

NINTH DAY - JANUARY 20, 2010

LEGISLATIVE JOURNAL

**ONE HUNDRED FIRST LEGISLATURE
SECOND SESSION**

NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 20, 2010

PRAYER

The prayer was offered by Pastor Luke Schnake, Christ Lutheran Church, Lincoln.

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 McCoy who was excused; and Senators Cornett, Haar, and Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eighth day was approved.

REFERENCE COMMITTEE REPORT

The Executive Board submits the following report:

LB/LR	Committee
LB936	Judiciary
LB937	Education
LB938	Health and Human Services
LB939	Judiciary
LB940	Health and Human Services
LB941	Health and Human Services
LB942	General Affairs
LB943	Urban Affairs
LB944	Education
LB945	Transportation and Telecommunications
LB946	Judiciary
LB947	Government, Military and Veterans Affairs
LB948	Government, Military and Veterans Affairs
LB949	Urban Affairs

LB950 Nebraska Retirement Systems
 LB951 Government, Military and Veterans Affairs
 LB952 Revenue
 LB953 Health and Human Services
 LB954 Revenue
 LB955 Judiciary
 LB956 Education
 LB957 Education
 LB958 Revenue
 LB959 Banking, Commerce and Insurance
 LB960 Natural Resources
 LB962 Health and Human Services

(Signed) John Wightman, Chairperson
 Executive Board

NOTICE OF COMMITTEE HEARINGS
 Government, Military and Veterans Affairs

Room 1507

Wednesday, January 27, 2010 1:30 p.m.

LB794
 LB951
 LB875
 LB850

Thursday, January 28, 2010 1:30 p.m.

LB815
 LB839
 LB716

(Signed) Bill Avery, Chairperson

MESSAGE FROM THE GOVERNOR

January 19, 2010

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

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Foster Care Review Board:

Acela Turco, 16330 Wright Circle, Omaha, NE 68130

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

BILLS ON FIRST READING

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

LEGISLATIVE BILL 988. Introduced by Council, 11.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-2412, Reissue Revised Statutes of Nebraska; to change provisions relating to credit for imprisonment for fines and costs; and to repeal the original section.

LEGISLATIVE BILL 989. Introduced by Council, 11.

A BILL FOR AN ACT relating to correctional services; to amend section 83-4,114.01, Reissue Revised Statutes of Nebraska; to define terms; to provide for administrative segregation of committed offenders; to provide duties for chief executive officers of facilities; to provide rights and privileges as prescribed; to change provisions relating to discipline; and to repeal the original section.

LEGISLATIVE BILL 990. Introduced by Council, 11.

A BILL FOR AN ACT relating to jails; to amend section 47-502, Reissue Revised Statutes of Nebraska; to change good time provisions as prescribed; and to repeal the original section.

LEGISLATIVE BILL 991. Introduced by Schilz, 47.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,305, Reissue Revised Statutes of Nebraska, and sections 60-3,111 and 60-6,290, Revised Statutes Cumulative Supplement, 2008; to provide a special permit for farmers hauling hay; to change provisions relating to livestock forage vehicles; and to repeal the original sections.

LEGISLATIVE BILL 992. Introduced by McGill, 26.

A BILL FOR AN ACT relating to public health; to amend section

71-503.01, Reissue Revised Statutes of Nebraska; to provide for treatment relating to sexually transmitted disease as prescribed; to provide for confidentiality and exemptions as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 993. Introduced by Carlson, 38; Christensen, 44.

A BILL FOR AN ACT relating to water resources; to amend section 61-218, Revised Statutes Cumulative Supplement, 2008, as amended by section 39, Legislative Bill 3, One Hundred First Legislature, First Special Session, 2009; to change provisions relating to the Water Resources Cash Fund; and to repeal the original section.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 270, 272, 274, 275, 280, 281, 282, 283, 285, 287, and 288 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 270, 272, 274, 275, 280, 281, 282, 283, 285, 287, and 288.

GENERAL FILE

LEGISLATIVE BILL 306. Title read. Considered.

Pending.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 297. Placed on Select File with amendment.
ER8144

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Sections 1 to 12 of this act shall be known
- 4 and may be cited as the Nebraska Beginning Farmer and Small
- 5 Business Linked Deposit Loan Act.
- 6 Sec. 2. For purposes of the Nebraska Beginning Farmer and
- 7 Small Business Linked Deposit Loan Act:
- 8 (1) Eligible beginning farmer means a beginning farmer
- 9 or livestock producer who is a resident individual as defined in
- 10 section 77-2714.01, who has entered farming or livestock production
- 11 or is seeking entry into farming or livestock production, who
- 12 intends to farm or raise crops or livestock on land located within
- 13 the state borders of Nebraska, and who meets the eligibility
- 14 guidelines established in section 3 of this act;

