

**FIFTY-THIRD DAY - APRIL 1, 2010**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED FIRST LEGISLATURE**  
**SECOND SESSION**  
**FIFTY-THIRD DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, April 1, 2010

**PRAYER**

The prayer was offered by Senator Krist.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Sheehy presiding.

The roll was called and all members were present except Senator Council who was excused; and Senator Cornett who was excused until she arrives.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fifty-second day was approved.

**MESSAGE FROM THE GOVERNOR**

April 1, 2010

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 317, 571, 727, 763, 888, 888A, 919e, 935e, 943e, 1036, 1051e, 1087, 1090e, 1091, 1106e, and 1106A were received in my office on March 26, 2010.

These bills were signed and delivered to the Secretary of State on April 1, 2010.

Sincerely,  
(Signed) Dave Heineman  
Governor

**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of March 31, 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

Hurst, Lisa  
Life Technologies Corporation (Withdrawn 03/29/2010)  
O'Hara, Lindsay and Associates, Inc.  
Kelley and Jerram, P.C.  
Svoboda, Jane  
Kindness Schools

**REPORTS**

The following reports were received by the Legislature:

**Coordinating Commission for Postsecondary Education**  
2010 Nebraska Higher Education Progress Report  
**Investment Council**  
2009 Annual Report

**NOTICE OF COMMITTEE HEARING**  
Health and Human Services

Room 1510

Thursday, April 8, 2010 1:15 p.m.

Diane Muelleman - Commission for the Deaf and Hard of Hearing

(Signed) Tim Gay, Chairperson

**MOTIONS - Approve Appointments**

Senator Langemeier moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 1105:

Nebraska Oil and Gas Conservation Commission  
Perry Van Newkirk

Voting in the affirmative, 42:

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

Voting in the negative, 0.

Present and not voting, 5:

Coash	Janssen	Lautenbaugh	McCoy	Nordquist
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Excused and not voting, 2:

Cornett	Council
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The appointment was confirmed with 42 ayes, 0 nays, 5 present and not voting, and 2 excused and not voting.

Senator Karpisek moved the adoption of the General Affairs Committee report for the confirmation of the following appointment(s) found on page 1224:

State Racing Commission  
Dennis Lee

Voting in the affirmative, 40:

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

Voting in the negative, 0.

Present and not voting, 7:

Coash	Janssen	Lautenbaugh	Schilz
Cook	Krist	Nordquist	

Excused and not voting, 2:

Cornett Council

The appointment was confirmed with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

### GENERAL FILE

**LEGISLATIVE BILL 563A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 12 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 779A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 10 present and not voting, and 1 excused and not voting.

### ANNOUNCEMENT

The Chair announced today is Senator Lathrop's birthday.

### BILLS ON FINAL READING

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 965.**

A BILL FOR AN ACT relating to education; to amend sections 32-570 and 79-1217, Reissue Revised Statutes of Nebraska; to change procedures for filling vacancies on school boards; to provide additional grounds for vacancies on governing boards of educational service units; 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, 48:

Adams	Dierks	Hansen	Louden	Rogert
Ashford	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	

Voting in the negative, 0.

Excused and not voting, 1:

Council

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

**LEGISLATIVE BILL 1081.** With Emergency Clause.

A BILL FOR AN ACT relating to economic development; to amend section 81-1201.21, Revised Statutes Supplement, 2009, as amended by section 72, Legislative Bill 3, One Hundred First Legislature, First Special Session, 2009; to adopt the Teleworker Job Creation Act; to provide for use of the Job Training Cash Fund; to repeal the original section; 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, 48:

Adams	Dierks	Hansen	Louden	Rogert
Ashford	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	

Voting in the negative, 0.

Excused and not voting, 1:

Council

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 820.**

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-6,289 and 60-6,298, Revised Statutes Cumulative Supplement, 2008; to change provisions relating to height restrictions for vehicles and operating

permits for certain emergency vehicles; 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, 48:

Adams	Dierks	Hansen	Louden	Rogert
Ashford	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	

Voting in the negative, 0.

Excused and not voting, 1:

Council

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

#### **LEGISLATIVE BILL 864.**

A BILL FOR AN ACT relating to the Community Corrections Act; to amend sections 47-619 and 47-624, Revised Statutes Cumulative Supplement, 2008; to provide, change, and eliminate duties for the Community Corrections Council regarding reporting centers; 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, 48:

Adams	Dierks	Hansen	Louden	Rogert
Ashford	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	

Voting in the negative, 0.

