

**CARRYOVER
LEGISLATION**

**Bill Titles, Resolutions, and
Subject and Section Indexes
Introduced in the
One Hundred First Legislature, First Session, 2009,
and Pending Before the
One Hundred First Legislature, Second Session, 2010**

January 6, 2010

STATUS OF CARRYOVER

BILLS

AND

RESOLUTIONS

**Introduced in the
One Hundred First Legislature, First Session, 2009
and pending before the
One Hundred First Legislature, Second Session, 2010**

General File (59): 42 43 83 261 522 669 669A 72 72A 254 307 512 544 544A
325 526 341 183 73 73A 197 550 657 297 107 411 205 357 405 405A 235 388
502 210 234 26 280 280A 674 139 475 279 304 373 306 267 552 421 216 147
181 190 638 635 281 25 525 573 579

Select File (7): 44 45 41 88 622 571 542

Final Reading (8): (112 159 159A 420e 489 489A 633 633A)

BILLS HELD BY COMMITTEES:

Agriculture (9): 130 516 581 584 585 593 641 646 667

Appropriations (26): 12 37 96 124 169 178 182 193 236 256 269 289 298 317
359 369 454 459 468 492 569 572 608 636 648 680

Bank., Com. & Ins. (7): 149 176 378 428 431 493 637

Business & Labor (8): 194 243 453 554 556 557 563 564

Education (12): 21 240 257 364 391 393 397 399 413 473 546 597

Executive Board (0):

General Affairs (9): 262 266 443 478 576 600 605 664 LR6CA

Gov., Mil. & Vet. Afrs. (29): 17 33 66 86 115 125 126 191 295 321 324 337 349
350 362 363 382 410 465 486 509 527 529 574 575 639 645 662 678

Hlth. & Human Serv. (31): 68 141 146 214 223 230 247 268 291 310 319 370
395 406 417 435 444 448 452 457 481 519 541 590 592 609 610 619 621 656
661

Judiciary (51): 4 15 19 34 38 40 46 78 79 82 118 148 153 226 244 252 253 258
265 276 284 332 333 344 351 352 353 383 409 423 433 442 496 499 506 507
508 510 513 518 589 594 595 596 625 659 660 676 LR9 LR26 LR223

Natural Resources (19): 14 437 438 439 482 490 491 504 535 565 567 582 591
624 643 644 651 663 666

Nebr. Ret. Sys. (7): 140 242 365 366 426 427 612

Revenue (20): 13 57 58 65 67 69 70 212 213 248 308 418 419 455 520 553 559
580 583 615

Trans. & Telecom. (15): 6 106 109 114 200 217 229 245 255 330 334 401 416
650 652

Urban Affairs (4): 174 381 470 523

(Totals in parentheses include bills, A bills, and resolutions of each section.)

TITLES TO BILLS

LEGISLATIVE BILL 4. Introduced by Christensen, 44.

A BILL FOR AN ACT relating to jury compensation; to amend section 33-138, Reissue Revised Statutes of Nebraska; to change the rate of jury compensation to minimum wage; and to repeal the original section.

LEGISLATIVE BILL 6. Introduced by Christensen, 44.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-4,124, Revised Statutes Cumulative Supplement, 2008; to authorize school permitholders to drive motor vehicles to work; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 12. Introduced by Langemeier, 23; Giese, 17.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Natural Resources.

LEGISLATIVE BILL 13. Introduced by White, 8; Mello, 5.

A BILL FOR AN ACT relating to the Property Tax Credit Act; to amend sections 77-4209, 77-4210, 77-4211, and 77-4212, Revised Statutes Cumulative Supplement, 2008; to rename the act; to change the property tax credit; to provide property tax relief; to create a fund; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 14. Introduced by White, 8.

A BILL FOR AN ACT relating to energy conservation; to provide energy conservation standards for certain state buildings; and to provide duties for certain state agencies.

LEGISLATIVE BILL 15. Introduced by White, 8.

A BILL FOR AN ACT relating to the Sex Offender Registration Act; to amend section 29-4006, Reissue Revised Statutes of Nebraska; to require driver's license and Internet address information as part of the registration information; and to repeal the original section.

LEGISLATIVE BILL 17. Introduced by White, 8; Mello, 5; Nordquist, 7; McCoy, 39.

A BILL FOR AN ACT relating to veterans; to provide for a waiver of tuition for combat-injured and disabled veterans.

LEGISLATIVE BILL 19. Introduced by Christensen, 44.

A BILL FOR AN ACT relating to marriage licenses; to amend section 33-110, Reissue Revised Statutes of Nebraska, and section 71-614, Revised Statutes

Cumulative Supplement, 2008; to change provisions relating to fees for marriage licenses as prescribed; to provide requirements for optional marriage education; to provide duties for county clerks; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 21. Introduced by Harms, 48.

A BILL FOR AN ACT relating to the Nebraska Scholarship Act; to amend sections 9-812, 9-836.01, 71-5715, 85-1412, 85-1901, 85-1902, 85-1907, 85-1908, 85-1911, 85-1912, 85-1913, 85-1914, 85-1915, 85-1917, 85-1918, 85-1919, and 85-1920, Reissue Revised Statutes of Nebraska; to rename the act and the Nebraska Scholarship Fund; to change provisions relating to student eligibility; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 25. Introduced by Friend, 10.

A BILL FOR AN ACT relating to children; to amend sections 68-908, 68-911, 68-1202, 71-401, 71-403, and 71-415, Revised Statutes Cumulative Supplement, 2008; to include children's day health services in assistance provided under the Medical Assistance Act and the social services program; to require rules and regulations; to define a term; to require licensure of children's day health services; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 26. Introduced by Friend, 10.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 14-557, 15-725, 15-733, 15-735, 15-821, 15-822, 16-708.01, 77-208, 77-209, 77-1322, and 77-1917.01, Reissue Revised Statutes of Nebraska; to change priority of special assessment liens; and to repeal the original sections.

LEGISLATIVE BILL 33. Introduced by Fulton, 29.

A BILL FOR AN ACT relating to zoning; to amend section 23-174.01, Reissue Revised Statutes of Nebraska; to provide for the transfer of development rights as prescribed; and to repeal the original section.

LEGISLATIVE BILL 34. Introduced by Ashford, 20.

A BILL FOR AN ACT relating to employment; to adopt the Nebraska Fair and Legal Employment Act; to provide contracting duties for the state and political subdivisions; and to provide penalties.

LEGISLATIVE BILL 37. Introduced by Flood, 19.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Board of Regents of the University of Nebraska.

LEGISLATIVE BILL 38. Introduced by Flood, 19; Howard, 9.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-309, 28-929, 28-930, 28-931, 28-931.01, 28-932, and 28-933, Reissue Revised Statutes of Nebraska; to change provisions relating to assault, assault on an officer, and offenses by a confined person; and to repeal the original sections.

LEGISLATIVE BILL 40. Introduced by Flood, 19.

A BILL FOR AN ACT relating to civil procedure; to amend sections 25-1144 and 27-1201, Reissue Revised Statutes of Nebraska; to correct internal references to certain statutory provisions; and to repeal the original sections.

LEGISLATIVE BILL 41. Introduced by Flood, 19.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-4004, Reissue Revised Statutes of Nebraska; to clarify references to the county sheriff; and to repeal the original section.

LEGISLATIVE BILL 42. Introduced by Flood, 19.

A BILL FOR AN ACT relating to natural resources; to amend section 46-1011, Revised Statutes Cumulative Supplement, 2008; to change provisions relating to rural water districts; and to repeal the original section.

LEGISLATIVE BILL 43. Introduced by Flood, 19.

A BILL FOR AN ACT relating to natural resources; to eliminate a fund that terminated; and to outright repeal section 61-217, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 44. Introduced by Flood, 19.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1624 and 77-5903, Revised Statutes Cumulative Supplement, 2008; to eliminate an obsolete reference; to correct a definition; and to repeal the original sections.

LEGISLATIVE BILL 45. Introduced by Flood, 19.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-5601, Revised Statutes Cumulative Supplement, 2008; to eliminate references to a fund that terminated; and to repeal the original section.

LEGISLATIVE BILL 46. Introduced by Wightman, 36.

A BILL FOR AN ACT relating to decedents' estates; to amend sections 30-2485 and 30-2487, Reissue Revised Statutes of Nebraska; to provide for costs and expenses of administration of estates; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 57. Introduced by Louden, 49; Carlson, 38; Christensen, 44; Fischer, 43; Harms, 48; Heidemann, 1; Stuthman, 22; Sullivan, 41; Wallman, 30.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2708.01, Reissue Revised Statutes of Nebraska, and section 77-2704.36, Revised Statutes Cumulative Supplement, 2008; to exempt repairs and parts for agricultural machinery or equipment from sales and use tax; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 58. Introduced by Louden, 49; Carlson, 38; Harms, 48; Howard, 9; Wallman, 30.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701 and 77-2701.04, Revised Statutes Cumulative Supplement, 2008; to provide a sales and use tax exemption for heating oil and propane used for residential heating purposes; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 65. Introduced by Dubas, 34; Carlson, 38; Dierks, 40; Fischer, 43; Karpisek, 32; Rogert, 16; Schilz, 47; Stuthman, 22; Wallman, 30.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2708.01, Reissue Revised Statutes of Nebraska, and section 77-2704.36, Revised Statutes Cumulative Supplement, 2008; to exempt repair or replacement parts for commercial agricultural machinery and equipment from sales and use tax; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 66. Introduced by Rogert, 16; Friend, 10.

A BILL FOR AN ACT relating to Nebraska Political Accountability and Disclosure Act; to amend sections 49-1415, 49-1471, 49-1472, and 49-1490, Reissue Revised Statutes of Nebraska, and sections 49-1446.03 and 49-1447, Revised Statutes Cumulative Supplement, 2008; to change the limit on certain contributions and gifts; and to repeal the original sections.

LEGISLATIVE BILL 67. Introduced by Friend, 10; Fulton, 29.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2715.07 and 77-2734.03, Revised Statutes Cumulative Supplement, 2008; to adopt the Elementary and Secondary Education Opportunity Act; to harmonize provisions; to provide an operative date; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 68. Introduced by Wallman, 30; Adams, 24; Avery, 28; Cornett, 45; Harms, 48; Karpisek, 32; Lathrop, 12; Louden, 49; Stuthman, 22; Coash, 27.

A BILL FOR AN ACT relating to developmental disabilities; to amend section 83-1201, Reissue Revised Statutes of Nebraska; to provide procedures for

closure of certain facilities; to harmonize provisions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 69. Introduced by Cornett, 45; Avery, 28; Gay, 14; Karpisek, 32; Price, 3; Wallman, 30; Mello, 5; Nordquist, 7.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Cumulative Supplement, 2008; to exclude military retirement benefits from income taxation; and to repeal the original section.

LEGISLATIVE BILL 70. Introduced by Cornett, 45; Avery, 28; Gay, 14; Karpisek, 32; Price, 3; Wallman, 30; Mello, 5; Nordquist, 7.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Cumulative Supplement, 2008; to exclude military retirement benefits from income taxation; and to repeal the original section.

LEGISLATIVE BILL 72. Introduced by Cornett, 45; Avery, 28; Dubas, 34.

A BILL FOR AN ACT relating to education; to provide for policy guidelines for management of students and children with life-threatening allergies; and to provide duties for the State Department of Education, the Department of Health and Human Services, schools, and early childhood education programs.

LEGISLATIVE BILL 72A. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 72, One Hundred First Legislature, First Session, 2009.

LEGISLATIVE BILL 73. Introduced by Cornett, 45; Avery, 28; Karpisek, 32.

A BILL FOR AN ACT relating to education; to ratify the Interstate Compact on Educational Opportunity for Military Children on behalf of the State of Nebraska with any other state legally joining thereon; to create the State Council on Educational Opportunity for Military Children and the positions of compact commissioner and military family education liaison within the Department of Veterans' Affairs as prescribed.

LEGISLATIVE BILL 73A. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 73, One Hundred First Legislature, First Session, 2009.

LEGISLATIVE BILL 78. Introduced by Gay, 14.

A BILL FOR AN ACT relating to the Victim's Compensation Fund; to amend sections 81-1835 and 83-183, Reissue Revised Statutes of Nebraska; to provide for a percentage of wages earned by inmates in a work release program to be

deposited in the fund as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 79. Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to child support; to amend section 43-512.15, Reissue Revised Statutes of Nebraska; to change provisions relating to when a child support order modification complaint is to be filed; and to repeal the original section.

LEGISLATIVE BILL 82. Introduced by Howard, 9; Dierks, 40; Harms, 48; Nantkes, 46.

A BILL FOR AN ACT relating to the Nebraska Juvenile Code; to amend section 43-285, Reissue Revised Statutes of Nebraska; to require notification of change in case managers as prescribed; and to repeal the original section.

LEGISLATIVE BILL 83. Introduced by McGill, 26.

A BILL FOR AN ACT relating to protection orders; to amend section 42-924, Reissue Revised Statutes of Nebraska; to provide for the care of and protect from harm domestic animals as prescribed; and to repeal the original section.

LEGISLATIVE BILL 86. Introduced by Wallman, 30.

A BILL FOR AN ACT relating to the Nebraska Capitol Commission; to amend section 81-1108.38, Reissue Revised Statutes of Nebraska; to change provisions relating to the Capitol Landscape Restoration Master Plan; to provide duties for the commission; and to repeal the original section.

LEGISLATIVE BILL 88. Introduced by Pahls, 31.

A BILL FOR AN ACT relating to banking; to amend section 8-113, Reissue Revised Statutes of Nebraska; to change provisions relating to the unauthorized use of the word bank; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 96. Introduced by Heidemann, 1.

A BILL FOR AN ACT relating to the State Energy Office Cash Fund; to eliminate obsolete provisions; and to outright repeal section 81-1623, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 106. Introduced by Harms, 48.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,268, Reissue Revised Statutes of Nebraska; to eliminate the requirements that occupant protection system laws be enforced as a secondary action; to outright section 60-6,271, Reissue Revised Statutes of Nebraska; and to repeal the original section.

LEGISLATIVE BILL 107. Introduced by Haar, 21.

A BILL FOR AN ACT relating to labor; to require an employer to provide employee a reason for termination as prescribed; and to provide a duty for the Revisor of Statutes.

LEGISLATIVE BILL 109. Introduced by Rogert, 16.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-471, 60-501, 60-520, 60-547, 60-6,357, 60-6,358, 60-6,359, 60-6,360, and 60-6,361, Reissue Revised Statutes of Nebraska, and sections 60-462, 60-463, 60-6,355, and 60-6,356, Revised Statutes Cumulative Supplement, 2008; to authorize the operation of low-speed vehicles on highways as prescribed; to require certain equipment for such vehicles; to prohibit certain modifications; to provide for an exemption; to provide accident reporting as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 112. Introduced by Heidemann, 1.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Cumulative Supplement, 2008; to exclude certain health education loan repayments from income taxation as prescribed; and to repeal the original section.

LEGISLATIVE BILL 114. Introduced by Louden, 49.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-601, Revised Statutes Cumulative Supplement, 2008; to provide for operation of minitrucks on certain highways as prescribed; to provide penalties; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 115. Introduced by Louden, 49.

A BILL FOR AN ACT relating to the State Veteran Cemetery System; to amend section 12-1301, Reissue Revised Statutes of Nebraska; to eliminate the Nebraska Veterans Cemetery Advisory Board; and to repeal the original section.

LEGISLATIVE BILL 118. Introduced by Wightman, 36.

A BILL FOR AN ACT relating to decedents' estates; to amend sections 30-24,125 and 30-24,129, Reissue Revised Statutes of Nebraska; to change provisions relating to collection of personal property by affidavit and succession to real property by affidavit; and to repeal the original sections.

LEGISLATIVE BILL 124. Introduced by Hansen, 42; McCoy, 39; Nordquist, 7; Pahls, 31.

A BILL FOR AN ACT relating to the Job Training Cash Fund; to amend section 81-1201.21, Reissue Revised Statutes of Nebraska; to extend deadlines for transfers to the Cash Reserve Fund; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 125. Introduced by Avery, 28; Nantkes, 46.

A BILL FOR AN ACT relating to elections; to amend sections 32-101, 32-107, 32-108, 32-114, 32-115, 32-221, 32-302, 32-306, 32-307, 32-308, 32-310, 32-311.01, 32-314, 32-321, 32-325, 32-807, 32-813, 32-816, 32-901, 32-902, 32-904, 32-906, 32-907, 32-910, 32-912, 32-913, 32-914, 32-915, 32-916, 32-917, 32-918, 32-919, 32-920, 32-921, 32-922, 32-923, 32-925, 32-927, 32-929, 32-933, 32-934, 32-935, 32-936, 32-937, 32-938, 32-940, 32-941, 32-945, 32-952, 32-1001, 32-1002, 32-1041, 32-1302, 32-1307, 32-1403, 32-1502, 32-1503, 32-1504, 32-1508, 32-1512, 32-1519, 32-1528, 32-1530, 32-1531, and 32-1532, Reissue Revised Statutes of Nebraska; to provide for voter registration on election day as prescribed; to change provisions relating to registration and voting; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 126. Introduced by Avery, 28.

A BILL FOR AN ACT relating to constitutional officers; to amend sections 49-1401 and 49-1463.01, Revised Statutes Cumulative Supplement, 2008; to require financial disclosure reports; to provide a late filing fee; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 130. Introduced by Dubas, 34; Harms, 48.

A BILL FOR AN ACT relating to agriculture; to create the Farm to School Program Task Force; to provide duties and for termination; and to declare an emergency.

LEGISLATIVE BILL 139. Introduced by Avery, 28; Howard, 9.

A BILL FOR AN ACT relating to the Commission on Mexican-Americans; to amend sections 81-8,262, 81-8,265, 81-8,270, and 81-8,271.01, Reissue Revised Statutes of Nebraska; to rename the commission and a fund; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 140. Introduced by Avery, 28; Nantkes, 46; Nordquist, 7.

A BILL FOR AN ACT relating to state funds; to amend sections 72-1260 and 84-1309.01, Reissue Revised Statutes of Nebraska; to provide duties and responsibilities relating to public funds invested in Sudan-related companies; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 141. Introduced by Rogert, 16; Avery, 28; Coash, 27; Fulton, 29; Pankonin, 2; McCoy, 39.

A BILL FOR AN ACT relating to veterans; to adopt the Brain Injury Act.

LEGISLATIVE BILL 146. Introduced by Howard, 9; Wightman, 36.

A BILL FOR AN ACT relating to pharmacy; to amend sections 38-2801, 38-2802, and 38-2850, Reissue Revised Statutes of Nebraska, and sections 71-401, 71-403, and 71-425, Revised Statutes Cumulative Supplement, 2008; to provide for simulated pharmacies; to define and redefine terms; to provide for special licensure; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 147. Introduced by Pirsch, 4; Nordquist, 7.

A BILL FOR AN ACT relating to change of name; to amend sections 25-21,271, 28-718, and 29-4004, Reissue Revised Statutes of Nebraska; to provide name-change court orders to update the central register of child protection cases and the central registry of sex offenders; and to repeal the original sections.

LEGISLATIVE BILL 148. Introduced by Pirsch, 4; Howard, 9; Nordquist, 7.

A BILL FOR AN ACT relating to motor vehicle homicide; to amend sections 28-306 and 28-394, Reissue Revised Statutes of Nebraska; to change penalty provisions; and to repeal the original sections.

LEGISLATIVE BILL 149. Introduced by Pankonin, 2; McCoy, 39; Nelson, 6; Pirsch, 4.

A BILL FOR AN ACT relating to insurance; to require coverage for prosthetics; and to define a term.

LEGISLATIVE BILL 153. Introduced by Lautenbaugh, 18; Schilz, 47; Flood, 19; Louden, 49; Hansen, 42; Sullivan, 41; Coash, 27.

A BILL FOR AN ACT relating to recreation; to amend sections 37-729, 37-730, 37-731, 37-732, 37-733, 37-734, 37-735, and 37-736, Reissue Revised Statutes of Nebraska; to name the Tourism Liability Act; to define and redefine terms; to change provisions relating to owner liability for recreation and tourism activities; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 159. Introduced by Gay, 14; Cornett, 45.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.07, Revised Statutes Cumulative Supplement, 2008; to allow an income tax credit for certain long-term care insurance policy premiums; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 159A. Introduced by Gay, 14.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 159, One Hundred First Legislature, First Session, 2009.

LEGISLATIVE BILL 169. Introduced by Hadley, 37; Gloor, 35; Wallman, 30.

A BILL FOR AN ACT relating to appropriations; to state intent relating to appropriations to the Department of Health and Human Services for the medical assistance program.

LEGISLATIVE BILL 174. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to cities of the metropolitan class; to amend section 14-109, Reissue Revised Statutes of Nebraska; to change provisions relating to vehicle registration and fees as prescribed; and to repeal the original section.

LEGISLATIVE BILL 176. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to insurance; to prohibit the use of credit information and discriminatory practices as prescribed; to define terms; to eliminate the Model Act Regarding Use of Credit Information in Personal Insurance; to provide an operative date; and to outright repeal sections 44-7701, 44-7702, 44-7703, 44-7704, 44-7705, 44-7706, 44-7707, 44-7708, 44-7709, 44-7710, 44-7711, and 44-7712, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 178. Introduced by Lathrop, 12; Wallman, 30.

A BILL FOR AN ACT relating to appropriations; to state intent relating to appropriations to the Department of Health and Human Services for developmental disability aid.

LEGISLATIVE BILL 181. Introduced by Fischer, 43.

A BILL FOR AN ACT relating to the Nebraska Telecommunications Regulation Act; to amend section 86-101, Reissue Revised Statutes of Nebraska; to provide requirements for wire-crossing agreements between railroad carriers and telecommunications carriers as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 182. Introduced by Pankonin, 2.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Economic Development.

LEGISLATIVE BILL 183. Introduced by Fischer, 43.

A BILL FOR AN ACT relating to the Nebraska Telecommunications Regulation Act; to amend section 86-101, Reissue Revised Statutes of Nebraska; to provide requirements for the sale of an exchange by a telecommunications company; to provide powers and duties for the Public Service Commission; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 190. Introduced by Avery, 28; Giese, 17; Karpisek, 32; Pirsch, 4.

A BILL FOR AN ACT relating to the DNA Identification Information Act; to amend sections 29-4102, 29-4103, and 29-4106, Reissue Revised Statutes of Nebraska; to provide for the collection of DNA samples from individuals convicted of felony offenses; to provide for applicability; and to repeal the original sections.

LEGISLATIVE BILL 191. Introduced by Fulton, 29; Avery, 28; Coash, 27; Karpisek, 32; McCoy, 39; Rogert, 16; Schilz, 47.

A BILL FOR AN ACT relating to small businesses; to provide for the waiver of a fine or penalty for an information collection requirement as prescribed.

LEGISLATIVE BILL 193. Introduced by Nantkes, 46.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2602.04, Revised Statutes Cumulative Supplement, 2008; to change a restriction on use of cigarette tax proceeds; and to repeal the original section.

LEGISLATIVE BILL 194. Introduced by Nantkes, 46.

A BILL FOR AN ACT relating to workers' compensation; to amend sections 48-138, 48-139, 48-140, and 48-141, Reissue Revised Statutes of Nebraska; to change provisions relating to lump-sum settlements; and to repeal the original sections.

LEGISLATIVE BILL 197. Introduced by Fulton, 29.

A BILL FOR AN ACT relating to the Nebraska educational savings plan trust; to amend sections 85-1803 and 85-1807, Reissue Revised Statutes of Nebraska; to create a fund and provide for its use; to authorize fund transfers, and to repeal the original sections.

LEGISLATIVE BILL 200. Introduced by Janssen, 15; Stuthman, 22; Nantkes, 46; Rogert, 16; Giese, 17.

A BILL FOR AN ACT relating to motorcycles; to amend section 60-6,279, Reissue Revised Statutes of Nebraska; to change helmet provisions; to require eye protection; and to repeal the original section.

LEGISLATIVE BILL 205. Introduced by Nordquist, 7; Lathrop, 12; Mello, 5; Nelson, 6; Pirsch, 4.

A BILL FOR AN ACT relating to retirement; to amend sections 14-567, 15-1017, 16-1017, 16-1037, and 19-3501, Reissue Revised Statutes of Nebraska; to require educational and ethics training for board members of certain retirement systems as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 210. Introduced by Langemeier, 23.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-27,137.02, Revised Statutes Cumulative Supplement, 2008; to change

provisions relating to aid to natural resources districts; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 212. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-5001, 77-5005, and 77-5016, Revised Statutes Cumulative Supplement, 2008; to authorize hearings by a single commissioner of the Tax Equalization and Review Commission; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 213. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-5001, 77-5004, 77-5005, 77-5013, 77-5017, 77-5022, and 77-5024.01, Revised Statutes Cumulative Supplement, 2008; to change provisions relating to the Tax Equalization and Review Commission; to authorize intervention in actions before the commission; to provide operative dates; and to repeal the original sections.

LEGISLATIVE BILL 214. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to nail technology; to amend section 38-1035, Reissue Revised Statutes of Nebraska; to redefine nail technology; and to repeal the original section.

LEGISLATIVE BILL 216. Introduced by Wallman, 30.

A BILL FOR AN ACT relating to civil liability; to eliminate motor vehicle and aircraft guest statutes; to harmonize provisions; and to outright repeal sections 3-129.01, 25-21,237, and 25-21,238, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 217. Introduced by Louden, 49; Karpisek, 32; Schilz, 47; Stuthman, 22.

A BILL FOR AN ACT relating to railroad rights-of-way; to amend section 70-306, Reissue Revised Statutes of Nebraska; to provide requirements for electrical entities placing wires across rights-of-way as prescribed; to provide powers and duties; to define a term; and to repeal the original section.

LEGISLATIVE BILL 223. Introduced by Nantkes, 46.

A BILL FOR AN ACT relating to swimming pools; to amend sections 71-4301 and 71-4307, Reissue Revised Statutes of Nebraska, and sections 71-4305 and 71-4306, Revised Statutes Cumulative Supplement, 2008; to classify swimming pools; to provide certified operator requirements; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 226. Introduced by Rogert, 16; Friend, 10.

A BILL FOR AN ACT relating to the age of majority; to amend sections 9-230.01, 9-241.06, 9-241.08, 9-255.06, 9-255.09, 9-334, 9-345, 9-430, 9-633, 9-826, 20-403, 21-1724, 21-1750, 21-1781, 23-1824, 25-1601, 25-1628, 25-21,271, 28-319, 28-319.01, 28-320.01, 28-457, 28-833, 29-401, 29-2270, 29-4016, 30-2209, 30-2326, 30-2329, 30-2412, 30-2603, 30-3402, 30-3502, 32-602, 38-129, 38-165, 38-1060, 38-10,165, 38-10,171, 38-1221, 38-1612, 38-1710, 38-2421, 38-2885, 38-2890, 38-3122, 42-371.01, 43-104.09, 43-117, 43-245, 43-247, 43-289, 43-290, 43-294, 43-2,113, 43-412, 43-504, 43-2101, 43-2404.02, 43-2922, 43-3703, 43-3709, 43-3902, 43-3910, 44-5238, 48-122.01, 48-124, 71-20,120, 71-4808, 79-267, 79-296, 81-885.13, 81-1916, 81-1917, 81-1936, 81-2026, and 81-2036, Reissue Revised Statutes of Nebraska, and sections 49-801, 64-101, 68-1724, 71-629, 71-812, 71-1903, 71-6039.01, 71-6502, 71-6726, 76-2228.01, 76-2229.01, 76-2230, 76-2231.01, and 76-2232, Revised Statutes Cumulative Supplement, 2008; to change the age of majority from nineteen to eighteen years of age and certain age requirements as prescribed; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 229. Introduced by Fischer, 43.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend sections 60-487, 60-4,114, and 60-4,121, Reissue Revised Statutes of Nebraska, and sections 60-462, 60-479, 60-479.01, 60-484, 60-4,120, 60-4,122, 60-4,144, and 60-4,181, Revised Statutes Cumulative Supplement, 2008; to adopt certain federal regulations; to provide powers and duties for the Department of Motor Vehicles regarding the design, production, issuance, and renewal of and payment for operators' licenses and state identification cards; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 230. Introduced by Stuthman, 22.

A BILL FOR AN ACT relating to nurse practitioners; to amend sections 38-206, 38-2301, 38-2315, and 38-2322, Reissue Revised Statutes of Nebraska; to eliminate a requirement for integrated practice agreements; to eliminate a definition; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 38-2310 and 38-2323, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 234. Introduced by Adams, 24.

A BILL FOR AN ACT relating to sales and use taxes; to amend section 77-2704.13, Reissue Revised Statutes of Nebraska; to change provisions relating to a sales and use tax exemption; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 235. Introduced by Adams, 24; Howard, 9.

A BILL FOR AN ACT relating to school lands; to provide powers to the Board of Educational Lands and Funds.

LEGISLATIVE BILL 236. Introduced by Lathrop, 12; Cornett, 45; Harms, 48; Stuthman, 22; Wallman, 30.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Health and Human Services.

LEGISLATIVE BILL 240. Introduced by Pahls, 31.

A BILL FOR AN ACT relating to schools; to require a minimum level of expenditures for direct classroom instruction; and to provide a duty for the Revisor of Statutes.

LEGISLATIVE BILL 242. Introduced by Karpisek, 32; Wallman, 30.

A BILL FOR AN ACT relating to the Nebraska State Patrol Retirement Act; to amend section 81-2025, Reissue Revised Statutes of Nebraska; to change the mandatory retirement age to sixty-five years of age; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 243. Introduced by Nantkes, 46.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-121, Revised Statutes Cumulative Supplement, 2008; to provide for annual adjustments for total disability income benefits; and to repeal the original section.

LEGISLATIVE BILL 244. Introduced by Coash, 27.

A BILL FOR AN ACT relating to controlled substances; to amend sections 28-405, 28-448, and 28-454, Reissue Revised Statutes of Nebraska; to change a schedule as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 245. Introduced by Dubas, 34.

A BILL FOR AN ACT relating to railroads; to amend sections 74-1310 and 74-1323, Reissue Revised Statutes of Nebraska, and section 75-109.01, Revised Statutes Cumulative Supplement, 2008; to provide a penalty and procedure for unlawful obstruction of railroad crossings; to change and provide powers and duties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 247. Introduced by Dubas, 34.

A BILL FOR AN ACT relating to health and human services; to state findings; to define a term; to require accreditation of the Division of Children and Family Services as provided; to require a plan; and to provide for appropriation of funds.

LEGISLATIVE BILL 248. Introduced by Dubas, 34; Cornett, 45.

A BILL FOR AN ACT relating to relating to income tax; to amend section 77-2715.07, Revised Statutes Cumulative Supplement, 2008; to change provisions relating to income tax credits; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 252. Introduced by Cornett, 45; Cook, 13; Lautenbaugh, 18.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-101, 28-1006, 28-1007, and 28-1019, Reissue Revised Statutes of Nebraska; to prohibit the possession of animal fighting paraphernalia; to provide a penalty; to provide for seizure of property; to provide for applicability; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 253. Introduced by Ashford, 20.

A BILL FOR AN ACT relating to children; to amend sections 23-1201, 24-313, 24-519, 25-1901, 25-2728, 25-2908, 28-377, 28-718, 28-719, 28-720, 28-720.01, 28-721, 28-722, 28-723, 28-724, 28-725, 28-726, 28-727, 28-728, 28-729, 28-730, 28-731, 28-732, 29-401, 29-1816, 29-1926, 29-2246, 29-2252.01, 29-2258, 29-2260, 29-2260.01, 29-3918, 29-4304, 30-2614, 42-364, 42-371, 43-101, 43-104, 43-104.08, 43-104.11, 43-106.01, 43-107, 43-296, 43-2,108, 43-2,109, 43-2,110, 43-2,113, 43-2,125, 43-413, 43-512, 43-512.03, 43-903, 43-1002, 43-1230, 43-1303, 43-1304, 43-1307, 43-1308, 43-1309, 43-1310, 43-1314.01, 43-1314.02, 43-1321, 43-2922, 43-2932, 43-2939, 43-3502, 43-3709, 43-3710, 71-3404, 71-3407, 79-215, 81-3126, 83-108.04, and 83-170, Reissue Revised Statutes of Nebraska, and sections 71-448, 71-1919, 71-6039, 71-6039.01, 71-6039.03, 71-6039.05, 71-6502, and 71-6906, Revised Statutes Cumulative Supplement, 2008; to transfer or repeal provisions of the Nebraska Juvenile Code and adopt a new Nebraska Juvenile Code; to change and eliminate child abuse reporting and registry provisions; to provide child relinquishment provisions; to change and eliminate provisions of and rename the Foster Care Review Act; to harmonize provisions; to provide a duty for the Revisor of Statutes; to provide an operative date; to repeal the original sections; and to outright repeal sections 28-710, 28-711, 28-713, 28-713.01, 28-714, 28-715, 28-716, 28-717, 28-733, 43-245, 43-246, 43-247, 43-247.01, 43-248, 43-248.01, 43-249, 43-250, 43-251, 43-251.01, 43-252, 43-253, 43-254, 43-254.01, 43-254.02, 43-255, 43-256, 43-257, 43-258, 43-259, 43-260, 43-260.01, 43-260.02, 43-260.03, 43-260.04, 43-260.05, 43-260.06, 43-260.07, 43-262, 43-263, 43-264, 43-265, 43-266, 43-267, 43-268, 43-269, 43-270, 43-271, 43-272, 43-272.01, 43-272.02, 43-273, 43-274, 43-275, 43-276, 43-277, 43-278, 43-279, 43-279.01, 43-280, 43-281, 43-282, 43-283, 43-283.01, 43-284, 43-284.01, 43-284.02, 43-285, 43-286, 43-287.01, 43-287.02, 43-287.03, 43-287.04, 43-287.05, 43-287.06, 43-288, 43-289, 43-290, 43-291, 43-292, 43-292.01, 43-292.02, 43-292.03, 43-293, 43-294, 43-295, 43-297, 43-298, 43-299, 43-2,100, 43-2,101, 43-2,102, 43-2,103, 43-2,104, 43-2,105, 43-2,106, 43-2,106.01, 43-2,106.02, 43-2,106.03, 43-2,107, 43-2,123.01, 43-2,128, 43-2,129, 43-408, 43-903, 43-905, 43-1301, 43-1301.01, 43-1311, 43-1312, 43-1313, 43-1314, 43-1315, 43-1316, and 43-1318, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 254. Introduced by Dubas, 34; Rogert, 16.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-2622, 2-2626, and 2-2646, Reissue Revised Statutes of Nebraska; to require Nebraska aerial pesticide business licenses for aerial pesticide application; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 255. Introduced by Harms, 48; Howard, 9.