15 (2) Eligible lending institution means:

16 (a) A bank which is chartered to conduct a bank in this
17 state pursuant to the Nebraska Banking Act or any national bank
18 authorized to do business in this state that agrees to participate
19 in the Nebraska Beginning Farmer and Small Business Linked Deposit
20 Loan Act and is eligible to be a depository of funds available for
21 investment as designated by the state investment officer; or

22 (b) Any state-chartered or federally chartered building
23 and loan association authorized to do business in this state that
1 agrees to participate in the Nebraska Beginning Farmer and Small
2 Business Linked Deposit Loan Act and is eligible to be a depository
3 of funds available for investment as designated by the state
4 investment officer;

5 (3) Eligible small business means any individual,
6 partnership, limited partnership, limited liability company,
7 limited liability partnership, or corporation headquartered in
8 Nebraska that employs fewer than ten employees doing business in
9 a municipality, county, unincorporated area within a county, or
10 census tract in Nebraska that has (a) an unemployment rate which
11 exceeds the statewide average unemployment rate, (b) a per capita
12 income below the statewide average per capita income, or (c) had a
13 population decrease between the two most recent federal decennial
14 censuses;

15 (4) Linked deposit means an investment account of funds
16 available for investment placed by the State Treasurer pursuant
17 to the Nebraska Beginning Farmer and Small Business Linked Deposit
18 Loan Act with an eligible lending institution for the purpose of
19 carrying out the intent of the act; and

20 (5) Linked deposit loan package means forms and
21 information provided by the State Treasurer to eligible lending
22 institutions for the purpose of applying for a linked deposit.

23 Sec. 3. An eligible beginning farmer shall be an
24 individual who: (1) Has a net worth of not more than five
25 hundred thousand dollars, including any holdings by a spouse or
26 dependent, based on fair market value; (2) provides the majority of
27 the day-to-day physical labor and management of his or her farming
1 or livestock production operations; (3) has adequate farming or
2 livestock production experience or demonstrates knowledge in the
3 type of farming or livestock production for which he or she
4 seeks assistance; (4) demonstrates a profit potential by submitting
5 projected earnings statements and agrees that farming or livestock
6 production is intended to become his or her principal source of
7 income; and (5) demonstrates a need for assistance.

8 Sec. 4. (1) The State Treasurer is hereby authorized to
9 administer a linked deposit loan program pursuant to the Nebraska
10 Beginning Farmer and Small Business Linked Deposit Loan Act. The
11 program shall be for the purpose of providing incentives for making
12 loans from linked deposits, through eligible lending institutions,
13 to eligible beginning farmers and eligible small businesses.

14 (2) The State Treasurer shall submit an annual report
15 outlining the status of the program to the Governor and
16 Legislature.

17 Sec. 5. (1) The State Treasurer may disseminate linked
18 deposit loan packages to eligible lending institutions.

19 (2) A linked deposit loan application shall be completed
20 by an eligible beginning farmer or eligible small business seeking
21 to borrow linked deposit funds under the Nebraska Beginning Farmer
22 and Small Business Linked Deposit Loan Act and returned to the
23 State Treasurer. The State Treasurer shall forward the application
24 to an eligible lending institution for consideration.

25 (3) An eligible lending institution that agrees to
26 receive a linked deposit shall accept and review such linked
27 deposit loan application. The eligible lending institution shall
1 apply its usual and prudent lending standards and practices to
2 determine the credit worthiness of eligible beginning farmers and
3 eligible small businesses seeking to borrow linked deposit funds.
4 No single beginning farmer linked deposit loan shall exceed two
5 hundred fifty thousand dollars. No single small business linked
6 deposit loan shall exceed two hundred fifty thousand dollars.
7 The total aggregate amount of beginning farmer and small business
8 linked deposit loans under the linked deposit loan program shall
9 not exceed two million dollars in FY2010-11, two million dollars in
10 FY2011-12, four million dollars in FY2012-13, four million dollars
11 in FY2013-14, six million dollars in FY2014-15, six million dollars
12 in FY2015-16, eight million dollars in FY2016-17, eight million
13 dollars in FY2017-18, ten million dollars in FY2018-19, and ten
14 million dollars in FY2019-20.

15 Sec. 6. (1) Only one eligible beginning farmer linked
16 deposit loan shall be made and be outstanding at any one time
17 to any eligible beginning farmer. No eligible beginning farmer
18 linked deposit loan shall be extended for more than five years or
19 amortized for greater than fifteen years.

20 (2) An eligible beginning farmer shall certify on the
21 linked deposit loan application that the linked deposit loan
22 will be used exclusively for the following expenses involved in
23 the operation of the eligible beginning farmer: Inventory; rent,
24 utilities, insurance, or taxes; equipment purchase, rental, or
25 lease; renovations, repairs, and maintenance of equipment and
26 facilities; or purchase of land and buildings.