Excused and not voting, 1:

Council

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

**LEGISLATIVE BILL 880.**

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-1213, 28-1239.01, 28-1241, 28-1244, 28-1246, 28-1248, 28-1249, 28-1250, and 28-1252, Reissue Revised Statutes of Nebraska; to provide and change testing requirements relating to the sale of consumer fireworks; to change license application provisions; to provide powers for the State Fire Marshal relating to licensure; to define and redefine terms; to eliminate provisions relating to common and permissible fireworks; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal section 28-1247, Reissue Revised Statutes of Nebraska.

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	Dierks	Hansen	Louden	Rogert
Ashford	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	

Voting in the negative, 0.

Excused and not voting, 1:

Council

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

**LEGISLATIVE BILL 880A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 880, 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, 48:

Adams	Dierks	Hansen	Louden	Rogert
Ashford	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	

Voting in the negative, 0.

Excused and not voting, 1:

Council

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

**LEGISLATIVE BILL 901.** With Emergency Clause.

A BILL FOR AN ACT relating to child custody; to amend sections 43-2923 and 43-2937, 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.

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, 48:

Adams	Dierks	Hansen	Louden	Rogert
Ashford	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	

Voting in the negative, 0.

Excused and not voting, 1:

Council

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause 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 LB924 with 44 ayes, 1 nay, 3 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

### **LEGISLATIVE BILL 924.**

A BILL FOR AN ACT relating to driving under the influence; to amend sections 60-498.02, 60-4,118.06, 60-6,197.01, 60-6,197.03, and 60-6,211.05, Revised Statutes Supplement, 2009; to change provisions relating to ignition interlock orders; 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, 48:

Adams	Dierks	Hansen	Louden	Rogert
Ashford	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	

Voting in the negative, 0.

Excused and not voting, 1:

Council

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

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 970.**

A BILL FOR AN ACT relating to county planning commissions; to amend section 23-114.01, Reissue Revised Statutes of Nebraska; to change provisions relating to the appeal from a conditional use or special exception decision; and to repeal the original section.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Council          Hansen

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

**LEGISLATIVE BILL 975.**

A BILL FOR AN ACT relating to the Convention Center Facility Financing Assistance Act; to amend section 13-2610, Revised Statutes Supplement, 2009; to change provisions relating to projects undertaken in areas with a high concentration of poverty; 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, 46:

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

Voting in the negative, 0.

Present and not voting, 1:

Wightman

Excused and not voting, 2:

Council          Hansen

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

**MOTION - Return LB373 to Select File**

Senator Pankonin moved to return LB373 to Select File for his specific amendment, FA64, found on page 498.

Senator Pankonin withdrew his motion to return.

**BILL ON FINAL READING**

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 373.**

A BILL FOR AN ACT relating to emergency response personnel; to amend sections 18-1723 and 35-1001, Reissue Revised Statutes of Nebraska; to change provisions relating to death or disability presumptions for a firefighter or police officer and death or disability prima facie evidence requirements for a firefighter or firefighter-paramedic; 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, 38:

Adams	Cook	Gloor	Lathrop	Price
Ashford	Cornett	Haar	Lautenbaugh	Rogert
Avery	Dierks	Hadley	McCoy	Schilz
Campbell	Dubas	Harms	McGill	Sullivan
Carlson	Fischer	Howard	Mello	Wallman
Christensen	Flood	Karpisek	Nordquist	White
Coash	Fulton	Krist	Pahls	
Conrad	Giese	Langemeier	Pirsch	

Voting in the negative, 0.

Present and not voting, 8:

Gay	Janssen	Pankonin	Utter
Heidemann	Nelson	Stuthman	Wightman

Excused and not voting, 3:

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

**COMMITTEE REPORT**

Executive Board

**LEGISLATIVE RESOLUTION 335.** Indefinitely postponed.

(Signed) John Wightman, Chairperson

**NOTICE OF COMMITTEE HEARING**  
Government, Military and Veterans Affairs

Room 1507

Thursday, April 8, 2010 12:00 p.m.

LR539  
LR538

(Signed) Bill Avery, Chairperson

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 965, 1081, 820, 864, 880, 880A, 901, 924, 970, 975, and 373.