A BILL FOR AN ACT relating to school buses; to amend sections 79-601 and 79-609, Reissue Revised Statutes of Nebraska; to require lap-shoulder belts as prescribed; to require instruction regarding use of certain belts; to require the use of certain belts; to state intent regarding liability; and to repeal the original sections.

LEGISLATIVE BILL 256. Introduced by Harms, 48.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Game and Parks Commission; and to declare an emergency.

LEGISLATIVE BILL 257. Introduced by Harms, 48.

A BILL FOR AN ACT relating to public schools; to repeal the Seamless Delivery System Pilot Project; and to outright repeal sections 79-11,136, 79-11,137, 79-11,138, 79-11,139, 79-11,140, and 79-11,141, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 258. Introduced by Harms, 48.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-180.05, Reissue Revised Statutes of Nebraska, and section 53-101, Revised Statutes Cumulative Supplement, 2008; to change and provide penalties for minors in possession of alcoholic liquor; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 261. Introduced by Rogert, 16; McGill, 26.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend section 60-4,111.01, Reissue Revised Statutes of Nebraska; to provide for use of machine-readable information encoded on an operator's license or a state identification card; to provide penalties; and to repeal the original section.

LEGISLATIVE BILL 262. Introduced by Rogert, 16; Nordquist, 7.

A BILL FOR AN ACT relating to alcoholic liquor sales; to amend sections 9-647 and 53-179, Reissue Revised Statutes of Nebraska; to change provisions relating to time for sales of alcoholic liquor and conduct of lotteries under the Nebraska County and City Lottery Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 265. Introduced by Giese, 17.

A BILL FOR AN ACT relating to the Sexual Predator Residency Restriction Act; to amend sections 29-4016 and 29-4017, Reissue Revised Statutes of Nebraska; to authorize certain residency restrictions near parks; and to repeal the original sections.

LEGISLATIVE BILL 266. Introduced by Karpisek, 32; Fischer, 43.

A BILL FOR AN ACT relating to gaming; to amend sections 2-1201, 2-1201.01, 2-1202, 2-1203, 2-1203.01, 2-1204, 2-1205, 2-1206, 2-1209, 2-1213, and 2-1219, Reissue Revised Statutes of Nebraska; to adopt the Racetrack Gaming Act; to provide for regulation of racetrack gaming; to create funds; to provide civil penalties; to change provisions relating to the State Racing Commission and horseracing; to harmonize provisions; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 267. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to state employees; to prohibit mandatory overtime for certain employees as prescribed.

LEGISLATIVE BILL 268. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to the Child Care Licensing Act; to amend section 71-1908, Revised Statutes Cumulative Supplement, 2008; to require liability insurance as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 269. Introduced by Heidemann, 1.

A BILL FOR AN ACT relating to state funds; to amend sections 71-7608, 71-7611, and 71-8805, Revised Statutes Cumulative Supplement, 2008; to change and provide for transfers of funds; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 276. Introduced by Nordquist, 7; Ashford, 20; Cornett, 45; Giese, 17; McGill, 26; Mello, 5; Nantkes, 46; Howard, 9.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-101 and 28-519, Reissue Revised Statutes of Nebraska; to change provisions and penalties relating to criminal mischief; to prohibit defacement as prescribed; to provide penalties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 279. Introduced by Avery, 28; Cornett, 45; Price, 3; Rogert, 16.

A BILL FOR AN ACT relating to land-use planning; to amend sections 14-407, 15-1103, and 19-923, Reissue Revised Statutes of Nebraska; to require notification of military installations regarding development of real property; and to repeal the original sections.

LEGISLATIVE BILL 280. Introduced by Avery, 28; Cornett, 45; Price, 3; Rogert, 16.

A BILL FOR AN ACT relating to military bases; to create the Commission on Military Affairs; and to provide for membership, terms, expenses, and powers and duties.

LEGISLATIVE BILL 280A. Introduced by Avery, 28.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 280, One Hundred First Legislature, First Session, 2009.

LEGISLATIVE BILL 281. Introduced by Mello, 5; Cornett, 45.

A BILL FOR AN ACT relating to educational service units; to amend sections 32-515, 79-1212, 79-1217, and 79-1217.01, Reissue Revised Statutes of Nebraska; to change provisions relating to membership on certain reorganized boards as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 284. Introduced by Fulton, 29; Friend, 10; Hansen, 42; McCoy, 39; Schilz, 47.

A BILL FOR AN ACT relating to the Sexual Predator Residency Restriction Act; to amend sections 29-4015, 29-4016, and 29-4017, Reissue Revised Statutes of Nebraska; to rename the act; to authorize certain employment restrictions; and to repeal the original sections.

LEGISLATIVE BILL 289. Introduced by Christensen, 44.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Game and Parks Commission; and to declare an emergency.

LEGISLATIVE BILL 291. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to the Developmental Disabilities Services Act; to amend sections 83-1209 and 83-1226, Reissue Revised Statutes of Nebraska; to provide duties regarding ensuring the maximum quality of services; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 295. Introduced by Campbell, 25.

A BILL FOR AN ACT relating to the register of deeds; to amend sections 23-1503.01 and 23-1510, Reissue Revised Statutes of Nebraska; to provide and change requirements for instruments to be recorded in the office of the register of deeds; to provide a fee; to provide for applicability; and to repeal the original sections.

LEGISLATIVE BILL 297. Introduced by Dubas, 34.

A BILL FOR AN ACT relating to finance; to adopt the Nebraska Beginning Farmer and Small Business Linked Deposit Loan Act; and to provide an operative date.

LEGISLATIVE BILL 298. Introduced by Harms, 48.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Economic Development.

LEGISLATIVE BILL 304. Introduced by Council, 11; Cook, 13.

A BILL FOR AN ACT relating to the Political Subdivisions Tort Claims Act; to amend sections 13-919 and 13-920, Reissue Revised Statutes of Nebraska; to change limitation of action provisions; and to repeal the original sections.

LEGISLATIVE BILL 306. Introduced by Council, 11; Nantkes, 46; Cook, 13; Coash, 27.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 23-3406, 24-1106, 25-1140.09, 28-104, 28-105, 28-303, 29-1602, 29-1603, 29-1822, 29-2004, 29-2005, 29-2006, 29-2020, 29-2027, 29-2204, 29-2261, 29-2282, 29-2407, 29-2801, 29-3205, 29-3920, 29-3922, 29-3928, 29-3929, 29-3930, 55-480, 83-1,110.02, and 83-4,143, Reissue Revised Statutes of Nebraska; to change a penalty from death to life imprisonment without possibility of parole as prescribed; to eliminate capital punishment provisions; to provide for retroactive applicability of such penalty change; to change provisions relating to restitution; to harmonize provisions; to repeal the original sections; and to outright repeal sections 24-1105, 28-105.01, 29-2519, 29-2520, 29-2521, 29-2521.01, 29-2521.02, 29-2521.03, 29-2521.04, 29-2521.05, 29-2522, 29-2523, 29-2524, 29-2524.01, 29-2524.02, 29-2525, 29-2527, 29-2528, 29-2532, 29-2533, 29-2534, 29-2535, 29-2536, 29-2537, 29-2538, 29-2539, 29-2540, 29-2541, 29-2542, 29-2543, 29-2544, 29-2545, 29-2546, 29-2811, 83-1,105.01, and 83-1,132, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 307. Introduced by Council, 11; Haar, 21; Nantkes, 46; Campbell, 25.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-101 and 28-105, Reissue Revised Statutes of Nebraska; to change sentencing requirements with respect to certain minors; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 308. Introduced by Heidemann, 1.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 13-2809, 35-508, 35-509, 35-514.02, 35-517, and 77-3443, Reissue Revised Statutes of Nebraska, and sections 77-3442 and 77-3444, Revised Statutes Cumulative Supplement, 2008; to change levy provisions for rural and suburban fire protection districts; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 310. Introduced by Haar, 21; Avery, 28.

A BILL FOR AN ACT relating to deaf and hard of hearing persons; to amend sections 20-150, 20-151, 20-153, and 20-156, Reissue Revised Statutes of Nebraska; to state intent; to define and redefine terms; to require places of public accommodation to appoint licensed interpreters; to require video remote interpreting companies to use licensed interpreters; to change and provide penalties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 317. Introduced by Speaker Flood, 19; at the request of the Governor.

A BILL FOR AN ACT relating to the Cash Reserve Fund; to amend section 84-612, Reissue Revised Statutes of Nebraska; to provide for transfers; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 319. Introduced by Speaker Flood, 19; at the request of the Governor.

A BILL FOR AN ACT relating to infants; to amend section 43-536, Reissue Revised Statutes of Nebraska; to change provisions relating to child care reimbursement; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 321. Introduced by Avery, 28.

A BILL FOR AN ACT relating to state government; to amend section 81-1302, Reissue Revised Statutes of Nebraska; to provide for state employees to participate in qualified mentoring programs; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 324. Introduced by Nelson, 6.

A BILL FOR AN ACT relating to elections; to amend sections 32-904 and 32-1524, Reissue Revised Statutes of Nebraska; to provide for designation of voting entrances; to change restrictions on electioneering, circulating petitions, or soliciting near polling places; and to repeal the original sections.

LEGISLATIVE BILL 325. Introduced by Nelson, 6.

A BILL FOR AN ACT relating to elections; to amend sections 32-228, 32-235, 32-314, 32-325, 32-328, 32-329, 32-607, 32-914, 32-914.02, 32-915, 32-929, and 32-930, Reissue Revised Statutes of Nebraska; to change provisions relating to notification of election workers, clerical errors on the precinct list of registered voters, updates of registration records due to change of address, provisional ballots, and challenges to voters; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 330. Introduced by Transportation and Telecommunications Committee: Fischer, 43, Chairperson; Campbell, 25; Hadley, 37; Lautenbaugh, 18; Loudon, 49; Stuthman, 22.

A BILL FOR AN ACT relating to the Public Service Commission; to amend sections 86-141, 86-442, 86-443, 86-457, and 86-459, Reissue Revised Statutes of Nebraska, and section 75-134, Revised Statutes Cumulative Supplement, 2008; to change provisions relating to orders of the commission and telecommunications companies not subject to regulation; to change duties for wireless carriers and define a term under the Enhanced Wireless 911 Services Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 332. Introduced by Ashford, 20.

A BILL FOR AN ACT relating to courts; to amend sections 23-1205, 25-2405, 25-2721, 29-437, 30-2429.01, 30-2436, 43-103, 43-1314.02, 43-3001, and 43-3713, Reissue Revised Statutes of Nebraska; to provide an exception to the interpreter oath as prescribed; to change provisions relating to acting county attorneys, trial by jury, probate of wills, adoption hearings, caregiver information, information regarding children in state custody, and court appointed special advocate volunteers; and to repeal the original sections.

LEGISLATIVE BILL 333. Introduced by Ashford, 20.

A BILL FOR AN ACT relating to courts; to amend sections 33-107.03 and 33-154, Reissue Revised Statutes of Nebraska; to create a fund; to increase and provide for court fees; and to repeal the original sections.

LEGISLATIVE BILL 334. Introduced by Giese, 17; Avery, 28; Hadley, 37; Janssen, 15; Loudon, 49; Pankonin, 2; Schilz, 47; Stuthman, 22; Flood, 19.

A BILL FOR AN ACT relating to highways and roads; to amend sections 39-1302 and 39-1365.01, Reissue Revised Statutes of Nebraska; to designate the state expressway system; to change provisions relating to highway planning; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 337. Introduced by Friend, 10.

A BILL FOR AN ACT relating to the Nebraska educational savings plan trust; to amend section 85-1805, Reissue Revised Statutes of Nebraska; to change restrictions on advertising or promotional materials; and to repeal the original section.

LEGISLATIVE BILL 341. Introduced by Cook, 13.

A BILL FOR AN ACT relating to tuberculosis detection and prevention; to amend sections 38-2315, 38-2850, and 71-3604, Reissue Revised Statutes of Nebraska, and sections 71-3601, 71-3602, and 71-3614, Revised Statutes Cumulative Supplement, 2008; to change provisions relating to distribution of medications through public health agencies; to define a term; to change provisions relating to orders, violations, hearings, and payment of costs; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 344. Introduced by Ashford, 20.

A BILL FOR AN ACT relating to legal services; to amend sections 25-3007 and 25-3008, Reissue Revised Statutes of Nebraska; to change administration of the Civil Legal Services Program; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 349. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to the Election Act; to amend sections 32-101, 32-1301, 32-1302, 32-1303, 32-1304, 32-1306, and 32-1308, Reissue Revised Statutes of Nebraska; to change provisions relating to recall; to require notification as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 350. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to industrial areas; to amend sections 13-1111, 13-1112, 13-1113, 13-1114, 13-1115, 13-1116, 13-1117, 13-1118, 13-1119, 13-1120, and 13-1121, Reissue Revised Statutes of Nebraska; to change provisions relating to real estate tracts and the designation of industrial areas as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 351. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to limited liability companies; to amend section 21-2601, Reissue Revised Statutes of Nebraska; to provide for charging orders against a member's transferable interest; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 352. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to civil procedure; to amend sections 25-505.01, 25-506.01, and 25-507.01, Reissue Revised Statutes of Nebraska; to change provisions relating to service of summons; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 353. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to civil procedure; to amend section 34-301, Reissue Revised Statutes of Nebraska; to change pleading provisions in an action for disputed corners and boundaries; and to repeal the original section.

LEGISLATIVE BILL 357. Introduced by Hadley, 37.

A BILL FOR AN ACT relating to cigarette tax; to amend section 77-2608, Reissue Revised Statutes of Nebraska; to change the commission allowed to wholesale dealers; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 359. Introduced by Nelson, 6.

A BILL FOR AN ACT relating to the Nebraska Cultural Preservation Endowment Fund; to amend section 82-331, Reissue Revised Statutes of Nebraska; to restate legislative intent; to change provisions relating to fund transfers; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 362. Introduced by Avery, 28.

A BILL FOR AN ACT relating to elections; to amend section 32-607, Reissue Revised Statutes of Nebraska; to change requirements for candidate filing forms; and to repeal the original section.

LEGISLATIVE BILL 363. Introduced by Avery, 28.

A BILL FOR AN ACT relating to political committees; to amend section 49-1446.02, Revised Statutes Cumulative Supplement, 2008; to prohibit certain expenditures; and to repeal the original section.

LEGISLATIVE BILL 364. Introduced by Pankonin, 2.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 79-1003 and 79-1028.01, Reissue Revised Statutes of Nebraska; to permit exceeding expenditure limits for voluntary termination payments as prescribed; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 365. Introduced by Pankonin, 2.

A BILL FOR AN ACT relating to the Judges Retirement Act; to amend section 24-710, Reissue Revised Statutes of Nebraska; to change retirement annuity provisions; and to repeal the original section.

LEGISLATIVE BILL 366. Introduced by Pankonin, 2.

A BILL FOR AN ACT relating to the State Employees Retirement Act; to amend section 84-1308, Reissue Revised Statutes of Nebraska; to increase the mandatory contribution rate; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 369. Introduced by Nantkes, 46.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the Every Woman Matters Program.

LEGISLATIVE BILL 370. Introduced by Nantkes, 46.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-911, Revised Statutes Cumulative Supplement, 2008; to require the Department of Health and Human Services to apply for a medicaid waiver to provide coverage for family planning services as prescribed.

LEGISLATIVE BILL 373. Introduced by Lautenbaugh, 18.

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.

LEGISLATIVE BILL 378. Introduced by Gloor, 35; Howard, 9.

A BILL FOR AN ACT relating to medical clinical trials; to require coverage of routine patient care costs by certain insurance policies and benefit plans.

LEGISLATIVE BILL 381. Introduced by Rogert, 16; Nordquist, 7; Mello, 5.

A BILL FOR AN ACT relating to political subdivisions; to amend sections 10-615, 32-404, 77-1917.01, and 77-3443, Reissue Revised Statutes of Nebraska, and section 77-3442, Revised Statutes Cumulative Supplement, 2008; to adopt the Community Improvement District Act and the Transportation Development District Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 382. Introduced by Rogert, 16.

A BILL FOR AN ACT relating to elections; to amend sections 32-101, 32-107, 32-108, 32-114, 32-115, 32-302, 32-306, 32-307, 32-308, 32-310, 32-311.01, 32-314, 32-321, 32-325, 32-813, 32-816, 32-901, 32-902, 32-904, 32-906, 32-907, 32-910, 32-912, 32-913, 32-914, 32-915, 32-916, 32-917, 32-918, 32-919, 32-920, 32-921, 32-922, 32-923, 32-925, 32-927, 32-929, 32-933, 32-934, 32-935, 32-936, 32-937, 32-938, 32-940, 32-941, 32-945, 32-952, 32-1001, 32-1002, 32-1041, 32-1302, 32-1307, 32-1403, 32-1502, 32-1503, 32-1504, 32-1508, 32-1512, 32-1519, 32-1528, 32-1530, 32-1531, and 32-1532, Reissue Revised Statutes of Nebraska; to provide for voter registration on election day as prescribed; to change provisions relating to registration and voting; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 383. Introduced by Pahls, 31.

A BILL FOR AN ACT relating to the Uniform Controlled Substances Act; to amend section 28-401.01, Reissue Revised Statutes of Nebraska; to provide for limited immunity from prosecution as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 388. Introduced by Langemeier, 23.

A BILL FOR AN ACT relating to public power districts; to amend section 70-624, Reissue Revised Statutes of Nebraska; to change provisions relating to compensation approval as prescribed; and to repeal the original section.

LEGISLATIVE BILL 391. Introduced by Adams, 24.

A BILL FOR AN ACT relating to education; to amend sections 13-503, 79-1041, 79-1073, 79-1073.01, and 79-2104, Reissue Revised Statutes of

Nebraska; to change the manner of distribution of property tax revenue within learning communities; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 393. Introduced by Adams, 24.

A BILL FOR AN ACT relating to educational service units; to amend sections 79-1246 and 84-1411, Reissue Revised Statutes of Nebraska; to change provisions relating to the agenda for meetings of the Educational Service Unit Coordinating Council; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 395. Introduced by Fulton, 29.

A BILL FOR AN ACT relating to health; to amend section 81-664, Reissue Revised Statutes of Nebraska; to adopt the Stroke Registry Act; to redefine a term; and to repeal the original section.

LEGISLATIVE BILL 397. Introduced by Nordquist, 7; McCoy, 39.

A BILL FOR AN ACT relating to postsecondary education; to amend sections 9-812, 9-836.01, 71-5715, and 85-1412, Reissue Revised Statutes of Nebraska; to adopt the State Scholarship Award Program Act and the Scholarship Assistance Program Act; to change provisions relating to applications under the Nebraska Scholarship Act; to provide for transfer of funds; to eliminate the Nebraska Scholarship Act; to harmonize provisions; to provide operative dates; to repeal the original sections; and to outright repeal sections 85-1901, 85-1902, 85-1903, 85-1904, 85-1905, 85-1906, 85-1907, 85-1908, 85-1909, 85-1910, 85-1911, 85-1912, 85-1913, 85-1914, 85-1915, 85-1916, 85-1917, 85-1918, 85-1919, and 85-1920, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 399. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to the Nebraska Scholarship Act; to amend sections 85-502, 85-1903, 85-1906, 85-1907, and 85-1909, Reissue Revised Statutes of Nebraska; to change provisions relating to residency; to redefine terms; and to repeal the original sections.

LEGISLATIVE BILL 401. Introduced by Friend, 10; McCoy, 39; Pankonin, 2.

A BILL FOR AN ACT relating to highways and roads; to amend sections 39-1110, 39-2201, 39-2203, 39-2212, 39-2213, 39-2215, 39-2215.01, 39-2222, and 39-2223, Reissue Revised Statutes of Nebraska, and sections 66-4,100 and 66-4,144, Revised Statutes Cumulative Supplement, 2008; to adopt the High Priority Surface Transportation Development Act and the Surface Transportation Revolving Fund Act; to authorize issuance of highway bonds; to change highway funding provisions; to create funds; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 405. Introduced by Cornett, 45; Campbell, 25; Carlson, 38; Coash, 27; Cook, 13; Friend, 10; Fulton, 29; Gay, 14; Giese, 17; Gloor, 35;

Haar, 21; Hadley, 37; Karpisek, 32; Mello, 5; Nordquist, 7; Pankonin, 2; Rogert, 16; Wallman, 30; Wightman, 36; Christensen, 44; Council, 11; Hansen, 42; Harms, 48; Janssen, 15; Lathrop, 12; McGill, 26; Nelson, 6; Schilz, 47; Stuthman, 22; Sullivan, 41.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701, 77-27,228, 77-27,229, 77-27,230, 77-27,231, 77-27,232, 77-27,233, and 77-27,234, Revised Statutes Cumulative Supplement, 2008; to change provisions relating to income tax credits for planned gifts; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 405A. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 405, One Hundred First Legislature, First Session, 2009.

LEGISLATIVE BILL 406. Introduced by Fulton, 29; Campbell, 25; Dierks, 40; Friend, 10; Haar, 21; Harms, 48; McCoy, 39; Mello, 5; Nelson, 6; Nordquist, 7; Stuthman, 22; Wallman, 30.

A BILL FOR AN ACT relating to hospitals; to amend section 71-2048.01, Reissue Revised Statutes of Nebraska; to permit certified nurse midwives to have clinical privileges; and to repeal the original section.

LEGISLATIVE BILL 409. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to offenses against animals; to amend sections 28-906, 28-1008, 28-1009, and 28-1013, Reissue Revised Statutes of Nebraska; to provide violations and penalties for offenses against arson dogs; to define and redefine terms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 410. Introduced by Karpisek, 32; Council, 11; Nordquist, 7; Wallman, 30.

A BILL FOR AN ACT relating to elections; to amend sections 32-1119 and 32-1121, Reissue Revised Statutes of Nebraska; to change provisions relating to recounts; and to repeal the original sections.

LEGISLATIVE BILL 411. Introduced by Giese, 17.

A BILL FOR AN ACT relating to the State Electrical Act; to amend section 81-2104, Reissue Revised Statutes of Nebraska; to update the reference to the National Electrical Code; and to repeal the original section.

LEGISLATIVE BILL 413. Introduced by Ashford, 20; Nordquist, 7; Janssen, 15.

A BILL FOR AN ACT relating to postsecondary education; to adopt the College Choice Grant Program Act; and to provide an operative date.

LEGISLATIVE BILL 416. Introduced by Fulton, 29; Friend, 10; Hadley, 37; Hansen, 42; Pahls, 31.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 18-1736, 18-1737, 60-501, 60-1903, 60-1908, and 81-2005, Reissue Revised Statutes of Nebraska, and sections 60-163, 60-180, 60-308, 60-366, 60-373, 60-376, 60-378, 60-380, 60-383, 60-392, 60-395, 60-396, 60-397, 60-398, 60-399, 60-3,100, 60-3,101, 60-3,102, 60-3,105, 60-3,106, 60-3,107, 60-3,108, 60-3,109, 60-3,113, 60-3,114, 60-3,119, 60-3,120, 60-3,121, 60-3,122, 60-3,122.02, 60-3,123, 60-3,124, 60-3,125, 60-3,126, 60-3,128, 60-3,130, 60-3,130.01, 60-3,130.02, 60-3,130.05, 60-3,134, 60-3,135, 60-3,145, 60-3,146, 60-3,147, 60-3,149, 60-3,150, 60-3,151, 60-3,157, 60-3,167, 60-3,175, 60-3,183, 60-3,205, 60-653, 60-683, 60-6,197.01, 60-1306, 60-1901, 60-1902, and 66-1406.02, Revised Statutes Cumulative Supplement, 2008; to provide for one license plate and In Transit decal per vehicle; to change provisions relating to license plates; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 417. Introduced by Friend, 10.

A BILL FOR AN ACT relating to the Optometry Practice Act; to amend sections 38-2604, 38-2605, 38-2608, 38-2610, 38-2613, 38-2614, 38-2615, and 38-2617, Reissue Revised Statutes of Nebraska; to redefine terms; to change provisions relating to scope of practice, licensure, certification, and standard of care; and to repeal the original sections.

LEGISLATIVE BILL 418. Introduced by Price, 3; Cornett, 45.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-5023, Revised Statutes Cumulative Supplement, 2008; to require valuation changes among counties included in learning communities; and to repeal the original section.

LEGISLATIVE BILL 419. Introduced by Hadley, 37.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-5905, Revised Statutes Cumulative Supplement, 2008; to eliminate the adjusted limit on tax credits under the Nebraska Advantage Microenterprise Tax Credit Act; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 420. Introduced by Hadley, 37; Christensen, 44; Gay, 14.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704.12, Revised Statutes Cumulative Supplement, 2008; to change provisions relating to sales and use tax exemptions for certain nonprofit entities; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 421. Introduced by Nordquist, 7.

A BILL FOR AN ACT relating to the Compressed Fuel Tax Act; to amend section 66-6,100, Revised Statutes Cumulative Supplement, 2008; to suspend collection of fuel tax on compressed natural gas from July 1, 2009, to January 1, 2015; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 423. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to children; to amend sections 42-364, 43-2922, 43-2923, and 43-2929, Reissue Revised Statutes of Nebraska; to change provisions relating to the determination of child custody and provisions of the Parenting Act; and to repeal the original sections.

LEGISLATIVE BILL 426. Introduced by Pankonin, 2.

A BILL FOR AN ACT relating to cities of the first class; to amend sections 16-1001, 16-1002, 16-1003, 16-1004, 16-1005, 16-1006, 16-1007, 16-1009, 16-1010, 16-1013, 16-1014, 16-1015, 16-1016, 16-1017, 16-1019, 18-1221, and 18-1723, Reissue Revised Statutes of Nebraska, and section 77-3442, Revised Statutes Cumulative Supplement, 2008; to name the Police Officers Retirement Act and to change provisions relating to participation, vesting, employee and employer contributions, and tax levies; to eliminate obsolete provisions; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 427. Introduced by Pankonin, 2.

A BILL FOR AN ACT relating to retirement; to amend sections 23-2301, 84-1503, and 84-1511, Reissue Revised Statutes of Nebraska, and section 77-3442, Revised Statutes Cumulative Supplement, 2008; to adopt the County Law Enforcement Officer Retirement Act; to provide duties for the Public Employees Retirement Board; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 428. Introduced by Christensen, 44.

A BILL FOR AN ACT relating to deposit and investment of public funds; to amend sections 2-4214, 14-556, 15-847, 15-849, 16-713, 16-715, 16-716, 17-607, 17-720, 30-3209, 77-2305, 77-2318, 77-2326.04, 77-2340, 77-2344, 77-2345, 77-2352, 77-2355, 77-2362, 77-2375, 77-2385, 77-2388, 77-2389, 77-2395, 77-2398, 77-23,100, 77-23,101, 77-23,102, and 77-23,105, Reissue Revised Statutes of Nebraska, and sections 77-2365.01, 77-2365.02, and 77-2387, Revised Statutes Cumulative Supplement, 2008; to authorize the deposit of public funds in credit unions as prescribed; to clarify Federal Deposit Insurance Corporation and National Credit Union Administration coverage; to harmonize provisions; to provide a duty for the Revisor of Statutes; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 431. Introduced by McGill, 26.

A BILL FOR AN ACT relating to the Delayed Deposit Services Licensing Act; to amend section 45-921, Reissue Revised Statutes of Nebraska, and sections 45-901, 45-906, 45-915, 45-919, 45-925, and 45-927, Revised Statutes Cumulative Supplement, 2008; to provide for certain prohibited acts; to provide fees; to provide penalties; to create a data base; to provide powers and duties for the Director of Banking and Finance; to change provisions relating to fines; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 433. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to courts; to amend sections 24-312 and 24-517, Reissue Revised Statutes of Nebraska; to change provisions relating to interchange of judges and court jurisdiction; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 435. Introduced by Janssen, 15; Gay, 14.

A BILL FOR AN ACT relating to the Public Service Commission; to amend sections 71-1559 and 71-4604.01, Revised Statutes Cumulative Supplement, 2008; to eliminate limitations on certain fees; to create and eliminate funds; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 437. Introduced by Haar, 21; Dubas, 34; Nordquist, 7.

A BILL FOR AN ACT relating to energy; to create the Wind Energy Development Zone Task Force; to provide powers and duties for the task force; and to provide a termination date.

LEGISLATIVE BILL 438. Introduced by Fischer, 43; Carlson, 38; Christensen, 44; Dierks, 40; Flood, 19; Hadley, 37; Hansen, 42; Lautenbaugh, 18; McCoy, 39; Pankonin, 2; Rogert, 16; Schilz, 47; Sullivan, 41; Utter, 33; Wightman, 36; Coash, 27; Giese, 17; Stuthman, 22.

A BILL FOR AN ACT relating to water; to amend section 46-2,115, Reissue Revised Statutes of Nebraska, and section 46-290, Revised Statutes Cumulative Supplement, 2008; to prohibit instream appropriations in fully appropriated or overappropriated areas; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 439. Introduced by Fischer, 43.

A BILL FOR AN ACT relating to energy; to adopt the Home Energy Alternatives Act.

LEGISLATIVE BILL 442. Introduced by Council, 11.

A BILL FOR AN ACT relating to housing; to amend sections 20-331, 20-335, 20-340, and 20-343, Reissue Revised Statutes of Nebraska; to provide for injunctive relief, procedural changes, and for filing of a petition for relief by the

commission under the Nebraska Fair Housing Act; and to repeal the original sections.

LEGISLATIVE BILL 443. Introduced by Christensen, 44.

A BILL FOR AN ACT relating to adult businesses and sexually oriented businesses; to provide for the regulation of such businesses; to state intent; to define terms; to provide penalties; and to provide severability.

LEGISLATIVE BILL 444. Introduced by Christensen, 44.

A BILL FOR AN ACT relating to escort agencies; to adopt the Escort Services Accountability and Licensing Act; and to provide an operative date.

LEGISLATIVE BILL 448. Introduced by Campbell, 25.

A BILL FOR AN ACT relating to vaccinations; to require the Department of Health and Human Services to establish a pilot program as prescribed; and to provide for rules and regulations.

LEGISLATIVE BILL 452. Introduced by Avery, 28.

A BILL FOR AN ACT relating to health care; to adopt the Advance Directives Identification Act.

LEGISLATIVE BILL 453. Introduced by Rogert, 16.

A BILL FOR AN ACT relating to workers' compensation; to amend section 48-106, Revised Statutes Cumulative Supplement, 2008; to change provisions relating to notice of excepted occupations; and to repeal the original section.

LEGISLATIVE BILL 454. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to the Nebraska Health Care Cash Fund; to amend section 71-7611, Revised Statutes Cumulative Supplement, 2008; to change provisions governing use of the fund; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 455. Introduced by Nordquist, 7; Dubas, 34; Haar, 21; Lathrop, 12; Mello, 5; Schilz, 47; Janssen, 15.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701, 77-2701.04, and 77-27,235, Revised Statutes Cumulative Supplement, 2008; to provide a renewable energy sales tax credit for certain electricity generators; to provide a sales and use tax exemption for certain purchases of renewable energy equipment; to define terms; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 457. Introduced by Friend, 10; Fulton, 29; McCoy, 39.

A BILL FOR AN ACT relating to certified nurse midwives; to amend sections 38-206, 38-603, 38-611, and 38-613, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to scope of practice, authorized activities, and practice agreements; to harmonize provisions; to repeal the original sections; and to outright repeal sections 38-608, 38-609, 38-610, and 38-614, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 459. Introduced by Harms, 48.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the Stay in the Game Program.

LEGISLATIVE BILL 465. Introduced by Christensen, 44.

A BILL FOR AN ACT relating to educational service units; to amend sections 79-1218 and 84-1411, Reissue Revised Statutes of Nebraska; to provide for videoconferencing and telephone conferences of board meetings; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 468. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Health and Human Services.

LEGISLATIVE BILL 470. Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to cities of the metropolitan class; to amend sections 14-109, 15-202, 15-203, 16-205, and 17-525, Reissue Revised Statutes of Nebraska; to establish a limit on certain occupation taxes; and to repeal the original sections.

LEGISLATIVE BILL 473. Introduced by Loudon, 49; Christensen, 44; Dierks, 40; Lathrop, 12; Stuthman, 22.

A BILL FOR AN ACT relating to schools; to amend sections 77-3443, 79-1001, 79-1003, 79-1007.13, 79-1073.01, 79-10,120, and 79-2111, Reissue Revised Statutes of Nebraska, and sections 77-3442 and 77-3444, Revised Statutes Cumulative Supplement, 2008; to adopt the Nebraska Elementary Attendance Region Act; to provide for tax levies as prescribed; to provide for Nebraska elementary attendance region aid under the Tax Equity and Educational Opportunities Support Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 475. Introduced by Stuthman, 22.

A BILL FOR AN ACT relating to county comptrollers; to amend sections 23-131, 23-135, 23-906, and 23-1302, Reissue Revised Statutes of Nebraska; to eliminate the position of county comptroller; to harmonize provisions; to repeal the original sections; and to outright repeal sections 23-1401, 23-1402, 23-1403, 23-1404, 23-1405, and 23-1407, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 478. Introduced by Rogert, 16.

A BILL FOR AN ACT relating to alcoholic liquor; to amend sections 37-301 and 53-186, Reissue Revised Statutes of Nebraska; to provide for sale and consumption of alcoholic liquor on property owned or operated by the Game and Parks Commission; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 481. Introduced by Haar, 21; Christensen, 44; Dierks, 40; Friend, 10; Fulton, 29; Harms, 48; McCoy, 39; Nordquist, 7; Wallman, 30.

A BILL FOR AN ACT relating to certified nurse midwives; to amend section 38-613, Reissue Revised Statutes of Nebraska; to eliminate the restriction on attending home deliveries; and to repeal the original section.