27 Sec. 7. (1) Only one eligible small business linked
1 deposit loan shall be made and be outstanding at any one time to an
2 eligible small business. No eligible small business linked deposit
3 loan shall be extended for more than five years or amortized for
4 greater than fifteen years.

5 (2) An eligible small business shall certify on the
6 linked deposit loan application that the linked deposit loan
7 will be used exclusively for the following expenses involved in
8 the operation of the eligible small business: Inventory; rent,

9 utilities, insurance, or taxes; equipment purchase, rental, or
10 lease; renovations, repairs, and maintenance of equipment and
11 facilities; or purchase of land and buildings.

12 Sec. 8. (1) An eligible lending institution may approve
13 or disapprove a linked deposit loan application based on the
14 lending institution's evaluation of the eligible beginning farmer
15 or eligible small business applying for the loan, the amount of the
16 individual loan applied for, and other appropriate considerations.

17 (2) The eligible lending institution shall forward an
18 approved linked deposit loan application to the State Treasurer in
19 the form and manner prescribed and approved by the State Treasurer
20 for final approval by the State Treasurer. The linked deposit loan
21 application shall include information regarding the amount of the
22 linked deposit loan requested by each eligible beginning farmer
23 or eligible small business and such other information regarding
24 each eligible beginning farmer or eligible small business the State
25 Treasurer requires, including a certification by the applicant that
26 such applicant is an eligible beginning farmer or eligible small
27 business.

1 Sec. 9. (1) The State Treasurer may approve or disapprove
2 a linked deposit loan application based upon (a) the State
3 Treasurer's evaluation of whether the linked deposit loan to
4 the eligible beginning farmer or eligible small business meets the
5 purposes of the Nebraska Beginning Farmer and Small Business Linked
6 Deposit Loan Act and (b) the availability of funds. If sufficient
7 funds are not available for every approved linked deposit loan,
8 then the applications shall be considered in the order in which
9 they were received when linked deposit funds are once again
10 available.

11 (2) Once a linked deposit loan application has had
12 final approval from the State Treasurer, the State Treasurer shall
13 certify to the state investment officer the amount required for
14 the linked deposit loan. The state investment officer shall place
15 a linked deposit in the amount certified by the State Treasurer
16 with the eligible lending institution at an interest rate which is
17 two percent below the interest rate provided in section 45-103.
18 Such interest rate for new loans shall be recalculated on the first
19 business day of January, April, July, and October of each year
20 using the rate then in effect. When necessary, the State Treasurer
21 may request the state investment officer to place a linked deposit
22 with an eligible lending institution prior to acceptance of a
23 linked deposit loan application.

24 (3) An eligible lending institution shall enter into a
25 linked deposit loan agreement with the State Treasurer which shall
26 include requirements necessary to implement the purposes of the
27 Nebraska Beginning Farmer and Small Business Linked Deposit Loan
1 Act. Such requirements shall include an agreement by an eligible
2 lending institution to lend an amount equal to the linked deposits
3 to eligible beginning farmers or eligible small businesses seeking

4 to borrow linked deposit funds under the act at an interest rate
 5 which is not more than two percent above the interest rate provided
 6 in section 45-103. Such interest rate for new loans shall be
 7 recalculated on the first business day of January, April, July, and
 8 October of each year using the rate then in effect. The agreement
 9 may include provisions for the linked deposits to be placed for a
 10 maturity considered appropriate in coordination with the underlying
 11 eligible beginning farmer or eligible small business loan within
 12 the requirements of sections 6 and 7 of this act. The agreement
 13 may include provisions for the reduction of linked deposits in an
 14 amount equal to any payment of bank loan principal.

15 Sec. 10. (1) Except as provided in subsection (2) of
 16 section 9 of this act, upon the placement of a linked deposit with
 17 an eligible lending institution, the eligible lending institution
 18 shall fund the linked deposit loan to each approved eligible
 19 beginning farmer or eligible small business listed in the linked
 20 deposit loan application in accordance with the linked deposit loan
 21 agreement between the eligible lending institution and the State
 22 Treasurer. The linked deposit loan shall be at an interest rate as
 23 provided in section 9 of this act. A certification of compliance
 24 with this section in the form and manner as prescribed by the State
 25 Treasurer shall be required of an eligible lending institution.

26 (2) The State Treasurer may adopt and promulgate rules
 27 and regulations necessary to implement the Nebraska Beginning
 1 Farmer and Small Business Linked Deposit Loan Act.

2 Sec. 11. The state or the State Treasurer shall not
 3 be liable to any eligible lending institution in any manner for
 4 payment of the principal or interest on a linked deposit loan. Any
 5 delay in payments or default on a linked deposit loan shall not
 6 in any manner affect the linked deposit loan agreement between an
 7 eligible lending institution and the State Treasurer.

