrower or (2) the borrower is notified of the proposed
- 9 modification and has the option to cancel the guaranteed asset
- 10 protection waiver without penalty.
- 11 2. Renumber the remaining sections and correct internal
- 12 references accordingly.

**GENERAL FILE**

**LEGISLATIVE BILL 254.** Title read. Considered.

Senator Carlson withdrew his amendment, AM420, found on page 531, First Session, 2009.

Senator Carlson renewed his amendment, AM1536, found on page 124.

**PRESIDENT SHEEHY PRESIDING**

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

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 4 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 512.** Title read. Considered.

Senator Lautenbaugh renewed his amendment, AM1549, found on page 179.

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

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 544.** Title read. Considered.

Senator Giese moved for a call of the house. The motion prevailed with 34 ayes, 0 nays, and 15 not voting.

Senator Giese requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 17:

Ashford	Haar	Lathrop	Nordquist	White
Avery	Howard	McGill	Pirsch	
Conrad	Janssen	Mello	Rogert	
Giese	Karpisek	Nelson	Sullivan	

Voting in the negative, 27:

Adams	Cornett	Gloor	Langemeier	Utter
Campbell	Council	Hadley	Lautenbaugh	Wallman
Carlson	Dierks	Hansen	McCoy	Wightman
Christensen	Dubas	Harms	Pankonin	
Coash	Fischer	Heidemann	Schilz	
Cook	Gay	Krist	Stuthman	

Present and not voting, 2:

Fulton	Pahls
--------	-------

Excused and not voting, 3:

Flood	Louden	Price
-------	--------	-------

Failed to advance to Enrollment and Review Initial with 17 ayes, 27 nays, 2 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

**BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 893.** Introduced by Christensen, 44; Carlson, 38.

A BILL FOR AN ACT relating to revenue and taxation; to provide for refund of unconstitutional taxes, assessments, and penalties; and to declare an emergency.

**LEGISLATIVE BILL 894.** Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-511.01, Reissue Revised Statutes of Nebraska, and section 28-101, Revised Statutes Supplement, 2009; to change provisions relating to

shoplifting; to prohibit possession of any store security device countermeasure; to define a term; to provide a penalty; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 895.** Introduced by Janssen, 15.

A BILL FOR AN ACT relating to natural resources districts; to amend section 2-3215, Reissue Revised Statutes of Nebraska; to change procedures for filling vacancies; and to repeal the original section.

**LEGISLATIVE BILL 896.** Introduced by Christensen, 44.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-6,298, Revised Statutes Cumulative Supplement, 2008; to provide for a permit to operate vehicles exceeding weight limits for purposes of transporting livestock; and to repeal the original section.

**LEGISLATIVE BILL 897.** Introduced by Howard, 9.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-3507, 77-3508, and 77-3509, Reissue Revised Statutes of Nebraska; to change income requirements for homestead exemptions; and to repeal the original sections.

**LEGISLATIVE BILL 898.** Introduced by Haar, 21; Avery, 28; McGill, 26.

A BILL FOR AN ACT relating to students; to adopt the Student Expression Act.

**LEGISLATIVE BILL 899.** Introduced by Nordquist, 7; Karpisek, 32; Mello, 5.

A BILL FOR AN ACT relating to retirement; to amend sections 24-710.07, 79-947.01, and 81-2027.03, Reissue Revised Statutes of Nebraska; to change benefit adjustment provisions as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 900.** Introduced by Karpisek, 32; Howard, 9.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act: to amend section 53-124, Revised Statutes Supplement, 2009; to change retail license fees; and to repeal the original section.

**LEGISLATIVE BILL 901.** Introduced by Wightman, 36; Conrad, 46; Flood, 19.

A BILL FOR AN ACT relating to child custody; to amend section 43-2923, Reissue Revised Statutes of Nebraska, and section 42-364, Revised Statutes

Supplement, 2009; to change best interests of the child requirements; to provide for waiver of mandatory mediation as prescribed; to provide an operative date; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 902.** Introduced by Howard, 9; Gloor, 35.

A BILL FOR AN ACT relating to assisted-living facilities; to amend section 71-5905, Reissue Revised Statutes of Nebraska; to provide for an information form; and to repeal the original section.

**LEGISLATIVE BILL 903.** Introduced by Howard, 9.

A BILL FOR AN ACT relating to the Alzheimer's Special Care Disclosure Act; to amend section 71-516.04, Reissue Revised Statutes of Nebraska; to provide duties regarding criteria for care and treatment; and to repeal the original section.