LEGISLATIVE BILL 482. Introduced by Langemeier, 23.

A BILL FOR AN ACT relating to the Nebraska Ground Water Management and Protection Act; to amend section 46-731, Reissue Revised Statutes of Nebraska, and sections 46-713 and 46-714, Revised Statutes Cumulative Supplement, 2008; to eliminate obsolete language; to change provisions relating to meetings; and to repeal the original sections.

LEGISLATIVE BILL 486. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to government; to require certain governmental entities to identify themselves as such in their official name.

LEGISLATIVE BILL 489. Introduced by Sullivan, 41; Dubas, 34; Flood, 19; Gloor, 35; Hadley, 37; Karpisek, 32; Rogert, 16; Stuthman, 22; Wallman, 30; Pankonin, 2; Howard, 9.

A BILL FOR AN ACT relating to health care; to adopt the Area Health Education Centers Act; and to provide a termination date.

LEGISLATIVE BILL 489A. Introduced by Sullivan, 41.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 489, One Hundred First Legislature, First Session, 2009.

LEGISLATIVE BILL 490. Introduced by Giese, 17.

A BILL FOR AN ACT relating to the Game Law; to amend section 37-407, Reissue Revised Statutes of Nebraska; to change provisions relating to nonresident permits; and to repeal the original section.

LEGISLATIVE BILL 491. Introduced by Haar, 21.

A BILL FOR AN ACT relating to energy; to provide for home energy efficiency loans; to create a fund; to define terms; and to provide duties for the State Energy Office.

LEGISLATIVE BILL 492. Introduced by Haar, 21.

A BILL FOR AN ACT relating to appropriations; to state intent relating to funding for certain positions at the University of Nebraska-Lincoln as prescribed; and to declare an emergency.

LEGISLATIVE BILL 493. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to insurance; to require coverage for cochlear implants as prescribed.

LEGISLATIVE BILL 496. Introduced by Fulton, 29; Coash, 27; Lathrop, 12.

A BILL FOR AN ACT relating to traffic enforcement; to amend sections 18-1729 and 60-680, Reissue Revised Statutes of Nebraska, and sections 60-4,182, 60-601, and 60-605, Revised Statutes Cumulative Supplement, 2008; to authorize enforcement of traffic control signal violations by an automated traffic enforcement system as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 499. Introduced by Dubas, 34; Sullivan, 41; Haar, 21.

A BILL FOR AN ACT relating to civil rights; to allow breast-feeding as prescribed.

LEGISLATIVE BILL 502. Introduced by Langemeier, 23.

A BILL FOR AN ACT relating to the Petroleum Release Remedial Action Act; to amend sections 66-1532, Revised Statutes Cumulative Supplement, 2008; to authorize a credit for owners of new tanks required to have private insurance; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 504. Introduced by Langemeier, 23.

A BILL FOR AN ACT relating to environmental protection; to amend sections 81-1505 and 81-1506, Reissue Revised Statutes of Nebraska; to provide for permits for discharge of dredged or fill material; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 506. Introduced by Pirsch, 4; Howard, 9.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-697, 60-698, and 60-6,198, Revised Statutes Cumulative Supplement, 2008; to change provisions relating to the duty to stop in the event of an accident and driving under the influence of alcohol or drugs; and to repeal the original sections.

LEGISLATIVE BILL 507. Introduced by Pirsch, 4; Howard, 9; McCoy, 39.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-323, Reissue Revised Statutes of Nebraska; to change provisions and penalties regarding domestic assault in the third degree; and to repeal the original section.

LEGISLATIVE BILL 508. Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Reissue Revised Statutes of Nebraska; to prohibit certain gang-related initiations; and to repeal the original section.

LEGISLATIVE BILL 509. Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to campaign finance; to amend section 32-1603, Reissue Revised Statutes of Nebraska, and section 49-1455, Revised Statutes Cumulative Supplement, 2008; to redefine election period; and to repeal the original sections.

LEGISLATIVE BILL 510. Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to crime victims; to amend sections 81-1835, 81-1845, and 83-183, Reissue Revised Statutes of Nebraska; to prescribe a defendant surcharge for funding; to provide for certain wages earned by inmates in a work release program and defendant surcharges to be deposited in the Victim's Compensation Fund as prescribed; to create and provide for defendant surcharges to be deposited in the Nebraska Crime Victim Fund and distributed as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 512. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to airport zoning; to amend sections 3-303 and 3-304, Reissue Revised Statutes of Nebraska; to change provisions relating to the regulation of airport hazards; to prescribe duties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 513. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to vehicular pursuit; to amend sections 13-911 and 81-8,215.01, Reissue Revised Statutes of Nebraska; to eliminate subrogation and contribution rights for property damages; and to repeal the original sections.

LEGISLATIVE BILL 516. Introduced by Hansen, 42.

A BILL FOR AN ACT relating to the Nebraska State Fairgrounds; to amend section 2-112, Revised Statutes Cumulative Supplement, 2008; to require compensation to certain structures located on the Nebraska State Fairgrounds in Lancaster County; and to repeal the original section.

LEGISLATIVE BILL 518. Introduced by McGill, 26.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-101, 28-105, 28-111, 28-201, 28-302, 28-303, 28-304, 28-305, 28-306, 28-915, 28-915.01, 28-916.01, 28-1213, 28-1214, 28-1219, 28-1223, 28-1224, 28-1227, 28-1229, 28-1231, 28-1233, 28-1234, 28-1235, 28-1236, 28-1237, 28-1238, 28-1239, 28-1239.01, 28-1241, 29-119, 29-1306, 29-1603, 29-2004, 29-2027, 29-2221, 29-2261, 29-2519, 29-2520, 29-2521, 29-2524, 29-4103, 43-283.01, 43-286, 81-1850, 83-961, and 84-205, Reissue Revised Statutes of Nebraska; to change and eliminate provisions and procedures relating to homicide; to change provisions relating to life imprisonment, use of explosives, sentence enhancement, criminal attempt, perjury and false statements; to provide for applicability; to harmonize provisions; to repeal the original sections; and to outright repeal section 29-1512, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 519. Introduced by McGill, 26.

A BILL FOR AN ACT relating to appropriations; to state intent relating to behavioral health care services; to define terms; to provide for rate increases for payments to behavioral health providers; to create and provide duties for the Provider Reimbursement Rate Commission; and to declare an emergency.

LEGISLATIVE BILL 520. Introduced by Hadley, 37; Giese, 17; Wallman, 30; Harms, 48.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701 and 77-2715.07, Revised Statutes Cumulative Supplement, 2008; to allow an income tax credit for perpetual conservation easement donations as prescribed; to provide an operative date; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 522. Introduced by Urban Affairs Committee: Friend, 10, Chairperson; Coash, 27; Lathrop, 12; McGill, 26; Rogert, 16; White, 8.

A BILL FOR AN ACT relating to volunteer fire and rescue departments; to amend section 35-901, Reissue Revised Statutes of Nebraska; to change provisions relating to the use of funds, fees, and charges; and to repeal the original section.

LEGISLATIVE BILL 523. Introduced by Urban Affairs Committee: Friend, 10, Chairperson; Coash, 27; Lathrop, 12; McGill, 26; Rogert, 16; White, 8.

A BILL FOR AN ACT relating to volunteer fire and rescue departments; to amend section 35-901, Reissue Revised Statutes of Nebraska; to change provisions regarding the volunteer department trust fund; and to repeal the original section.

LEGISLATIVE BILL 525. Introduced by Friend, 10.

A BILL FOR AN ACT relating to cities and villages; to amend sections 13-315, 18-2705, 18-2709, and 18-2717, Reissue Revised Statutes of Nebraska; to change provisions relating to tax levies and economic development programs; and to repeal the original sections.

LEGISLATIVE BILL 526. Introduced by Friend, 10.

A BILL FOR AN ACT relating to cities and villages; to amend sections 13-1111, 13-1115, 13-1116, 13-1117, 13-1118, 13-1120, 16-117, and 17-405.01, Reissue Revised Statutes of Nebraska; to provide requirements for land annexation by cities of the first and second class and villages; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 527. Introduced by Fulton, 29.

A BILL FOR AN ACT relating to state-owned motor vehicles; to amend section 81-1025, Reissue Revised Statutes of Nebraska; to require the installation and use of automatic vehicle location system devices in such vehicles; and to repeal the original section.

LEGISLATIVE BILL 529. Introduced by Pahls, 31.

A BILL FOR AN ACT relating to the Uniform Commercial Code; to amend section 9-531, Uniform Commercial Code, Revised Statutes Cumulative Supplement, 2008; to transfer ownership of certain computer equipment from the Secretary of State to the county clerks as prescribed; and to repeal the original section.

LEGISLATIVE BILL 535. Introduced by Stuthman, 22.

A BILL FOR AN ACT relating to natural resources; to amend sections 2-1504, 2-3229, 2-3234, and 2-3254.07, Reissue Revised Statutes of Nebraska; to change membership of the Nebraska Natural Resources Commission; to change provisions relating to natural resources districts' programs, projects, powers, and duties; and to repeal the original sections.

LEGISLATIVE BILL 541. Introduced by Campbell, 25.

A BILL FOR AN ACT relating to the medical assistance program; to amend section 68-912, Revised Statutes Cumulative Supplement, 2008; to exempt certain adult dental services from limitations as prescribed; and to repeal the original section.

LEGISLATIVE BILL 542. Introduced by Campbell, 25.

A BILL FOR AN ACT relating to dental assistants; to amend sections 38-1135 and 38-1136, Reissue Revised Statutes of Nebraska; to provide for rules and regulations regarding education, preparation, and training; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 544. Introduced by Giese, 17.

A BILL FOR AN ACT relating to the Election Act; to amend section 32-101, Reissue Revised Statutes of Nebraska; to require the Secretary of State to publish guidelines for election workers; and to repeal the original section.

LEGISLATIVE BILL 544A. Introduced by Giese, 17.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 544, One Hundred First Legislature, First Session, 2009.

LEGISLATIVE BILL 546. Introduced by Adams, 24.

A BILL FOR AN ACT relating to school funding; to amend sections 9-812, 9-836.01, 79-1011, and 79-1012, Reissue Revised Statutes of Nebraska; to change provisions relating to reorganization incentives; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 550. Introduced by Avery, 28.

A BILL FOR AN ACT relating to the Military Code; to amend sections 55-101, 55-120, 55-125, 55-126, and 55-135, Reissue Revised Statutes of Nebraska; to change provisions relating to Military Department personnel; to provide peace officer powers and duties to National Guard members; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 552. Introduced by White, 8.

A BILL FOR AN ACT relating to construction; to amend section 81-2407, Reissue Revised Statutes of Nebraska; to adopt the Nebraska Construction Prompt Pay Act; to harmonize provisions; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 553. Introduced by White, 8.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1502, 77-1507, 77-1507.01, 77-1510, 77-3506.02, 77-5007, 77-5013, and 77-5015, Revised Statutes Cumulative Supplement, 2008; to change real property valuation protest procedures in counties with more than one hundred thousand inhabitants; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 554. Introduced by White, 8.

A BILL FOR AN ACT relating to labor and employment; to prohibit certain employers from requiring use of paid leave under certain circumstances; and to provide a penalty.

LEGISLATIVE BILL 556. Introduced by White, 8.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-118.01, Revised Statutes Cumulative Supplement, 2008; to change provisions relating to third-party claims; and to repeal the original section.

LEGISLATIVE BILL 557. Introduced by Nantkes, 46.

A BILL FOR AN ACT relating to labor; to amend section 48-219, Reissue Revised Statutes of Nebraska; to provide for a fair share representation contribution by employees who are not members of certain labor organizations for representation provided by the labor organization; to eliminate provisions; to harmonize provisions; to repeal the original section; and to outright repeal sections 48-217 and 48-218, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 559. Introduced by Gloor, 35.

A BILL FOR AN ACT relating to the Convention Center Facility Financing Assistance Act; to amend sections 13-2601, 13-2604, 13-2605, and 13-2706, Reissue Revised Statutes of Nebraska, and sections 13-2603 and 13-2610, Revised Statutes Cumulative Supplement, 2008; to provide and change provisions relating to terms, state assistance, financing, and grant applications; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 563. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to labor; to adopt the Contractor Employee Classification Act.

LEGISLATIVE BILL 564. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to the Contractor Registration Act; to amend sections 48-2101 and 48-2105, Reissue Revised Statutes of Nebraska, and section 48-2104, Revised Statutes Cumulative Supplement, 2008; to require licensure as prescribed; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 565. Introduced by Louden, 49; Haar, 21; Schilz, 47; Wallman, 30.

A BILL FOR AN ACT relating to natural resources; to adopt the Woody Biomass Energy Act.

LEGISLATIVE BILL 567. Introduced by Dubas, 34; Haar, 21; Mello, 5; Schilz, 47.

A BILL FOR AN ACT relating to the State Energy Office; to amend sections 81-1602, 81-1603, and 81-1607, Reissue Revised Statutes of Nebraska; to change provisions relating to the State Energy Office and the Director of the State Energy Office; to provide powers and duties for the State Energy Office; to define a term; and to repeal the original sections.

LEGISLATIVE BILL 569. Introduced by Dubas, 34; Haar, 21.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the State Energy Office for a grant program for school wind projects.

LEGISLATIVE BILL 571. Introduced by Pahls, 31.

A BILL FOR AN ACT relating to consumer protection; to adopt the Guaranteed Asset Protection Waiver Act; and to provide severability.

LEGISLATIVE BILL 572. Introduced by Heidemann, 1.

A BILL FOR AN ACT relating to the Nebraska Tobacco Settlement Trust Fund; to amend section 71-7608, Revised Statutes Cumulative Supplement, 2008; to change provisions governing use of certain revenue; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 573. Introduced by Nordquist, 7.

A BILL FOR AN ACT relating to the Conveyance Safety Act; to amend sections 48-2503, 48-2507, 48-2508, and 48-2512, Revised Statutes Cumulative Supplement, 2008; to change Conveyance Advisory Committee membership provisions; to change applicability of the act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 574. Introduced by Rogert, 16.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend sections 49-1469, 49-1469.05, 49-1469.08, and 49-1479.02, Revised Statutes Cumulative Supplement, 2008; to eliminate a reporting requirement; to provide for a report of expenditures as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 575. Introduced by Rogert, 16.

A BILL FOR AN ACT relating to initiative and referendum petitions; to amend sections 32-1404, 32-1412, and 84-205, Reissue Revised Statutes of Nebraska; to change provisions relating to investigation and prosecution of violations relating to signers and circulators of petitions and to placing measures on the ballot; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 576. Introduced by Rogert, 16.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-186, Reissue Revised Statutes of Nebraska; to provide for consumption and sale of liquor on real property in the state park system; and to repeal the original section.

LEGISLATIVE BILL 579. Introduced by Cornett, 45; Lathrop, 12.

A BILL FOR AN ACT relating to labor; to amend sections 48-602 and 48-648, Revised Statutes Cumulative Supplement, 2008; to adopt the Professional Employer Organization Registration Act; to harmonize unemployment benefit provisions; to provide an operative date; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 580. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-5016, Revised Statutes Cumulative Supplement, 2008; to change a standard of review by the Tax Equalization and Review Commission; and to repeal the original section.

LEGISLATIVE BILL 581. Introduced by Carlson, 38.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-958, 2-10,117, 2-2634, 2-5106, and 81-201.05, Reissue Revised Statutes of Nebraska, and section 2-958.01, Revised Statutes Cumulative Supplement, 2008; to change disposition of Pesticide Act registration fees and disposition of funds collected from sales of the Weeds of the Great Plains book; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 582. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to agriculture; to create the Nebraska Invasive Species Council; to state intent, define terms, and provide powers and duties.

LEGISLATIVE BILL 583. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701.02, 77-2704.24, 79-1001, and 85-1517, Reissue Revised Statutes of Nebraska, and sections 77-2701, 77-2701.16, 77-2703.01, 77-2715.07, and 77-3442, Revised Statutes Cumulative Supplement, 2008; to change the sales tax rate; to impose sales tax on services except medical; to impose sales tax on food and provide an income tax credit; to eliminate local option sales taxes; to eliminate property tax authority of community college areas; to provide state funding for school employees, school transportation, and community colleges; to create a fund for property tax relief; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 13-319, 13-322, 13-323, 13-324, 13-325, 13-326, 13-2813, 13-2814, 13-2815, 13-2816, 77-27,142, 77-27,142.01, 77-27,142.02, 77-27,142.03, 77-27,142.04, 77-27,142.05, 77-27,145, 77-27,146, 77-27,147, and 77-27,148, Reissue Revised Statutes of Nebraska, and sections 77-27,143 and 77-27,144, Revised Statutes Cumulative Supplement, 2008.

LEGISLATIVE BILL 584. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to ethanol; to adopt the Agricultural Commodities Protection Act.

LEGISLATIVE BILL 585. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to agriculture; to adopt the Bovine Trichomoniasis Control Act; and to provide a penalty.

LEGISLATIVE BILL 589. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to child custody; to amend sections 42-364 and 43-2929, Reissue Revised Statutes of Nebraska; to designate both parents as

joint custodians unless there is proof otherwise; and to repeal the original sections.

LEGISLATIVE BILL 590. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to the Disabled Persons and Family Support Act; to amend sections 68-1502, 68-1504, 68-1505, 68-1506, 68-1508, 68-1510, 68-1511, 68-1512, 68-1513, 68-1515, 68-1516, 68-1518, and 68-1519, Reissue Revised Statutes of Nebraska, and sections 68-1503 and 68-1509, Revised Statutes Cumulative Supplement, 2008; to provide financial compensation for care given by families at home and special food and medical needs as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 591. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to public power; to amend section 70-1014, Reissue Revised Statutes of Nebraska; to change provisions relating to approval of applications for electric generation facilities; and to repeal the original section.

LEGISLATIVE BILL 592. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to the Rural Health Systems and Professional Incentive Act; to amend section 71-5653, Revised Statutes Cumulative Supplement, 2008; to redefine a term; and to repeal the original section.

LEGISLATIVE BILL 593. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to agriculture; to amend sections 21-2602, 67-409, 76-1520, 76-1521, 76-1523, and 76-1524, Reissue Revised Statutes of Nebraska, and section 77-5203, Revised Statutes Cumulative Supplement, 2008; to state intent; to define terms; to restrict entity ownership of agricultural land and farm or ranch operations; to harmonize provisions; to provide for severability; and to repeal the original sections.

LEGISLATIVE BILL 594. Introduced by Dierks, 40; McCoy, 39.

A BILL FOR AN ACT relating to abortion; to adopt the Women's Health Protection Act; and to provide severability.

LEGISLATIVE BILL 595. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to motor vehicle accidents; to amend section 60-6,102, Reissue Revised Statutes of Nebraska; to change coroner's examination provisions; to define drugs; and to repeal the original section.

LEGISLATIVE BILL 596. Introduced by Ashford, 20.

A BILL FOR AN ACT relating to fees; to amend section 33-107.01, Reissue Revised Statutes of Nebraska; to change a legal services fee; and to repeal the original section.

LEGISLATIVE BILL 597. Introduced by Ashford, 20.

A BILL FOR AN ACT relating to learning communities; to amend section 79-769, Reissue Revised Statutes of Nebraska; to change provisions relating to collaborative focus programs, focus schools, or magnet schools; and to repeal the original section.

LEGISLATIVE BILL 600. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to pool halls; to amend section 28-1422, Reissue Revised Statutes of Nebraska, and sections 53-101 and 53-103, Revised Statutes Cumulative Supplement, 2008; to provide for an exemption for pool halls as prescribed; to define a term; to provide duties for pool hall owners; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 605. Introduced by Howard, 9; Dierks, 40.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-131.01, 53-135, and 53-149, Reissue Revised Statutes of Nebraska, and sections 53-101 and 53-132, Revised Statutes Cumulative Supplement, 2008; to change provisions relating to license application and renewal requirements, denial of license applications, transfer of licenses, and storage of alcoholic liquor; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 608. Introduced by Mello, 5; Giese, 17.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Supreme Court for salary increases for county court employees; and to declare an emergency.

LEGISLATIVE BILL 609. Introduced by Mello, 5; Avery, 28; Campbell, 25; McGill, 26; Nordquist, 7; Sullivan, 41.

A BILL FOR AN ACT relating to child care; to amend section 68-1206, Revised Statutes Cumulative Supplement, 2008; to state intent; to define a term; to provide duties for the Department of Health and Human Services relating to contracts with providers; to change eligibility for a subsidy as prescribed; to harmonize provisions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 610. Introduced by Mello, 5; Campbell, 25; Howard, 9.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-912, Revised Statutes Cumulative Supplement, 2008; to change provisions relating to limitations on services for persons with disabilities; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 612. Introduced by Avery, 28; McGill, 26.

A BILL FOR AN ACT relating to school retirement; to amend sections 79-958 and 79-9,113, Reissue Revised Statutes of Nebraska; to prohibit school districts from reimbursing or paying employer retirement contributions as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 615. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to cities and counties; to amend sections 18-2601, 18-2602, 18-2603, 18-2604, 18-2605, 18-2606, 18-2607, 18-2608, 18-2609, 23-2901, 23-2902, 23-2903, 23-2904, 23-2905, 23-2906, 23-2907, 23-2908, 23-2909, 23-2911, 31-763, 31-764, 31-765, and 31-766, Reissue Revised Statutes of Nebraska, and sections 77-2602 and 77-27,137.01, Revised Statutes Cumulative Supplement, 2008; to adopt the Family Entertainment and Sports Attraction Act; to rename the Municipal Infrastructure Redevelopment Fund Act; to expand the act to include counties; to rename a fund; to change and eliminate provisions relating to cigarette tax distributions for purposes of county and municipal infrastructure funding; to provide and change provisions relating to purpose, building uses, districts, petitions, hearings, notice, boundaries, boards of trustees, taxes, warrants, and annexation regarding county community buildings; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal section 77-2602.04, Revised Statutes Cumulative Supplement, 2008; and to declare an emergency.

LEGISLATIVE BILL 619. Introduced by Howard, 9.

A BILL FOR AN ACT relating to the Nebraska Mental Health Commitment Act; to amend sections 71-906 and 71-915, Revised Statutes Cumulative Supplement, 2008; to redefine a term; to change provisions relating to membership on mental health boards; and to repeal the original sections.

LEGISLATIVE BILL 621. Introduced by Wightman, 36.

A BILL FOR AN ACT relating to massage therapy; to amend section 38-1708, Reissue Revised Statutes of Nebraska; to provide an exemption from licensure; and to repeal the original section.

LEGISLATIVE BILL 622. Introduced by Nordquist, 7.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-125, Revised Statutes Cumulative Supplement, 2008; to provide time limits and penalties for late payment of medical payments; and to repeal the original section.

LEGISLATIVE BILL 624. Introduced by Haar, 21.

A BILL FOR AN ACT relating to energy; to provide for energy efficiency loans for public buildings; to create a fund; to define terms; and to provide duties for the State Energy Office.

LEGISLATIVE BILL 625. Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Reissue Revised Statutes of Nebraska; to prohibit the intentional exposure to another of a life-threatening communicable disease; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 633. Introduced by Mello, 5; Howard, 9; Nordquist, 7; Cook, 13.

A BILL FOR AN ACT relating to community development; to create the Neighborhood Development Act; to create a fund; to provide powers and duties; and to provide a termination date.

LEGISLATIVE BILL 633A. Introduced by Mello, 5.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 633, One Hundred First Legislature, First Session, 2009.

LEGISLATIVE BILL 635. Introduced by Mello, 5.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend section 49-1472, Reissue Revised Statutes of Nebraska, and sections 49-1446, 49-1446.01, 49-1455, and 49-1478.01, Revised Statutes Cumulative Supplement, 2008; to change provisions relating to reports to be filed by political party committees; and to repeal the original sections.

LEGISLATIVE BILL 636. Introduced by Mello, 5; Lathrop, 12; Lautenbaugh, 18; McCoy, 39; Nordquist, 7; Rogert, 16.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Economic Development; and to declare an emergency.

LEGISLATIVE BILL 637. Introduced by Mello, 5.

A BILL FOR AN ACT relating to insurance; to require disclosure of information by health carriers providing group health benefit plan coverages as prescribed; and to provide a duty for the Revisor of Statutes.

LEGISLATIVE BILL 638. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to political accountability and disclosure; to amend sections 28-915.01, 49-1415, 49-1456, 49-1457, 49-1459, 49-1461, 49-1465, 49-1470, 49-14,122, 49-14,129, and 49-14,141, Reissue Revised Statutes of Nebraska, and sections 49-1401, 49-1446, 49-1446.04, 49-1447, 49-1455, 49-1458, 49-1463, 49-1463.01, 49-1467, 49-1469, 49-1478, 49-1478.01, 49-1479.01, 49-1479.02, 49-14,123, 49-14,124, 49-14,124.01, 49-14,124.02, 49-14,125, 49-14,126, 49-14,133, and 49-14,140, Revised Statutes Cumulative Supplement, 2008; to change provisions relating to filing campaign statements and reports; to repeal the Campaign Finance Limitation Act; to harmonize provisions; to repeal the original sections; and to outright repeal sections 32-1601, 32-1602, 32-1603, 32-1604, 32-1604.01, 32-1605,

32-1606, 32-1606.01, 32-1607, 32-1608, 32-1608.01 32-1608.02, 32-1608.03, 32-1609, 32-1610, 32-1611, 32-1612, 32-1613, and 77-27,119.04, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 639. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to public meetings; to amend section 84-1411, Reissue Revised Statutes of Nebraska; to change provisions relating to telephone conferencing; and to repeal the original section.

LEGISLATIVE BILL 641. Introduced by Schilz, 47.

A BILL FOR AN ACT relating to agriculture; to create a production incentive for renewable diesel; and to create a fund.

LEGISLATIVE BILL 643. Introduced by Schilz, 47.

A BILL FOR AN ACT relating to electric lines; to amend section 70-311, Reissue Revised Statutes of Nebraska; to extend the distance and time requirements relating to notice of certain road construction; to provide notice requirements for natural resource districts for certain road construction; and to repeal the original section.

LEGISLATIVE BILL 644. Introduced by Mello, 5; Haar, 21.

A BILL FOR AN ACT relating to recycling; to amend sections 81-1504.01 and 81-15,160, Reissue Revised Statutes of Nebraska; to adopt the Electronics Recycling Act; to provide fees; to provide for a report regarding and grants from the Waste Reduction and Recycling Incentive Fund; to delete obsolete provisions; to harmonize provisions; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 645. Introduced by Mello, 5; Haar, 21.

A BILL FOR AN ACT relating to public contracts for services; to amend sections 73-501, 73-502, 73-504, 73-506, 73-507, and 81-154.01, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to certain contracts for services; to harmonize provisions; to repeal the original sections; and to outright repeal sections 73-301, 73-302, 73-303, 73-304, 73-305, 73-306, 73-307, and 73-509, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 646. Introduced by Christensen, 44; Carlson, 38; Hansen, 42; Schilz, 47; Wallman, 30; Giese, 17; McCoy, 39.

A BILL FOR AN ACT relating to agriculture; to amend section 81-12,128, Reissue Revised Statutes of Nebraska, and section 54-2426, Revised Statutes Cumulative Supplement, 2008; to adopt the Livestock Growth Act; to provide for funding and funding intent; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 648. Introduced by Christensen, 44.

A BILL FOR AN ACT relating to highway planning; to state intent relating to funding for a study.

LEGISLATIVE BILL 650. Introduced by Christensen, 44.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-471, 60-501, 60-520, 60-547, and 60-638, Reissue Revised Statutes of Nebraska, and sections 60-101, 60-102, 60-136, 60-301, 60-339, 60-4,126, 60-601, and 60-605, Revised Statutes Cumulative Supplement, 2008; to authorize the operation of minitrucks on public highways as prescribed; to define terms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 651. Introduced by Christensen, 44.

A BILL FOR AN ACT relating to water resources; to amend section 2-3226.04, Reissue Revised Statutes of Nebraska, and sections 2-3225, 2-3226.05, 2-3226.08, and 2-3226.09, Revised Statutes Cumulative Supplement, 2008; to adopt the Water Resources Revolving Loan Fund Act; to change provisions relating to use of property tax and occupation tax proceeds and river-flow enhancement bond proceeds as prescribed; to provide duties for natural resources districts; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 652. Introduced by Christensen, 44.

A BILL FOR AN ACT relating to the Enhanced Wireless 911 Services Act; to amend sections 86-442, 86-443, 86-461, 86-462, 86-464, 86-465, and 86-466, Reissue Revised Statutes of Nebraska; to change the membership and duties of the Enhanced Wireless 911 Advisory Board; to change provisions relating to service agreements and compensation of costs; to change duties of the Public Service Commission; to define terms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 656. Introduced by Harms, 48; Avery, 28; Haar, 21; Ashford, 20.

A BILL FOR AN ACT relating to health care; to adopt the Health Care Accessibility and Affordability Act; and to provide a termination date.

LEGISLATIVE BILL 657. Introduced by Harms, 48.

A BILL FOR AN ACT relating to the Microenterprise Development Act; to amend sections 81-1276, 81-1295, 81-1296, 81-1297, 81-1298, 81-1299, 81-12,102, 81-12,104, and 84-612, Reissue Revised Statutes of Nebraska; to change provisions relating to surety bond support, purposes, the Microenterprise Partnership Program, grants, and the annual report under the act; to eliminate provisions relating to findings, purposes, terms, grants, contracts, and rules and regulations under the act; to eliminate the Microenterprise Development Cash Fund; to eliminate provisions relating to Cash Reserve transfers; to harmonize provisions; to repeal the original sections; and to outright repeal sections 81-12,100, 81-12,101, 81-12,103, 81-12,105, and 81-12,105.01, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 659. Introduced by Fulton, 29.

A BILL FOR AN ACT relating to community corrections; to state intent; to provide for data collection on individuals released from incarceration as prescribed; to provide for funding; and to declare an emergency.

LEGISLATIVE BILL 660. Introduced by Fulton, 29; Harms, 48; McCoy, 39.

A BILL FOR AN ACT relating to government auditing; to amend sections 84-305 and 84-311, Reissue Revised Statutes of Nebraska, and sections 50-1213, 50-1214, 50-1215, and 77-2711, Revised Statutes Cumulative Supplement, 2008; to change provisions relating to access to information by the Legislative Performance Audit Section and Auditor of Public Accounts; to change and provide penalties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 661. Introduced by Gay, 14.

A BILL FOR AN ACT relating to the Medicaid Prescription Drug Act; to amend section 68-954, Revised Statutes Cumulative Supplement, 2008; to change provisions relating to a preferred drug list; and to repeal the original section.

LEGISLATIVE BILL 662. Introduced by Janssen, 15; Pirsch, 4.

A BILL FOR AN ACT relating to the Election Act; to amend sections 32-616, 32-617, 32-623, 32-627, and 32-710, Reissue Revised Statutes of Nebraska; to change provisions relating to nomination for office; and to repeal the original sections.

LEGISLATIVE BILL 663. Introduced by Janssen, 15.

A BILL FOR AN ACT relating to electricity; to amend sections 70-1012 and 70-1012.01, Reissue Revised Statutes of Nebraska; to adopt the Net Metering Act; to exempt certain utilities from a requirement for approval by the Nebraska Power Review Board; and to repeal the original sections.

LEGISLATIVE BILL 664. Introduced by Janssen, 15.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-186, Reissue Revised Statutes of Nebraska; to change provisions relating to licenses to sell alcoholic liquor on public property; and to repeal the original section.

LEGISLATIVE BILL 666. Introduced by Langemeier, 23; Fischer, 43; Carlson, 38; Christensen, 44; Dierks, 40; Hadley, 37; Hansen, 42; Lautenbaugh, 18; McCoy, 39; Pankonin, 2; Price, 3; Rogert, 16; Schilz, 47; Utter, 33; Wightman, 36; Giese, 17; Stuthman, 22.

A BILL FOR AN ACT relating to the Niobrara Council; to amend sections 19-902, 23-114, 23-373, 72-2004.01, 72-2007, 72-2008, and 76-2,112, Reissue

Revised Statutes of Nebraska; to change and eliminate intent and powers and duties of the council; to change membership; to harmonize provisions; to repeal the original sections; to outright repeal sections 72-2005, 72-2010, 72-2011, and 72-2012, Reissue Revised Statutes of Nebraska; and to declare an emergency.

LEGISLATIVE BILL 667. Introduced by Sullivan, 41; Carlson, 38; Dubas, 34; Loudon, 49.

A BILL FOR AN ACT relating to fences; to amend section 34-102, Reissue Revised Statutes of Nebraska; to state intent; to change provisions relating to division fences; and to repeal the original section.

LEGISLATIVE BILL 669. Introduced by Coash, 27; Campbell, 25; Pankonin, 2.

A BILL FOR AN ACT relating to courts; to amend sections 24-301.02, 24-503, and 43-2,119, Reissue Revised Statutes of Nebraska; to change the number of district court, county court, and separate juvenile court judges; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 669A. Introduced by Ashford, 20; Coash, 27.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 669, One Hundred First Legislature, First Session, 2009; to provide an operative date; and to declare an emergency.

LEGISLATIVE BILL 674. Introduced by Nantkes, 46.

A BILL FOR AN ACT relating to the University of Nebraska; to provide powers and duties for the Board of Regents of the University of Nebraska; to provide confidentiality for certain audit reports, files, and working papers; to define terms; and to provide a penalty.

LEGISLATIVE BILL 676. Introduced by Fulton, 29; Mello, 5; Nordquist, 7; Pirsch, 4; Janssen, 15.

A BILL FOR AN ACT relating to abortion; to amend sections 28-326, 28-327, 28-327.01, 28-327.03, and 28-327.04, Reissue Revised Statutes of Nebraska; to provide for additional voluntary and informed consents from the pregnant woman; to define terms; to harmonize provisions; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 678. Introduced by Haar, 21.

A BILL FOR AN ACT relating to the Open Meetings Act; to amend section 84-1413, Reissue Revised Statutes of Nebraska; to define a term; to change provisions relating to minutes of meetings; and to repeal the original section.