8 Sec. 12. No new eligible beginning farmer linked deposit
 9 loan or new eligible small business linked deposit loan shall be
 10 made after June 30, 2020.

11 Sec. 13. This act becomes operative on January 1, 2011.

LEGISLATIVE BILL 235. Placed on Select File with amendment.
 ER8140

- 1 1. On page 1, strike beginning with "provide" in line
- 2 1 through line 2 and insert "amend section 72-204, Reissue
- 3 Revised Statutes of Nebraska; to provide for leases involving
- 4 the production of solar or wind energy; to harmonize provisions;
- 5 and to repeal the original section."

LEGISLATIVE BILL 210. Placed on Select File with amendment.
 ER8143

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 77-27,137.02, Reissue Revised Statutes

4 of Nebraska, is amended to read:

5 77-27,137.02 The appropriation made pursuant to the
 6 authority in section 77-27,136 for aid to natural resources
 7 districts shall be distributed to the various natural resources
 8 districts of the state on the basis of the ratio of the total
 9 amount of property taxes levied by the particular natural resources
 10 district to the total amount of property taxes levied by all
 11 natural resources districts within the state based on amounts
 12 stated in the most recent certificate of taxes levied statement
 13 and schedules submitted by each county ~~to the Tax Commissioner~~
 14 pursuant to section 77-1613.01. For purposes of calculating the
 15 ratio in this section, in determining the total amount of property
 16 taxes levied by natural resources districts, the total shall
 17 exclude those property taxes levied for the payment of principal or
 18 interest on bonds. The Tax Commissioner shall determine the amount
 19 to be distributed to the various natural resources districts and
 20 certify such amounts by voucher to the Director of Administrative
 21 Services. Each amount shall be distributed in seven as nearly as
 22 possible equal monthly payments between the fifth and twentieth
 23 day of each month beginning December 1, 1982, and each December
 1 thereafter. The State Treasurer shall, between the fifth and
 2 twentieth day of each month, notify the Director of Administrative
 3 Services of the amount of funds available in the General Fund for
 4 payment purposes. The Director of Administrative Services shall,
 5 upon receipt of such notification and vouchers, draw warrants
 6 against funds appropriated. The proceeds of the payments received
 7 by the various natural resources districts shall be credited to the
 8 general fund of the district.

9 Sec. 2. This act becomes operative on July 1, 2010.

10 Sec. 3. Original section 77-27,137.02, Reissue Revised
 11 Statutes of Nebraska, is repealed.

12 2. On page 1, strike beginning with "Revised" in line 2
 13 through "2008" in line 3 and insert "Reissue Revised Statutes of
 14 Nebraska".

LEGISLATIVE BILL 139. Placed on Select File.

LEGISLATIVE BILL 475. Placed on Select File with amendment.
 ER8145

1 1. On page 1, strike beginning with "comptrollers" in
 2 line 1 through line 7 and insert "government; to amend section
 3 23-1401, Reissue Revised Statutes of Nebraska; to change a
 4 provision relating to duties of the county comptroller; to create
 5 the office of auditor; to provide an operative date; and to repeal
 6 the original section."

LEGISLATIVE BILL 279. Placed on Select File.

(Signed) Jeremy Nordquist, Chairperson

COMMITTEE REPORTS

Banking, Commerce and Insurance

LEGISLATIVE BILL 690. Placed on General File.**LEGISLATIVE BILL 691.** Placed on General File.**LEGISLATIVE BILL 736.** Placed on General File.**LEGISLATIVE BILL 751.** Placed on General File.

(Signed) Rich Pahls, Chairperson

AMENDMENT - Print in JournalSenator Langemeier filed the following amendment to LB210:
AM1573

(Amendments to E & R amendments, ER8143)

- 1 1. Insert the following new section:
- 2 Sec. 4. Since an emergency exists, this act takes effect
- 3 when passed and approved according to law.

NOTICE OF COMMITTEE HEARINGS

Revenue

Room 1524

Wednesday, January 27, 2010 1:30 p.m.

LB708

LB692

LB873

LB806

Thursday, January 28, 2010 1:30 p.m.

LR276CA

LB893

Friday, January 29, 2010 1:30 p.m.

LB958

LB918

LB897

(Signed) Abbie Cornett, Chairperson

Natural Resources

Room 1525

Wednesday, January 27, 2010 1:30 p.m.

LB747

LB836

(Signed) Chris Langemeier, Chairperson

Judiciary

Room 1113

Wednesday, January 27, 2010 1:30 p.m.