**SELECT FILE**

**LEGISLATIVE BILL 507.** ER8218, found on page 1049, was adopted.

Senator Howard offered the following amendment:  
AM2457

(Amendments to E & R amendments, ER8218)

- 1 1. Insert the following new section:
- 2 Sec. 2. Section 28-707, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 28-707 (1) A person commits child abuse if he or she
- 5 knowingly, intentionally, or negligently causes or permits a minor
- 6 child to be:
  - 7 (a) Placed in a situation that endangers his or her life
  - 8 or physical or mental health;
  - 9 (b) Cruelly confined or cruelly punished;
  - 10 (c) Deprived of necessary food, clothing, shelter, or
  - 11 care;
  - 12 (d) Placed in a situation to be sexually exploited by
  - 13 allowing, encouraging, or forcing such minor child to solicit for
  - 14 or engage in prostitution, debauchery, public indecency, or obscene
  - 15 or pornographic photography, films, or depictions; or
  - 16 (e) Placed in a situation to be sexually abused as
  - 17 defined in section 28-319, 28-319.01, or 28-320.01.
- 18 (2) The statutory privilege between patient and
- 19 physician, between client and professional counselor, and between
- 20 husband and wife shall not be available for excluding or refusing
- 21 testimony in any prosecution for a violation of this section.
- 22 (3) Child abuse is a Class I misdemeanor if the offense
- 1 is committed negligently.

- 2 (4) Child abuse is a Class IIIA felony if the offense  
 3 is committed knowingly and intentionally and does not result in  
 4 serious bodily injury as defined in section 28-109.  
 5 (5) Child abuse is a Class ~~III~~II felony if the offense  
 6 is committed knowingly and intentionally and results in serious  
 7 bodily injury as defined in such section.  
 8 (6) Child abuse is a Class IB felony if the offense is  
 9 committed knowingly and intentionally and results in the death of  
 10 such child.  
 11 2. Renumber the remaining section accordingly and correct  
 12 the repealer section.

The Howard amendment was adopted with 37 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

Senator Campbell offered the following amendment:  
 AM2474

(Amendments to E & R amendments, ER8218)

- 1 1. Insert the following new sections:  
 2 Section 1. A pregnant United States citizen and Nebraska  
 3 resident with an income at or below one hundred eighty-five percent  
 4 of the federal poverty level who is subject to a child support  
 5 enforcement sanction may ask for her case to be reviewed by the  
 6 chief executive officer of the Department of Health and Human  
 7 Services to obtain prenatal services from state-only funds. If  
 8 the chief executive officer, upon review of the circumstances of  
 9 the case, determines, in his or her discretion, that circumstances  
 10 relating to domestic violence warrant an exception to the existing  
 11 rules and regulations governing medicaid coverage and sanctions may  
 12 authorize prenatal services to be paid from state general funds.  
 13 This section terminates on June 30, 2011.  
 14 Sec. 3. Sections 2 and 4 of this act become operative  
 15 three calendar months after adjournment of this legislative  
 16 session. The other sections of this act become operative on their  
 17 effective date.  
 18 Sec. 5. Since an emergency exists, this act takes effect  
 19 when passed and approved according to law.  
 20 2. Renumber the remaining sections accordingly.

Senator Campbell offered the following amendment to her amendment:  
 AM2477

(Amendments to AM2474)

- 1 1. On page 1, line 12, after the period insert "Prenatal  
 2 services provided under this section shall not include abortion  
 3 counseling, referral for abortion, or funding for abortion.".

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

The Campbell amendment, AM2474, as amended, was adopted with 43 ayes, 0 nays, 3 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

### **BILL ON FIRST READING**

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

**LEGISLATIVE BILL 507A.** Introduced by Campbell, 25.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 507, One Hundred First Legislature, Second Session, 2010; and to declare an emergency.

### **PRESENTED TO THE GOVERNOR**

Presented to the Governor on April 1, 2010, at 10:25 a.m. were the following: LBs 965, 1081e, 820, 864, 880, 880A, 901e, 924, 970, 975, and 373.