LEGISLATIVE BILL 680. Introduced by Appropriations Committee: Heidemann, 1, Chairperson; Fulton, 29; Hansen, 42; Harms, 48; Mello, 5; Nantkes, 46; Nelson, 6; Nordquist, 7; Wightman, 36.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to carry out the federal American Recovery and Reinvestment Act of 2009; to provide an operative date; and to declare an emergency.

RESOLUTIONS

LEGISLATIVE RESOLUTION 6CA. Introduced by Karpisek, 32; Fischer, 43.

THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, FIRST 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 III, section 24:

III-24 (1) Except as provided in this section, the Legislature shall not authorize any game of chance or any lottery or gift enterprise when the consideration for a chance to participate involves the payment of money for the purchase of property, services, or a chance or admission ticket or requires an expenditure of substantial effort or time.

(2) The Legislature may authorize and regulate a state lottery pursuant to subsection (3) of this section and other lotteries, raffles, and gift enterprises which are intended solely as business promotions or the proceeds of which are to be used solely for charitable or community betterment purposes without profit to the promoter of such lotteries, raffles, or gift enterprises.

(3)(a) The Legislature may establish a lottery to be operated and regulated by the State of Nebraska. The proceeds of the lottery shall be appropriated by the Legislature for the costs of establishing and maintaining the lottery and for the following purposes, as directed by the Legislature:

(i) The first five hundred thousand dollars after the payment of prizes and operating expenses shall be transferred to the Compulsive Gamblers Assistance Fund;

(ii) Forty-four and one-half percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the Nebraska Environmental Trust Fund to be used as provided in the Nebraska Environmental Trust Act;

(iii) Forty-four and one-half percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be used for education as the Legislature may direct;

(iv) Ten percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the Nebraska State Fair Board if the most populous city within the county in which the fair is located provides matching funds equivalent to ten percent of the funds available for transfer. Such matching funds may be obtained from the city and any other private or public entity, except that no portion of such matching funds shall be provided by the state. If the Nebraska State Fair ceases operations, ten percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the General Fund; and

(v) One percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the Compulsive Gamblers Assistance Fund.

(b) No lottery game shall be conducted as part of the lottery unless the type of game has been approved by a majority of the members of the Legislature.

(4) Nothing in this section shall be construed to prohibit (a) the enactment of laws providing for the licensing and regulation of wagering on the results of horseraces, wherever run, either within or outside of the state, by the parimutuel method, when such wagering is conducted by licensees within a licensed racetrack enclosure or (b) the enactment of laws providing for the licensing and regulation of bingo games conducted by nonprofit associations which have been in existence for a period of five years immediately preceding the application for license, except that bingo games cannot be conducted by agents or lessees of such associations on a percentage basis.

(5)(a) Racetrack gaming limited to a total of three thousand five hundred gaming devices, allocated to no more than seven racetrack facilities licensed to conduct such gaming, shall be permitted subject to prior approval or rejection by the governing body of the political subdivision within which the racetrack is located. The licensing, administration, regulation, and financial monitoring of racetrack facilities conducting racetrack gaming and the allocation of gaming devices among racetracks conducting racetrack gaming shall be the duty and responsibility of the State Racing Commission.

(b) For purposes of this subsection:

(i) Gross gaming revenue means all cash or other consideration utilized to play player-activated electronic or video gaming devices operated at a racetrack facility, less all cash or other consideration paid out to winning players as prizes;

(ii) Racetrack facility means a licensed racetrack which conducts wagering by the parimutuel method on thoroughbred horseracing; and

(iii) Racetrack gaming means games of chance played for money, credit, or any representation of value using player-activated electronic or video gaming devices at a racetrack facility.

(c) Racetrack facilities shall remit gross gaming revenue to the commission for credit to the Gaming Revenue Cash Fund. The Legislature shall appropriate the Gaming Revenue Cash Fund for the following purposes, and the fund shall be allocated by the commission as follows:

(i) Forty percent shall be allocated to the State Treasurer. The State Treasurer shall credit such money to the Highway Trust Fund;

(ii) Two percent shall be allocated to the Gaming Administration Cash Fund, which fund shall be used solely for administrative expenses incurred by the commission in the performance of its responsibilities in regard to racetrack gaming;

(iii) Thirty-nine percent shall be allocated to the racetrack gaming licensees for establishing, equipping, operating, and maintaining their respective racetrack gaming operations and for accounting and security expenses, including the licensees' payment of obligations to contractors who provide some or all of those services;

(iv) One percent shall be allocated to the State Treasurer. The State Treasurer shall credit such money to the Compulsive Gamblers Assistance Fund or, if it ceases to operate, to a comparable gamblers assistance fund established under state authority;

(v) Four percent shall be allocated to the political subdivisions which approve racetrack gaming within their jurisdictions;

(vi) Ten percent shall be allocated to racetrack facilities for the sole purpose of supplementing purses at live thoroughbred races;

(vii) Two percent shall be allocated to entities approved by the commission for the development and improvement of the thoroughbred breeding industry in Nebraska; and

(viii) Two percent shall be allocated to entities approved by the commission for the development and improvement of the following equine activities in Nebraska: The quarterhorse industry; large-animal veterinary medicine; and equine therapy.

(d) Amounts remaining at the end of a biennium in the Gaming Revenue Cash Fund or the Gaming Administration Cash Fund shall be reappropriated for the uses described in this subsection.

(e) The commission shall require at least annual auditing by one or more independent auditors approved by the commission of all expenditures by each distributee to ensure that the funds are used only for the purposes described in this subsection and in a manner consistent with the rules and regulations of the commission.

(f) Nothing in this Constitution shall be construed to prohibit the Legislature from enacting legislation to facilitate the implementation of this subsection.

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 permit racetrack gaming limited to a total of three thousand five hundred gaming devices at thoroughbred racetrack facilities, to provide for licensing, administration, regulation, and financial monitoring of racetrack gaming by the State Racing Commission, and to allocate gaming revenue.

For

Against.

LEGISLATIVE RESOLUTION 9. Introduced by Fulton, 29.

WHEREAS, the State of Nebraska holds an interest in preventing illegal immigration and securing the public health, safety, and welfare against terrorism and criminal activity; and

WHEREAS, protection of the public health, safety, and welfare is most effectively accomplished by the utilization of federal, state, and local law enforcement resources; and

WHEREAS, section 287(g) of the federal Illegal Immigration Reform and Immigrant Responsibility Act of 1996 authorizes the United States Secretary of Homeland Security to enter into agreements with municipal, county, and state law enforcement agencies granting designated officers the authority to perform immigration law enforcement functions, pursuant to a memorandum of agreement; and

WHEREAS, the memorandum of agreement allows municipal, county, and state law enforcement officers to receive the appropriate training in immigration law enforcement from U.S. Immigration and Customs Enforcement officers; and

WHEREAS, memoranda of agreement with other municipal, county, and state law enforcement agencies have improved immigration law enforcement in several states.

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

1. That the Legislature encourages all municipal, county, and state law enforcement agencies in Nebraska to respectively enter into memoranda of agreement, authorized by section 287(g) of the federal Illegal Immigration Reform and Immigrant Responsibility Act of 1996, with the United States Department of Homeland Security to perform immigration law enforcement functions.

2. That a copy of this resolution be delivered to all municipal, county, and state law enforcement agencies in the State of Nebraska.

LEGISLATIVE RESOLUTION 26. Introduced by Lautenbaugh, 18; Carlson, 38; Christensen, 44; Dubas, 34; Fulton, 29; McCoy, 39; Price, 3; Schilz, 47.

WHEREAS, Barack Obama, President of the United States, has promised that one of the top priorities of his new administration is to sign into law the "Freedom of Choice Act", not yet introduced to the 111th Congress, but previously introduced to the 110th Congress as H.R.1964 and S.1173, which purports to classify abortion as a "fundamental right", equal in stature to the right to free speech and the right to vote - rights that, unlike abortion, are specifically enumerated in the United States Constitution; and

WHEREAS, the federal "Freedom of Choice Act" would invalidate any "statute, ordinance, regulation, administrative order, decision, policy, practice, or other action" of any federal, state, or local government or governmental official (or any person acting under government authority) that would "deny or interfere with a woman's right to choose" abortion, or that would "discriminate against the exercise of the right . . . in the regulation or provision of benefits, facilities, services, or information"; and

WHEREAS, the federal "Freedom of Choice Act" would nullify any federal or state law "enacted, adopted, or implemented before, on, or after the date of its enactment" and would effectively prevent the State of Nebraska from enacting similar protective measures in the future; and

WHEREAS, the federal "Freedom of Choice Act" would invalidate more than five hundred fifty federal and state abortion-related laws, laws supported by the majority of the American public; and

WHEREAS, the federal "Freedom of Choice Act" would specifically invalidate the following common-sense, protective laws properly enacted by the State of Nebraska: Sections 28-325 to 28-345, Reissue Revised Statutes of Nebraska; and

WHEREAS, the federal "Freedom of Choice Act" will not make abortion safe or rare, but will instead actively promote and subsidize abortion with state and federal tax dollars and do nothing to ensure its safety; and

WHEREAS, the federal "Freedom of Choice Act" will protect and promote the abortion industry, sacrifice women and their health to a radical political ideology of unregulated abortion-on-demand, and silence the voices of everyday Americans who want to engage in a meaningful public discussion and debate over the availability, safety, and even desirability of abortion.

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

1. That the Legislature strongly opposes the federal "Freedom of Choice Act" and urges Congress to summarily reject it.

2. That the Legislature strongly opposes the federal "Freedom of Choice Act" because it seeks to circumvent the states' general legislative authority as guaranteed under the Tenth Amendment to the United States Constitution.

3. That the Legislature strongly opposes the federal "Freedom of Choice Act" because it seeks to undermine the right and responsibility of the states and the people to debate, vote on, and determine abortion policy.

4. That the Legislature strongly opposes the federal "Freedom of Choice Act" because the protection of women's health through state regulations on abortion is a compelling state interest that should not be nullified by Congress.

5. That the Legislature strongly opposes the federal "Freedom of Choice Act" because its enactment would nullify sections 28-325 to 28-345, Reissue Revised Statutes of Nebraska, laws that the Legislature and the people of Nebraska strongly support.

6. That the Secretary of State of Nebraska transmit a copy of this resolution to the Governor of Nebraska, President of the United States, President of the United States Senate, and Speaker of the United States House of Representatives.

LEGISLATIVE RESOLUTION 223. Introduced by Council, 11.

WHEREAS, the State of Nebraska recognizes its immigrant history of hard-working families coming to our state to make a better life for themselves; and

WHEREAS, immigrants have always been an important part of the social and economic fabric of the State of Nebraska; and

WHEREAS, in recent years new immigrants are once again coming to the State of Nebraska, helping to boost our population and revitalize our communities; and

WHEREAS, the economic and other contributions of these newcomers to our state are significant and include paying taxes and contributing to our schools, churches, neighborhoods, and communities; and

WHEREAS, our federal immigration system is broken, leaving local communities and the state to grapple with the consequences. This broken system has also led to lost opportunities; and

WHEREAS, our federal immigration system should uphold our basic values of family, economic opportunity, and fairness; and

WHEREAS, by restoring order to our federal immigration system, such reform will make our nation more secure, help to meet our labor needs, and uphold our basic values as a nation; and

WHEREAS, the need for rational and humane immigration reform is recognized by businesses, educators, faith communities, labor groups, state and local elected officials, and other leaders and sectors in the State of Nebraska; and

WHEREAS, the State of Nebraska recognizes that there is now a movement and a real possibility to enact meaningful immigration reform at the federal level.

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

1. That the Legislature urges the members of Nebraska's congressional delegation to work to pass rational and humane immigration reform which simultaneously addresses the following:

- a. The situation of undocumented workers currently in the United States;
 - b. The future flow of undocumented workers into the United States;
 - c. The need for tailored, targeted, and effective enforcement that respects the human and legal rights of all involved;
 - d. Support for the successful integration of newcomers into the communities where they settle; and
 - e. The need to ensure full due process rights for all.
2. That the Legislature further urges the members of Nebraska's congressional delegation to ensure that any immigration reform conform with the following principles:
- a. Provide a meaningful path to citizenship for undocumented workers currently in the United States and for future workers and close family members;
 - b. Protect workers, both immigrant and American-born, from exploitation;
 - c. Reunite families;
 - d. Restore the rule of law and enhance security; and
 - e. Promote citizenship and civic participation.
3. That a copy of this resolution be sent to the President of the United States, the President Pro Tempore of the United States Senate, the Speaker of the United States House of Representatives, and each member of Nebraska's congressional delegation.

FIRST DAY - JANUARY 6, 2010**LEGISLATIVE JOURNAL****ONE HUNDRED FIRST LEGISLATURE
SECOND SESSION****FIRST DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 6, 2010

PRAYER

The prayer was offered by Senator Wightman.

PRESENTATION OF COLORS

Presentation of Colors by the Nebraska Army and Air National Guard.

ROLL CALL

Pursuant to the provisions of Article III, Section 10 of the Constitution of Nebraska, the One Hundred First Legislature, Second Session of the Legislature of Nebraska, assembled in the George W. Norris Legislative Chamber of the State Capitol at the hour of 10:00 a.m., on Wednesday, January 6, 2010, and was called to order by President Sheehy.

The roll was called and the following members were present:

Adams, Greg L.	Giese, Robert J.	Mello, Heath
Ashford, Brad	Gloor, Mike	Nelson, John E.
Avery, Bill	Haar, Ken	Nordquist, Jeremy
Campbell, Kathy	Hadley, Galen	Pahls, Rich
Carlson, Tom	Hansen, Thomas F.	Pankonin, Dave
Christensen, Mark	Harms, John N.	Pirsch, Pete
Coash, Colby	Heidemann, Lavon L.	Price, Scott
Conrad, Danielle	Howard, Gwen	Rogert, Kent
Cook, Tanya	Janssen, Charlie	Schilz, Ken
Cornett, Abbie	Karpisek, Russ	Stuthman, Arnie
Council, Brenda J.	Krist, Bob	Sullivan, Kate
Dierks, Cap	Langemeier, Chris	Utter, Dennis
Dubas, Annette M.	Lathrop, Steve	Wallman, Norman
Fischer, Deb	Lautenbaugh, Scott	White, Tom
Flood, Mike	Louden, LeRoy J.	Wightman, John
Fulton, Tony	McCoy, Beau	
Gay, Tim	McGill, Amanda M.	

MOTION - Adopt Temporary Rules

Senator Lautenbaugh moved that the rules, as now in our possession, be adopted until such time as the permanent rules are adopted pursuant to Rule 2, Section 1; provided that the temporary rules shall not continue after the tenth legislative day.

The motion prevailed.

CERTIFICATE

State of Nebraska

United States of America,)	
State of Nebraska)	ss. Secretary of State

I, John A. Gale, Secretary of State of the State of Nebraska do hereby certify that the attached is a true and correct copy of the Official Roster of members of the Nebraska Unicameral Legislature elected or appointed to serve in the One Hundred First Legislature, Second Session, 2010.

Further, I hereby certify that the members so listed on the Official Roster attached hereto are the duly elected or appointed members of the Unicameral Legislature in the State of Nebraska for the One Hundred First Legislature, Second Session, 2010.

Finally, I hereby certify that all election returns, abstracts, canvass and appointment records with reference to said members are on file in the office of the Secretary of State and are a matter of public record.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this Fourth day of January in the year of our Lord, two thousand and ten.

(SEAL) John A. Gale, Secretary of State

DISTRICT/NAME	ELECTED
1 Lavon L. Heidemann	November 4, 2008
2 Dave Pankonin	November 7, 2006
3 Scott Price	November 4, 2008
4 Pete Pirsch	November 7, 2006
5 Heath Mello	November 4, 2008
6 John E. Nelson	November 7, 2006
7 Jeremiah Nordquist	November 4, 2008
8 Tom White	November 7, 2006
9 Gwen Howard	November 4, 2008

10	Bob Krist	Appointed September 11, 2009
11	Brenda J. Council	November 4, 2008
12	Steve Lathrop	November 7, 2006
13	Tanya Cook	November 4, 2008
14	Tim Gay	November 7, 2006
15	Charlie Janssen	November 4, 2008
16	Kent Rogert	November 7, 2006
17	Robert J. Giese	November 4, 2008
18	Scott Lautenbaugh	(2 year term) November 4, 2008
19	Mike Flood	November 4, 2008
20	Brad Ashford	November 7, 2006
21	Ken Haar	November 4, 2008
22	Arnie Stuthman	November 7, 2006
23	Chris Langemeier	November 4, 2008
24	Greg L. Adams	November 7, 2006
25	Kathy Campbell	November 4, 2008
26	Amanda M. McGill	November 7, 2006
27	Colby Coash	November 4, 2008
28	Bill Avery	November 7, 2006
29	Tony Fulton	November 4, 2008
30	Norman Wallman	November 7, 2006
31	Rich Pahls	November 4, 2008
32	Russ Karpisek	November 7, 2006
33	Dennis Utter	November 4, 2008
34	Annette M. Dubas	November 7, 2006
35	Mike Gloor	November 4, 2008
36	John Wightman	November 7, 2006
37	Galen Hadley	November 4, 2008
38	Tom Carlson	November 7, 2006
39	Beau McCoy	November 4, 2008
40	Cap Dierks	November 7, 2006
41	Kate Sullivan	November 4, 2008
42	Thomas F. Hansen	November 7, 2006
43	Deb Fischer	November 4, 2008
44	Mark Christensen	November 7, 2006
45	Abbie Cornett	November 4, 2008
46	Danielle Conrad (Nantkes)	November 7, 2006
47	Ken Schilz	November 4, 2008
48	John N. Harms	November 7, 2006
49	LeRoy J. Louden	November 4, 2008

MESSAGES FROM THE GOVERNOR

November 23, 2009

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 Nebraska Oil and Gas Conservation Commission:

Perry Van Newkirk, 3716 Longhorn Road, Kimball, NE 69145

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

November 23, 2009

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

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individual is being appointed to the Game and Parks Commission:

Norris Marshall, 186 W Road, Kearney, NE 68845

Contingent upon your approval, the following individual is being reappointed to the Game and Parks Commission:

Jerrold Burke, 220 Crook Avenue, Curtis, NE 69025

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

December 9, 2009

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 State Electrical Board:

Michael Hiatt, 1045 Main Street, Rising City, NE 68658

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

December 9, 2009

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 reappointed to the Tax Equalization and Review Commission:

Robert W. Hotz, 8117 Imperial Circle, Lincoln, NE 68506

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

December 10, 2009

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 Board of Educational Lands and Funds:

Martin Demuth, 1107 Lockview Dr., Hastings, NE 68901

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

December 11, 2009

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

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individuals are being reappointed to the Commission for the Blind and Visually Impaired:

Nancy Oltman, 518 N. Bellevue, Hastings, NE 68901
Darrell Walla, 13322 Trendwood, Omaha, NE 68144

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

December 17, 2009

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 State Emergency Response Commission:

Reynold McMeen, 1924 Westridge, Broken Bow, NE 68822

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

December 22, 2009

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 individuals are being reappointed to the Nebraska State Fair Board:

Sallie Atkins, 83975 Atkins Road, Halsey, NE 69142
Linda Lovgren, 809 N. 96th St., Omaha, NE 68114

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

COMMUNICATION

Pursuant to 84-104.05 R.R.S. of Nebraska Governor Dave Heineman issued a proclamation declaring January 5, 2010, as George W. Norris Day.

UNANIMOUS CONSENT - Add Cointroducers

Senator Krist asked unanimous consent to add his name as cointroducer to LB67. No objections. So ordered.

Senator Howard asked unanimous consent to add her name as cointroducer to LB25. No objections. So ordered.

REPORTS

The following reports were received by the Legislature:

Children's Behavioral Health Oversight Committee

2009 Report

Coordinating Commission for Postsecondary Education

LB340 Community College Study

LB340 Community College Study Executive Summary

Economic Development, Department of

Annual Job Training Cash Fund Report (Customized Job Training Program)

Local Civic, Cultural, and Convention Center Financing Fund Annual Report

Environmental Quality, Department of

2009 Annual Report

Fiscal Office, Legislative

Monthly Consensus Estimate of General Fund Receipts

Health and Human Services, Department of

2009 Nebraska Health Care Funding Act Report

FY 2009 Disabled Persons and Family Support Program

Annual Report Pursuant to LB603 - Children's Behavioral Health Support Act

Medicaid Reform Annual Report

Supplemental Nutrition Assistance Program Benefits (formerly Food Stamp Program)

Investment Council

Northern Ireland Reporting Requirements Report

Retirement Systems, Public Employees

Judges' Retirement Systems 2009 Forty-third Actuarial Report for State Fiscal Year Ending June 30, 2011 and System Plan Year Beginning July 1, 2009

School Retirement System 2009 Fifty-sixth Actuarial Report for State Fiscal Year Ending June 30, 2011 and System Plan Year Beginning July 1, 2009

State Patrol Retirement System 2009 Fifty-third Actuarial Report for State Fiscal Year Ending June 30, 2011 and System Plan Year Beginning July 1, 2009

Revenue, Nebraska Department of

Monthly Consensus Estimate of General Fund Receipts

Rural Development Commission

Annual Report

Southeast Community College

Financial Condition of the Center, Funding Received from Nonstate Sources, Training Conducted, and Testing and Evaluation Services

Provided

University of Nebraska

Business Plan for the Innovation Campus

Master Plan for the Innovation Campus

Workers' Compensation Court

67th Annual Report, Fiscal Year 2009

BILLS ON FIRST READING

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

LEGISLATIVE BILL 682. Introduced by Executive Board: Wightman, 36, Chairperson.

A BILL FOR AN ACT relating to the Department of Natural Resources; to eliminate a terminated fund; and to outright repeal section 61-217, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 683. Introduced by Executive Board: Wightman, 36, Chairperson.

A BILL FOR AN ACT relating to the Department of Natural Resources; to eliminate an obsolete intent provision; and to outright repeal section 61-219, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 684. Introduced by Executive Board: Wightman, 36, Chairperson.

A BILL FOR AN ACT relating to social security; to amend sections 68-601, 68-602, 68-603, 68-604, 68-605, 68-608, 68-610, 68-620, 68-621, 68-622, and 68-631, Reissue Revised Statutes of Nebraska; to eliminate two terminated funds; to harmonize provisions; to repeal the original sections; and to outright repeal sections 68-612 and 68-613, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 685. Introduced by Wightman, 36.

A BILL FOR AN ACT relating to the Legislature; to amend section 50-401.01, Revised Statutes Cumulative Supplement, 2008; to change membership provisions relating to the Executive Board of the Legislative Council; and to repeal the original section.

LEGISLATIVE BILL 686. Introduced by Wightman, 36.

A BILL FOR AN ACT relating to registers of deeds; to amend sections 25-529, 25-531, 25-2154, 33-109, 52-1004, and 77-3903, Reissue Revised Statutes of Nebraska, and section 60-169, Revised Statutes Cumulative Supplement, 2008; to change and eliminate fees received by clerks and registers of deeds; to harmonize provisions; to provide an operative date; to

repeal the original sections; and to outright repeal section 33-112, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 687. Introduced by Wightman, 36.

A BILL FOR AN ACT relating to decedents' estates; to amend sections 30-2322, 30-2323, and 30-2325, Reissue Revised Statutes of Nebraska; to change the amount of the homestead allowance, exempt property, and family allowance; and to repeal the original sections.

LEGISLATIVE BILL 688. Introduced by Wightman, 36.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-1903, 60-1903.01, 60-1904, 60-1905, 60-1906, 60-1907, 60-1908, 60-1909, 60-1910, and 60-1911, Reissue Revised Statutes of Nebraska, section 60-1902, Revised Statutes Cumulative Supplement, 2008, and sections 60-166 and 60-1901, Revised Statutes Supplement, 2009; to change and provide provisions relating to abandoned vehicles and vessels; to define terms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 689. Introduced by Langemeier, 23.

A BILL FOR AN ACT relating to the ethanol excise tax; to amend sections 66-1345, 66-1345.01, and 66-1345.02, Reissue Revised Statutes of Nebraska, and 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 remittance of excise tax; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 690. Introduced by Langemeier, 23.

A BILL FOR AN ACT relating to trade names; to amend sections 87-214 and 87-219, Reissue Revised Statutes of Nebraska; to change deadline provisions relating to trade name publication filings; and to repeal the original sections.

LEGISLATIVE BILL 691. Introduced by Langemeier, 23.

A BILL FOR AN ACT relating to the Nebraska Real Estate License Act; to amend section 81-885.03, Reissue Revised Statutes of Nebraska, and sections 81-885.10, 81-885.25, and 81-885.29, Revised Statutes Supplement, 2009; to provide for jurisdiction and the issuance of cease and desist orders as prescribed; to provide for fines; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 692. Introduced by Price, 3.

A BILL FOR AN ACT relating to revenue and taxation; to amend section

77-1311.03, Reissue Revised Statutes of Nebraska; to change a duty of county assessors; and to repeal the original section.

LEGISLATIVE BILL 693. Introduced by Price, 3.

A BILL FOR AN ACT relating to insurance; to amend sections 44-114, 44-134, 44-135, 44-152, 44-162, 44-304, 44-319.06, 44-710.08, 44-2710, 44-4850, and 44-6203, Reissue Revised Statutes of Nebraska, and section 44-2132, Revised Statutes Cumulative Supplement, 2008; to provide for interstate agreements to authorize foreign insurers to offer sickness and accident insurance as prescribed; to state intent; to provide powers and duties for the Director of Insurance and the Attorney General; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 694. Introduced by Price, 3.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Supplement, 2009; to provide restrictions for sexual predators; to define terms; to provide penalties; and harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 695. Introduced by Price, 3.

A BILL FOR AN ACT relating to Small Claims Court; to amend section 25-2802, Reissue Revised Statutes of Nebraska; to change the jurisdictional amount; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 696. Introduced by Pahls, 31.

A BILL FOR AN ACT relating to the Integrated Solid Waste Management Act; to amend section 13-2042, Reissue Revised Statutes of Nebraska, and section 13-2042.01, Revised Statutes Supplement, 2009; to change provisions relating to disposal fees; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 697. Introduced by Pahls, 31.

A BILL FOR AN ACT relating to schools; to amend section 79-609, Reissue Revised Statutes of Nebraska; to prohibit use of interactive wireless communication devices by school bus drivers as prescribed; and to repeal the original section.

LEGISLATIVE BILL 698. Introduced by Loudon, 49.

A BILL FOR AN ACT relating revenue and taxation; to amend sections 77-908 and 77-912, Reissue Revised Statutes of Nebraska, and sections 44-32,180 and 44-4726, Revised Statutes Cumulative Supplement, 2008; to eliminate certain insurance premium tax provisions; to harmonize

provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 699. Introduced by McCoy, 39.

A BILL FOR AN ACT relating to arrests; to amend sections 28-1473 and 28-1474, Reissue Revised Statutes of Nebraska, and sections 37-1201 and 60-601, Revised Statutes Supplement, 2009; to require information obtained pursuant to arrest for any felony or for flying, boating, or driving under the influence be forwarded to federal immigration authorities as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 700. Introduced by McCoy, 39.

A BILL FOR AN ACT relating to public safety; to require residential construction or remodeling work to be supervised or performed by a person certified as prescribed in order to obtain a building permit; and to define a term.

LEGISLATIVE BILL 701. Introduced by Hadley, 37.

A BILL FOR AN ACT relating to the ICF/MR Reimbursement Protection Act; to amend section 68-1804, Reissue Revised Statutes of Nebraska; to change provisions relating to allocation of a fund; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 702. Introduced by Gloor, 35.

A BILL FOR AN ACT relating to medical records; to amend section 71-8403, Reissue Revised Statutes of Nebraska; to change provisions relating to requests for access to medical records; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 703. Introduced by Wightman, 36.

A BILL FOR AN ACT relating to powers of attorney; to amend sections 30-2664 and 49-1501, Reissue Revised Statutes of Nebraska; to change provisions relating to the Uniform Durable Power of Attorney Act, the Nebraska Short Form Act, and general powers of attorney; and to repeal the original sections.

LEGISLATIVE BILL 704. Introduced by Haar, 21; Stuthman, 22.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-27,235, Reissue Revised Statutes of Nebraska; to change a renewable energy tax credit; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 705. Introduced by Haar, 21.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-3,124, Revised Statutes Supplement, 2009; to provide for issuance of disabled veteran license plates as prescribed; and to repeal the original section.

LEGISLATIVE BILL 706. Introduced by Haar, 21.

A BILL FOR AN ACT relating to hearing interpreters; to amend section 20-156, Reissue Revised Statutes of Nebraska; to change provisions relating to fees; and to repeal the original section.

LEGISLATIVE BILL 707. Introduced by Haar, 21.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-311.08, Reissue Revised Statutes of Nebraska; to change provisions and penalties relating to unlawful intrusion; and to repeal the original section.

LEGISLATIVE BILL 708. Introduced by Stuthman, 22.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-202.03 and 77-202.09, Reissue Revised Statutes of Nebraska; to change certain date provisions relating to property tax exemptions as prescribed; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 709. Introduced by White, 8.

A BILL FOR AN ACT relating to rules and regulations; to adopt the Small Business Regulatory Flexibility Act.

LEGISLATIVE BILL 710. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to the Chiropractic Practice Act; to amend sections 38-801 and 38-802, Reissue Revised Statutes of Nebraska; to define terms; to prohibit certain activities as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 711. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to unified school systems; to amend section 79-4,108, Reissue Revised Statutes of Nebraska; to change provisions relating to interlocal agreements; and to repeal the original section.

LEGISLATIVE BILL 712. Introduced by Rogert, 16.

A BILL FOR AN ACT relating to the Disposition of Personal Property Landlord and Tenant Act; to amend sections 69-2304 and 69-2308, Reissue Revised Statutes of Nebraska; to change provisions relating to the disposition of personal property; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 713. Introduced by Gloor, 35; Adams, 24.

A BILL FOR AN ACT relating to schools; to amend sections 79-248, 79-249, and 79-250, Reissue Revised Statutes of Nebraska; to change provisions relating to health inspections; and to repeal the original sections.

LEGISLATIVE BILL 714. Introduced by Avery, 28.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend section 49-1474.01, Reissue Revised Statutes of Nebraska; to change requirements for disclaimers on political material; and to repeal the original section.

LEGISLATIVE BILL 715. Introduced by Avery, 28.

A BILL FOR AN ACT relating to the Nebraska State Capitol Environs District; to amend section 90-304, Reissue Revised Statutes of Nebraska; to authorize projects in a specified portion of the district by the State of Nebraska, the city of Lincoln, or the county of Lancaster as prescribed; and to repeal the original section.

LEGISLATIVE BILL 716. Introduced by Avery, 28.

A BILL FOR AN ACT relating to community colleges; to amend sections 32-603, 32-604, and 85-1512, Reissue Revised Statutes of Nebraska; to change provisions relating to the community college boards of governors for community college areas; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 717. Introduced by Avery, 28.

A BILL FOR AN ACT relating to the Legislature; to amend section 49-1499, Revised Statutes Cumulative Supplement, 2008; to require statements of potential conflicts of interest to be placed in the Legislative Journal; and to repeal the original section.

LEGISLATIVE BILL 718. Introduced by Avery, 28.

A BILL FOR AN ACT relating to petitions; to amend sections 32-628, 32-630, 32-1303, and 32-1304, Reissue Revised Statutes of Nebraska; to change requirements for petitions and petition circulators; and to repeal the original sections.

LEGISLATIVE BILL 719. Introduced by Avery, 28.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,232, Revised Statutes Cumulative Supplement, 2008; to change provisions relating to the use of a rotating or flashing amber light on

a motor vehicle; and to repeal the original section.

LEGISLATIVE BILL 720. Introduced by Avery, 28.

A BILL FOR AN ACT relating to consumer protection; to provide requirements for and prohibit certain practices by customer loyalty or incentive programs.

LEGISLATIVE BILL 721. Introduced by Avery, 28.

A BILL FOR AN ACT relating to the State Building Administrator; to amend section 81-1108.12, Reissue Revised Statutes of Nebraska; to change qualifications provisions as prescribed; and to repeal the original section.

LEGISLATIVE BILL 722. Introduced by Avery, 28.

A BILL FOR AN ACT relating to state government; to amend sections 11-201, 72-815, and 81-1017, Reissue Revised Statutes of Nebraska; to change a bonding requirement; to change a provision relating to sale of state real property; to eliminate an exception relating to state-owned motor vehicles; and to repeal the original sections.

LEGISLATIVE BILL 723. Introduced by Fischer, 43.

A BILL FOR AN ACT relating to the Telecommunications Relay System Act; to amend section 86-313, Reissue Revised Statutes of Nebraska; to change surcharge remittance requirements; and to repeal the original section.

LEGISLATIVE BILL 724. Introduced by Coash, 27.

A BILL FOR AN ACT relating to the Nebraska Visitors Development Act; to amend sections 81-1252 and 81-1261, Reissue Revised Statutes of Nebraska; to provide for use of tax proceeds for tourism promotion; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 725. Introduced by Fischer, 43.

A BILL FOR AN ACT relating to motor carriers; to amend sections 75-362 and 75-363, Reissue Revised Statutes of Nebraska; to define fertilizer and agricultural chemical application and distribution equipment and to change the applicability of certain adopted federal rules; and to repeal the original sections.

LEGISLATIVE BILL 726. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to the Alzheimer's Special Care Disclosure Act; to amend section 71-516.04, Reissue Revised Statutes of Nebraska; to provide requirements for staff training as prescribed; and to repeal the

original section.

LEGISLATIVE BILL 727. Introduced by Coash, 27; Ashford, 20; Lathrop, 12.

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

LEGISLATIVE BILL 728. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to offenses against children; to amend section 29-119, Reissue Revised Statutes of Nebraska; to adopt the Exploited Children's Civil Remedy Act; to redefine a term with respect to plea agreements; and to repeal the original section.

LEGISLATIVE BILL 729. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to elevators; to amend section 81-405, Reissue Revised Statutes of Nebraska; to repeal the Conveyance Safety Act; to harmonize provisions; to repeal the original section; and to outright repeal sections 48-2501, 48-2502, 48-2503, 48-2504, 48-2506, 48-2507, 48-2508, 48-2509, 48-2510, 48-2511, 48-2512, 48-2512.01, 48-2513, 48-2514, 48-2515, 48-2516, 48-2517, 48-2518, 48-2519, 48-2520, 48-2521, 48-2522, 48-2523, 48-2524, 48-2525, 48-2526, 48-2527, 48-2528, 48-2529, 48-2530, 48-2531, 48-2532, and 48-2533, Revised Statutes Cumulative Supplement, 2008.