**LEGISLATIVE BILL 904.** Introduced by Howard, 9.

A BILL FOR AN ACT relating to assisted-living facilities; to amend sections 71-406, 71-5901, 71-5903, 71-5904, 71-5905, and 71-5908, Reissue Revised Statutes of Nebraska; to define and redefine terms and to eliminate definitions; to provide for enhanced assisted-living certificates; to provide powers and duties; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 905.** Introduced by Dubas, 34; Gloor, 35.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-1212.04, Revised Statutes Supplement, 2009; to change provisions relating to the discharge of firearms; and to repeal the original section.

### **GENERAL FILE**

**LEGISLATIVE BILL 325.** Title read. Considered.

Committee AM474, found on page 534, First Session, 2009, was considered.

**SENATOR LANGEMEIER PRESIDING**

**PRESIDENT SHEEHY PRESIDING**

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

Senator Nelson withdrew his amendment, AM169, found on page 422, First Session, 2009.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

### **BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 906.** Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-177, Revised Statutes Supplement, 2009; to change and eliminate restrictions on sale of alcoholic liquor at retail; and to repeal the original section.

**LEGISLATIVE BILL 907.** Introduced by Conrad, 46.

A BILL FOR AN ACT relating to homesteads; to amend sections 40-102 and 40-105, Reissue Revised Statutes of Nebraska; to change provisions relating to property exempt from execution; and to repeal the original sections.

**LEGISLATIVE BILL 908.** Introduced by Conrad, 46.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-108, Reissue Revised Statutes of Nebraska; to change provisions relating to claims for legal services or disbursements; and to repeal the original section.

**LEGISLATIVE BILL 909.** Introduced by Carlson, 38; Dierks, 40; Dubas, 34; Karpisek, 32; Price, 3; Schilz, 47; Wallman, 30.

A BILL FOR AN ACT relating to agriculture; to amend section 34-112.01, Reissue Revised Statutes of Nebraska; to change provisions relating to division fences; and to repeal the original section.

**LEGISLATIVE BILL 910.** Introduced by Carlson, 38; Council, 11; Dierks, 40; Dubas, 34; Karpisek, 32; Pahls, 31; Price, 3; Schilz, 47; Wallman, 30.

A BILL FOR AN ACT relating to the Commercial Dog and Cat Operator Inspection Act; to amend sections 28-1018, 54-637, and 54-638, Reissue Revised Statutes of Nebraska, section 54-611, Revised Statutes Cumulative Supplement, 2008, and sections 37-528, 54-625, 54-626, 54-627, 54-627.01, and 54-645, Revised Statutes Supplement, 2009; to define and license animal rescues under the act; to impose transfer fees; to provide powers and duties for transferors, the Department of Agriculture, the Director of Agriculture, and the State Treasurer; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 911.** Introduced by Langemeier, 23.

A BILL FOR AN ACT relating to the Legislature; to amend section 50-501, Revised Statutes Supplement, 2009; to change provisions relating to a biotechnology strategic plan; to repeal the original section; and to declare an emergency.

### **RESOLUTION**

**LEGISLATIVE RESOLUTION 285.** Introduced by Schilz, 47.

WHEREAS, the Arthur County Wolves won the 2009 state championship in Nebraska six-man football; and

WHEREAS, the Wolves finished the season undefeated at 11-0; and

WHEREAS, the Wolves defeated Greeley-Wolbach 45-30 to win the title; 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 Arthur County Wolves on winning the 2009 state championship in Nebraska six-man football.

2. That a copy of this resolution be sent to the Arthur County Wolves and their coach, Scott Trimble.

Laid over.

### **NOTICE OF COMMITTEE HEARING**

Banking, Commerce and Insurance

Room 1507

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

LB690

LB691

LB736

LB751

LB752

(Signed) Rich Pahls, Chairperson

### **UNANIMOUS CONSENT - Add Cointroducers**

Senator Nordquist asked unanimous consent to add his name as cointroducer to LB800. No objections. So ordered.

Senator Howard asked unanimous consent to add her name as cointroducer to LB867 and LB870. No objections. So ordered.

### VISITORS

Visitors to the Chamber were Bruce Bon Fleur from Rushville/White Clay and Bonita Bush from Remus, Michigan.

### RECESS

At 11:42 a.m., on a motion by Speaker Flood, the Legislature recessed until 1:30 p.m.