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

### **RESOLUTION**

**LEGISLATIVE RESOLUTION 542.** Introduced by Heidemann, 1.

WHEREAS, the Legislature has enacted budgets during the 2009 regular and special sessions and the 2010 regular session in reaction to a weakened economy and declining revenue to the state General Fund; and

WHEREAS, the budgets enacted for the current budget biennium contained significant reductions to General Fund appropriations and reliance on increased fund transfers and federal fund sources that are one-time sources of support; and

WHEREAS, General Fund projections for the next biennium, ending June 30, 2013, anticipate continued fiscal stress, resulting in a shortfall to balancing the budget to the minimum statutory reserve of three percent for the biennium, by at least \$650 million; and

WHEREAS, the magnitude of the shortfall demonstrates the inability of state government to sustain current services under current revenue assumptions for the next biennium; and

WHEREAS, removing the obligation of state agencies to perform certain functions and provide certain services will require enabling legislation to be considered by the Legislature during the 2011 session; and

WHEREAS, standing committees of the Legislature and the Executive Board of the Legislative Council, within their subject-matter jurisdiction, control hearing and disposition of enabling legislation that may be required; and

WHEREAS, the magnitude of the task of enacting the next biennial budget necessitates collaboration of all members of the Legislature, its standing committees, the executive board, and legislative staff; and

WHEREAS, the Legislature further recognizes that collaboration with the Governor and state agencies will be instrumental to the success of crafting the next biennial budget.

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

1. That the Executive Board of the Legislative Council shall determine the budget review subject-matter jurisdiction of standing committees and the executive board used for purposes of Legislative Rule 8, section 4.

2. That the Speaker of the Legislature is empowered to convene an ad hoc committee consisting of standing committee chairpersons and the chairperson of the executive board, or a designee that is a member of the standing committee or the executive board, to discuss, plan, and oversee a process for standing committees and executive board to review agency programs and services, including drafting enabling legislation to reduce services and obligations of state government that may be considered during the 2011 session.

3. That the standing committees and executive board shall meet and review the programs within the agencies under their subject-matter jurisdiction, as determined by the executive board, to identify services, programs, and obligations that may be reduced or eliminated during the 2011 session.

4. That the ad hoc committee collaborate with the Governor and state agencies to determine what enabling legislation may be necessary for introduction during the 2011 session.

5. That the Legislature respectfully requests that the Governor submit a budget recommendation for the biennium ending June 30, 2013, as set forth in law, and that the Governor not only include necessary appropriations bills, but also any and all enabling legislation the Governor deems necessary to conform agency operations and state aid expenditures to the appropriations set forth in the budget recommendation.

Laid over.

### **SPEAKER'S ANNOUNCEMENT**

Pursuant to Rule 4, Section 8, LR542 was referred to the Reference Committee.



**REFERENCE COMMITTEE REPORT**

The Executive Board submits the following report:

**LB/LR**      **Committee**  
LR542      Executive Board

(Signed) John Wightman, Chairperson  
Executive Board

**NOTICE OF COMMITTEE HEARING**

Executive Board

Room 2102

Thursday, April 8, 2010 12:00 p.m.

LR542

(Signed) John Wightman, Chairperson

**RESOLUTION**

**LEGISLATIVE RESOLUTION 543.** Introduced by Conrad, 46.

WHEREAS, Charles J. Aman, of Troop 28, 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, Charles 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. For his community service project, Charles made major repairs to the Crete Youth Cabin. This rustic cabin holds approximately thirty campers, is owned by the city of Crete, and is rented to youth groups. Charles shored up the back porch foundation, removed and replaced the fascia, repaired and reinstalled the chimney cap, repaired cracks in the concrete floor in the main room, and sanded and refinished the wood floor in the kitchen. He also made the front door threshold handicapped accessible, weatherstripped and put closers on all the doors, and thoroughly cleaned the cabin; and

WHEREAS, only five percent of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Charles, through his hard work and perseverance, has joined 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 Charles J. Aman on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Charles J. Aman.

Laid over.