LEGISLATIVE BILL 730. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to limited liability companies; to amend section 21-2654, Revised Statutes Supplement, 2009; to change provisions relating to charging orders; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 731. Introduced by Utter, 33.

A BILL FOR AN ACT relating to the Noxious Weed Control Act; to amend sections 2-954, 2-955, and 2-959, Reissue Revised Statutes of Nebraska; to change provisions relating to noxious weed control funds; and to repeal the original sections.

LEGISLATIVE BILL 732. Introduced by Utter, 33.

A BILL FOR AN ACT relating to real property; to amend sections 25-1326, 25-1327, 25-2144, and 77-1912, Reissue Revised Statutes of Nebraska; to change provisions relating to certain forced sales; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 733. Introduced by Gay, 14.

A BILL FOR AN ACT relating to local public health departments; to amend section 77-2704.15, Reissue Revised Statutes of Nebraska, and section 13-903, Revised Statutes Supplement, 2009; to include such departments under the Political Subdivisions Tort Claims Act and provide a sales tax exemption; and to repeal the original sections.

LEGISLATIVE BILL 734. Introduced by Gay, 14.

A BILL FOR AN ACT relating to utility service; to amend sections 70-1603 and 70-1605, Reissue Revised Statutes of Nebraska; to change provisions relating to notice of discontinuation; and to repeal the original sections.

LEGISLATIVE BILL 735. Introduced by Gay, 14.

A BILL FOR AN ACT relating to telecommunications; to adopt the Kelsey Smith Act.

LEGISLATIVE BILL 736. Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to real property; to provide for liens for assessments and fines by homeowners' associations as prescribed; and to declare an emergency.

LEGISLATIVE BILL 737. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to state administrative departments; to amend section 81-1316, Reissue Revised Statutes of Nebraska; to provide an exemption from the State Personnel System for certain employees; and to repeal the original section.

LEGISLATIVE BILL 738. Introduced by McCoy, 39.

A BILL FOR AN ACT relating to the Nebraska Trust Deeds Act; to amend section 76-1004, Reissue Revised Statutes of Nebraska; to change provisions relating to the substitution of trustee; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 739. Introduced by Fischer, 43.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to eliminate provisions relating to driver training schools; and to outright repeal sections 60-4,176, 60-4,177, 60-4,178, and 60-4,179, Reissue Revised Statutes of Nebraska, and sections 60-4,173, 60-4,174, and 60-4,175, Revised Statutes Cumulative Supplement, 2008.

LEGISLATIVE BILL 740. Introduced by Agriculture Committee: Carlson, 38, Chairperson; Council, 11; Dierks, 40; Karpisek, 32; Price, 3;

Schilz, 47; Wallman, 30; Louden, 49.

A BILL FOR AN ACT relating to agriculture; to amend sections 81-201.05, 81-2,147.11, 81-2,291, and 89-1,100, Reissue Revised Statutes of Nebraska, as amended by sections 62, 63, 64, and 101, respectively, Legislative Bill 3, One Hundred First Legislature, First Special Session, 2009, section 54-857, Revised Statutes Cumulative Supplement, 2008, as amended by section 29, Legislative Bill 3, One Hundred First Legislature, First Special Session, 2009, and section 2-5106, Revised Statutes Supplement, 2009, as amended by section 6, Legislative Bill 3, One Hundred First Legislature, First Special Session, 2009; to eliminate transfer provisions from certain funds; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 741. Introduced by Avery, 28; Louden, 49; Pirsch, 4.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend section 79-1003, Revised Statutes Supplement, 2009, as amended by section 3, Legislative Bill 5, One Hundred First Legislature, First Special Session, 2009; to exclude lobbying expenses from the definition of general fund operating expenditures; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 742. Introduced by McCoy, 39.

A BILL FOR AN ACT relating to government; to provide requirements for settlement agreements; to provide that settlement agreements are public records; to prohibit confidentiality and nondisclosure clauses and provisions; and to define terms.

LEGISLATIVE BILL 743. Introduced by Fischer, 43.

A BILL FOR AN ACT relating to the Game and Parks Commission; to authorize the commission to convey certain real estate for park purposes; to prescribe conditions; to outright repeal section 90-215, Reissue Revised Statutes of Nebraska; and to declare an emergency.

LEGISLATIVE BILL 744. Introduced by Giese, 17.

A BILL FOR AN ACT relating to the State Electrical Board; to amend section 81-2104, Reissue Revised Statutes of Nebraska; to provide authority to adopt the National Electrical Code by rules and regulations instead of statute; and to repeal the original section.

LEGISLATIVE BILL 745. Introduced by Avery, 28.

A BILL FOR AN ACT relating to the Nebraska Scholarship Act; to amend section 85-1906, Reissue Revised Statutes of Nebraska; to redefine a term; and to repeal the original section.

LEGISLATIVE BILL 746. Introduced by Giese, 17; Council, 11; Mello, 5; Nordquist, 7; White, 8.

A BILL FOR AN ACT relating to civil rights; to amend sections 20-504 and 20-506, Reissue Revised Statutes of Nebraska; to change provisions relating to racial profiling; and to repeal the original sections.

LEGISLATIVE BILL 747. Introduced by Louden, 49; Carlson, 38; Christensen, 44; Dubas, 34; Fischer, 43; Fulton, 29; Haar, 21; Harms, 48; Langemeier, 23; Mello, 5; Schilz, 47; Wallman, 30.

A BILL FOR AN ACT relating to the Game Law; to amend sections 37-202 and 37-559, Reissue Revised Statutes of Nebraska, and section 37-201, Revised Statutes Supplement, 2009; to define predator; to provide for killing depredating or aggressive mountain lions; to provide for a permit; to provide powers and duties for the Game and Parks Commission; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 748. Introduced by Louden, 49; Avery, 28; Carlson, 38; Dubas, 34; Haar, 21; Stuthman, 22; Wallman, 30.

A BILL FOR AN ACT relating to food establishments; to amend section 81-2,245.01, Reissue Revised Statutes of Nebraska; to change provisions relating to an exemption; and to repeal the original section.

LEGISLATIVE BILL 749. Introduced by Louden, 49; Avery, 28; Carlson, 38; Haar, 21; Wallman, 30.

A BILL FOR AN ACT relating to roads; to amend section 39-1390, Reissue Revised Statutes of Nebraska, as amended by section 20, Legislative Bill 3, One Hundred First Legislature, First Special Session, 2009; to designate certain roads as state recreation roads; and to repeal the original section.

LEGISLATIVE BILL 750. Introduced by Adams, 24.

A BILL FOR AN ACT relating to schools; to amend section 79-1018.01, Reissue Revised Statutes of Nebraska, and section 79-1003, Revised Statutes Supplement, 2009, as amended by section 3, Legislative Bill 5, One Hundred First Legislature, First Special Session, 2009; to provide for gifts of real property to the Board of Educational Lands and Funds; to redefine terms; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 751. Introduced by Pahls, 31.

A BILL FOR AN ACT relating to secured transactions; to amend section 9-506, Uniform Commercial Code, Revised Statutes Supplement, 2009; to change provisions relating to the effects of errors and omissions in financing

statements; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 752. Introduced by Pahls, 31.

A BILL FOR AN ACT relating to trust companies; to amend section 8-210, Revised Statutes Supplement, 2009; to change provisions relating to pledged securities; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 753. Introduced by Christensen, 44; Avery, 28; Hansen, 42; Krist, 10.

A BILL FOR AN ACT relating to the Nebraska State Patrol; to amend section 81-2001, Reissue Revised Statutes of Nebraska; to change the qualifications of the Superintendent of Law Enforcement and Public Safety; to define a term; and to repeal the original section.

LEGISLATIVE BILL 754. Introduced by Giese, 17; Ashford, 20; Haar, 21.

A BILL FOR AN ACT relating to special education; to adopt the Blind Persons Literacy Rights and Education Act.

LEGISLATIVE BILL 755. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to natural resources; to require certain oil or natural gas pipeline companies to hold landowners harmless, meet certain requirements, and pay and distribute an annual pipeline fee as prescribed; to provide for severability; and to declare an emergency.

LEGISLATIVE BILL 756. Introduced by Wightman, 36.

A BILL FOR AN ACT relating to decedents' estates; to amend sections 30-2352, 30-2354, and 76-902, Reissue Revised Statutes of Nebraska; to adopt the Nebraska Uniform Real Property Transfer on Death Act; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 757. Introduced by Wightman, 36.

A BILL FOR AN ACT relating to certificates of title; to amend section 30-2715, Reissue Revised Statutes of Nebraska; to provide for the transfer of motor vehicles on the death of the owner by designation on a certificate of title; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 758. Introduced by Wightman, 36.

A BILL FOR AN ACT relating to decedents' estates; to amend sections 30-2201, 30-2476, and 30-3839, Reissue Revised Statutes of Nebraska; to provide for and change provisions relating to the doctrines of cy pres and

deviation; to change provisions relating to the powers of personal representatives; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 759. Introduced by Wightman, 36.

A BILL FOR AN ACT relating to the Nebraska Professional Corporation Act; to amend section 21-2212, Reissue Revised Statutes of Nebraska; to provide for the dissolution, winding up, and liquidation of certain professional corporations; and to repeal the original section.

LEGISLATIVE BILL 760. Introduced by Wightman, 36.

A BILL FOR AN ACT relating to the Uniform Principal and Income Act; to amend section 30-3119.01, Reissue Revised Statutes of Nebraska; to change provisions relating to total return trusts; and to repeal the original section.

LEGISLATIVE BILL 761. Introduced by Fischer, 43.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend section 60-4,129, Reissue Revised Statutes of Nebraska; to change provisions relating to employment driving permits; and to repeal the original section.

LEGISLATIVE BILL 762. Introduced by Pahls, 31.

A BILL FOR AN ACT relating to banks and banking; to amend section 8-113, Revised Statutes Supplement, 2009; to change provisions relating to the unauthorized use of the word bank; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 763. Introduced by Mello, 5; Coash, 27; Cornett, 45; Flood, 19; Lautenbaugh, 18; McGill, 26; Rogert, 16.

A BILL FOR AN ACT relating to asbestos-related liabilities; to adopt the Successor Asbestos-Related Liability Act.

LEGISLATIVE BILL 764. Introduced by Fischer, 43.

A BILL FOR AN ACT relating to the Nebraska Ground Water Management and Protection Act; to amend section 46-717, Reissue Revised Statutes of Nebraska, and section 46-715, Revised Statutes Supplement, 2009; to change provisions relating to integrated management plans; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 765. Introduced by Fulton, 29.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-1101 and 28-1107, Reissue Revised Statutes of Nebraska; to change provisions related to gambling; and to repeal the original sections.

RESOLUTIONS**LEGISLATIVE RESOLUTION 270.** Introduced by Mello, 5.

WHEREAS, upon her death in 2003, Joan Kroc left \$1.5 billion to the Salvation Army to build state-of-the-art community centers across the United States to foster hope and opportunity; and

WHEREAS, part of these funds was utilized in conjunction with strong community support from Heritage Services to build the Ray and Joan Kroc Corps Community Center, located at 2825 Y Street in Omaha, Nebraska; and

WHEREAS, when this center officially opens on January 8, 2010, it will be one of six Salvation Army Ray and Joan Kroc Corps Community Centers currently operating across the country; and

WHEREAS, the Ray and Joan Kroc Corps Community Centers have spent years building new community partnerships with neighborhoods, businesses, and community organizations to help strengthen families and individuals; and

WHEREAS, the Ray and Joan Kroc Corps Community Center in south Omaha will be a point of pride for the south Omaha community; and

WHEREAS, the Salvation Army has a long history of serving both the greater Omaha community and the State of Nebraska; and

WHEREAS, the Legislature recognizes the important work of charitable organizations like the Salvation Army.

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

1. That the Legislature congratulates the Salvation Army on the opening of the new Ray and Joan Kroc Corps Community Center in Omaha.

2. That a copy of this resolution be sent to the Ray and Joan Kroc Corps Community Center in Omaha and its administrators, Majors Herb and Yaneth Fuqua.

Laid over.

LEGISLATIVE RESOLUTION 271CA. Introduced by Pirsch, 4.

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 VIII, section 2:

VIII-2 Notwithstanding Article I, section 16, Article III, section 18, or Article VIII, section 1 or 4, of this Constitution or any other provision of this Constitution to the contrary: (1) The property of the state and its governmental subdivisions shall constitute a separate class of property and shall be exempt from taxation to the extent such property is used by the state

or governmental subdivision for public purposes authorized to the state or governmental subdivision by this Constitution or the Legislature. To the extent such property is not used for the authorized public purposes, the Legislature may classify such property, exempt such classes, and impose or authorize some or all of such property to be subject to property taxes or payments in lieu of property taxes except as provided by law; (2) the Legislature by general law may classify and exempt from taxation property owned by and used exclusively for agricultural and horticultural societies and property owned and used exclusively for educational, religious, charitable, or cemetery purposes, when such property is not owned or used for financial gain or profit to either the owner or user; (3) household goods and personal effects, as defined by law, may be exempted from taxation in whole or in part, as may be provided by general law, and the Legislature may prescribe a formula for the determination of value of household goods and personal effects; (4) the Legislature by general law may provide that the increased value of land by reason of shade or ornamental trees planted along the highway shall not be taken into account in the assessment of such land; (5) the Legislature, by general law and upon any terms, conditions, and restrictions it prescribes, may provide that the increased value of real property resulting from improvements designed primarily for energy conservation may be exempt from taxation; (6) the value of a home substantially contributed by the United States Department of Veterans Affairs for a paraplegic veteran or multiple amputee shall be exempt from taxation during the life of such veteran or until the death or remarriage of his or her surviving spouse; (7) the Legislature may exempt from an intangible property tax life insurance and life insurance annuity contracts and any payment connected therewith and any right to pension or retirement payments; (8) the Legislature may exempt inventory from taxation; (9) the Legislature may define and classify personal property in such manner as it sees fit, whether by type, use, user, or owner, and may exempt any such class or classes of property from taxation if such exemption is reasonable or may exempt all personal property from taxation; (10) no property shall be exempt from taxation except as permitted by or as provided in this Constitution; (11) the Legislature may by general law provide that a portion of the value of any residence actually occupied as a homestead by any classification of owners as determined by the Legislature shall be exempt from taxation; ~~and~~ (12) the Legislature may by general law, and upon any terms, conditions, and restrictions it prescribes, provide that the increased value of real property resulting from improvements designed primarily for the purpose of renovating, rehabilitating, or preserving historically significant real property may be, in whole or in part, exempt from taxation; and (13) the Legislature may by general law, and upon any terms, conditions, and restrictions it prescribes, provide that the increased value of real property resulting from construction of improvements for the purpose of renovating, rehabilitating, remodeling, improving, or increasing the size of a homeowner's residence on such real property be, in whole or in part, exempt from taxation for a period of six years.

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 permit the Legislature to exempt from taxation for a period of six years the increased value of real property resulting from construction of improvements to a homeowner's residence.

For

Against.

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 272. Introduced by Giese, 17.

WHEREAS, the Ponca Indians won the 2009 Class C-2 State Football Championship, the first state football title in school history; and

WHEREAS, coach Joe Kvidera led his team, the Ponca Indians, to a perfect undefeated season of 13-0, the school's first undefeated season since 1962; and

WHEREAS, the Ponca Indians beat Hartington Cedar Catholic 14-13 for a thrilling overtime victory in the championship game; and

WHEREAS, the Ponca Indians were led by running back Jared Curry, who ran for ninety yards and a touchdown during the championship game and finished the season with over two thousand three hundred rushing yards and thirty-eight rushing touchdowns; and

WHEREAS, Ponca's defense was as impressive as its offense, forcing three turnovers during the championship game and stopping a two-point conversion attempt in overtime to seal the victory; and

WHEREAS, the Ponca Indians have exemplified teamwork, sportsmanship, discipline, and determination; and

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

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

1. That the Legislature congratulates the Ponca Indians on winning the 2009 Class C-2 State Football Championship.

2. That a copy of this resolution be sent to the Ponca Indians and their head coach, Joe Kvidera.

Laid over.

LEGISLATIVE RESOLUTION 273. Introduced by Howard, 9.

WHEREAS, the Ecumenical Patriarchate, located in Istanbul, Turkey, is the sacred see that presides in a spirit of brotherhood over a communion of self-governing churches in the Orthodox Christian world; and

WHEREAS, the see is led by Ecumenical Patriarch Bartholomew, who is the 270th in the line of direct succession going back to the Apostle Andrew

and holds titular primacy as *primus inter pares*, meaning "first among equals," in the community of Orthodox churches worldwide; and

WHEREAS, the Lausanne Treaty of 1923 defines the relationship of the Ecumenical Patriarchate to the Turkish state, which continues to systematically violate the provisions of the treaty; and

WHEREAS, in 1997 the Congress of the United States awarded Ecumenical Patriarch Bartholomew the Congressional Gold Medal; and

WHEREAS, the Orthodox Christian Church, in existence for nearly two thousand years, numbers approximately three hundred million members worldwide with more than two million members in the United States; and

WHEREAS, Orthodox Christian communities have existed in the State of Nebraska for over one hundred years, some of whom are part of the Greek Orthodox Archdiocese, which maintains a direct ecclesiastical connection to the Ecumenical Patriarchate; and

WHEREAS, since 1453 the continuing presence of the Ecumenical Patriarchate in Turkey has been a living testament to the religious coexistence of Christians and Muslims; and

WHEREAS, this religious coexistence is in jeopardy because the Turkish government refuses to recognize the rights and religious freedoms of the Ecumenical Patriarchate, which is considered a minority religion by the Turkish government; and

WHEREAS, from the millions of Orthodox Christians living in Turkey at the turn of the twentieth century, and due to the continued policies of minority discrimination, a form of "ethnic cleansing," during this period by the Turkish government, there remain less than three thousand of the Ecumenical Patriarch's flock in Turkey today; and

WHEREAS, the Turkish government has failed to honor its agreement to reopen the Theological School on the island of Halki (Heybeliada), which the Turkish government closed in 1971, thus impeding the religious education of Orthodox Christian clergy; and

WHEREAS, the Turkish government has confiscated nearly ninety-four percent of the properties of the Ecumenical Patriarchate and has placed a forty-two percent tax retroactive to 1999 on the Baloukli Hospital and Home for the Aged, a charity hospital run by the Ecumenical Patriarchate; and

WHEREAS, the European Union, a group of nations with a common goal of promoting peace and the well-being of its peoples, which has defined membership criteria including stability of democratic institutions and adherence to the rule of law, began accession negotiations with Turkey on October 3, 2005; and

WHEREAS, the Turkish government's current treatment of the Ecumenical Patriarchate is inconsistent with the membership conditions and goals of the European Union; and

WHEREAS, Orthodox Christians in the State of Nebraska and throughout the United States stand to lose their spiritual leader because of the continued actions of the Turkish government.

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

1. That the Legislature, in solidarity with other states that have adopted similar resolutions, urge the United States in its relations with the Turkish government to encourage the Turkish government to do the following:

- a. Uphold and safeguard religious and human rights without compromise;
- b. Cease its discrimination of the Ecumenical Patriarchate;
- c. Grant the Ecumenical Patriarch appropriate international recognition, ecclesiastical succession, and the right to train clergy of all nationalities; and
- d. Respect the property rights and human rights of the Ecumenical Patriarchate.

2. That copies of this resolution be sent to the President of the United States, the Secretary of State of the United States, and the Nebraska congressional delegation.

Laid over.

LEGISLATIVE RESOLUTION 274. Introduced by Howard, 9.

WHEREAS, each year social workers across the country celebrate their profession during March; and

WHEREAS, National Professional Social Work Month is observed in the month of March and this year's theme, Social Workers Inspire Community Action, focuses on how the expertise and dedication of social workers influence communities and institutions; and

WHEREAS, part of the message of National Professional Social Work Month for 2010 is to recognize the individual and global impact that social workers have throughout their careers; and

WHEREAS, the National Association of Social Workers (NASW) has set goals for National Professional Social Work Month, which are to recruit more social workers, expand the public perception of the breadth and depth of social work, reach out to national and local media to promote the importance of social work services and social work professionals to society, and promote a theme that builds pride among social workers; and

WHEREAS, in March, the NASW will team up with social work programs and schools in an effort to encourage more people to pursue social work degrees; and

WHEREAS, it is also the goal of the NASW to use National Professional Social Work Month to recognize social work professionals that have contributed to their communities by creating projects that improve the lives of their fellow citizens; and

WHEREAS, social work is relevant to the successful functioning of American society and necessary to the well-being of Nebraska.

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

1. That the Legislature recognizes March 2010 as Professional Social Work Month in Nebraska.

2. That during March 2010 communities are encouraged to participate in activities designed to increase public awareness about the contributions of professionals in the field of social work.

Laid over.

UNANIMOUS CONSENT - Add Cointroducer

Senator Wallman asked unanimous consent to add his name as cointroducer to LB710. No objections. So ordered.

ANNOUNCEMENT

Senator McGill announced the Urban Affairs Committee will meet immediately following adjournment under the north balcony.

VISITOR

The Doctor of the Day was Dr. Ron Klutman from Columbus.

ADJOURNMENT

At 11:11 a.m., on a motion by Senator Gloor, the Legislature adjourned until 10:00 a.m., Thursday, January 7, 2010.

Patrick J. O'Donnell
Clerk of the Legislature

SECOND DAY - JANUARY 7, 2010
LEGISLATIVE JOURNAL
ONE HUNDRED FIRST LEGISLATURE
SECOND SESSION

SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 7, 2010

PRAYER

The prayer was offered by Senator Dierks.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Sheehy presiding.

The roll was called and all members were present except Senators Howard and Janssen who were excused; and Senator Pirsch who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the first day was approved.

ANNOUNCEMENT

The Government, Military and Veterans Affairs Committee elected Senator Price as Vice Chairperson.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Section 8, LR273 was referred to the Reference Committee.

**2009 INTERIM REPORT
ON THE DISPOSITION OF
INTERIM STUDY RESOLUTIONS**

Agriculture

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
42	Study to identify means to stimulate farm to school programs	X		
103	Examine duties of riparian landowners for invasive vegetation removal		X	
104	Examine policy considerations in development of grain indemnity funds		X	
112	Examine Nebraska Law of Division Fences		X	
130	Review Nebraska Pure Food Act in relation to home based food businesses			X
218	Examine means of promoting export of Nebraska agricultural products			X
228	Examine means to support and stimulate organic agricultural production			X
229	Study impact of federal and state actions eliminating horse slaughter as a disposal option for equines		X	
240	Examine means to encourage responsible livestock development through community partnerships		X	

Appropriations

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
155*	Behavioral Health Provider Rates			X
157*	Health Care Funding Act		X	
176	Tourism Event Marketing		X	
178*	Nebraska Scholarship Act		X	
209*	HHS Service Delivery			X
224	Budget Reform Task Force			X(1)

* Jointly referenced

(1) Initial Report being prepared

Banking, Commerce and Insurance

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
220	Regulation of the business of insurance			X
129	Restrict use of the word bank		X	
145	UCC relating to secured transactions		X	
132	Payment of insurance proceeds to a city or village		X	
114	Delayed Deposit Services Licensing Act			X
188	Use of credit information for insurance purposes			X
146	Enact Uniform Limited Partnership Act		X	
147	Revise Uniform Limited Liability Company Act		X	
208	Economic development tools			X
217	Entrepreneurship and private funding programs			X

Business and Labor

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
144	Commission on Industrial Relations		X	
185	Employee Misclassification		X	
123	Workplace safety			X
186	Workers' compensation insurance premiums			X
231	Job creation in disadvantaged rural communities			X

Education

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
116	Interim study to examine issues relating to early childhood education and kindergarten eligibility		X	

117	Interim study to determine the positive and negative outcomes that could result from aligning the school fiscal year with the state fiscal year			X
118	Interim study to examine issues under the jurisdiction of the Education Committee			X
121	Interim study to examine the structure, authority, and mission of the Nebraska School Activities Association			X
131	Interim study to examine school accountability	X		
149	Interim study to examine how school finance data is reported to the public and what type of information would assist the Legislature in evaluating the cost effectiveness of state aid for K-12 education	X		
153	Interim study to examine whether Nebraska should repeal statutes that allow persons not lawfully present in the United States to pay resident tuition at Nebraska postsecondary educational institutions			X
*165	Interim study to examine issues relating to the adoption of a corporate and individual income tax credit scholarship program			X
**167	Interim study to examine the issue of homeless youth in Nebraska			X
172	Interim study to analyze the education and training available that could lead to careers in high-demand industries in Nebraska			X
175	Interim study to examine ways to increase financial literacy in Nebraska through financial literacy education classes			X
***178	Interim study to examine the need-based financial aid program that was created by the Legislature relating to higher education			X

180	Interim study to examine the role of educational service units within learning communities			X
206	Interim study to examine issues relating to learning communities			X
219	Interim study to determine ways the state can play a role in reducing truancies among Nebraska's K-12 students			X
262	Interim study to examine issues relating to postsecondary education			X

* - Joint study with the Revenue Committee

** - Joint study with the Health and Human Services Committee

*** - Joint study with the Appropriations Committee

Executive Board

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
96	Interim study to examine the responsiveness of state agencies when they are requested to provide information to the Legislature		X	

General Affairs

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
196	Interim study to determine whether the Nebraska Liquor Control Act should be updated with respect to retail licenses		X	
197	Interim study to review matters under the jurisdiction of the General Affairs Committee			X
199	Interim study to examine the situation in Whiteclay, Nebraska, regarding the sale of alcohol and its secondary effects	X		
230	Interim study to examine matchup or lineup video gaming devices that award monetary prizes	X		
238	Interim study to examine the proliferation of retail liquor licenses			X

Government, Military and Veterans Affairs

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
163	Interim study to examine issues which fall under the jurisdiction of the Nebraska Accountability and Disclosure Commission	X		
119	Interim study to examine the initiative and referendum process and how petitions are circulated		X	
127	Interim study to examine the issue of election day registration		X	
126	Interim study to examine issues under the jurisdiction of the Government, Military and Veterans Affairs Committee		X	
82	Interim study to examine issues relating to the Grand Island Veterans' Home		X	
162	Interim study to examine the competitive bidding statutes for the purchase of machinery and equipment		X	
151	Interim study to consider and recommend funding strategies for the improvement of the Centennial Mall area of the Nebraska State Capitol Environs District	X		

Health and Human Services

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
158	Interim study to conduct research and provide recommendations for reform of Nebraska's health care delivery system and health care financing system (Select Committee)		X	
156	Interim study to identify the statutory powers and duties of the Department of Health and Human Services and to prioritize the programs and services administered by the department		X	

157	Interim study to review, assess, and provide recommendations relating to the implementation of the Nebraska Health Care Funding Act (w/Appropriations)		X	
150	Interim study to examine the Department of Health and Human Services' plan to contract for delivery of medicaid services using an at-risk capitated managed care model		X	
209	Interim study to examine the implications of requiring communities to partner with the state in the delivery of health and human services previously provided by state employees		X	
227	Interim study to conduct research and make recommendations relating to peer support for mental health consumers		X	
159	Interim study to examine the future need for health care workers in Nebraska		X	
160	Interim study to review and provide recommendations relating to the statewide telehealth network		X	
155	Interim study to provide recommendations and examine issues relating to rates paid by the state to providers of publicly-funded behavioral health services (w/Appropriations)		X	
136	Interim study to examine the public psychiatric rehabilitation in secure settings that is available to chronically and severely impaired mentally ill persons residing in Nebraska		X	
164	Interim study to examine the federal Fostering Connections to Success and Increasing Adoptions Act of 2008 and its implementation in Nebraska		X	
234	Interim study to review current statutes and regulations related to community-based developmental disability service providers		X	

179	Interim study to examine the requirements and conditions of the state's contract with Magellan Behavioral Health Services		X	
168	Interim study to examine the factors contributing to childhood obesity		X	
167	Interim study to examine the issue of homeless youth in Nebraska (w/Education)		X	
174	Interim study to examine ways to provide low-income families with access to high quality child care		X	
148	Interim study to evaluate the State of Nebraska's wellness program and provide policy options		X	
194	Interim study to examine unintended pregnancies and sexually transmitted diseases		X	

Judiciary

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
109	Interim study to examine the issue of juvenile overcrowding in youth detention centers		X	
113	Interim study to examine whether Nebraska should update provisions of the Nebraska Criminal Code relating to the degrees and types of homicides that may be charged under Nebraska law			X
138	Interim study to examine issues under the jurisdiction of the Judiciary Committee		X	
183	Interim study to examine creating a specialized magistrate for the state's largest courts			X
184	Interim study to examine the process by which the Division of Children and Family Services of the Dept. of Health and Human Services places Nebraska citizens on the central register of child protection cases		X	

189	Interim study to examine Nebraska's court-appointed special advocate programs			X
191	Interim study to examine Nebraska's laws regarding a persons' right in their home to defend another person's life by reasonable force and to review the Castle Doctrine laws		X	
225	Interim study to examine the actions other states and organizations have taken to strengthen marriage and reduce divorce through policy change and marriage education			X
226	Interim study to examine medical malpractice liability		X	
233	Interim study to examine judicial resources and the allocation of judicial resources		X	
236	Interim study to examine in vitro fertilization			X
237	Interim study to evaluate the period of time juveniles are involved in the Nebraska juvenile court system			X
239	Interim study to assess the effectiveness of existing community corrections programs			X

Natural Resources Committee

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
83	Interim study relating to expanded development of wind energy in Nebraska	X		
128	Interim study to examine issues relating to the laws of Nebraska governing the management and use of Nebraska surface water and ground water	X		
235	Interim study to examine water issues		X	
181	Interim study to examine the feasibility and benefits of restructuring the natural resources districts	X		

124	Interim study to examine the use of eminent domain by natural resources districts for the taking of private land for development or management of recreational trails or corridors	X		
122	Interim study to examine the feasibility of making the Game and Parks Commission a code agency			X
115	Interim study to review issues under the jurisdiction of the Natural Resources Committee			X
101	Interim study to examine issues relating to the impact of additional well development on water use by domestic wells in areas of the state where ground water supplies are limited		X	
193	Interim study to examine the impact of LB436 which established a statewide net metering policy	X		
195	Interim study to examine energy efficiency		X	
221	Interim study to determine ways the State of Nebraska could promote energy conservation in commercial buildings and residential properties		X	
222	Interim study to examine granting the Department of Environmental Quality the statutory authority to file and collect environmental liens on property			X

Nebraska Retirement Systems

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
120	Examine the history and structure of salary and retirement packages available to Nebraska public school employees	X		
133	Study retirement issues related to military leave and persons returning to employment following military leave		X	

134	Examine the public employees retirement systems administered by the Public Employees Retirement Board		X	
135	Study pension benefits offered to professional firefighters in cities of the first class			X
137	Determine whether a reserve is necessary for the defined benefit retirement plans prior to the Legislature's approval of any benefit improvements			X
198	Study 529 college savings plans, including their performance and administration		X	

Revenue

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
161	Interim study to examine Nebraska's sales and use tax provisions	X		
97	Interim study to examine the major sources of state and local tax revenue	X		
166	Interim study to conduct a comprehensive review of state and local taxes in Nebraska	X		
212	Interim study to examine the valuation of agricultural land for tax purposes in Nebraska and in surrounding states	X		
214	Interim study to examine local government levy limits and property tax proposals that have been implemented since 1995	X		
165	Interim study to examine issues relating to the adoption of a corporate and individual income tax credit scholarship program (Education/Revenue)			X
263	Interim study to investigate and review matters and issues arising during the interim which are within the jurisdiction of the Revenue Committee			X

95	Interim study to examine the needs, resources, and responsibilities of the Dept. of Revenue and its divisions			X
106	Interim study to examine the economic impact of retirement income on the State of Nebraska and the most appropriate way to tax such income		Public Hearing	
139	Interim study to examine the tax climate for Nebraska's retired citizens		Public Hearing	
140	Interim study to examine the quality of jobs created under the Nebraska Advantage and Nebraska Super Advantage programs			X
182	Interim study to examine issues relating to recruiting and retaining volunteer firefighters and volunteer emergency medical care providers		Public Hearing	
210	Interim study to determine whether lodging taxes should apply to home rentals			X
211	Interim study to determine whether sales tax collected on heating fuels should be changed to an excise tax			X
213	Interim study to determine whether current business tax incentive programs should be changed when jobs were part of a bankrupt entity			X
215	Interim study to examine the current processes and procedures in statute applicable to county boards of equalization		Public Hearing	
141	Interim study to examine the subject matter of LB 474, 2009, that would have required the state and its governmental subdivisions to pay property tax on property that was not being used for a public purpose			X
173	Interim study to examine the film industry in Nebraska and whether tax incentives could be used to encourage future economic growth			X

200	Interim study to determine if Thurston County is entitled to automatic state aid payments and a reimbursement for law enforcement on the reservations			X
232	Interim study to examine the occupation taxes imposed on wireless telecommunication services			X
241	Interim study to examine the valuation processes of real property			X

Transportation and Telecommunications

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
152	Highway funding	X		
143	Off-road vehicles		X	
142	T&T Jurisdiction			X
192	School permits		X	
102	Expressway system		X	
154	School transportation booster seats		X	
177	Enhanced Wireless 911 Fund			X
88	LPD-learner's permit issuance			X
187	Vehicle Towing laws		X	

Urban Affairs

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
203	Examine the cost-effectiveness of upgrading the Nebraska Energy Code for new commercial construction			X
201	Examine LB381, which would have created the Community Improvement District Act and the Transportation Development District Act			X
205	Review the status of current state law regarding the various building and construction codes currently in use by cities and villages			X
190	Review the current practice of issuing handicapped parking permits			X

207	Examine the statutory means by which a city of the primary class would establish a separate transit authority			X
216	Identify the range of occupations taxes which are currently levied by cities and villages in Nebraska			X
202	Investigate the full range of powers granted to municipalities which involved jurisdiction over residents in areas outside of municipal boundaries			X
204	Review matters under the jurisdiction of the Urban Affairs Committee			X

BILLS ON FIRST READING

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

LEGISLATIVE BILL 766. Introduced by Gloor, 35.