LB800

LB923

(Signed) Brad Ashford, Chairperson

BILLS ON FIRST READING

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

LEGISLATIVE BILL 994. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to workers' compensation; to amend section 48-186, Reissue Revised Statutes of Nebraska; to change a provision relating to hearing location; and to repeal the original section.

LEGISLATIVE BILL 995. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to labor; to amend section 48-838, Revised Statutes Cumulative Supplement, 2008; to change a provision relating to employee representation; and to repeal the original section.

LEGISLATIVE BILL 996. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to labor and employment; to amend section 4-114, Revised Statutes Supplement, 2009; to change provisions relating to use of the federal immigration verification system by public contractors; and to repeal the original section.

LEGISLATIVE BILL 997. Introduced by Mello, 5.

A BILL FOR AN ACT relating to municipalities; to amend sections 15-1102, 19-903, and 23-114.02, Reissue Revised Statutes of Nebraska; to

change provisions relating to comprehensive plans; and to repeal the original sections.

LEGISLATIVE BILL 998. Introduced by Gay, 14.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend sections 60-495, 60-498, 60-4,114, 60-4,121, 60-4,156, and 60-4,157, Reissue Revised Statutes of Nebraska, sections 60-484, 60-493, 60-4,113, 60-4,117, 60-4,118, 60-4,119, 60-4,120, 60-4,120.01, 60-4,123, 60-4,124, 60-4,127, 60-4,141, 60-4,142, 60-4,144, 60-4,145, 60-4,149, 60-4,149.01, 60-4,150, 60-4,151, 60-4,181, and 60-1515, Revised Statutes Cumulative Supplement, 2008, and section 60-4,115, Revised Statutes Supplement, 2009; to provide for regional service centers for the issuance of driver's licenses and state identification cards; to provide powers and duties for the Director of Motor Vehicles and the Department of Motor Vehicles; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 999. Introduced by Campbell, 25.

A BILL FOR AN ACT relating to hospitals; to amend section 71-401, Reissue Revised Statutes of Nebraska; to provide for a two-year moratorium on new hospital licenses as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1000. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-125, Reissue Revised Statutes of Nebraska, and section 53-103, Revised Statutes Supplement, 2009; to change provisions relating to managers and limited liability companies; and to repeal the original sections.

LEGISLATIVE BILL 1001. Introduced by Janssen, 15; Fischer, 43; Flood, 19; Fulton, 29; Gloor, 35; Hansen, 42; Karpisek, 32; Krist, 10; Lautenbaugh, 18; McCoy, 39; Nelson, 6; Pahls, 31; Price, 3; Schilz, 47; Utter, 33.

A BILL FOR AN ACT relating to postsecondary education; to amend section 85-502, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to residency; to provide for applicability; and to repeal the original section.

LEGISLATIVE BILL 1002. Introduced by Loudon, 49; Ashford, 20; Coash, 27; Rogert, 16.

A BILL FOR AN ACT relating to revenue; to authorize state sales tax revenue assistance derived from the sale of alcoholic liquor for certain political subdivisions as prescribed; to provide powers and duties for the Nebraska Liquor Control Commission, the Tax Commissioner, the Department of Revenue, and the State Treasurer; to define terms; and to provide an operative date.

LEGISLATIVE BILL 1003. Introduced by Giese, 17.

A BILL FOR AN ACT relating to elections; to amend sections 32-314, 32-329, 32-915, 32-929, 32-933, 32-935, 32-936, 32-1002, 32-1530, and 32-1532, Reissue Revised Statutes of Nebraska; to authorize provisional ballots for registered voters changing residence within Nebraska; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 1004. Introduced by Louden, 49; Harms, 48.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-471, 60-501, 60-6,348, and 60-6,349, Reissue Revised Statutes of Nebraska, sections 60-102, 60-123, 60-137, 60-302, 60-339, and 60-605, Revised Statutes Cumulative Supplement, 2008, and sections 23-187, 60-101, 60-301, and 60-601, Revised Statutes Supplement, 2009; to allow operation of golf car vehicles and low-speed vehicles on highways as prescribed; to require titling and registration for low-speed vehicles; to provide powers for counties; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 1005. Introduced by Karpisek, 32; Coash, 27; Rogert, 16.

A BILL FOR AN ACT relating to Native American public health; to amend section 71-7615, Reissue Revised Statutes of Nebraska; to create the Substance Abuse Treatment Grant Program; to state intent relating to appropriations; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1006. Introduced by Adams, 24; Rogert, 16; Sullivan, 41.

A BILL FOR AN ACT relating to schools; to amend sections 79-101 and 79-214, Reissue Revised Statutes of Nebraska, and sections 79-318, 79-8,133, and 79-8,137.01, Revised Statutes Supplement, 2009; to change provisions relating to kindergarten entrance age; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1007. Introduced by Adams, 24.