### AFTER RECESS

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

### ROLL CALL

The roll was called and all members were present except Senators Ashford, Cornett, Karpisek, Langemeier, and Schilz who were excused until they arrive.

### BILLS ON FIRST READING

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

**LEGISLATIVE BILL 912.** Introduced by Pahls, 31.

A BILL FOR AN ACT relating to uninsured and underinsured motorist coverage; to amend section 44-7501, Reissue Revised Statutes of Nebraska, and section 44-6413, Revised Statutes Supplement, 2009; to prohibit certain limits on an occupant's recovery as prescribed; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 913.** Introduced by Council, 11.

A BILL FOR AN ACT relating to employment; to amend sections 2-1203.02, 7-102, 9-1,104, 14-702, 19-1831, 38-131, 43-3201, 43-3709, 45-905, 53-131.01, 71-1903, 71-1912, 71-3205, 71-3505, 71-5908, 71-6503, 71-7448, 75-903.02, 79-814.01, 81-885.13, 81-885.17, 83-1217.01, and 88-528.01, Reissue Revised Statutes of Nebraska, section 48-2521, Revised Statutes Cumulative Supplement, 2008, and sections 45-705, 79-808, 81-6,120, 83-1217, and 83-1217.02, Revised Statutes Supplement, 2009; to adopt the Criminal Offender Employment Act; to harmonize provisions; and to repeal the original sections.



**REFERENCE COMMITTEE REPORT**

The Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LB847	Judiciary
LB848	Urban Affairs
LB849	Health and Human Services
LB850	Government, Military and Veterans Affairs
LB851	Revenue
LB852	Government, Military and Veterans Affairs
LB853	Judiciary
LB854	General Affairs
LB855	Health and Human Services
LB856	Transportation and Telecommunications
LB857	Health and Human Services
LB858	Health and Human Services
LB859	Judiciary
LB860	Judiciary
LB861	General Affairs
LB862	Natural Resources
LB863	Urban Affairs
LB864	Judiciary
LB865	Agriculture
LB866	Health and Human Services
LB867	General Affairs
LB868	Judiciary
LB869	General Affairs
LB870	General Affairs
LB871	Natural Resources
LB872	Business and Labor
LB873	Revenue
LB874	Judiciary
LB875	Government, Military and Veterans Affairs
LB876	Judiciary
LB877	Revenue
LB878	Revenue
LB879	Revenue
LB880	Judiciary
LB881	Judiciary
LB882	Agriculture
LB883	General Affairs
LB884	Business and Labor
LB885	Natural Resources
LB886	Judiciary
LB887	General Affairs
LB888	Banking, Commerce and Insurance
LB889	Judiciary
LB890	Banking, Commerce and Insurance

LB891 Banking, Commerce and Insurance  
 LB892 Banking, Commerce and Insurance  
 LR279CA Government, Military and Veterans Affairs  
 LR284CA Government, Military and Veterans Affairs

(Signed) John Wightman, Chairperson  
 Executive Board

### GENERAL FILE

**LEGISLATIVE BILL 341.** Title read. Considered.

Committee AM119, found on page 554, First Session, 2009, was considered.

Senator Gay moved for a call of the house. The motion prevailed with 37 ayes, 0 nays, and 12 not voting.

Senator Gay requested a roll call vote on the committee amendment.

Voting in the affirmative, 30:

Ashford	Cook	Fulton	Harms	Pirsch
Avery	Cornett	Gay	Karpisek	Price
Campbell	Council	Giese	Krist	Rogert
Carlson	Dierks	Haar	McGill	Stuthman
Christensen	Dubas	Hadley	Mello	Wallman
Coash	Flood	Hansen	Nordquist	Wightman

Voting in the negative, 16:

Adams	Howard	Lautenbaugh	Pahls
Conrad	Janssen	Louden	Schilz
Fischer	Langemeier	McCoy	Sullivan
Gloor	Lathrop	Nelson	Utter

Present and not voting, 2:

Heidemann White

Excused and not voting, 1:

Pankonin

The committee amendment was adopted with 30 ayes, 16 nays, 2 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Senator Cook renewed her amendment, AM1542, found on page 126.

The Cook amendment was adopted with 27 ayes, 3 nays, 17 present and not voting, and 2 excused and not voting.

Senator Cook moved for a call of the house. The motion prevailed with 43 ayes, 0 nays, and 6 not voting.