A BILL FOR AN ACT relating to the Nebraska Center for Nursing Act; to amend section 71-1796, Reissue Revised Statutes of Nebraska; to repeal a termination date; to harmonize provisions; to repeal the original section; to outright repeal section 71-17,100, Reissue Revised Statutes of Nebraska; and to declare an emergency.

LEGISLATIVE BILL 767. Introduced by Price, 3.

A BILL FOR AN ACT relating to counties; to amend sections 23-187 and 23-192, Revised Statutes Supplement, 2009; to require inclusion of notice provisions in certain county motor vehicle ordinances; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 768. Introduced by Stuthman, 22.

A BILL FOR AN ACT relating to county government; to provide for the termination of township boards within certain counties as prescribed.

LEGISLATIVE BILL 769. Introduced by Stuthman, 22.

A BILL FOR AN ACT relating to marriage licenses; to amend section 42-106, Reissue Revised Statutes of Nebraska; to prevent a county clerk's liability as prescribed; and to repeal the original section.

LEGISLATIVE BILL 770. Introduced by Flood, 19.

A BILL FOR AN ACT relating to state government; to amend sections

49-501.01 and 49-508, Reissue Revised Statutes of Nebraska; to change provisions relating to the distribution of the session laws and journal of the Legislature; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 771. Introduced by Flood, 19.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-115, 28-201, 28-931, 28-931.01, 28-932, 28-933, and 28-1212.01, Reissue Revised Statutes of Nebraska, and sections 28-309, 28-929, 28-930, 28-1206, 28-1212.04, 28-1354, 29-401, 29-901, 29-901.01, 29-1912, and 43-250, Revised Statutes Supplement, 2009; to change provisions relating to criminal offenses against a pregnant woman, criminal attempt, assault, assault on an officer, offenses by a confined person, deadly weapons, firearms, arrest procedures, bail, conditions of release from custody, discovery, and juveniles in custody; and to repeal the original sections.

LEGISLATIVE BILL 772. Introduced by Coash, 27.

A BILL FOR AN ACT relating to motor vehicles operators' licenses; to amend sections 60-4,108 and 60-682, Reissue Revised Statutes of Nebraska, sections 60-462 and 60-479, Revised Statutes Cumulative Supplement, 2008, and section 60-6,197.06, Revised Statutes Supplement, 2009; to change and provide penalties for driving on a revoked license as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 773. Introduced by Wightman, 36; Carlson, 38; Harms, 48; Schilz, 47.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-6,294.01, Reissue Revised Statutes of Nebraska, sections 60-102, 60-123, 60-302, and 60-339, Revised Statutes Cumulative Supplement, 2008, and sections 60-101 and 60-301, Revised Statutes Supplement, 2009; to exempt manure-spreading implements from titling and registration requirements and weight and load restrictions; to define a term; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 774. Introduced by Haar, 21; Dierks, 40; Hadley, 37; Loudon, 49; Pirsch, 4; White, 8.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701.16, Reissue Revised Statutes of Nebraska; to change provisions relating to sales taxation of net metering; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 775. Introduced by Stuthman, 22.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 39-2510, 39-2520, 77-2703.01, 77-2703.04, 77-2704.31, 77-2711,

77-2712.05, 77-4105, 77-4106, 77-5725, and 77-5726, Reissue Revised Statutes of Nebraska; to authorize creation of transportation development districts; to authorize a local sales tax; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 776. Introduced by Hansen, 42.

A BILL FOR AN ACT relating to respite care; to state findings; and to state intent relating to appropriations.

LEGISLATIVE BILL 777. Introduced by McCoy, 39; Krist, 10; Price, 3.

A BILL FOR AN ACT relating to presidential electors; to amend section 32-714, Reissue Revised Statutes of Nebraska; to change provisions relating to ballots cast by presidential electors; and to repeal the original section.

LEGISLATIVE BILL 778. Introduced by Coash, 27; Cornett, 45; Fulton, 29.

A BILL FOR AN ACT relating to public health and welfare; to adopt the Umbilical Cord Blood Information Act.

LEGISLATIVE BILL 779. Introduced by Lathrop, 12; Ashford, 20; Avery, 28; Cook, 13; Cornett, 45; Mello, 5; Nordquist, 7.

A BILL FOR AN ACT relating to political subdivisions; to amend sections 13-2602, 13-2605, 13-2607, 13-2609, 13-2702, 13-2703, 13-2704, 13-2705, 13-2706, and 13-2707, Reissue Revised Statutes of Nebraska, section 13-2603, Revised Statutes Cumulative Supplement, 2008, section 13-2610, Revised Statutes Supplement, 2009, and section 13-2704, Reissue Revised Statutes of Nebraska, as amended by section 8, Legislative Bill 3, One Hundred First Legislature, First Special Session, 2009; to change provisions under the Convention Center Facility Financing Assistance Act and the Local Civic, Cultural, and Convention Center Financing Act; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 780. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-151, Reissue Revised Statutes of Nebraska, and section 48-1,110, Revised Statutes Cumulative Supplement, 2008; to change provisions relating to personal injuries; to provide applicability; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 781. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to urban growth districts; to amend section 18-2901, Revised Statutes Supplement, 2009; to change provisions relating

to such districts as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 782. Introduced by Fischer, 43.

A BILL FOR AN ACT relating to the Motor Vehicle Registration Act; to amend section 81-1023, Reissue Revised Statutes of Nebraska, section 60-3,105, Revised Statutes Cumulative Supplement, 2008, and sections 60-301 and 60-3,104, Revised Statutes Supplement, 2009; to change and eliminate provisions relating to the issuance of distinctive license plates for governmental units; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal section 60-3,106, Revised Statutes Cumulative Supplement, 2008.

LEGISLATIVE BILL 783. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-103 and 53-177, Revised Statutes Supplement, 2009; to change and eliminate restrictions on sale of alcoholic liquor at retail; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 784. Introduced by Loudon, 49; Giese, 17.

A BILL FOR AN ACT relating to law enforcement training; to amend section 81-1410, Reissue Revised Statutes of Nebraska; to change provisions relating to admission; and to repeal the original section.

LEGISLATIVE BILL 785. Introduced by Carlson, 38; Utter, 33.

A BILL FOR AN ACT relating to natural resources districts; to amend section 46-739.01, Revised Statutes Supplement, 2009; to provide an exception to required approval of certain water transfers or program participation; and to repeal the original section.

LEGISLATIVE BILL 786. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-172, Reissue Revised Statutes of Nebraska; to eliminate the prohibition on adding alcohol to beer; to harmonize provisions; to repeal the original section; and to outright repeal section 53-174, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 787. Introduced by Fischer, 43.

A BILL FOR AN ACT relating to the Nebraska Information Technology Commission; to amend section 86-515, Reissue Revised Statutes of Nebraska; to provide for an additional member to serve on the commission as appointed by the Legislature as prescribed; and to repeal the original section.

LEGISLATIVE BILL 788. 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 to repeal the original sections.

LEGISLATIVE BILL 789. Introduced by Ashford, 20.

A BILL FOR AN ACT relating to the Local Civic, Cultural, and Convention Center Financing Act; to amend section 13-2705, Reissue Revised Statutes of Nebraska; to change grant dollar limits; and to repeal the original section.

LEGISLATIVE BILL 790. Introduced by Nordquist, 7; Lathrop, 12; Mello, 5.

A BILL FOR AN ACT relating to the medical assistance program; to require the Department of Health and Human Services to compile a report relating to employed recipients.

LEGISLATIVE BILL 791. Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to the Secretary of State; to provide for the electronic filing of documents as prescribed.

LEGISLATIVE BILL 792. Introduced by Coash, 27.

A BILL FOR AN ACT relating to controlled substances; to amend section 28-405, Revised Statutes Supplement, 2009; to add to and change schedules of controlled substances; and to repeal the original section.

LEGISLATIVE BILL 793. Introduced by Dubas, 34; Carlson, 38; Dierks, 40; Loudon, 49; Schilz, 47.

A BILL FOR AN ACT relating to the Legislature; to prohibit fund transfers and appropriations without specific authorization.

RESOLUTIONS

LEGISLATIVE RESOLUTION 275. Introduced by Campbell, 25.

WHEREAS, Terri and Loren Neujahr and their children, Andrew and Ashley, of Lincoln were named the Lancaster County Kiwanis Farm Family of the Year for 2009; and

WHEREAS, to be eligible for the Lancaster County Kiwanis Farm Family of the Year award, the Neujahrs first had to win the Farm Family of the Year award from one of several Kiwanis clubs in Lancaster County; and

WHEREAS, the Neujahrs won the Farm Family of the Year award from the Waverly Kiwanis Club; and

WHEREAS, the Lancaster County Kiwanis Farm Family of the Year award recognizes excellence in soil and water conservation, community service, and local leadership.

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

1. That the Legislature congratulates Terri, Loren, Andrew, and Ashley Neujahr on being named the Lancaster County Kiwanis Farm Family of the Year for 2009.

2. That a copy of this resolution be sent to the Neujahr family.

Laid over.

LEGISLATIVE RESOLUTION 276CA. Introduced by Pirsch, 4.

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 VIII, section 2:

VIII-2 Notwithstanding Article I, section 16, Article III, section 18, or Article VIII, section 1 or 4, of this Constitution or any other provision of this Constitution to the contrary: (1) The property of the state and its governmental subdivisions shall constitute a separate class of property and shall be exempt from taxation to the extent such property is used by the state or governmental subdivision for public purposes authorized to the state or governmental subdivision by this Constitution or the Legislature. To the extent such property is not used for the authorized public purposes, the Legislature may classify such property, exempt such classes, and impose or authorize some or all of such property to be subject to property taxes or payments in lieu of property taxes except as provided by law; (2) the Legislature by general law may classify and exempt from taxation property owned by and used exclusively for agricultural and horticultural societies and property owned and used exclusively for educational, religious, charitable, or cemetery purposes, when such property is not owned or used for financial gain or profit to either the owner or user; (3) household goods and personal effects, as defined by law, may be exempted from taxation in whole or in part, as may be provided by general law, and the Legislature may prescribe a formula for the determination of value of household goods and personal effects; (4) the Legislature by general law may provide that the increased value of land by reason of shade or ornamental trees planted along the highway shall not be taken into account in the assessment of such land; (5) the Legislature, by general law and upon any terms, conditions, and restrictions it prescribes, may provide that the increased value of real property resulting from improvements designed primarily for energy conservation may be exempt from taxation; (6) the value of a home

substantially contributed by the United States Department of Veterans Affairs for a paraplegic veteran or multiple amputee shall be exempt from taxation during the life of such veteran or until the death or remarriage of his or her surviving spouse; (7) the Legislature may exempt from an intangible property tax life insurance and life insurance annuity contracts and any payment connected therewith and any right to pension or retirement payments; (8) the Legislature may exempt inventory from taxation; (9) the Legislature may define and classify personal property in such manner as it sees fit, whether by type, use, user, or owner, and may exempt any such class or classes of property from taxation if such exemption is reasonable or may exempt all personal property from taxation; (10) no property shall be exempt from taxation except as permitted by or as provided in this Constitution; (11) the Legislature may by general law provide that a portion of the value of any residence actually occupied as a homestead by any classification of owners as determined by the Legislature shall be exempt from taxation; ~~and~~ (12) the Legislature may by general law, and upon any terms, conditions, and restrictions it prescribes, provide that the increased value of real property resulting from improvements designed primarily for the purpose of renovating, rehabilitating, or preserving historically significant real property may be, in whole or in part, exempt from taxation; and (13) the Legislature may by general law, and upon any terms, conditions, and restrictions it prescribes, provide that the value of real property, the use of which is donated to the state or a governmental subdivision of the state for public purposes, shall be, in whole or in part, exempt from taxation.

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 permit the Legislature to exempt from taxation the value of real property, the use of which is donated to the state or a governmental subdivision of the state for public purposes.

For

Against.

Referred to the Reference Committee.

ANNOUNCEMENT

The Urban Affairs Committee elected Senator Coash as Vice Chairperson.

UNANIMOUS CONSENT - Add Cointroducers

Senator McCoy asked unanimous consent to add his name as cointroducer to LB693. No objections. So ordered.

Senators Campbell and Stuthman asked unanimous consent to add their names as cointroducers to LB710. No objections. So ordered.

Senator Dubas asked unanimous consent to add her name as cointroducer to LB740. No objections. So ordered.

Senator Cook asked unanimous consent to add her name as cointroducer to LB746. No objections. So ordered.

Senators Avery and Stuthman asked unanimous consent to add their names as cointroducers to LB754. No objections. So ordered.

Senator Nelson asked unanimous consent to add his name as cointroducer to LR271CA. No objections. So ordered.

WITHDRAW - Cointroducer

Senator Pirsch withdrew his name as cointroducer to LR271CA.

ADJOURNMENT

At 10:47 a.m., on a motion by Senator Carlson, the Legislature adjourned until 10:00 a.m., Friday, January 8, 2010.

Patrick J. O'Donnell
Clerk of the Legislature

THIRD DAY - JANUARY 8, 2010

LEGISLATIVE JOURNAL

**ONE HUNDRED FIRST LEGISLATURE
SECOND SESSION**

THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Friday, January 8, 2010

PRAYER

The prayer was offered by Senator Carlson.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Speaker Flood presiding.

The roll was called and all members were present except Senators Cornett and Gay who were excused; and Senator Christensen who was excused until he arrives.

PRESIDENT SHEEHY PRESIDING

CORRECTIONS FOR THE JOURNAL

The Journal for the second day was approved.

REFERENCE COMMITTEE REPORT

The Executive Board submits the following report:

LB/LR	Committee
LB682	General File
LB683	General File
LB684	General File
LB685	Executive Board
LB686	Government, Military and Veterans Affairs
LB687	Judiciary
LB688	Transportation and Telecommunications
LB689	Natural Resources
LB690	Banking, Commerce and Insurance
LB691	Banking, Commerce and Insurance
LB692	Revenue
LB693	Banking, Commerce and Insurance
LB694	Judiciary

LB695	Judiciary
LB696	Natural Resources
LB697	Transportation and Telecommunications
LB698	Revenue
LB699	Judiciary
LB700	Business and Labor
LB701	Health and Human Services
LB702	Health and Human Services
LB703	Judiciary
LB704	Revenue
LB705	Transportation and Telecommunications
LB706	Health and Human Services
LB707	Judiciary
LB708	Revenue
LB709	Business and Labor
LB710	Health and Human Services
LB711	Education
LB712	Judiciary
LB713	Education
LB714	Government, Military and Veterans Affairs
LB715	Government, Military and Veterans Affairs
LB716	Education
LB717	Executive Board
LB718	Government, Military and Veterans Affairs
LB719	Transportation and Telecommunications
LB720	Banking, Commerce and Insurance
LB721	Government, Military and Veterans Affairs
LB722	Government, Military and Veterans Affairs
LB723	Transportation and Telecommunications
LB724	Revenue
LB725	Transportation and Telecommunications
LB726	Health and Human Services
LB727	Judiciary
LB728	Judiciary
LB729	Business and Labor
LB730	Banking, Commerce and Insurance
LB731	Agriculture
LB732	Judiciary
LB733	Health and Human Services
LB734	Natural Resources
LB735	Transportation and Telecommunications
LB736	Banking, Commerce and Insurance
LB737	Government, Military and Veterans Affairs
LB738	Banking, Commerce and Insurance
LB739	Transportation and Telecommunications
LB740	Appropriations
LB741	Education
LB742	Government, Military and Veterans Affairs
LB743	Natural Resources

LB744 General Affairs
 LB745 Education
 LB746 Judiciary
 LB747 Natural Resources
 LB748 Agriculture
 LB749 Transportation and Telecommunications
 LB750 Education
 LB751 Banking, Commerce and Insurance
 LB752 Banking, Commerce and Insurance
 LB753 Government, Military and Veterans Affairs
 LB754 Education
 LB755 Natural Resources
 LB756 Judiciary
 LB757 Judiciary
 LB758 Judiciary
 LB759 Banking, Commerce and Insurance
 LB760 Banking, Commerce and Insurance
 LB761 Transportation and Telecommunications
 LB762 Banking, Commerce and Insurance
 LB763 Judiciary
 LB764 Natural Resources
 LR271CA Revenue
 LR273 Government, Military and Veterans Affairs

Atkins, Sallie - Nebraska State Fair Board - Agriculture
 Burke, Jerrod - Game and Parks Commission - Natural Resources
 Demuth, Martin - Board of Educational Lands and Funds - Education
 Hiatt, Michael - State Electrical Board - General Affairs
 Hotz, Robert W. - Tax Equalization and Review Commission - Revenue
 Lovgren, Linda - Nebraska State Fair Board - Agriculture
 Marshall, Norris - Game and Parks Commission - Natural Resources
 McMeen, Reynold - State Emergency Response Commission - Government,
 Military and Veterans Affairs
 Oltman, Nancy - Commission for the Blind and Visually Impaired - Health
 and Human Services
 Van Newkirk, Perry - Nebraska Oil and Gas Conservation Commission -
 Natural Resources
 Walla, Darrell - Commission for the Blind and Visually Impaired - Health
 and Human Services

(Signed) John Wightman, Chairperson
 Executive Board

BILLS ON FIRST READING

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

LEGISLATIVE BILL 794. Introduced by White, 8; Campbell, 25; Conrad, 46; Cook, 13; Council, 11; Giese, 17; Haar, 21; Karpisek, 32; McGill, 26; Mello, 5; Nordquist, 7; Sullivan, 41; Wallman, 30.

A BILL FOR AN ACT relating to elections; to amend sections 32-808 and 32-939, Reissue Revised Statutes of Nebraska; to change provisions relating to early voting; and to repeal the original sections.

LEGISLATIVE BILL 795. Introduced by Council, 11.

A BILL FOR AN ACT relating to natural resources districts; to amend section 2-32,101, Reissue Revised Statutes of Nebraska; to authorize the employment of law enforcement officers as prescribed; and to repeal the original section.

LEGISLATIVE BILL 796. Introduced by Stuthman, 22.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 39-2215, 66-489, 66-489.01, 66-495.01, 66-4,105, 66-4,114, 66-4,145, 66-4,146, 66-697, 66-6,107, 66-6,109, 66-6,111, and 66-726, Reissue Revised Statutes of Nebraska; to change fuel tax provisions; to impose a fuel tax for completion of the state expressway system; to provide a duty for the Revisor of Statutes; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 797. Introduced by Langemeier, 23.

A BILL FOR AN ACT relating to the Nebraska Power Review Board; to amend section 70-1003, Reissue Revised Statutes of Nebraska; to change duties of the board relating to hearings and a report as prescribed; to eliminate obsolete requirements; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 798. Introduced by Langemeier, 23.

A BILL FOR AN ACT relating to the Nebraska Litter Reduction and Recycling Act; to amend section 81-1566, Reissue Revised Statutes of Nebraska; to change a termination date; and to repeal the original section.

LEGISLATIVE BILL 799. Introduced by Krist, 10.

A BILL FOR AN ACT relating to the Building Construction Act; to amend sections 71-6403, 71-6404, 71-6405, and 71-6406, Reissue Revised Statutes of Nebraska; to change the state building code; to change restrictions on political subdivisions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 800. Introduced by Ashford, 20.

A BILL FOR AN ACT relating to children; to amend sections 24-313, 25-2728, 29-2258, 29-2269, 43-246, 43-247, 43-248, 43-251.01, 43-253, 43-254, 43-258, 43-278, 43-281, 43-285, 43-2.106.01, 43-2.129, 43-403, 43-406, 43-413, 43-415, 43-2404.02, 77-3442, 79-209, 79-210, 79-527, and 79-2111, Reissue Revised Statutes of Nebraska, and sections 43-245, 43-250, and 79-2104, Revised Statutes Supplement, 2009; to eliminate juvenile review panels, expedite appeals, provide for civil citations, change evaluation, detention, and placement provisions, provide plenary jurisdiction over parents, guardians, and custodians, and provide for videoconference hearings under the Nebraska Juvenile Code; to change detention and evaluation provisions under the Health and Human Services, Office of Juvenile Services Act; to provide a duty for the Supreme Court; to change County Juvenile Services Aid Program provisions; to change school truancy provisions, use of a learning community levy, and school reporting; to create and provide duties for a task force; to provide powers and duties for learning community coordinating councils relating to re-engagement of students into the educational system; to harmonize provisions; to repeal the original sections; and to outright repeal sections 43-287.01, 43-287.02, 43-287.03, 43-287.04, 43-287.05, and 43-287.06, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 801. Introduced by Fulton, 29.

A BILL FOR AN ACT relating to consumer protection; to amend sections 87-301, 87-303, 87-303.02, 87-303.03, 87-303.10, and 87-306, Reissue Revised Statutes of Nebraska, and section 87-302, Revised Statutes Supplement, 2009; to change provisions relating to the Uniform Deceptive Trade Practices Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 802. Introduced by Coash, 27.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701.10 and 77-2701.16, Reissue Revised Statutes of Nebraska; to redefine contractor or repairperson and gross receipts to exclude sod as prescribed; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 803. Introduced by Nordquist, 7; Rogert, 16.

A BILL FOR AN ACT relating to the Chiropractic Practice Act; to amend section 38-806, Reissue Revised Statutes of Nebraska; to exclude licensed

physical therapists; and to repeal the original section.

LEGISLATIVE BILL 804. Introduced by Flood, 19.

A BILL FOR AN ACT relating to documentary stamp tax; to amend section 76-902, Reissue Revised Statutes of Nebraska; to exempt certain deeds from taxation; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 805. Introduced by Transportation and Telecommunications Committee: Fischer, 43, Chairperson; Campbell, 25; Gay, 14; Hadley, 37; Lautenbaugh, 18; Louden, 49; Stuthman, 22.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 75-363 and 75-364, Reissue Revised Statutes of Nebraska, and sections 18-1739, 60-3,193.01, 60-462.01, and 60-4,147.02, Revised Statutes Supplement, 2009; to adopt by reference updates to the International Registration Plan and certain federal laws and regulations relating to parking permits for persons with disabilities, operators' licenses, transporting hazardous materials, and motor carrier safety and procedure; and to repeal the original sections.

LEGISLATIVE BILL 806. Introduced by Campbell, 25.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1347, Reissue Revised Statutes of Nebraska; to change a provision relating to valuation of agricultural or horticultural land; and to repeal the original section.

LEGISLATIVE BILL 807. Introduced by McCoy, 39.

A BILL FOR AN ACT relating to insurance; to amend section 44-7501, Reissue Revised Statutes of Nebraska; to require automobile liability policies to be issued for a minimum term; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 808. Introduced by Transportation and Telecommunications Committee: Fischer, 43, Chairperson; Campbell, 25; Gay, 14; Hadley, 37; Lautenbaugh, 18; Louden, 49; Stuthman, 22.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend sections 60-4,169 and 75-362, Reissue Revised Statutes of Nebraska, and sections 60-465 and 60-4,150, Revised Statutes Cumulative Supplement, 2008; to change provisions relating to commercial motor vehicles and commercial drivers' licenses and to adopt certain federal regulations relating to operating authority; and to repeal the original sections.

LEGISLATIVE BILL 809. Introduced by Rogert, 16.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-110, Revised Statutes Supplement, 2009; to change the statute of limitations for fraud involving certain assistance programs; to provide applicability; and to repeal the original section.

LEGISLATIVE BILL 810. Introduced by Rogert, 16.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-3,135 and 60-480.01, Revised Statutes Supplement, 2009; to change provisions relating to undercover license plates and drivers' licenses; and to repeal the original sections.

LEGISLATIVE BILL 811. Introduced by Transportation and Telecommunications Committee: Fischer, 43, Chairperson; Campbell, 25; Gay, 14; Hadley, 37; Lautenbaugh, 18; Loudon, 49; Stuthman, 22.

A BILL FOR AN ACT relating to the Public Service Commission; to amend sections 71-1567, 71-4609, 75-134, 75-136, 75-156, 75-722, 86-123, 86-158, 86-209, 86-255, 86-269, and 86-578, Reissue Revised Statutes of Nebraska; to change appeal procedures as prescribed; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 812. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to the Uniform Credentialing Act; to amend sections 38-1,104, 38-1,105, and 38-1,106, Reissue Revised Statutes of Nebraska; to require notice and an opportunity to be heard for credential holders subject to investigation regarding a complaint; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 813. Introduced by Gloor, 35.

A BILL FOR AN ACT relating to dental services; to amend sections 44-3802 and 44-3805, Reissue Revised Statutes of Nebraska; to prevent prepaid dental service plans from limiting fees for certain services; and to repeal the original sections.

LEGISLATIVE BILL 814. Introduced by Gloor, 35; Dubas, 34; Fulton, 29; Hadley, 37; Pahls, 31; Sullivan, 41; Utter, 33.

A BILL FOR AN ACT relating to the Securities Act of Nebraska; to amend section 8-1111, Reissue Revised Statutes of Nebraska; to change provisions relating to transactions exempt from registration; and to repeal the original section.

LEGISLATIVE BILL 815. Introduced by Haar, 21; Avery, 28.

A BILL FOR AN ACT relating to government; to amend sections 13-504 and 13-516, Reissue Revised Statutes of Nebraska, and section 84-602.02,

Revised Statutes Supplement, 2009; to change requirements for budget statements for certain political subdivisions; to change requirements for the Taxpayer Transparency Act; and to repeal the original sections.

LEGISLATIVE BILL 816. Introduced by Fischer, 43.

A BILL FOR AN ACT relating to motor vehicle industry regulation; to amend sections 25-2602.01, 28-1316, 44-3526, 60-1401.01, 60-1402, 60-1403, 60-1403.01, 60-1404, 60-1405, 60-1406, 60-1407, 60-1407.01, 60-1407.02, 60-1407.03, 60-1407.04, 60-1411.03, 60-1415, 60-1415.01, 60-1417.02, 60-1420, 60-1421, 60-1422, 60-1427, 60-1428, 60-1430, 60-1430.01, 60-1430.02, 60-1432, 60-1436, 60-1437, 60-1438, 60-1438.01, 60-1440, 60-2602, 60-2603, 60-2604, and 71-4603, Reissue Revised Statutes of Nebraska, sections 60-194, 60-373, 60-375, 60-380, 60-381, 60-3,116, 60-1411.01, 60-1411.02, and 60-2701, Revised Statutes Cumulative Supplement, 2008, sections 60-144, 60-164, and 60-1401.02, Revised Statutes Supplement, 2009, and section 60-1409, Reissue Revised Statutes of Nebraska, as amended, by section 36, Legislative Bill 3, One Hundred First Legislature, First Special Session, 2009; to name an act; to transfer definitions; to define and redefine terms; to change provisions relating to licenses and franchises; to prohibit certain acts; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 817. Introduced by Rogert, 16.

A BILL FOR AN ACT relating to handguns; to amend section 69-2403, Reissue Revised Statutes of Nebraska; to exempt permitholders under the Concealed Handgun Permit Act from the requirement to obtain a certificate to purchase a handgun; and to repeal the original section.

LEGISLATIVE BILL 818. Introduced by Sullivan, 41; Utter, 33.

A BILL FOR AN ACT relating to the Real Property Appraiser Act; to amend section 76-2221, Reissue Revised Statutes of Nebraska; to change provisions relating to disclosures for certain exempt real estate opinions or analysis; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 819. Introduced by Transportation and Telecommunications Committee: Fischer, 43, Chairperson; Campbell, 25; Gay, 14; Hadley, 37; Lautenbaugh, 18; Loudon, 49; Stuthman, 22.

A BILL FOR AN ACT relating to highways and roads; to amend sections 60-6,123 and 60-6,190, Reissue Revised Statutes of Nebraska; to change provisions relating to traffic control signals and speed limits; and to repeal the original sections.

LEGISLATIVE BILL 820. Introduced by Janssen, 15.

A BILL FOR AN ACT relating to motor vehicles; to amend sections

60-6,114, 60-6,294, and 60-6,298, Revised Statutes Cumulative Supplement, 2008; to provide an exception from width, height, length, weight, and load restrictions for certain emergency vehicles; to eliminate provisions relating to permits for certain emergency vehicles; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 821. Introduced by Fischer, 43.

A BILL FOR AN ACT relating to state roads; to amend section 39-1365.01, Reissue Revised Statutes of Nebraska; to change provisions relating to road priorities; and to repeal the original section.

LEGISLATIVE BILL 822. Introduced by Janssen, 15.

A BILL FOR AN ACT relating to liens; to amend section 52-137, Reissue Revised Statutes of Nebraska; to change provisions relating to construction liens; and to repeal the original section.

LEGISLATIVE BILL 823. Introduced by Janssen, 15.

A BILL FOR AN ACT relating to county assessors; to amend sections 23-3201, 77-1340, and 77-1340.04, Reissue Revised Statutes of Nebraska, and section 32-519, Revised Statutes Supplement, 2009; to provide for the appointment of county assessors in certain counties; to provide operative dates; to repeal the original sections; to outright repeal section 77-1340, Reissue Revised Statutes of Nebraska, as amended by section 3 of this legislative bill; and to declare an emergency.

LEGISLATIVE BILL 824. Introduced by Fischer, 43.

A BILL FOR AN ACT relating to courts; to amend section 25-1628, Revised Statutes Supplement, 2009; to change provisions relating to master jury lists; and to repeal the original section.

LEGISLATIVE BILL 825. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to horseracing; to amend sections 2-219, 2-1203, 2-1203.01, 2-1203.02, 2-1207, 2-1207.01, 2-1208, 2-1211, 2-1216, 2-1221, 2-1222, 2-1226, and 28-1113, Reissue Revised Statutes of Nebraska; to eliminate provisions relating to teleracing and telephonic wagering and provide requirements for licensing satellite facilities for wagering as prescribed; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 2-1230, 2-1231, 2-1232, 2-1233, 2-1234, 2-1235, 2-1236, 2-1237, 2-1238, 2-1239, 2-1240, 2-1241, and 2-1242, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 826. Introduced by Pahls, 31.

A BILL FOR AN ACT relating to government; to adopt the County

Consolidation Act.

LEGISLATIVE BILL 827. Introduced by Howard, 9; Campbell, 25; Gloor, 35; Harms, 48; Wallman, 30.

A BILL FOR AN ACT relating to health occupations and professions; to amend sections 38-601, 38-701, 38-1101, 38-2301, 38-2601, and 38-3001, Reissue Revised Statutes of Nebraska, and sections 38-2001, 38-2801, and 38-3301, Revised Statutes Supplement, 2009; to provide continuing education requirements for certain practitioners as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 828. Introduced by Gloor, 35.

A BILL FOR AN ACT relating to medical radiography; to amend sections 38-1901, 38-1902, 38-1908, and 38-1918, Reissue Revised Statutes of Nebraska; to define and redefine terms; to change requirements for medical radiographers and limited radiographers; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 829. Introduced by Rogert, 16.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-106, Revised Statutes Supplement, 2009; to change certain notice requirements relating to coverage under the act; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 830. Introduced by Coash, 27; Hansen, 42; Lautenbaugh, 18; Loudon, 49; Schilz, 47; Sullivan, 41.

A BILL FOR AN ACT relating to insurance; to adopt the Tourism Insurance Act; and to provide an operative date.

LEGISLATIVE BILL 831. Introduced by Utter, 33.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend section 60-4,124, Revised Statutes Cumulative Supplement, 2008; to change provisions relating to school permits; and to repeal the original section.

LEGISLATIVE BILL 832. Introduced by Fischer, 43; Carlson, 38; Dubas, 34; Langemeier, 23; McCoy, 39; Schilz, 47.

A BILL FOR AN ACT relating to petroleum release remedial action; to amend section 66-1501, Reissue Revised Statutes of Nebraska; to eliminate a private insurance requirement; to harmonize provisions; to repeal the original section; and to outright repeal section 66-1532, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 833. Introduced by Fulton, 29.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-1,110, Revised Statutes Cumulative Supplement, 2008; to provide for confidentiality of compensation court records as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 834. Introduced by Howard, 9.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-135 and 53-1,104, Reissue Revised Statutes of Nebraska, and section 53-132, Revised Statutes Cumulative Supplement, 2008; to change provisions relating to issuance and renewal of licenses and to penalties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 835. Introduced by Howard, 9.

A BILL FOR AN ACT relating to insurance; to amend section 44-2835, Revised Statutes Cumulative Supplement, 2008; to change certain reporting provisions under the Nebraska Hospital-Medical Liability Act; and to repeal the original section.

LEGISLATIVE BILL 836. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to deer; to amend sections 37-403, 37-448, and 77-2715.07, Reissue Revised Statutes of Nebraska, and section 37-514, Revised Statutes Supplement, 2009; to permit certain persons to hunt and possess deer as prescribed; to provide for a mandatory deer depredation season and change provisions relating to special deer depredation seasons; to provide an exception to prohibited hunting with artificial light; to provide a tax credit; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 837. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to the Tax Equalization and Review Commission; to amend section 77-5016, Reissue Revised Statutes of Nebraska; to provide for entry of default orders; and to repeal the original section.

LEGISLATIVE BILL 838. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to public contracts; to amend sections 39-8,105, 39-1302, and 60-6,188, Reissue Revised Statutes of Nebraska; to require certain provisions in highway and bridge construction and maintenance contracts; to require identifying signage as prescribed; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

LEGISLATIVE BILL 839. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to the Administrative Procedure Act; to amend section 84-906, Reissue Revised Statutes of Nebraska; to change provisions relating to validity of rules and regulations as prescribed; and to repeal the original section.

LEGISLATIVE BILL 840. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-201, Reissue Revised Statutes of Nebraska; to change provisions relating to criminal attempt; and to repeal the original section.

LEGISLATIVE BILL 841. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend section 60-484.02, Revised Statutes Supplement, 2009; to allow the release of digital image or signature information to local law enforcement officers; and to repeal the original section.

LEGISLATIVE BILL 842. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-1401, Reissue Revised Statutes of Nebraska; to change provisions relating to procedures in cases of death occurring during apprehension or custody; and to repeal the original section.