### COMMITTEE REPORTS

#### Enrollment and Review

**LEGISLATIVE BILL 1103.** Placed on Select File with amendment. ER8229 is available in the Bill Room.

**LEGISLATIVE BILL 411.** Placed on Select File.

**LEGISLATIVE BILL 713.** Placed on Select File with amendment. ER8226

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 79-248, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 79-248 Every school district shall cause ~~every child~~
- 6 children under its jurisdiction to be separately and carefully
- 7 inspected, except as otherwise provided in this section, to
- 8 ascertain if ~~such a~~ child is suffering from (1) defective sight or
- 9 hearing, (2) dental defects, or (3) other conditions as prescribed
- 10 by the Department of Health and Human Services. Such inspections
- 11 shall be conducted on a schedule prescribed by the department and
- 12 shall be based on current medical and public health practice. If
- 13 such inspection determines that any child has such condition, the
- 14 school shall notify the parent of the child in writing of such
- 15 condition and explain to such parent the necessity of professional
- 16 attendance for such child. Whenever a child apparently shows
- 17 symptoms of any contagious or infectious disease, such child shall
- 18 be sent home immediately or as soon as safe and proper conveyance
- 19 can be found and the proper school authority, school board, or
- 20 board of education shall be at once notified. Such student may
- 21 be excluded from school as provided in section 79-264. ~~No child~~
- 22 ~~shall be compelled to submit to a physical examination other than~~
- 23 ~~the inspection by the school over the written objection of his~~
- 1 ~~or her parent or guardian delivered to the school authorities.~~
- 2 ~~Such objection does not exempt the child from the quarantine laws~~
- 3 ~~of the state and does not prohibit an examination for infectious~~
- 4 ~~or contagious diseases. A child shall not be required to submit~~

5 to an inspection required by this section if his or her parent  
 6 or guardian provides school authorities with a statement signed  
 7 by a physician, a physician assistant, or an advanced practice  
 8 registered nurse practicing under and in accordance with his or  
 9 her respective credentialing act or other qualified provider as  
 10 identified by the department in rules and regulations adopted  
 11 pursuant to section 79-249, stating that such child has undergone  
 12 such required inspection within the past six months. A child shall  
 13 submit to any required inspection for which such a statement is not  
 14 received.

15 Sec. 2. Section 79-249, Reissue Revised Statutes of  
 16 Nebraska, is amended to read:

17 79-249 The Department of Health and Human Services shall  
 18 adopt and promulgate rules and regulations for conducting school  
 19 health inspections, the qualifications of the person or persons  
 20 authorized to make such inspections, and the health conditions to  
 21 be observed and remedied and shall furnish to school authorities  
 22 the rules and regulations and other useful materials for carrying  
 23 out the purposes of sections 79-248 to 79-253. The department may  
 24 make available to schools methods for the gathering, analysis, and  
 25 sharing of school health data that do not violate any privacy laws.

26 On and after July 1, 1999, no staff member of any school  
 27 shall administer medication unless the school complies with the  
 1 applicable requirements of the Medication Aide Act. Notwithstanding  
 2 any other provision, nothing in the act shall be construed to  
 3 require any school to employ or use a school nurse or medication  
 4 aide in order to be in compliance with the act.

5 Sec. 3. Section 79-250, Reissue Revised Statutes of  
 6 Nebraska, is amended to read:

7 79-250 ~~During the first quarter of each school year the~~  
 8 school district shall provide the inspections required by section  
 9 79-248 for the children then in attendance. As children enter  
 10 school during the year, such inspections ~~must be made immediately~~  
 11 shall be confirmed upon their entrance.

12 Sec. 4. Section 79-252, Reissue Revised Statutes of  
 13 Nebraska, is amended to read:

14 79-252 ~~The~~ In lieu of conducting the inspections required  
 15 by section 79-248, the board of education or school board of  
 16 any school district may employ regularly licensed physicians to  
 17 ~~make physical examinations or inspections in lieu of school health~~  
 18 ~~inspections required by section 79-248. such inspections.~~

19 Sec. 5. Original sections 79-248, 79-249, 79-250, and  
 20 79-252, Reissue Revised Statutes of Nebraska, are repealed.

21 2. On page 1, line 2, strike "and" and after the comma  
 22 insert "and 79-252, "; and in line 3 after the semicolon insert  
 23 "to authorize the gathering, analysis, and sharing of school health  
 24 data;"

**LEGISLATIVE BILL 252.** Placed on Select File with amendment.  
ER8230

- 1 1. On page 1, line 2, strike "28-101,"; and in line 3
- 2 after "Nebraska" insert ", and section 28-101, Revised Statutes
- 3 Supplement, 2009".

**LEGISLATIVE BILL 759.** Placed on Select File.

**LEGISLATIVE BILL 760.** Placed on Select File.

**LEGISLATIVE BILL 732.** Placed on Select File with amendment.  
ER8227

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 25-1326, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 25-1326 (1) Real property may be conveyed by a master
- 6 commissioner ~~commissioners (1)~~ when (a) by an order or judgment
- 7 in an action or a proceeding; a party is ordered to convey such
- 8 property to another; and ~~he shall neglect or refuse he or she~~
- 9 neglects or refuses to comply with such order or judgment; ~~(2) when~~
- 10 or (b) specific real property is required to be sold under an order
- 11 or judgment of the court.