Senator Cook requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 18:

Avery	Coash	Dierks	Krist	Price
Campbell	Cook	Gay	McGill	Stuthman
Carlson	Cornett	Giese	Mello	
Christensen	Council	Haar	Nordquist	

Voting in the negative, 25:

Adams	Flood	Harms	Lathrop	Pahls
Ashford	Fulton	Howard	Lautenbaugh	Pirsch
Conrad	Gloor	Janssen	Louden	Schilz
Dubas	Hadley	Karpisek	McCoy	Sullivan
Fischer	Hansen	Langemeier	Nelson	Utter

Present and not voting, 4:

Rogert	Wallman	White	Wightman
--------	---------	-------	----------

Excused and not voting, 2:

Heidemann	Pankonin
-----------	----------

Failed to advance to Enrollment and Review Initial with 18 ayes, 25 nays, 4 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

**LEGISLATIVE BILL 183.** Title read. Considered.

Committee AM324, found on page 564, First Session, 2009, was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 4 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 197.** Title read. Considered.

Committee AM464, found on page 601, First Session, 2009, was adopted with 38 ayes, 0 nays, 6 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 5 present and not voting, and 5 excused and not voting.

### **BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 914.** Introduced by Sullivan, 41.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-696, Revised Statutes Cumulative Supplement, 2008; to change a provision relating to the duty to stop after an accident; and to repeal the original section.

**LEGISLATIVE BILL 915.** Introduced by McGill, 26.

A BILL FOR AN ACT relating to juries; to amend section 25-1628, Revised Statutes Supplement, 2009; to provide for the use of motor vehicle operator license numbers and state identification card numbers in compiling jury lists; and to repeal the original section.

**LEGISLATIVE BILL 916.** Introduced by Heidemann, 1.

A BILL FOR AN ACT relating to school lands; to amend section 72-204, Reissue Revised Statutes of Nebraska; to authorize leases on school lands for solar and wind energy production; to harmonize provisions; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 917.** Introduced by Rogert, 16.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704.13, Reissue Revised Statutes of Nebraska; to exempt municipal water from sales and use taxes; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 918.** Introduced by Hadley, 37.

A BILL FOR AN ACT relating to the Nebraska Advantage Act; to amend sections 77-5715, 77-5717, 77-5719.02, 77-5725, and 77-5735, Reissue Revised Statutes of Nebraska; to redefine certain tax incentive terms as prescribed; to provide tax incentives for data centers as prescribed; to provide for applicability; and to repeal the original sections.

**RESOLUTIONS****LEGISLATIVE RESOLUTION 286CA.** Introduced by Fischer, 43.

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 add a new section 14 to Article VIII:

VIII-14 The Highway Trust Fund shall be created in the State Treasury. As authorized by law on January 1, 2011, the revenue raised from taxes imposed on motor vehicle fuel and motor vehicle sales, from motor vehicle registration fees, and from any other source specified by law shall be placed in the Highway Trust Fund. The Legislature may provide for any other source of revenue to be placed in the Highway Trust Fund. The Highway Trust Fund shall be used exclusively for (1) maintenance, preservation, and expansion of the state highway system, county roads, and municipal streets and related expenses, including expenses related to bonds authorized under Article XIII, section 1, of this Constitution, (2) expenses related to administration of laws imposing taxes on motor vehicle fuel and motor vehicle sales and laws requiring registration of motor vehicles, and (3) any other use authorized by law as of January 1, 2011. The Legislature shall allocate the money in the Highway Trust Fund by 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 create the Highway Trust Fund, to provide for certain revenue to be placed in the Highway Trust Fund, and to restrict the use of the Highway Trust Fund for highways, roads, and streets, for expenses related to administration of related laws, and for any other use authorized by law as of January 1, 2011.

For

Against.

Referred to the Reference Committee.

**LEGISLATIVE RESOLUTION 287.** Introduced by Coash, 27.

WHEREAS, Cody E. Talbott, son of Gary and Roxanne Talbott of Lincoln, Nebraska, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Cody has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 12 of which are in required areas, and complete a community service project approved by the troop and the scout council; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, on January 17, 2010, Cody will receive the rank of Eagle Scout and, through his hard work and perseverance, will join other high achievers who are Eagle Scouts, such as astronauts, political and industry leaders, artists, scientists, and athletes.

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

1. That the Legislature congratulates Cody E. Talbott on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Cody E. Talbott.

Laid over.

