

**SIXTIETH DAY - APRIL 14, 2010**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED FIRST LEGISLATURE**  
**SECOND SESSION**

**SIXTIETH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, April 14, 2010

**PRAYER**

The prayer was offered by Senator Stuthman.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 1:30 p.m., President Sheehy presiding.

The roll was called and all members were present.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fifty-ninth day was approved.

**MESSAGES FROM THE GOVERNOR**

April 13, 2010

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 507e, 507Ae, 563, 563A, 701e, 771, 779e, 779Ae, 800, and 800A were received in my office on April 12, 2010.

These bills were signed and delivered to the Secretary of State on April 13, 2010.

Sincerely,  
(Signed) Dave Heineman  
Governor

April 14, 2010

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 510 and 510A were received in my office on April 9, 2010.

Engrossed Legislative Bills 918 and 918A were received in my office on April 12, 2010.

These bills were signed and delivered to the Secretary of State today.

Sincerely,  
(Signed) Dave Heineman  
Governor

April 14, 2010

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 861 and 862 were received in my office on April 9, 2010.

Engrossed Legislative Bills 931e, 987, 987Ae, 1002, 1002A, 1014, 1071e, and 1072e were received in my office on April 12, 2010.

Engrossed Legislative Bills 999e and 1020 were received in my office on April 13, 2010.

These bills were signed and delivered to the Secretary of State today.

Sincerely,  
(Signed) Dave Heineman  
Governor

April 14, 2010

Mr. President, Mr. Speaker, and  
Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President and Members of the Legislature:

Earlier today, I signed LB 780 into law. However, I feel it is necessary to express my concerns about the cost of this legislation.

Senator Lathrop and the Legislature's Fiscal Office have indicated that the bill will cost less than \$8,000 annually for claims filed against the State of Nebraska and every political subdivision of our state. I hope this is accurate, but I am concerned about the veracity of this estimate.

In 2007, the Nebraska Supreme Court held in *Zach v. Nebraska State Patrol*, 273 Neb. 1 (2007), that mental injuries are not compensable under the Workers' Compensation Act when no physical injury exists. LB 780 will change that standard. If the state had lost the *Zach* case, it is estimated that a payment of nearly \$1,000,000 would have been made to the plaintiffs and their attorneys. Presumably, if the plaintiffs had a standard contingency fee agreement with their attorneys, the attorneys would have claimed up to one third of the judgment.

The Mayor of Omaha and the League of Nebraska Municipalities have expressed similar reservations about the cost of LB 780 and its impact on their property taxpayers. It is a valid concern.

These concerns were expressed to the Legislature's Fiscal Office and deemed invalid. I ultimately decided to sign this bill because the law will expire four years from now. If the cost estimate is inaccurate, then I will ask the Legislature to repeal this law.

Sincerely,  
(Signed) Dave Heineman  
Governor

**COMMUNICATION**

April 14, 2010

The Honorable John Gale  
 Secretary of State  
 2300 State Capitol  
 Lincoln, NE 68509

Dear Mr. Secretary:

Consistent with our rules, I am forwarding LB420 for deposit in your office. Legislative rules require us to deliver the bill to your office following the receipt of a veto message when no motion to override has been offered.

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

PJO:jk

**EXECUTIVE BOARD ANNOUNCEMENTS**

The Executive Board made the following appointments to the Republican River Basin Water Sustainability Task Force (LB1057): Senators Carlson, Christensen, Hansen, and Langemeier.

The Executive Board made the following appointments to the Innovation and Entrepreneurship Task Force (LB1109): Senators Conrad, Fischer, Hadley, Mello, Pahls, and Schilz. In addition, Senator Conrad was selected as Chairperson of the task force and Senator Hadley was selected as Vice Chairperson.

**REFERENCE COMMITTEE REPORT**2010 Resolution calling for an Interim Study

LR568	Interim study to review implementation of reforms by the Dept. of Health and Human Services regarding how children and families are served by the child welfare and juvenile services system in Nebraska	Health and Human Services
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(Signed) John Wightman, Chairperson  
 Executive Board

**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of April 13, 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

Alberts, Dan  
Third Planet Windpower (Withdrawn 04/12/2010)

**REPORTS**

The following reports were received by the Legislature:

**Health and Human Services, Department of**

Division of Developmental Disabilities, Beatrice State Developmental  
Center Baseline Quarterly Report

**Investment Council**

2009 Board of Educational Lands and Funds Annual Report

**RESOLUTIONS**

Pursuant to Rule 4, Sec. 5(b), LRs 548, 549, 550, 551, 552, and 553 were adopted.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 548, 549, 550, 551, 552, and 553.

**RESOLUTIONS**

**LEGISLATIVE RESOLUTION 554.** Read. Considered.

**LEGISLATIVE RESOLUTION 555.** Read. Considered.

**LEGISLATIVE RESOLUTION 557.** Read. Considered.

**LEGISLATIVE RESOLUTION 558.** Read. Considered.

**LEGISLATIVE RESOLUTION 559.** Read. Considered.

**LEGISLATIVE RESOLUTION 560.** Read. Considered.

**LEGISLATIVE RESOLUTION 561.** Read. Considered.

**LEGISLATIVE RESOLUTION 562.** Read. Considered.

**LEGISLATIVE RESOLUTION 563.** Read. Considered.

**LEGISLATIVE RESOLUTION 564.** Read. Considered.

**LEGISLATIVE RESOLUTION 565.** Read. Considered.

**LEGISLATIVE RESOLUTION 567.** Read. Considered.

**LEGISLATIVE RESOLUTION 569.** Read. Considered.

**LEGISLATIVE RESOLUTION 570.** Read. Considered.

LRs 554, 555, 557, 558, 559, 560, 561, 562, 563, 564, 565, 567, 569, and 570 were adopted with 47 ayes, 0 nays, and 2 present and not voting.

### **PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 554, 555, 557, 558, 559, 560, 561, 562, 563, 564, 565, 567, 569, and 570.

### **MOTION - Notify Governor**

Senator Gay moved that a committee of five be appointed to notify the Governor that the One Hundred First Legislature, Second Session of the Nebraska Legislature, is about to complete its work, and to return with any message the Governor may have for the Legislature.

The motion prevailed.

The Chair appointed Senators Stuthman, Gay, Howard, Coash, and Sullivan to serve on said committee.

The committee returned and escorted Governor Dave Heineman to the rostrum where he delivered a message to the members.

The committee escorted Governor Dave Heineman from the Chamber.

### **MOTION - Printing of Journal, Session Laws, and Indexes**

Senator White moved that the Legislature approve the preparation and printing of the permanent Legislative Journal, Session Laws, and Indexes by Patrick J. O'Donnell, and that he be directed to send each member of the Legislature a copy of the permanent Journal and Session Laws.

The motion prevailed.

**VISITORS**

Visitor to the Chamber was Matt Harrington from Omaha.

The Doctor of the Day was Dr. Pat Hotovy from York.

**MOTION - Adjourn Sine Die**

Senator Stuthman moved that the Journal for the Sixtieth Day, as prepared by the Clerk of the Legislature, be approved and that the One Hundred First Legislature, Second Session of the Nebraska Legislature, having finished all business before it, now at 2:55 p.m., adjourn sine die.

The motion prevailed.

Patrick J. O'Donnell  
Clerk of the Legislature

**DISPOSITION OF BILLS**

All bills not otherwise disposed of, excluding bills on Final Reading and vetoed or line-item vetoed bills on this date, are indefinitely postponed.