- 12 (2) A master commissioner may, for any cause he or she
- 13 deems expedient, postpone the sale of all or any portion of the
- 14 real property from time to time until it is completed, and in
- 15 every such case, notice of postponement shall be given by public
- 16 declaration thereof by such master commissioner at the time and
- 17 place last appointed for the sale. The public declaration of the
- 18 notice of postponement shall include the new date, time, and place
- 19 of sale. No other notice of the postponed sale need be given unless
- 20 the sale is postponed for longer than forty-five days beyond the
- 21 day designated in the notice of sale, in which event the notice
- 22 thereof shall be given in the same manner as the original notice of
- 23 sale is required to be given.

- 1 Sec. 2. Section 25-1327, Reissue Revised Statutes of
- 2 Nebraska, is amended to read:

- 3 25-1327 A sheriff may act as a master commissioner under
- 4 ~~the provisions of section 25-1326, subdivision (2).~~ subdivision
- 5 (1)(b) of section 25-1326. Sales made under ~~the same such~~
- 6 subdivision shall conform in all respects to the laws regulating
- 7 sales of land upon execution.

- 8 Sec. 3. Section 25-2144, Reissue Revised Statutes of
- 9 Nebraska, is amended to read:

- 10 25-2144 (1) All sales of mortgaged premises under a
- 11 decree shall be made by a sheriff or some other person authorized
- 12 by the court in the county where the premises or some part of
- 13 them are situated. ~~In ; and in~~ all cases where the sheriff ~~shall~~
- 14 ~~make~~ makes such sale, he or she shall act in his or her official
- 15 capacity, ~~he~~ shall be liable on his or her official bond for all

16 his or her acts therein, and ~~he~~ shall receive the same compensation  
17 as is provided by law for like services upon sales under execution.

18 (2) The sheriff or other person conducting the sale may,  
19 for any cause he or she deems expedient, postpone the sale of all  
20 or any portion of the real property from time to time until it is  
21 completed, and in every such case, notice of postponement shall be  
22 given by public declaration thereof by the sheriff or such other  
23 person at the time and place last appointed for the sale. The  
24 public declaration of the notice of postponement shall include the  
25 new date, time, and place of sale. No other notice of the postponed  
26 sale need be given unless the sale is postponed for longer than  
27 forty-five days beyond the day designated in the notice of sale, in  
1 which event notice thereof shall be given in the same manner as the  
2 original notice of sale is required to be given.

3 Sec. 4. Section 76-1009, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5 76-1009 On the date and at the time and place designated  
6 in the notice of sale, the trustee shall sell the property at  
7 public auction to the highest bidder. The attorney for the trustee  
8 may conduct the sale. Any person, including the beneficiary, may  
9 bid at the sale. Every bid shall be deemed an irrevocable offer.  
10 If the purchaser refuses to pay the amount bid by him or her for  
11 the property struck off to him or her at the sale, the trustee may  
12 again sell the property at any time to the highest bidder, except  
13 that notice of the sale shall be given again in the same manner  
14 as the original notice of sale was required to be given. The party  
15 refusing to pay shall be liable for any loss occasioned thereby,  
16 and the trustee may also, in his or her discretion, thereafter  
17 reject any other bid of such person.

18 The person conducting the sale may, for any cause he or  
19 she deems expedient, postpone the sale of all or any portion of  
20 the property from time to time until it is completed, and, in  
21 every such case, notice of postponement shall be given by public  
22 declaration thereof by such person at the time and place last  
23 appointed for the sale. The public declaration of the notice of  
24 postponement shall include the new date, time, and place of sale.  
25 No other notice of the postponed sale need be given unless the  
26 sale is postponed for longer than forty-five days beyond the day  
27 designated in the notice of sale, in which event notice thereof  
1 shall be given in the same manner as the original notice of sale is  
2 required to be given.