LEGISLATIVE BILL 843. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-502, 28-503, and 28-504, Reissue Revised Statutes of Nebraska; to change provisions relating to arson; and to repeal the original sections.

LEGISLATIVE BILL 844. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to the Nebraska Law Enforcement Training Center; to amend section 81-1413, Reissue Revised Statutes of Nebraska; to change provisions relating to tuition, fees, and expenses; and to repeal the original section.

LEGISLATIVE BILL 845. Introduced by Howard, 9; Ashford, 20; Nordquist, 7.

A BILL FOR AN ACT relating to state government; to amend section 81-1603, Reissue Revised Statutes of Nebraska; to require energy conservation plans; to provide duties for the State Energy Office; and to repeal the original section.

LEGISLATIVE BILL 846. Introduced by Schilz, 47.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-125, Revised Statutes Supplement, 2009; to change interest rate provisions on certain compensation court awards; to repeal the original section; and to declare an emergency.

RESOLUTIONS

LEGISLATIVE RESOLUTION 277CA. 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 III, section 24:

III-24 (1) Except as provided in this section, the Legislature shall not authorize any game of chance or any lottery or gift enterprise when the consideration for a chance to participate involves the payment of money for the purchase of property, services, or a chance or admission ticket or requires an expenditure of substantial effort or time.

(2) The Legislature may authorize and regulate a state lottery pursuant to subsection (3) of this section and other lotteries, raffles, and gift enterprises which are intended solely as business promotions or the proceeds of which are to be used solely for charitable or community betterment purposes without profit to the promoter of such lotteries, raffles, or gift enterprises.

(3)(a) The Legislature may establish a lottery to be operated and regulated by the State of Nebraska. The proceeds of the lottery shall be appropriated by the Legislature for the costs of establishing and maintaining the lottery and for the following purposes, as directed by the Legislature:

(i) The first five hundred thousand dollars after the payment of prizes and operating expenses shall be transferred to the Compulsive Gamblers Assistance Fund;

(ii) Forty-four and one-half percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the Nebraska Environmental Trust Fund to be used as provided in the Nebraska Environmental Trust Act;

(iii) Forty-four and one-half percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be used for education as the Legislature may direct;

(iv) Ten percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the Nebraska State Fair Board if the most populous city within the county in which the fair is located provides matching funds equivalent to ten percent of the funds available for transfer. Such matching funds may be obtained from the city and any other private or public entity, except that no portion of such matching funds shall be

provided by the state. If the Nebraska State Fair ceases operations, ten percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the General Fund; and

(v) One percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the Compulsive Gamblers Assistance Fund.

(b) No lottery game shall be conducted as part of the lottery unless the type of game has been approved by a majority of the members of the Legislature.

(4) Nothing in this section shall be construed to prohibit (a) the enactment of laws providing for the licensing and regulation of wagering on the results of horseraces, wherever run, either within or outside of the state, by the parimutuel method, when such wagering is conducted by licensees within a licensed racetrack enclosure or at a satellite wagering facility if approved by the appropriate county, city, or village or (b) the enactment of laws providing for the licensing and regulation of bingo games conducted by nonprofit associations which have been in existence for a period of five years immediately preceding the application for license, except that bingo games cannot be conducted by agents or lessees of such associations on a percentage basis.

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 allow for parimutuel wagering on horseraces at a satellite wagering facility if approved by the appropriate county, city, or village.

For

Against.

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 278CA. Introduced by Nordquist, 7; Council, 11.

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

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

To amend Article IV, section 25, and add a new section 9 to Article IV:

IV-9 Beginning with the term of office commencing after the adoption of this section as part of this Constitution, there shall be paid as salaries to certain constitutional officers as follows:

Governor, the sum of eighty-five thousand dollars per year;

Lieutenant Governor, the sum of sixty thousand dollars per year;

Secretary of State, the sum of sixty-five thousand dollars per year;

Auditor of Public Accounts, the sum of sixty thousand dollars per year;

State Treasurer, the sum of sixty thousand dollars per year; and Attorney General, the sum of seventy-five thousand dollars per year. Such salaries shall be payable in equal monthly installments.

IV-25 The Except as otherwise provided in Article IV, section 9, of this Constitution, the officers provided for in this article shall receive such salaries as may be provided by law. Such officers, or such other officers as may be provided for by law, shall not receive for their own use any fees, costs, or interest upon public money in their hands. All fees that ~~may hereafter be~~ are payable by law for services performed, or received by an officer provided for in this article, by virtue of his or her office, shall be paid forthwith into the state treasury.

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 set salaries in the Constitution for the Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, Attorney General, and State Treasurer.

For

Against.

Referred to the Reference Committee.

AMENDMENTS - Print in Journal

Senator Adams filed the following amendment to LB235:
AM1541

(Amendments to Standing Committee amendments, AM681)

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Leases involving the production of solar or
- 4 wind energy on school lands shall be governed by sections 1 to 4 of
- 5 this act.
- 6 Sec. 2. For purposes of sections 1 to 4 of this act:
- 7 (1) Board means the Board of Educational Lands and Funds;
- 8 (2) Lease means any lease, easement, covenant, or other
- 9 such contractual arrangement authorized by the board pursuant to
- 10 sections 1 to 4 of this act; and
- 11 (3) Lessee means any individual, corporation, or other
- 12 entity that enters into a lease with the board pursuant to sections
- 13 1 to 4 of this act.
- 14 Sec. 3. The board may authorize leases for the production
- 15 of solar or wind energy on school lands for such durations
- 16 and under such terms and conditions as the board shall deem
- 17 appropriate, except that the initial term for any such wind energy
- 18 lease shall not exceed forty years. In making such determinations,
- 19 the board shall consider comparable arrangements involving other
- 20 lands similarly situated and any other relevant factors bearing
- 21 upon such leases. Any such lease authorized by the board shall be

22 created in writing and shall be filed, duly recorded, and indexed
 1 in the office of the register of deeds of the county in which the
 2 real property subject to the lease is located. Such leases shall
 3 include, as applicable, the contents specified in sections 66-911
 4 and 66-911.01.

5 Sec. 4. The board may adopt and promulgate such rules
 6 and regulations as it shall deem necessary to regulate the leases
 7 authorized in sections 1 to 4 of this act and to prescribe such
 8 terms and conditions of such leases as it shall deem necessary
 9 to protect the interests of the state. Failure of the lessee to
 10 utilize the land for the purpose for which the land was leased
 11 shall be cause for cancellation of the lease.

12 Sec. 5. Section 72-204, Reissue Revised Statutes of
 13 Nebraska, is amended to read:

14 72-204 The Board of Educational Lands and Funds shall
 15 cause school land to be classified for rental purposes (1) at least
 16 once each five years, (2) each time that the land is leased or that
 17 an assignment of a lease is made, and (3) when the board deems it
 18 to be in the best interest of the state. The leasing of the land
 19 shall be ~~regulated-governed~~ by sections 72-232 to 72-239, except
 20 that leases involving the production of solar or wind energy on
 21 school lands shall be governed by sections 1 to 4 of this act.

22 When a lease is offered for sale, the new rental shall be made
 23 public. When the board has ordered the reclassification of any of
 24 the school lands in any county, it shall prescribe the method and
 25 promulgate rules governing the classification of educational lands.
 26 It shall have a classification of all the educational lands in the
 27 county prepared by a competent person, who shall make a detailed
 1 field examination of each forty-acre tract of educational lands
 2 for the purpose of obtaining information as to the type and rating
 3 of the soil, its adaptability, the topographical character of the
 4 land, and the location and number of acres of each type. His or her
 5 report of such field examination shall be prepared in the form of
 6 a detailed map with complete explanations and shall be filed with
 7 the board. The board may employ private appraisal firms to aid it
 8 in determining the value of educational lands.

9 Sec. 6. Original section 72-204, Reissue Revised Statutes
 10 of Nebraska, is repealed.

Senator Carlson filed the following amendment to LB254:
 AM1536

1 1. On page 3, strike beginning with "If" in line 17
 2 through the period in line 24 and insert "The application shall be
 3 accompanied by an annual license fee of one hundred dollars.".

4 2. On page 4, strike beginning with "dollars" in line 2
 5 through the period in line 8 and insert "fifty dollars. All fees
 6 collected pursuant to this section shall be remitted to the State
 7 Treasurer for credit to the Pesticide Administrative Cash Fund.".

8 3. On page 21, line 9, strike "2009" and insert "2010".

Senator Avery filed the following amendment to LB550:
AM1539

- 1 1. Insert the following new section:
- 2 Sec. 3. Section 55-121, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 55-121 The Adjutant General shall be appointed by the
- 5 Governor from the active or retired commissioned officers of the
- 6 National Guard of this state. Such Adjutant General shall be or
- 7 have been a commissioned officer who has actively served in the
- 8 National Guard of this state for at least five years, shall have
- 9 attained at least the grade of lieutenant colonel, and shall be
- 10 able to become eligible for promotion to general officer. If a
- 11 retired officer is appointed, he or she shall not have been retired
- 12 for more than two years at the time he or she is considered
- 13 for appointment. He or she shall hold his or her office as
- 14 provided in section 55-136. He or she shall receive for his or her
- 15 services such salary as the Governor shall direct, payable ~~monthly,~~
- 16 biweekly, except that such salary shall not exceed the annual pay
- 17 and allowances of regular military officers of equal rank. If funds
- 18 made available by the federal government are in excess of the
- 19 amount payable as directed by the Governor, the excess shall be
- 20 used to reduce the amount required to be paid by the state. Due
- 21 to the interrelated nature of the Adjutant General's state and
- 22 federal duties, the Adjutant General shall not be required to take
- 23 paid or unpaid leave or leaves of absence to perform his or her
- 1 federal duties, whether or not under federal orders. The Adjutant
- 2 General shall continue to receive his or her salary during all
- 3 such periods. The Adjutant General shall only be required to take
- 4 leave or leaves of absence during those times when he or she is
- 5 absent and performing neither his or her state nor federal duties
- 6 as Adjutant General. This section shall not apply if the Adjutant
- 7 General is called to active duty of the United States under 10
- 8 U.S.C.
- 9 2. On page 5, line 2, strike "monthly.", show as
- 10 stricken, and insert "biweekly".
- 11 3. On page 6, line 7, after "55-120," insert "55-121,".
- 12 4. Renumber the remaining sections and correct internal
- 13 references accordingly.

Senator Rogert filed the following amendment to LB261:
AM1544

(Amendments to Standing Committee amendments, AM182)

- 1 1. On page 1, line 18, strike "(3)" and insert "(3)(a)".
- 2 2. On page 2, after line 16 insert the following new
- 3 subdivision:
- 4 "(b) Information scanned, compiled, stored, or preserved
- 5 pursuant to subdivision (a) of this subsection may be retained only
- 6 as long as required by state or federal law.".

7 3. On page 3, after line 3 insert the following new
 8 subsection:
 9 "(5) Except as provided in subsection (4) of this
 10 section, information scanned, compiled, stored, or preserved
 11 pursuant to this section may not be traded or sold to a third
 12 party, used for any marketing or sales purpose, or, unless pursuant
 13 to a court order, reported or shared with any third party. A
 14 person who violates this subsection shall be guilty of a Class IV
 15 felony.".

Senator Cook filed the following amendment to LB341:

AM1542

1 1. Strike the original sections and all amendments
 2 thereto and insert the following new sections:
 3 Section 1. Section 38-2315, Reissue Revised Statutes of
 4 Nebraska, is amended to read:
 5 38-2315 (1) A nurse practitioner may provide health
 6 care services within specialty areas. A nurse practitioner shall
 7 function by establishing collaborative, consultative, and referral
 8 networks as appropriate with other health care professionals.
 9 Patients who require care beyond the scope of practice of a
 10 nurse practitioner shall be referred to an appropriate health care
 11 provider.
 12 (2) Nurse practitioner practice means health promotion,
 13 health supervision, illness prevention and diagnosis, treatment,
 14 and management of common health problems and chronic conditions,
 15 including:
 16 (a) Assessing patients, ordering diagnostic tests and
 17 therapeutic treatments, synthesizing and analyzing data, and
 18 applying advanced nursing principles;
 19 (b) Dispensing, incident to practice only, sample
 20 medications which are provided by the manufacturer and are
 21 provided at no charge to the patient and drugs for the treatment
 22 and prevention of tuberculosis which are provided through the
 23 department and are dispensed at no charge to the patient; and
 1 (c) Prescribing therapeutic measures and medications
 2 relating to health conditions within the scope of practice. Any
 3 limitation on the prescribing authority of the nurse practitioner
 4 for controlled substances listed in Schedule II of section 28-405
 5 shall be recorded in the integrated practice agreement established
 6 pursuant to section 38-2310.
 7 (3) A nurse practitioner who has proof of a current
 8 certification from an approved certification program in a
 9 psychiatric or mental health specialty may manage the care of
 10 patients committed under the Nebraska Mental Health Commitment
 11 Act. Patients who require care beyond the scope of practice of a
 12 nurse practitioner who has proof of a current certification from an
 13 approved certification program in a psychiatric or mental health
 14 specialty shall be referred to an appropriate health care provider.

15 Sec. 2. Section 38-2850, Revised Statutes Supplement,
16 2009, is amended to read:

17 38-2850 As authorized by the Uniform Credentialing Act,
18 the practice of pharmacy may be engaged in by a pharmacist, a
19 pharmacist intern, or a practitioner with a pharmacy license. The
20 practice of pharmacy shall not be construed to include:

21 (1) Persons who sell, offer, or expose for sale
22 completely denatured alcohol or concentrated lye, insecticides, and
23 fungicides in original packages;

24 (2) Practitioners, other than veterinarians, certified
25 nurse midwives, certified registered nurse anesthetists, and nurse
26 practitioners, who dispense drugs or devices as an incident to
27 the practice of their profession, except that if such practitioner
1 regularly engages in dispensing such drugs or devices to his or
2 her patients for which such patients are charged, such practitioner
3 shall obtain a pharmacy license;

4 (3) Persons who sell, offer, or expose for sale
5 nonprescription drugs or proprietary medicines, the sale of which
6 is not in itself a violation of the Nebraska Liquor Control Act;

7 (4) Medical representatives, detail persons, or persons
8 known by some name of like import, but only to the extent of
9 permitting the relating of pharmaceutical information to health
10 care professionals;

11 (5) Licensed veterinarians practicing within the scope of
12 their profession;

13 (6) Certified nurse midwives, certified registered
14 nurse anesthetists, and nurse practitioners who dispense sample
15 medications which are provided by the manufacturer and are
16 dispensed at no charge to the patient;

17 (7) Nurse practitioners who dispense drugs for the
18 treatment and prevention of tuberculosis which are provided through
19 the department and are dispensed at no charge to the patient with
20 proper labeling and patient counseling;

21 ~~(7)-(8)~~ Hospitals engaged in the compounding and
22 dispensing of drugs and devices pursuant to chart orders for
23 persons registered as patients and within the confines of the
24 hospital, except that if a hospital engages in such compounding and
25 dispensing for persons not registered as patients and within the
26 confines of the hospital, such hospital shall obtain a pharmacy
27 license or delegated dispensing permit;

1 ~~(8)-(9)~~ Optometrists who prescribe or dispense eyeglasses
2 or contact lenses to their own patients;

3 ~~(9)-(10)~~ Registered nurses employed by a hospital who
4 administer pursuant to a chart order, or procure for such
5 purpose, single doses of drugs or devices from original drug
6 or device containers or properly labeled prepackaged drug or
7 device containers to persons registered as patients and within the
8 confines of the hospital;

9 ~~(10)~~(11) Persons employed by a facility where dispensed
 10 drugs and devices are delivered from a pharmacy for pickup by
 11 a patient or caregiver and no dispensing or storage of drugs or
 12 devices occurs;

13 ~~(11)~~(12) Persons who sell or purchase medical products,
 14 compounds, vaccines, or serums used in the prevention or cure of
 15 animal diseases and maintenance of animal health if such medical
 16 products, compounds, vaccines, or serums are not sold or purchased
 17 under a direct, specific, written medical order of a licensed
 18 veterinarian; and

19 ~~(12)~~(13) A pharmacy or a person accredited by an
 20 accrediting body which or who, pursuant to a medical order, (a)
 21 administers, dispenses, or distributes medical gas or medical gas
 22 devices to patients or ultimate users or (b) purchases or receives
 23 medical gas or medical gas devices for administration, dispensing,
 24 or distribution to patients or ultimate users.

25 Sec. 3. Section 38-2867, Revised Statutes Supplement,
 26 2009, is amended to read:

27 38-2867 (1) Except as provided for pharmacy technicians
 1 in sections 38-2890 to 38-2897, for persons described in
 2 subdivision ~~(12)~~(13) of section 38-2850, and for individuals
 3 authorized to dispense under a delegated dispensing permit, no
 4 person other than a licensed pharmacist, a pharmacist intern, or a
 5 practitioner with a pharmacy license shall provide pharmaceutical
 6 care, compound and dispense drugs or devices, or dispense pursuant
 7 to a medical order. Notwithstanding any other provision of law
 8 to the contrary, a pharmacist or pharmacist intern may dispense
 9 drugs or devices pursuant to a medical order of a practitioner
 10 authorized to prescribe in another state if such practitioner could
 11 be authorized to prescribe such drugs or devices in this state.

12 (2) Except as provided for pharmacy technicians in
 13 sections 38-2890 to 38-2897, for persons described in subdivision
 14 ~~(12)~~(13) of section 38-2850, and for individuals authorized to
 15 dispense under a delegated dispensing permit, it shall be unlawful
 16 for any person to permit or direct a person who is not a pharmacist
 17 intern, a licensed pharmacist, or a practitioner with a pharmacy
 18 license to provide pharmaceutical care, compound and dispense drugs
 19 or devices, or dispense pursuant to a medical order.

20 (3) It shall be unlawful for any person to coerce
 21 or attempt to coerce a pharmacist to enter into a delegated
 22 dispensing agreement or to supervise any pharmacy technician for
 23 any purpose or in any manner contrary to the professional judgment
 24 of the pharmacist. Violation of this subsection by a health care
 25 professional regulated pursuant to the Uniform Credentialing Act
 26 shall be considered an act of unprofessional conduct. A violation
 27 of this subsection by a facility shall be prima facie evidence
 1 in an action against the license of the facility pursuant to the
 2 Health Care Facility Licensure Act. Any pharmacist subjected to
 3 coercion or attempted coercion pursuant to this subsection has a

4 cause of action against the person and may recover his or her
5 damages and reasonable attorney's fees.

6 (4) Violation of this section by an unlicensed person
7 shall be a Class III misdemeanor.

8 Sec. 4. Section 38-2869, Revised Statutes Supplement,
9 2009, is amended to read:

10 38-2869 (1)(a) Prior to the dispensing or the delivery
11 of a drug or device pursuant to a medical order to a patient
12 or caregiver, a pharmacist shall in all care settings conduct
13 a prospective drug utilization review. Such prospective drug
14 utilization review shall involve monitoring the patient-specific
15 medical history described in subdivision (b) of this subsection and
16 available to the pharmacist at the practice site for:

- 17 (i) Therapeutic duplication;
- 18 (ii) Drug-disease contraindications;
- 19 (iii) Drug-drug interactions;
- 20 (iv) Incorrect drug dosage or duration of drug treatment;
- 21 (v) Drug-allergy interactions; and
- 22 (vi) Clinical abuse or misuse.

23 (b) A pharmacist conducting a prospective drug
24 utilization review shall ensure that a reasonable effort is made
25 to obtain from the patient, his or her caregiver, or his or her
26 practitioner and to record and maintain records of the following
27 information to facilitate such review:

- 1 (i) The name, address, telephone number, date of birth,
2 and gender of the patient;
 - 3 (ii) The patient's history of significant disease, known
4 allergies, and drug reactions and a comprehensive list of relevant
5 drugs and devices used by the patient; and
 - 6 (iii) Any comments of the pharmacist relevant to the
7 patient's drug therapy.
- 8 (c) The assessment of data on drug use in any prospective
9 drug utilization review shall be based on predetermined standards,
10 approved by the board.

11 (2)(a) Prior to the dispensing or delivery of a drug or
12 device pursuant to a prescription, the pharmacist shall ensure that
13 a verbal offer to counsel the patient or caregiver is made. The
14 counseling of the patient or caregiver by the pharmacist shall be
15 on elements which, in the exercise of the pharmacist's professional
16 judgment, the pharmacist deems significant for the patient. Such
17 elements may include, but need not be limited to, the following:

- 18 (i) The name and description of the prescribed drug or
19 device;
- 20 (ii) The route of administration, dosage form, dose, and
21 duration of therapy;
- 22 (iii) Special directions and precautions for preparation,
23 administration, and use by the patient or caregiver;
- 24 (iv) Common side effects, adverse effects or
25 interactions, and therapeutic contraindications that may be

26 encountered, including avoidance, and the action required if such
27 effects, interactions, or contraindications occur;

1 (v) Techniques for self-monitoring drug therapy;

2 (vi) Proper storage;

3 (vii) Prescription refill information; and

4 (viii) Action to be taken in the event of a missed dose.

5 (b) The patient counseling provided for in this

6 subsection shall be provided in person whenever practical or by the
7 utilization of telephone service which is available at no cost to
8 the patient or caregiver.

9 (c) Patient counseling shall be appropriate to the
10 individual patient and shall be provided to the patient or
11 caregiver.

12 (d) Written information may be provided to the patient or
13 caregiver to supplement the patient counseling provided for in this
14 subsection but shall not be used as a substitute for such patient
15 counseling.

16 (e) This subsection shall not be construed to require a
17 pharmacist to provide patient counseling when:

18 (i) The patient or caregiver refuses patient counseling;

19 (ii) The pharmacist, in his or her professional judgment,
20 determines that patient counseling may be detrimental to the
21 patient's care or to the relationship between the patient and his
22 or her practitioner;

23 (iii) The patient is a patient or resident of a health
24 care facility or health care service licensed under the Health Care
25 Facility Licensure Act to whom prescription drugs or devices are
26 administered by a licensed or certified staff member or consultant
27 or a certified physician's assistant;

1 (iv) The practitioner authorized to prescribe drugs or
2 devices specifies that there shall be no patient counseling unless
3 he or she is contacted prior to such patient counseling. The
4 prescribing practitioner shall specify such prohibition in an oral
5 prescription or in writing on the face of a written prescription,
6 including any prescription which is received by facsimile or
7 electronic transmission. The pharmacist shall note "Contact Before
8 Counseling" on the face of the prescription if such is communicated
9 orally by the prescribing practitioner; or

10 (v) A medical gas or a medical gas device is
11 administered, dispensed, or distributed by a person described in
12 subdivision ~~(12)~~(13) of section 38-2850.

13 Sec. 5. Original section 38-2315, Reissue Revised
14 Statutes of Nebraska, and sections 38-2850, 38-2867, and 38-2869,
15 Revised Statutes Supplement, 2009, are repealed.

UNANIMOUS CONSENT - Add Cointroducers

Senator Howard asked unanimous consent to add her name as cointroducer to LB710. No objections. So ordered.

Senator Coash asked unanimous consent to add his name as coinroducer to LB725. No objections. So ordered.

Senators Carlson, Hansen, McCoy, and Schilz asked unanimous consent to add their names as coinroducers to LB729. No objections. So ordered.

Senator Council asked unanimous consent to add her name as coinroducer to LB763. No objections. So ordered.

Senator Janssen asked unanimous consent to add his name as coinroducer to LB777. No objections. So ordered.

Senator McCoy asked unanimous consent to add his name as coinroducer to LB778. No objections. So ordered.

Senator Loudon asked unanimous consent to add his name as coinroducer to LB796. No objections. So ordered.

PROPOSED RULES CHANGE

The Rules Committee offered the following proposed rules change:

Proposed Rules Change 1

Rule 4 - Resolutions

Section 1. Identification. A resolution shall be designated as Legislative Resolution _____. All resolutions shall be numbered consecutively for each Legislature. All resolutions shall be introduced and read by the Clerk upon introduction and shall be printed in the Legislative Journal. ~~Individual members shall be limited to eight resolutions per session.~~ Individual members shall be limited to eight resolutions per session which result in the referring, scheduling, and conducting of a public hearing by a legislative committee. This limitation shall not apply to resolutions proposing an amendment to the Nebraska Constitution, ~~or to~~ resolutions proposing interim studies, or which are honorary in nature.

73-74 Attorney General Opinion No. 13--Resolutions must be printed and read before a vote is taken.

PROPOSED RULES CHANGES

The Rules Committee indefinitely postponed the following proposed rules changes:

Proposed Rules Change 2

Rule 3

Sec. 12. Electronic Submission of Documents. (a) Copies of any

additional testimony and/or exhibits being presented must be done electronically to the committee clerk for access by members choosing to use electronic media. (b) These document submissions may occur via electronic mail, disk, or portable drive and shall be placed in an electronic file by the committee clerk. (c) Senators choosing to access these documents electronically shall be permitted to use a laptop computer in committee for such access.

Renumber the remaining sections.

Proposed Rules Change 3

Rule 3

Sec. 13. Consideration and Correlation of Bills and Resolutions. (a) Committees shall consider and report without unnecessary delay all bills and resolutions referred to them. Committees shall be authorized to combine and to correlate the provisions of different bills and resolutions referred to them and related to the subject-matter jurisdiction of the committee. Committees may, before taking final action on any bill or resolution, adopt amendments thereto, for the consideration of the Legislature.

(b) The chairperson of each committee shall set for hearing all bills and resolutions referred to the committee, except as provided for in Rule 1, Section 17.

(c) During public testimony lights (colored red, yellow, and green) shall be used to indicate when a testifier has reached the limit of their allotted time for testimony. The length of time shall be uniform for each testifier, and set at the discretion of the committee chairperson, and shall not include time used by committee members to question the testifier. Any committee wishing to forgo the use of testimony lights may do so through a majority vote of the committee.

Proposed Rules Change 4

Rule 3

Sec. 6. Redistricting Committee. (a) The Redistricting Committee of the Legislature shall be established as a special committee of the Legislature in January of each year ending in one. The committee is authorized to introduce and exercise jurisdiction over legislative bills and resolutions relating to redistricting and hold hearings regarding such legislation.

(b) The committee shall be comprised of nine members of the Legislature, three from each congressional district existing on January 1 of each year ending in zero. The Executive Board shall appoint the members of the committee in January of each year ending in one. ~~No more than five members appointed to the committee shall be affiliated with the same political party.~~ No more than two members appointed from each congressional district shall be affiliated with the same political party. A

vacancy on the committee shall be filled by the Executive Board as soon as possible after the vacancy occurs.

(c) At the first meeting of the committee, the members shall select from among themselves by majority vote one member to serve as chairperson of the committee and one member to serve as vice chairperson of the committee. The chair and vice chair shall not be a member of the same political party.

(d) The committee shall continue in existence until all bills containing redistricting plans for which the Legislature has responsibility are passed and signed by the Governor. In the event of a successful legal challenge to any part of a redistricting plan, the committee shall be reconstituted for purposes of reformulating the challenged redistricting plan.

(e) The committee shall receive staff support from the office of the director of Legislative Research.

(f) The committee shall, after reviewing previous redistricting guidelines used by the Legislature, adopt substantive and procedural guidelines that will guide the Legislature's redistricting process. During the legislative session of each year ending in one, the substantive guidelines adopted by the committee shall be presented to the Legislature for approval.

(g) The committee shall at the earliest feasible time make available to the public the substantive guidelines prepared by the committee.

(h) The committee shall introduce legislative bills pertaining to redistricting congressional districts and other districts during the legislative session of each year ending in one.

(i) Based upon the information received from the United States Department of Commerce, Bureau of the Census, the committee shall formulate redistricting plans for congressional districts and other districts. The statistics and redistricting plans shall be made available to the Legislature and the public.

(j) After the statistics and redistricting plans are made available to the Legislature and the public, the committee shall schedule and conduct, as expeditiously as reasonably possible, at least one public hearing in each congressional district for the purposes of soliciting input on the proposed redistricting plans. Video and other methods may be used in addition to the procedures outlined for public hearings but not in substitution for such procedures.

(k) In addition to the above procedures, legislation introduced for the purpose of complying with the decennial redistricting process in years ending in one, shall follow the normal procedures for any legislation introduced in the Nebraska Legislature.

Proposed Rules Change 5

Rule 8

Section 1. Purpose. The purpose of this rule is to provide a procedure for the Legislature to develop appropriations for all state agencies, boards, and commissions. Such procedure shall consider the need to (1) continue the services and financial assistance provided by state agencies and programs, (2) restrict the growth in state appropriations, and (3) provide for the

efficient and effective use of state revenue by utilizing standing committee subject-matter expertise in the review of agency, board, and commission budget requests.

Sec. 2. Appropriations Committee Report. The Legislature's Appropriations Committee, by majority vote of its members, shall annually prepare a report summarizing the preliminary total General Fund appropriation recommendations for each year of the following biennium. Such report shall include information based upon the committee's initial review of (1) state agency, board, and commission budget requests, (2) the Governor's budget, (3) the estimated revenue receipts for each year of the following biennium, (4) General Fund reserve requirements, (5) express obligations, (6) legislation that would be required to enable recommended appropriations, and (7) economic conditions affecting the State of Nebraska.

Sec. 3. Report, When Required. The report required in Section 2 of this rule shall be printed in the Legislative Journal and presented to each member of the Legislature by the Chairperson of the Appropriations Committee between twenty and thirty legislative days after the Governor presents his or her budget during sessions in odd-numbered years and between fifteen and twenty legislative days after the Governor's budget presentation during session in even-numbered years.

Sec. 4. Standing Committee Appropriations Review. (a) Each standing committee may hold a budget request review hearing on the agency, board, and commission budgets reasonably encompassed in its subject-matter jurisdiction. Any such review hearing shall not be held until the Appropriations Committee has held its public hearing on that agency, board, or commission. The chairperson of the standing committee shall coordinate the scheduling of such hearings with the Chairperson of the Appropriations Committee. The standing committee shall obtain a determination from the Executive Board that the budget to be reviewed is within its subject-matter jurisdiction. The standing committee may recommend to the Legislature amendments to proposed appropriations.

(b) Standing committee amendments, if any, must be filed by the sixth legislative day following the placement of appropriations bills on General File. Standing committee amendments shall be printed in the Journal and shall be considered by the Legislature no sooner than the eighth legislative day following the placement of the appropriations bills on General File. Standing committee amendments shall be considered by the Legislature after Appropriations Committee amendments but before all other amendments. Standing committee amendments shall be considered in the order of filing.

(c) The Appropriations Committee shall make available to the appropriate standing committee all currently available information at its disposal.

Sec. 5. Bills, Held on Final Reading. The report of the Appropriations Committee shall include a recommended dollar amount of the General Fund biennium appropriation which shall be allocated for the funding of "A" bills, bills that result in the net reduction of revenue to the General Fund, tax expenditure bills, and amendments to the appropriations bills as reported to General File by the Appropriations Committee. During a 90 day session, all "A" bills which, when considered with their companion bill, appropriate general funds resulting in a net loss; all bills resulting in the reduction of revenue to the General Fund; and all tax expenditure bills shall not be read on Final Reading until the appropriations bills are passed by the Legislature. Provided the Appropriations Committee shall place appropriations bills on General File no later than the 70th legislative day in a 90 day session and the 40th legislative day in a 60 day session. If this deadline is not met, the Legislature shall consider the appropriations bills as introduced by the Governor. During a 60 day session, all "A" bills which, when considered with their companion bill, appropriate general funds resulting in a net loss; all bills resulting in the reduction of revenue to the General Fund; all tax expenditure bills; and all appropriations bills shall not be read on Final Reading prior to the 45th legislative day. The appropriations bills shall be passed no later than the 80th legislative day in a 90 day session and the 50th legislative day in a 60 day session. The appropriations provided for in an "A" bill shall be for not less than two fiscal years.

Sec. 6. Bill, Setting Tax Rates. The Legislature's tax rate bill shall be passed no later than the 85th legislative day in a 90 day session and the 55th legislative day in a 60 day session.

Sec. . Bill Authorizing or Directing Transfers of Certain Cash Funds.
No bill may be reported by the Appropriations Committee that authorizes the transfer to the General Fund or to a different cash fund all or a portion of the balance of a cash fund that is a repository of revenues derived from licensure and inspection fees, excise taxes or other similar assessment that, absent authorization for transfer to the General Fund or elsewhere, are authorized to be collected and expended only for a dedicated purpose or purposes described by the authorizing statutes imposing the fee, excise tax or similar assessment. A motion to suspend this rule shall be made by the Chairman of the Appropriations Committee and such motion shall be approved by the Legislature prior to the reading of the bill on General File.

Sec. 7. Financial Status Report. Beginning with the legislative day following the reporting of the appropriations bills to General File, there shall be attached to the daily agenda of the Legislature a General Fund Financial Status, prepared by the Legislative Fiscal Analyst under the supervision of the Chair of the Appropriations Committee. The Financial Status shall include current estimates of beginning funds available, plus estimated revenue, less the Appropriations Committee recommended budget and express obligations for the biennial period under consideration, to arrive at the calculated variance from the minimum reserve for the General Fund as specified by law. The Financial Status shall also include a listing of other

legislation on Select File and Final Reading, and Speaker's Major Proposals on General File that would deduct from or add to General Funds available above the minimum reserve requirement, should the bills pass.

In addition to data for the budget period under consideration, the Financial Status shall include data for the ensuing two years following the biennial budget period. Such data shall consist of projections of available balances, annual net receipts, and annual expenditures, based on the assessment of the Legislative Fiscal Analyst of the provisions of current law as it may relate to projected revenues and expenditures. Prior to attaching the first Financial Status to the agenda, the data and the assumptions for the ensuing years beyond the budget biennium and methods for arriving at estimates shall be reviewed by the Chair and the Vice Chair of the Appropriations and Revenue committees and shall be approved by a majority of the membership of each such committee. Upon mutual agreement by the Chairs of the Appropriations Committee and Revenue Committee, the projections may be reconsidered pursuant to the provisions of this section.

VISITORS

Visitors to the Chamber were Senator Haar's granddaughter, Jenny Haar, from Lincoln; and Senator Fischer's son, Adam Fischer, and Tisha, Caitlin, and Emilee Jacquot from Valentine.