A BILL FOR AN ACT relating to schools; to amend sections 79-703 and 79-757, Reissue Revised Statutes of Nebraska, and section 79-318, Revised Statutes Supplement, 2009; to change duties of the State Board of Education; to provide for performance measures and priority schools pursuant to the Quality Education Accountability Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1008. Introduced by Janssen, 15.

A BILL FOR AN ACT relating to the Nebraska Budget Act; to amend section 13-504, Reissue Revised Statutes of Nebraska; to provide for cash basis or modified accrual or encumbrance basis budget statements as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1009. Introduced by Janssen, 15.

A BILL FOR AN ACT relating to counties; to amend sections 22-405.01, 22-411, and 23-1114, Reissue Revised Statutes of Nebraska; to change provisions relating to the date for fixing salaries; and to repeal the original sections.

LEGISLATIVE BILL 1010. Introduced by Pankonin, 2.

A BILL FOR AN ACT relating to natural resources districts; to amend section 2-3234, Revised Statutes Supplement, 2009; to provide procedures for the use of eminent domain for trails; to provide a duty for the Revisor of Statutes; to harmonize provisions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1011. Introduced by Pankonin, 2.

A BILL FOR AN ACT relating to natural resources districts; to amend section 2-3234, Revised Statutes Supplement, 2009; to change provisions relating to eminent domain; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1012. Introduced by Rogert, 16.

A BILL FOR AN ACT relating to horseracing; to amend sections 2-1201 and 2-1219, Reissue Revised Statutes of Nebraska; to change provisions relating to membership on the State Racing Commission, prohibited activities, and a penalty; and to repeal the original sections.

LEGISLATIVE BILL 1013. Introduced by Rogert, 16; Krist, 10; Mello, 5; Nordquist, 7.

A BILL FOR AN ACT relating to alcoholic liquor; to amend sections 9-647 and 53-179, Reissue Revised Statutes of Nebraska, and section 53-124, Revised Statutes Supplement, 2009; to provide for extension of the time for sale of alcoholic liquor for certain licensees as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1014. Introduced by Haar, 21.

A BILL FOR AN ACT relating to schools; to amend section 79-1035.02, Reissue Revised Statutes of Nebraska; to create the Teacher Performance Pay Fund; to provide for additional public teacher pay as prescribed; to

harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1015. Introduced by Haar, 21.

A BILL FOR AN ACT relating to presidential elections; to adopt the Interstate Compact on the Agreement Among the States to Elect the President by National Popular Vote.

LEGISLATIVE BILL 1016. Introduced by Christensen, 44.

A BILL FOR AN ACT relating to water resources; to amend sections 2-1599, 2-15,100, 2-15,101, 2-15,103, 2-15,105, 2-15,106, and 61-206, Reissue Revised Statutes of Nebraska, and sections 49-506 and 49-617, Revised Statutes Cumulative Supplement, 2008; to adopt the Nebraska Statewide Water Planning Commission Act; to harmonize provisions; and to repeal the original sections.

GENERAL FILE

LEGISLATIVE BILL 306. Senator Council offered the following amendment:

AM1579

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. The Auditor of Public Accounts is directed to
- 4 conduct an audit of the costs of administering the death penalty
- 5 in Nebraska. The audit is to be completed by December 1, 2010, and
- 6 presented in a report to the Legislature.
- 7 Sec. 2. The audit conducted pursuant to section 1 of this
- 8 act shall examine the direct and indirect costs of administering
- 9 the death penalty in Nebraska, including:
- 10 (1) The costs to the Attorney General's office for
- 11 expenditures for staff salaries, benefits, and operating expenses
- 12 related to death penalty issues including any contracting for
- 13 assistance;
- 14 (2) The costs to the Department of Correctional Services
- 15 for staff salaries, benefits, and operating expenses in housing
- 16 inmates on death row and carrying out the death penalty, including
- 17 any contracting for assistance;
- 18 (3) The costs to counties in county attorney staff time
- 19 and other expenses relating to the prosecution of death penalty
- 20 cases and in preparing for the presentation of aggravating and
- 21 mitigating circumstances with respect to sentencing proceedings in
- 22 such cases, including, but not limited to, expert witness fees,
- 23 additional investigations, and contracting for assistance;
- 1 (4) Costs to county public defenders' offices and the
- 2 Public Advocacy Commission in providing a defense against the
- 3 imposition of the death penalty;

- 4 (5) The costs to counties for court-appointed attorneys
 5 hired to defend capital cases; and
 6 (6) The costs to the Supreme Court, Court of Appeals, and
 7 district courts and an estimate of the costs to the federal courts
 8 in staff salaries, benefits, and operating expenses relating to the
 9 disposition of capital cases.
 10 Sec. 3. The audit conducted pursuant to section 1 of
 11 this act shall examine those costs borne by the Attorney General,
 12 the Department of Correctional Services, law enforcement, the
 13 counties, the courts, and the advocacy offices involved in capital
 14 cases in Nebraska in comparison to noncapital cases in Nebraska
 15 for convictions of persons under section 28-303 over the past
 16 twenty-five years.