### AMENDMENTS - Print in Journal

Senator Dubas filed the following amendment to LB297:

AM1538

- 1 1. In the Standing Committee amendments, AM424, on
- 2 page 1, line 4, strike "2019" and insert "2020"; in line 7
- 3 strike "FY2009-10" and insert "FY2010-11" and strike "FY2010-11"
- 4 and insert "FY2011-12"; in line 8 strike "FY2011-12" and insert
- 5 "FY2012-13"; in line 9 strike "FY2012-13" and insert "FY2013-14"
- 6 and strike "FY2013-14" and insert "FY2014-15"; in line 10 strike
- 7 "FY2014-15" and insert "FY2015-16" and strike "FY2015-16" and
- 8 insert "FY2016-17"; in line 11 strike "FY2016-17" and insert
- 9 "FY2017-18" and strike "FY2017-18" and insert "FY2018-19"; and in
- 10 line 12 strike "FY2018-19" and insert "FY2019-20".
- 11 2. On page 9, line 12, strike "2010" and insert "2011".

Senators Avery and Stuthman filed the following amendment to LB475:

AM1547

(Amendments to Standing Committee amendments, AM830)

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 23-1401, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 23-1401 In any county in ~~this state having a population~~
- 6 ~~in excess of three hundred thousand inhabitants, which a city~~
- 7 ~~of the metropolitan class is located,~~ there is hereby created
- 8 the office of county comptroller for such county, and the county
- 9 clerk of such county shall be the ex officio county comptroller
- 10 for the county. The county comptroller shall act as the general
- 11 accountant, ~~chief auditing officer, internal auditor,~~ and fiscal
- 12 agent of the county and shall exercise a general supervision over

13 all officers of the county charged in any manner with the receipt,  
14 collection, or disbursement of the county revenue. The county  
15 comptroller shall be a competent bookkeeper and accountant, and  
16 it shall be his or her duty to keep a complete set of books in  
17 which, among other things, the amount of the appropriation that has  
18 been made on the fund that has been expended on account of such  
19 appropriation fund shall be stated. It shall be the duty of the  
20 county comptroller to audit all claims filed against the county  
21 and prepare a report thereon to the county board of such county.  
22 The county comptroller shall also keep accurate and separate  
1 accounts between the county and officers of the county, and between  
2 the county and all contractors or other persons doing work or  
3 furnishing material for the county. The county comptroller shall  
4 also examine and check the reports of all officers of the county.  
5 The county comptroller shall prepare and file the required annual  
6 inventory statement of county personal property in his or her  
7 custody or possession, as provided in sections 23-346 to 23-350.

8 Sec. 2. In any county in which a city of the metropolitan  
9 class is located, the county board shall provide for an auditor who  
10 shall report directly to the county board. The auditor shall be  
11 the internal auditor of the county and shall examine or cause to  
12 be examined books, accounts, vouchers, records, expenditures, and  
13 information technology systems of all elected or appointed county  
14 officers and offices. Such examinations shall be done in accordance  
15 with generally accepted government auditing standards set forth in  
16 the most recent Government Auditing Standards, published by the  
17 Comptroller General of the United States, Government Accountability  
18 Office. The auditor shall report promptly to the county board and  
19 the elected official whose office was the subject of the audit  
20 regarding the fiscal condition shown by such examination conducted  
21 by the auditor, including any irregularities or misconduct of  
22 officers or employees, any misappropriation or misuse of public  
23 funds or property, and any improper system or method of bookkeeping  
24 or condition of accounts.

25 Sec. 3. This act becomes operative on January 1, 2011.

26 Sec. 4. Original section 23-1401, Reissue Revised  
27 Statutes of Nebraska, is repealed.

## NOTICE OF COMMITTEE HEARINGS

Education

Room 1525

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

LB713

LB750

LB754

(Signed) Greg Adams, Chairperson

Health and Human Services

Room 1510

Wednesday, January 20, 2010 1:30 p.m.

LB701  
LB726  
LB706  
LB702  
LB766

Thursday, January 21, 2010 1:30 p.m.

LB710  
LB803  
LB790

(Signed) Tim Gay, Chairperson

### **UNANIMOUS CONSENT - Add Cointroducers**

Senators Gloor and Wallman asked unanimous consent to add their names as cointroducers to LB701. No objections. So ordered.

Senator Christensen asked unanimous consent to add his name as cointroducer to LB860. No objections. So ordered.

### **VISITOR**

The Doctor of the Day was Dr. David Hoelting from Pender.

### **ADJOURNMENT**

At 3:41 p.m., on a motion by Speaker Flood, the Legislature adjourned until 9:00 a.m., Wednesday, January 13, 2010.

Patrick J. O'Donnell  
Clerk of the Legislature