3 Sec. 5. Section 77-1912, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5 77-1912 (1) The sheriff shall sell the real property  
6 in the same manner provided by law for a sale on execution  
7 and shall at once pay the proceeds thereof to the clerk of  
8 the district court. Any governmental subdivision of the state,  
9 municipal corporation, or drainage or irrigation district to which  
10 any part of the taxes included in the decree of foreclosure is

11 due may purchase any real property sold at sheriff's sale. The  
 12 provisions of the law for the protection of the purchasers at tax  
 13 sales shall apply to purchasers at foreclosure sales provided for  
 14 in this section. The sheriff or officer conducting the sale shall  
 15 not be entitled to any commission on the money received and paid  
 16 out on foreclosure sales provided for herein.

17 (2) The sheriff or officer conducting the sale may, for  
 18 any cause he or she deems expedient, postpone the sale of all or  
 19 any portion of the real property from time to time until it is  
 20 completed, and in every such case, notice of postponement shall  
 21 be given by public declaration thereof by the sheriff or officer  
 22 at the time and place last appointed for the sale. The public  
 23 declaration of the notice of postponement shall include the new  
 24 date, time, and place of sale. No other notice of the postponed  
 25 sale need be given unless the sale is postponed for longer than  
 26 forty-five days beyond the day designated in the notice of sale,  
 27 in which event notice shall be given in the same manner as the  
 1 original notice of sale is required to be given.

2 Sec. 6. Original sections 25-1326, 25-1327, 25-2144,  
 3 76-1009, and 77-1912, Reissue Revised Statutes of Nebraska, are  
 4 repealed.

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

7 2. On page 1, line 2, after the second comma insert  
 8 "76-1009,".

**LEGISLATIVE BILL 1047.** Placed on Select File with amendment.  
 ER8228

1 1. On page 1, line 3, after "taxes" insert "; and to  
 2 declare an emergency".

**LEGISLATIVE BILL 706.** Placed on Select File.

**LEGISLATIVE BILL 696.** Placed on Select File.

**LEGISLATIVE BILL 978.** Placed on Select File.

**LEGISLATIVE BILL 792.** Placed on Select File.

**LEGISLATIVE BILL 695.** Placed on Select File.

**LEGISLATIVE BILL 986.** Placed on Select File.

**LEGISLATIVE BILL 997.** Placed on Select File with amendment.  
 ER8233

1 1. On page 1, line 1, strike "municipalities" and insert  
 2 "political subdivisions"; and in line 4 after "plans" insert "of  
 3 counties and cities".

**LEGISLATIVE BILL 933.** Placed on Select File.

**LEGISLATIVE BILL 813.** Placed on Select File.

(Signed) Jeremy Nordquist, Chairperson

**AMENDMENTS - Print in Journal**

Senator Price filed the following amendment to LB563:  
AM2453

(Amendments to AM2365)

- 1 1. On page 1, line 11, strike "a delivery service or";
- 2 strike lines 14 through 16; in line 17 strike "(5)" and insert
- 3 "(4)"; in line 18 strike "(6)" and insert "(5)"; and in line 19
- 4 strike "or delivery services".
- 5 2. On page 2, strike beginning with "An" in line 11
- 6 through "(3)" in line 16.
- 7 3. On page 5, line 9, strike "or delivery service".

Senator Gay filed the following amendment to LB780:  
AM2456

(Amendments to AM2351)

- 1 1. On page 1, line 3, strike "2013" and insert "2014".

**UNANIMOUS CONSENT - Add Cointroducers**

Senators Carlson, Christensen, Hadley, Krist, and Nelson asked unanimous consent to add their names as cointroducers to LB507. No objections. So ordered.

Senator Mello asked unanimous consent to add his name as cointroducer to LB987. No objections. So ordered.

**WITHDRAW - Cointroducers**

Senators Fischer, Hadley, Janssen, McCoy, Price, and Schilz withdrew their names as cointroducers to LB987.

**VISITORS**

Visitors to the Chamber were 75 fourth-grade students from Aldrich Elementary, Omaha; Yulia Kharlamova from Moscow and Olena Bohdaniuk from Kiev, Ukraine; Senator Gay's children, Katherine and Nicholas Gay, and Megan Heffelfinger, Alex Knicky, and Haley Weisbeck from Papillion; 38 fourth-grade students, teachers, and sponsors from Northwest Elementary, St. Libory; and 23 fourth-grade students and teacher from Sunset Hill Elementary, Omaha.

**ADJOURNMENT**

At 12:01 p.m., on a motion by Speaker Flood, the Legislature adjourned until 10:00 a.m., Tuesday, April 6, 2010.

Patrick J. O'Donnell  
Clerk of the Legislature