SENATOR LANGEMEIER PRESIDING

Senator Lautenbaugh moved the previous question. The question is, "Shall the debate now close?"

Senator Lautenbaugh moved for a call of the house. The motion prevailed with 40 ayes, 1 nay, and 8 not voting.

Senator Lautenbaugh requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 27:

Adams	Dierks	Harms	Nelson	Sullivan
Ashford	Fischer	Heidemann	Pahls	Utter
Campbell	Gay	Janssen	Pankonin	Wightman
Carlson	Gloor	Krist	Price	
Christensen	Hadley	Lautenbaugh	Schilz	
Coash	Hansen	Louden	Stuthman	

Voting in the negative, 18:

Avery	Dubas	Howard	Mello	Wallman
Conrad	Fulton	Karpisek	Nordquist	White
Cook	Giese	Lathrop	Pirsch	
Council	Haar	McGill	Rogert	

Present and not voting, 2:

Flood	Langemeier
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Excused and not voting, 2:

Cornett	McCoy
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The motion to cease debate prevailed with 27 ayes, 18 nays, 2 present and not voting, and 2 excused and not voting.

Senator Council requested a roll call vote on her amendment.

Voting in the affirmative, 15:

Ashford	Cook	Haar	McGill	Rogert
Coash	Council	Howard	Mello	Wallman
Conrad	Dierks	Lathrop	Nordquist	White

Voting in the negative, 30:

Adams	Fulton	Harms	Lautenbaugh	Price
Campbell	Gay	Heidemann	Louden	Schilz
Carlson	Giese	Janssen	Nelson	Stuthman
Christensen	Gloor	Karpisek	Pahls	Sullivan
Fischer	Hadley	Krist	Pankonin	Utter
Flood	Hansen	Langemeier	Pirsch	Wightman

Present and not voting, 2:

Avery	Dubas
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Excused and not voting, 2:

Cornett	McCoy
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The Council amendment lost with 15 ayes, 30 nays, 2 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Pending.

COMMITTEE REPORTS

Transportation and Telecommunications

LEGISLATIVE BILL 650. Placed on General File with amendment. AM1582 is available in the Bill Room.

LEGISLATIVE BILL 416. Indefinitely postponed.

LEGISLATIVE BILL 652. Indefinitely postponed.

(Signed) Deb Fischer, Chairperson

AMENDMENT - Print in Journal

Senator Avery filed the following amendment to LB190:
AM1555

(Amendments to Standing Committee amendments, AM85)

- 1 1. Insert the following new sections:
- 2 Section 1. Section 29-4101, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 29-4101 Sections 29-4101 to 29-4115 and section 5 of this
- 5 act shall be known and may be cited as the DNA Identification
- 6 Information Act.
- 7 Sec. 5. The State DNA Sample and Data Base Fund is
- 8 created. The fund shall be maintained by the Department of Justice
- 9 and administered by the Attorney General. The fund shall consist
- 10 of any funds transferred to the fund by the Legislature or
- 11 made available by any department or agency of the United States
- 12 Government if so directed by such department or agency. The fund
- 13 shall be used to pay the expenses of the Department of Correctional
- 14 Services and the Nebraska State Patrol as needed to collect DNA
- 15 samples as provided in section 29-4106. Any money in the fund
- 16 available for investment shall be invested by the state investment
- 17 officer pursuant to the Nebraska Capital Expansion Act and the
- 18 Nebraska State Funds Investment Act.
- 19 2. Renumber the remaining sections accordingly.

NOTICE OF COMMITTEE HEARING

Appropriations

Room 1003

Wednesday, January 27, 2010 1:30 p.m.

Agency 12 - State Treasurer

Agency 15 - Parole, Nebraska Board of

Agency 16 - Revenue, Department of

Agency 17 - Aeronautics, Department of

Agency 19 - Banking, Department of

Agency 24 - Motor Vehicles, Department of

Agency 33 - Game and Parks Commission

Agency 69 - Arts Council, Nebraska

Agency 78 - Nebraska Commission on Law Enforcement and Criminal Justice

Agency 85 - Public Employees Retirement Board, Nebraska

Agency 3 - Legislative Council

(Signed) Lavon Heidemann, Chairperson

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1017. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to insurance; to provide requirements for insurers for prescription drug coverage; and to provide a duty for the Revisor of Statutes.

LEGISLATIVE BILL 1018. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to revenue and taxation; to adopt the Nebraska Advantage Transformational Tourism and Redevelopment Act.

LEGISLATIVE BILL 1019. Introduced by Haar, 21.

A BILL FOR AN ACT relating to recreational trails; to provide for trails dispute boards to decide disputes concerning recreational trails between county boards and natural resources districts boards.

LEGISLATIVE BILL 1020. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to the Employment Security Law; to amend section 48-627, Revised Statutes Cumulative Supplement, 2008; to change provisions relating to benefit eligibility; and to repeal the original section.

LEGISLATIVE BILL 1021. Introduced by Avery, 28; Campbell, 25; Rogert, 16.

A BILL FOR AN ACT relating to school activities; to adopt the High School Activities Association Act; and to provide an operative date.

LEGISLATIVE BILL 1022. Introduced by Rogert, 16.

A BILL FOR AN ACT relating to human remains; to provide for disposal of dead human bodies by alkaline hydrolysis.

LEGISLATIVE BILL 1023. Introduced by Price, 3.

A BILL FOR AN ACT relating to the Nebraska County and City Lottery Act; to amend sections 9-601, 9-603, and 9-607, Reissue Revised Statutes of Nebraska; to define and redefine terms; to change restrictions on keno; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1024. Introduced by Stuthman, 22; Carlson, 38; Christensen, 44; Hansen, 42; Karpisek, 32; Loudon, 49; Wightman, 36.

A BILL FOR AN ACT relating to highways and roads; to create the Snow

Removal Advisory Committee; to provide duties; to provide a termination date; and to declare an emergency.

LEGISLATIVE BILL 1025. Introduced by Avery, 28.

A BILL FOR AN ACT relating to water; to amend section 46-714, Revised Statutes Supplement, 2009; to change provisions relating to stays on new appropriations; and to repeal the original section.

LEGISLATIVE BILL 1026. Introduced by Wightman, 36.

A BILL FOR AN ACT relating to civil procedure; to provide for transfer of civil actions in district court as prescribed.

LEGISLATIVE BILL 1027. Introduced by Coash, 27.

A BILL FOR AN ACT relating to the Developmental Disabilities Services Act; to amend section 83-1217, Revised Statutes Supplement, 2009; to change provisions relating to reimbursement for certain services pursuant to a waiver; and to repeal the original section.

LEGISLATIVE BILL 1028. Introduced by Louden, 49.

A BILL FOR AN ACT relating to schools; to amend section 79-902, Reissue Revised Statutes of Nebraska; to adopt the Charter Schools Act; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1029. Introduced by Stuthman, 22; Dubas, 34.

A BILL FOR AN ACT relating to courts; to amend section 25-2221, Reissue Revised Statutes of Nebraska; to provide for court closure for inclement weather or other emergency as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1030. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Attorney General.

LEGISLATIVE BILL 1031. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to natural resources districts; to amend section 77-3442, Reissue Revised Statutes of Nebraska, and section 2-3225, Revised Statutes Cumulative Supplement, 2008; to change tax levy authority as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 1032. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to natural resources districts; to amend

section 77-3442, Reissue Revised Statutes of Nebraska, and section 2-3225, Revised Statutes Cumulative Supplement, 2008; to change tax levy authority as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 1033. Introduced by Christensen, 44.

A BILL FOR AN ACT relating to cities and villages; to amend section 18-1703, Revised Statutes Supplement, 2009; to change provisions relating to regulation of concealed handguns; and to repeal the original section.

RESOLUTION

LEGISLATIVE RESOLUTION 297CA. Introduced by Karpisek, 32.

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, 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.

Referred to the Reference Committee.

UNANIMOUS CONSENT - Add Cointroducers

Senators Fulton, Gay, Giese, Hadley, Hansen, Howard, Janssen, Krist, Nelson, Nordquist, Pankonin, and Wallman asked unanimous consent to add their names as cointroducers to LB510. No objections. So ordered.

Senator Karpisek asked unanimous consent to add his name as cointroducer to LB755 and LB903. No objections. So ordered.

Senator Giese asked unanimous consent to add his name as cointroducer to LB967. No objections. So ordered.

Senator Coash asked unanimous consent to add his name as cointroducer to LB971. No objections. So ordered.

Senator Rogert asked unanimous consent to add his name as cointroducer to LB977. No objections. So ordered.

Senator Janssen asked unanimous consent to add his name as cointroducer to LB984. No objections. So ordered.

Senator Krist asked unanimous consent to add his name as cointroducer to LB1005. No objections. So ordered.

VISITORS

Visitor to the Chamber was Erin Kracl from Schuyler.

The Doctor of the Day was Dr. Dale Michels from Lincoln.

ADJOURNMENT

At 12:00 p.m., on a motion by Senator Dierks, the Legislature adjourned until 9:45 a.m., Thursday, January 21, 2010.

Patrick J. O'Donnell
Clerk of the Legislature