ADJOURNMENT

At 10:55 a.m., on a motion by Senator Fulton, the Legislature adjourned until 10:00 a.m., Monday, January 11, 2010.

Patrick J. O'Donnell
Clerk of the Legislature

FOURTH DAY - JANUARY 11, 2010

LEGISLATIVE JOURNAL

**ONE HUNDRED FIRST LEGISLATURE
SECOND SESSION**

FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, January 11, 2010

PRAYER

The prayer was offered by Senator Coash.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Speaker Flood presiding.

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

CORRECTIONS FOR THE JOURNAL

The Journal for the third day was approved.

REFERENCE COMMITTEE REPORT

The Executive Board submits the following report:

LB/LR	Committee
LB716	Government, Military and Veterans Affairs (rereferred)
LB734	Health and Human Services (rereferred)
LB765	Judiciary
LB766	Health and Human Services
LB767	Government, Military and Veterans Affairs
LB768	Government, Military and Veterans Affairs
LB769	Judiciary
LB770	Executive Board
LB771	Judiciary
LB772	Transportation and Telecommunications
LB773	Transportation and Telecommunications
LB774	Revenue
LB775	Revenue
LB776	Appropriations
LB777	Government, Military and Veterans Affairs
LB778	Health and Human Services

LB779 Revenue
 LB780 Business and Labor
 LB781 Urban Affairs
 LB782 Transportation and Telecommunications
 LB783 General Affairs
 LB784 Judiciary
 LB785 Natural Resources
 LB786 General Affairs
 LB787 Transportation and Telecommunications
 LB788 General Affairs
 LB789 Revenue
 LB790 Health and Human Services
 LB791 Government, Military and Veterans Affairs
 LB792 Judiciary
 LB793 Appropriations
 LR276CA Revenue

(Signed) John Wightman, Chairperson
Executive Board

MOTION - Print in Journal

Senator Council filed the following motion to LB307:
 MO70
 Recommit to Judiciary Committee.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of January 8, 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

Abboud, Chris
 Agri-Business Association, Nebraska
 Brain Injury Association of America
 Manheim's Omaha Auto Auction
 Monsanto
 Omaha Police Union, Local 101
 Adair, Peggy
 CASA for Douglas County
 League of Women Voters of Nebraska
 Adams, Donald D., Jr.
 Nebraskans First, Inc.
 Adams, John H.
 International Gamco, Inc.

Alberts, Dan
 Third Planet Windpower
 Amack, Angela K.
 Columbus Public Schools
 Electrical Workers, International Brotherhood of
 Fire Fighters Association, Nebraska Professional
 Grand Island Public Schools
 American Communications Group, Inc.
 American Cancer Society
 American Heart Association
 American Wind Energy Association
 Amputee Coalition of Nebraska
 Behavioral Health Organizations, Nebraska Association of
 Center for Rural Affairs
 Child Healthcare Alliance, Nebraska
 Dental Assistants of Nebraska
 EHPV (Big Red) Lottery Services, LLC d/b/a Big Red Keno
 Emergency Medical Service Association, Nebraska
 Empyrean Brewing Company
 Engineers and Architects, Nebraska Board of
 Goodwill Industries, Nebraska
 Iowa/Nebraska Primary Care Association
 Nebraska Film Association
 Physical Therapy Association, Nebraska Chapter of American
 Physician Assistants, Nebraska Academy of
 Psychological Association, Nebraska
 Public Employees, AFSCME Local 61, Nebraska Association of
 Public Health, Friends of in Nebraska
 Research Nebraska!
 Respiratory Care, Nebraska Society for
 Speech, Language, & Hearing Association, Nebraska
 Surgical Technologists, Association of
 Teamsters Local Union 554
 YMCA of Nebraska
 Andersen, Robert C.
 Cooperative Council, Nebraska
 Anderson, Kristen
 Realtors Association, Nebraska
 Anderson, Robert L.
 Agri-Business Association, Nebraska
 Anderson Management Services, Inc.
 Anderson, Tim W.
 Central Nebraska Public Power & Irrigation District
 Austin, Jordan
 National Rifle Association Institute for Legislative Action
 Baack, Dennis G.
 Community College Association, Nebraska
 Babcock, Marsha L.
 Mechanical Contractors Assn. of Omaha

- Barrett, John
Cox Communications
- Bateman, Joseph R.
Union Pacific Railroad
- Beattie, George
Bankers Association, Nebraska
- Beermann, Allen J.
Press Association, Nebraska
- Belcher, Barbara N.
Merck Sharp & Dohme Corp. and its Affiliates
- Bell, David
Loup River Public Power District
- Benjamin, Melody
Cattlemen, Inc., Nebraska
- Benson, Sandra E.
AARP
- Blomstedt, Matthew L.
Educational Service Unit Coordinating Council
- Boehm, John M.
Mortgage Association, Nebraska
- Boesch, Elizabeth L.
Nebraska Public Power District
- Bohrer, Bruce J.
Lincoln Chamber of Commerce
- Bonaiuto, John A.
School Boards, Nebraska Association of
- Bowling, Karen
Family Council, Nebraska
- Boyer, Steve
Third Planet Windpower
- Brady, Justin J.
Radcliffe, Walter H. of Radcliffe & Associates
- Brandt, Horan, Hallstrom and Stilmock
Bankers Association, Nebraska
Bankers Insurance and Services Company, Nebraska (NBISCO)
Firefighters Association, Nebraska State Volunteer
National Federation of Independent Business
Nebraskans For Workers Compensation Equity
NETWORKS, Inc.
Pharmacists Association, Nebraska
- Brashear, Kermit A.
Cox Communications
Learning Community of Douglas and Sarpy County
Sarpy County Board of Commissioners
- Bromm, Curt
AFLAC
Cable Communications Association, Nebraska
KZ Co.
Lexington Public Schools

Verizon Wireless
Bruckner, Traci
Center for Rural Affairs
Bruning, Deonne L.
Century Link (formerly Embarq Corp.)
Cox Communications
Northern Natural Gas
U. S. Cellular
Buntain, David R.
Medical Association, Nebraska
Regions I, II and V Services
Burhan, Charles H.
Liberty Mutual Insurance
Burroughs, Sheila K.
Certified Public Accountants, Nebraska Society of
Campbell, Mary
Lincoln Public Schools
Carstenson, Eric B.
Telecommunications Association, Nebraska
Carter, Jennifer
Applesseed Center for Law in the Public Interest, Nebraska
Cavanaugh Law Firm, PC, LLO
Creighton University
Explore Information Services, LLC
Independent Insurance Agents of Nebraska
Tenet Health System
Cavanaugh, James P.
Cavanaugh Law Firm PC, LLO
Cavanaugh, Patrick B.
Cavanaugh Law Firm PC, LLO
Cheloha, John A. 'Jack'
City of Omaha
Christiansen, Craig R.
Education Association, Nebraska State
Clark, Douglas R.
Metropolitan Utilities District
Clayburn, Neal
Education Association, Nebraska State
Coleman, Steven D.
Papillion - La Vista Public Schools
Courtney, Robert
AARP
Cover, Joni R.
Pharmacists Association, Nebraska
Cox, Christopher
National Rifle Association Institute for Legislative Action
Crawford, Kristin Lawson
Kissel/E&S Associates, LLC
Cunningham, Douglas

Affiliated Foods Midwest
 Cunningham, James R.
 Catholic Conference, Nebraska
 Curtis, Carol A.
 AstraZeneca Pharmaceuticals
 Cutshall & Nowka
 Anheuser-Busch Companies
 Area Agencies on Aging, Nebraska Association of
 Area Health Education Centers
 BryanLGH Health System
 Chief Probation Officers Coalition
 Community Lottery System, Inc.
 County Attorneys Association, Nebraska
 Credit Advisors
 Dietetic Association, Nebraska
 Elkhorn Public Schools
 Family Physicians, Nebraska Academy of
 Funeral Directors Association, Nebraska
 Home & Community Health Agencies, Nebraska Association of
 Meda Pharmaceutical Inc.
 Metropolitan Utilities District
 Nebraska Public Power District
 Nebraska State College Systems, Board of Trustees of the
 NET Foundation for Television
 Peetz & Company
 Pfizer, Inc.
 Police Officers' Association of Nebraska
 Pork Producers Association, Nebraska
 Poultry Industries, Inc., Nebraska
 Radiologic Technologists, Nebraska Society of
 Resources Districts, Nebraska Association of
 Rural Community School Association, Nebraska
 Sheriffs Association, Nebraska
 Society of Human Resources Management's (SHRM) Nebraska State
 Council
 Southern Public Power District
 Trucking Association, Nebraska
 Union Pacific Railroad
 Water Coalition, Nebraska
 Cutshall, Bruce A.
 Cutshall & Nowka
 Dake Abel, Julie
 Public Employees, AFSCME Local 61, Nebraska Association of
 Dibbern, Chris M.
 Nebraska Municipal Power Pool
 Dittmer, Judy
 AARP
 Dix, Larry
 County Officials, Nebraska Association of

Dobler, James B.
Farmers Mutual of Nebraska

Donaldson, R. Eric
Altria Client Services Inc. and its Affiliates (formerly Philip Morris USA Inc.)

Donovan, Steve
Ducks Unlimited, Great Plains

Downey, Robert A.
Capital Humane Society

Dudley, William H.
AFLAC

Dukesherer, James C.
Rural Electric Association, Nebraska

Dulaney, Michael S.
School Administrators, Nebraska Council of

Edson, Dean E.
Resources Districts, Nebraska Association of

Edwards, Jon
County Officials, Nebraska Association of

Egr, James M.
Firefighters Association, Nebraska State Volunteer

Elliott, Joseph W.
Professional Insurance Agents of Nebraska

Eppler, Robert
AARP

Eret, Don
Tractor Testing Laboratory, Supporters of Nebraska

Erickson, Julie S.
American Communications Group, Inc.

Ernst, Dan E.
School Administrators, Nebraska Council of

Esposito, Mikilin M.
City of Lincoln

Evans, Eric A.
Advocacy Services, Inc., Nebraska

Ferrell, Beth Bazyn
County Officials, Nebraska Association of

Fischer-Lempke, Marla J.
ARC of Nebraska

Fraizer, Theodore D. (Tad)
Insurance Association, American
Mutual of Omaha Insurance Company
Updowntowners, Inc.

Freeman, Clayton
Alzheimer's Association, Midlands Chapter

Fritz, Teresa Stitche
Alzheimer's Association of the Great Plains

Gangwish, Duane
Cattlemen, Inc., Nebraska

Genrich, Richard L.
Eagles, Fraternal Order of, NE State Aerie
Veterans & Social Societies, Inc., Nebraska Council of Fraternal

Gilbertson, Korby M.
Radcliffe, Walter H. of Radcliffe & Associates
Wildlife Protectors Association, Inc./Operation Game Thief, Nebraska

Goc, John J.
Metropolitan Utilities District

Gossman, Abigail
MedImmune, Inc.

Gottschalk, Kristen
Rural Electric Association, Nebraska

Gould, John 'Jack'
Common Cause National
Common Cause Nebraska

Guinan, Trish
Education Association, Nebraska State

Hack, Mace A.
Nature Conservancy, The

Hale, Brian R.
School Boards, Nebraska Association of

Hale, Susan
Planned Parenthood of the Heartland

Hallstrom, Robert J.
Brandt, Horan, Hallstrom and Stilmock

Hamilton Consulting
Life Lock, Inc.

Hansen, John K.
Farmers Union, Nebraska

Hartmann, William
One-Call Notification Center, Nebraska Statewide

Harvey, William F.
EHPV (Big Red) Lottery Services, LLC d/b/a Big Red Keno
Vigilnet America Inc.

Hassebrook, Charles, Jr.
Center for Rural Affairs

Haubensak, Richard
Constellation NewEnergy Gas Division (formerly Cornerstone Energy, Inc.)

Hayes, Jason William
Tax Research Council, Inc., Nebraska

Head, Craig J.
Farm Bureau Federation, Nebraska

Hedman, Gary
Southern Public Power District

Hernandez, Jennifer
Children & Families Foundation, Nebraska

Herzog, Frank
AARP

Higgins, Shirley
Nebraska Public Power District

Hinds, Carolyn C
AARP

Hoffman, Jerry
Education Association, Nebraska State

Holmquist, David W.
American Cancer Society

Holmquist, Jay
Rural Electric Association, Nebraska

Hood, Jane Renner
Humanities Council, Nebraska

Horn, Ryan
Wal-Mart Stores, Inc.

Hurst, Lisa
Life Technologies Corporation

Husch Blackwell Sanders, LLP
Chiropractic Physicians Association, Nebraska
Crown Cork and Seal Company, Inc.
Home Instead, Inc.
Papio-Missouri Natural Resources District, Nebraska
Wal-Mart Stores, Inc.
Waste Management

Intermill, Mark
AARP

Jaeschke, Ronda
SourceGas Distribution, LLC

Jeffers, Thomas E.
Cooperative Council, Nebraska

Jensen, Ronald L./Jensen Associates, Inc.
Altria Client Services Inc. and its Affiliates (formerly Philip Morris USA Inc.)
Children's Respite Care Center, Inc.
Dental Hygienists Association, Nebraska
Eli Lilly and Company
Health Management Systems
Homes & Services for the Aging, Nebraska Association of
Johnson, DeMaris/The Johnson Group
Magellan Health Services, Inc.
Mosaic
National Rifle Association Institute for Legislative Action
Nurse Anesthetists, Nebraska Association of
Optometric Association, Nebraska
Podiatric Medical Association, Nebraska
Service Providers, Nebraska Association of

Jensen, S. Michael
Great Plains Communications

Johnson, DeMaris - The Johnson Group
Bromm, Curtis A.

Cable Communications Association, Nebraska
Check Cashers, Nebraska Association of
County Attorneys Association, Nebraska
Industrial Energy Users of Nebraska
Jensen, Ronald/Jensen & Associates
Water Resources Association, Nebraska

Johnson, Dick
Builders and Contractors, Inc., Associated

Johnson, Kimberly
United Parcel Service

Johnson, Larry A.
Trucking Association, Nebraska

Johnson, Mary A.
Ruth Mueller Robak LLC

Jordison, John C.
Great Plains Communications
Renaissance Nebraska Project, Inc.

Kamm, Richard D.
Adams Central Junior-Senior High
Grand Island Northwest Public Schools
Lakeview Community Schools

Karl, Jamie T.
Chamber of Commerce & Industry, Nebraska

Karnes, David
Curbside Rewards LLC
EHPV (Big Red) Lottery Services, LLC d/b/a Big Red Keno
Father Flanagans Boys Home aka Boys Town
Vigilnet America Inc.

Kay, Sara A.
AIA Nebraska

Keigher, Timothy P.
Community College Association, Nebraska
Keigher/Rasmussen & Associates, LLC
Petroleum Marketers & Convenience Store Assn., Nebraska

Keigher/Rasmussen & Associates, LLC
AirBoat Association, Nebraska
Credit Management
Iowa/Nebraska Equipment Dealers Association
Land Improvement Contractors Association, Nebraska
LensCrafters
MillerCoors LLC (formerly Miller Brewing Company)
National Guard Assn. of Nebraska

Kelley and Jerram, P.C.
Beverage Operators of Nebraska, Responsible
Douglas County, Nebraska
Eastern Nebraska Human Services Agency
Elevator Industry Work Preservation
Fraternal Order of Police, Nebraska
Johnson Brothers/Finocchiaro, LLC

Omaha Exposition & Racing, Inc.
Kelley Governmental Relations, LLC
Metro Area Transit
Omaha Airport Authority
Kelley, Michael
Kelley and Jerram, P.C.
Kelley Governmental Relations, LLC
Kelley, Sean
Kelley and Jerram, P.C.
Kelley Governmental Relations, LLC
Kelsey, Michael D.
Cattlemen, Inc., Nebraska
Kennedy, Barry L.
Chamber of Commerce & Industry, Nebraska
Kenny, Timothy R.
Investment Finance Authority, Nebraska
Kevil, G. Bruce
Home Builders Association, Nebraska State
Kidwell, Katie L.
Civic Reform, Nebraskans for
Kilgarin, Karen
Education Association, Nebraska State
Kissel, Gordon
Kissel/E&S Associates, LLC
Kissel/Erickson & Sederstrom Associates, LLC
American Petroleum Institute
Ameristar Casinos, Inc.
Beverage Distributors of Nebraska, Associated
CASA Association, Nebraska
Cooperative Council, Nebraska
County Court Association, Nebraska
Engineers, Nebraska Society of Professional
Erickson & Sederstrom, PC
Golf Course Superintendents Association, Nebraska
Hearing Society, Nebraska
Historical Society, Nebraska State
Kaplan Higher Education in Nebraska c/o MultiState Associates, Inc.
Lancaster County Board of Commissioners
March of Dimes Birth Defects Foundation
Nebraska Municipal Power Pool
Professional Engineers Coalition
Ralston Public School District
Regional Administrators, Nebraska Association of
Sarpy County, United Cities of
Telecare Corporation
TransCanada Pipelines Limited
West Corporation
Kohout, Joseph D.
Kissel/E&S Associates, LLC

Kolterman, Jessica A.
Farm Bureau Federation, Nebraska

Krannawitter, Brian
American Heart Association

Krumland, Gary G.
League of Nebraska Municipalities

Kruse, Dacia D.
Omaha Chamber of Commerce, Greater

Lange, Robert G.
Ameritas Life Insurance Corporation

Levy, David C.
Midwest Wind Energy

Libsack, Fiona
Regional West Health Services

Licht, Alice L.
Agri-Business Association, Nebraska
Anderson Management Services, Inc.
Auctioneers Association, Nebraska
Automotive Recycling Industry of Nebraska
Aviation Trade Association, Nebraska
Hotel & Motel Association, Inc., Nebraska
Pest Control Association, Nebraska State

Licht, Andrew W.
Anderson Management Services, Inc.

Likes, Steven C., Esq.
Investment Finance Authority, Nebraska

Lillis, John J.
Nebraskans United For Life

Lindsay, John
O'Hara, Lindsay & Associates, Inc.

Lineweber, Ray L.
United Transportation Union

Loeffler, Michael T.
Northern Natural Gas

Logsdon, Robert R.
Cox Communications

Lombardi, Richard A.
American Communications Group, Inc.

Lowrey, Lon
Novartis Pharmaceuticals Corporation

Luetkenhaus, Brandon M.
Credit Union League and Affiliates, Nebraska

Mahlman, Dale L.
Medical Association, Nebraska

Mainwaring, Brenda
Union Pacific Railroad

Marsh, Laurel S.
ACLU Nebraska

Mass, Ken E.

- AFL-CIO, Nebraska State
McBride, David S.
Health Underwriters, Nebraska Association of
Insurance and Financial Advisors, National Association of
Optometric Association, Nebraska
- McClure, Jeanne L.
Alegent Health
- McClure, John
Nebraska Public Power District
- McClymont, Pete
Cattlemen, Inc., Nebraska
- McCullough, Jacqueline K.
Engineering Companies/Nebraska, American Council of
- McDonald, Vickie
Center For People In Need
- McGuire, Mark D.
Cameco (formerly Crow Butte) Resources, Inc.
Education Association, Nebraska State
- McHugh, Jim
Regional West Health Services
- McKenzie, Janis M.
Gifted, Nebraska Association For The
Independent Colleges & Universities of Nebraska (AICUN), Association
of
Insurance Federation, Nebraska
- Meek, Randy D.
Brotherhood of Locomotive Engineers, Nebraska State Legislative Board
- Menzel, Elaine
County Officials, Nebraska Association of
- Meradith, Steve
Windstream
- Merritt, Gary James
Auto Dealers Association, Nebraska Independent
- Meurrens, Bradley A.
Advocacy Services, Inc., Nebraska
- Micek, Cora
Hospital Association, Nebraska
- Mikkelsen, Brian
Education Association, Nebraska State
- Miller, Amy
ACLU Nebraska
- Miller, Jeffrey T.
Veterans of Foreign Wars
- Mills, Jack D.
Blue Cross & Blue Shield of Nebraska
Risk Management Association, Nebraska Intergovernmental
- Mines, Mick
Humane Society, Nebraska
Insurance and Financial Advisors, National Association of

- League of Nebraska Municipalities
- Mines & Associates
- Mischo, Craig
 - Bayer Health Care
- Morfeld, Adam
 - Civic Reform, Nebraskans for
- Mortland, Thomas
 - Berkshire Hathaway Homestate Companies
- Moylan, James H.
 - Beverage Association, Nebraska Licensed
 - Reynolds American (formerly RJ Reynolds Tobacco)
- Mueller, William J.
 - Ruth Mueller Robak LLC
- Munguia, Roberto F.
 - Burlington Northern Santa Fe
- Murphy, Jeremy P.
 - Catholic Conference, Nebraska
- Nabb, Douglas
 - Fremont Public Schools
- Napp, Jaimee
 - Identity Theft Action Council of Nebraska (iTAC)
- Nathan, Robbie
 - AARP
- Neville, Brennan S.
 - National Indemnity Company
- Nielsen, Coleen J.
 - Criminal Defense Attorneys Association, Nebraska
 - Insurance Information Service, Nebraska
 - Medco Health Solutions, Inc.
 - Merck Sharp & Dohme Corp. and its Affiliates
 - State Farm Insurance Companies
- Nolan, Michael
 - League of Nebraska Municipalities
- Nowka, Trent P.
 - Cutshall & Nowka
- O'Hara, Lindsay and Associates, Inc.
 - AIA Nebraska
 - Ambulatory Centers, Nebraska Association of Independent
 - Automobile Manufacturers, Alliance of
 - Beverage Association, Nebraska
 - Black Hills Corporation (formerly Aquila)
 - Blue Cross & Blue Shield of Nebraska
 - City of Hastings
 - City of Lincoln
 - County Judges Association, Nebraska
 - First National of Nebraska, Inc.
 - Housing & Redevelopment Officials, Nebraska Chapter of the National Association of
 - Humane Society of the United States, The

Humanities Council, Nebraska
Nebraskans Against the Death Penalty
Nucor Corporation
Nurses Association, Nebraska
Omaha Public Power District
Omaha Public Schools
Professional Employer Organizations, National Association of
SourceGas Distribution, LLC
Trial Attorneys, Nebraska Association of
Valmont Industries, Inc.
Winnebago Tribe of Nebraska
O'Neill, Thomas J., Jr.
Independent Colleges & Universities of Nebraska (AICUN), Association
of
Olsen, Keith R.
Farm Bureau Federation, Nebraska
Orton, Leroy
Irrigation Association, Nebraska State
Waste Water Assn., Nebraska On-Site
Well Drillers Association, Nebraska
Othmer, Mark F.
Iowa/Nebraska Equipment Dealers Association
Otto, James A.
Restaurant Association, Nebraska
Retail Federation, Nebraska
Ozanne, Colleen K.
Center For People In Need
Pack, Mary M.
Radcliffe, Walter H. of Radcliffe & Associates
Paden, Nicholas
Broadband Coalition, Nebraska
Cambridge Telephone Company
Clarks Telecommunications Co.
Consolidated Telephone Company
Great Plains Communications
Hamilton Telecommunications
Hartelco (formerly Hartington Telecommunications, Inc.)
Hershey Coop Telephone Co.
HunTel Systems, Inc.
Ignition Interlock Systems of IA, Inc.
K & M Telephone Company
Nebraska Central Telephone Company
Northeast Nebraska Telephone Co.
Stanton Telecom, Inc.
Three River Telco
Parker, David R.
Great West Casualty Company
Passarelli, Angelo D.
Millard Public Schools

- Petz, Natalie, Petz & Company
2010 Special Olympics USA National Games
Alegent Health
American Legal Finance Association
Apollo Group, Inc./Univ. of Phoenix
Behavioral Health, Advocates for
Boys and Girls Club of America
Children & Families Foundation, Nebraska
Coventry Insurance
Cutshall & Nowka
Kiewit Corporation
Metropolitan Entertainment & Convention Authority (Qwest Center
Omaha)
Omaha Zoological Society
Tenaska
- Peters, William E.
Burlington Northern Santa Fe
Cigar Association of America, Inc.
Medx12, Inc.
- Peterson, Alan E.
Media of Nebraska, Inc.
- Peterson, Patricia Schuett
Investment Finance Authority, Nebraska
- Petsch, Jean M.
General Contractors, Associated (NE Building Chapter)
- Pieper, James S.
Cox Communications
Learning Community of Douglas and Sarpy County
Sarpy County Board of Commissioners
- Pierson, Darwin R.
Oil & Gas Association, Nebraska Independent
- Plofchan, Paul
Pfizer, Inc.
- Plucker, Julia
Collectors Association, Nebraska
- Pollock, Andy
Friends of Nebraska Nonprofit Hospitals
Gottsch Enterprises
Morrison Enterprises, LLC
Nebraska Energy Export Association
NorthWestern Energy
Progressive Swine Technologies
- Polt, Brendon A.
Health Care Association, Nebraska
- Popken, Kent T.
Qwest Communications
- Potter, Cara E.
National Association of Chain Drug Stores
- Prenda, Amy

Cutshall & Nowka
 Ptacek, Patrick J.
 Grain and Feed Association, Nebraska
 Radcliffe, Walter H. of Radcliffe & Associates
 2013 US Senior Open Local Organizing Committee
 ALTRIA Client Services, Inc. (Formerly UST Public Affairs, Inc.)
 Bellevue Public Schools
 Broadcasters Association, Nebraska
 Cable Communications Association, Nebraska
 Cemetery Association, Nebraska State
 Certified Public Accountants, Nebraska Society of
 Community Financial Services of America (CFSA) c/o MultiStates
 Associates Inc.
 Compensation Insurance, National Council on (NCCI)
 Fair Board, Nebraska State
 Father Flanagans Boys Home aka Boys Town
 Father Flanagans Boys Home d/b/a Boys Town National Research
 Hospital
 Guaranteed Asset Protection Association
 Health Care Association, Nebraska
 Home Builders Association, Nebraska State
 Horsemen's Benevolent & Protective Association
 INTRALOT USA
 League of Nebraska Municipalities
 Lincoln Public Schools
 Media of Nebraska, Inc.
 Medical Center, Nebraska
 Metropolitan Community College
 Motion Picture Association of America
 Nebraska Expressways for Economic Development (NEED)
 Nebraska Technical Services, Inc.
 Optometric Association, Nebraska
 Property Casualty Insurers Association of America
 Public Health Funding, Nebraskans for
 Pyrotechnics Association, Nebraska
 Realtors Association, Nebraska
 Republic National Distributing Company (Formerly Wholesale Liquor
 Distributors Association, Nebraska)
 Sanofi Pasteur, (MultiState Associates, Inc on behalf of)
 Small Smiles of Nebraska c/o Multistate Associates Inc.
 State Troopers Association of Nebraska, Inc.
 Telecommunications Association, Nebraska
 Tyson Foods, Inc.
 University of Nebraska
 Rea, James M.
 Lincoln Education Association
 Redoutey, Laura J.
 Hospital Association, Nebraska
 Reiman, Charlene

SourceGas Distribution, LLC
Rempe, Jay E.
Farm Bureau Federation, Nebraska
Renner, Shawn D.
Media of Nebraska, Inc.
Rex, L. Lynn
League of Nebraska Municipalities
Reynolds, Jeff
Center for Rural Affairs
Richards, Thomas
Omaha Public Power District
Rieker, Bruce R.
Hospital Association, Nebraska
Riibe, Diane
Project Extra Mile
Ring, Kenneth T.
AARP
Riskowski, Al
Family Council, Nebraska
Robak, Kim M.
Ruth Mueller Robak LLC
Roland, Gene
SourceGas Distribution, LLC
Root, David
Medco Health Solutions, Inc.
Ruth Mueller Robak LLC
Airport Officials, Nebraska Association of
American Express Travel Related Services, Inc.
Ash Grove Cement Co.
AT&T Corporation
Bankers Association, Heartland Community
Better Nebraska Association
Chief Industries, Inc.
Children and Family Coalition of Nebraska
Commercial Property Owners, Nebraska Association of
Constellation NewEnergy Gas Division (formerly Cornerstone Energy,
Inc.)
Copic Companies
Court Reporters Association, Nebraska
Dental Association, Nebraska
District Court Judges Association, Nebraska
Duncan Aviation
Eastern Nebraska Development Council
eBay, Inc.
Electrical Contractors Association, National
Eye Physicians and Surgeons, Nebraska Academy of
First Data Corporation
General Contractors of America, NE Chapter, Associated
Independent Accountants, Nebraska Society of

Land Title Association, Nebraska
Lincoln Airport Authority
Lower Republican NRD
Lyman-Richey Corporation
Machinery Company, Nebraska
Madonna Rehabilitation Hospital
MedImmune Incorporated
Methodist Health Systems, Nebraska
Millard Public Schools
Nebraska Interactive
Nebraska State Bar Association
Pharmaceutical Research and Manufacturers of America
Press Association, Nebraska
Sterling Distribution Co.
Veterinary Medical Association, Nebraska
Viaero Wireless

Ryan, Beth
Cutshall & Nowka

Sahling-Zart, Shelley R.
Lincoln Electric System

Schaefer, Matthew T.
Ruth Mueller Robak LLC

Schafer, Andrea R.
Norris Public Power District

Scherer, Larry
Education Association, Nebraska State

Schleppenbach, Greg
Catholic Conference, Nebraska

Schmit Industries, Inc.
Chiropractic Physicians Association, Nebraska
Ethanol Producers, Assoc. of Nebraska

Schmit-Albin, Julie
Nebraska Right to Life

Schuller, Lynne
Horsemens Benevolent & Protective Association
Propane Gas Association, Nebraska

Schultz, William E.
Marksmanship Association, Nebraska

Sears, T. Jay
Education Association, Nebraska State

Sedlacek, Ronald J.
Chamber of Commerce & Industry, Nebraska
Husch Blackwell Sanders, LLP

Seibert, Tiffany
Voices for Children

Shasky, Kelly Stevens
Washington Center, The

Sheard, James W., Jr.
Nebraska Change to Win Coalition c/o Teamsters Local 554

- Siefken, Kathy
Grocery Industry Association, Nebraska
Shazam
- Stilmock, Gerald M.
Brandt, Horan, Hallstrom and Stilmock
- Sullivan, J. Scott
Credit Union League and Affiliates, Nebraska
- Todd, A. Loy, Jr.
Car & Truck Dealers Association, Nebraska New
- Uhe, Fred J.
Sarpy County Board of Commissioners
- Ullstrom, Galen F.
Mutual of Omaha Insurance Company
- Valentin, Michaela L.
Blue Cross & Blue Shield of Nebraska
- Veak, Becky
Children & Families Foundation, Nebraska
- Vodvarka, Dan
Certified Public Accountants, Nebraska Society of
- Wagner, Connie
Licensed Practical Nurse Association of Nebraska
- Watson, James S.
United Healthcare Services, Inc. and Affiliates
- Weber, Rocky
Cooperative Council, Nebraska
- Werner, Terry
Social Workers, Nebraska Chapter, National Association of
- Wesely, Don
O'Hara, Lindsay & Associates, Inc.
- Wheeler, Harold
AARP
- White, Rosemary
AAA Nebraska and The Auto Club Group
- Wightman, Anna Castner
First National of Nebraska, Inc.
- Williams, David M.
Ameritas Life Insurance Corporation
- Wimmer, J. Kent
Western Sugar Cooperative (CO)
- Winger, Dwight
Rural Telecommunications Coalition, Nebraska
- Winston, Ken
Library Association, Nebraska
Sierra Club, Nebraska
- Withem, Ron
University of Nebraska
- Wolf, Jesse
Education Association, Nebraska State
- Woods, Kara

Johnson, DeMaris/The Johnson Group
 Wurster, Donald F.
 National Indemnity Company
 Yost, Jeffrey G.
 Community Foundation, Nebraska
 Yost, Kurt T.
 Bankers, Nebraska Independent Community
 Central Nebraska Public Power & Irrigation District
 Midwest Check Cashiers, Inc.
 Young, Justin
 Occupational Therapy Association, Nebraska
 Zaenglein, Norbert
 Autobody Association, Nebraska
 Zalenski, Susan D.
 Johnson & Johnson
 Zeeb, Chris M.
 Firearms Owners Association, Nebraska (NFOA)
 Zieg, Patricia A.
 Apria Healthcare, Inc.
 Zulkowski, Katie W.
 Ruth Mueller Robak LLC
 Zumwinkle, Mike
 Cargill/Excel

MOTION - Adopt Permanent Rules

Senator Lautenbaugh moved to adopt the permanent rules for the One Hundred First Legislature, Second Session, and any special sessions held during the 2010 calendar year.

The Rules Committee renewed the proposed rules change, Proposed Rules Change 1, found on page 131, to Rule 4, Sec. 1.

The Rules Committee's proposed rules change, Proposed Rules Change 1, was adopted with 40 ayes, 0 nays, 5 present and not voting, and 4 excused and not voting.

Senator Lautenbaugh renewed his motion, found in this day's Journal, to adopt the permanent rules, as amended, for the One Hundred First Legislature, Second Session, and any special sessions held during the 2010 calendar year.

The Lautenbaugh motion to adopt permanent rules, as amended, prevailed with 43 ayes, 0 nays, 2 present and not voting, and 4 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 682. Title read. Considered.

Advanced to Enrollment and Review Initial with 45 ayes, 0 nays, 1 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 683. Title read. Considered.

Advanced to Enrollment and Review Initial with 44 ayes, 0 nays, 3 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 684. Title read. Considered.

Advanced to Enrollment and Review Initial with 45 ayes, 0 nays, 2 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 261. Considered.

PRESIDENT SHEEHY PRESIDING

Committee AM182, found on page 367 and considered on page 576, First Session, 2009, was renewed.

Senator Fischer renewed her amendment, AM323, found on page 576, First Session, 2009, to the committee amendment.

Pending.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 847. Introduced by Council, 11.

A BILL FOR AN ACT relating to courts; to amend sections 25-2720.01, 25-2803, and 25-2804, Reissue Revised Statutes of Nebraska; to change Small Claims Court powers relating to judgments and orders and provide for use of attorneys as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 848. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to cities of the first class; to amend section 16-707, Reissue Revised Statutes of Nebraska; to change provisions relating to board of equalization meetings; and to repeal the original section.

LEGISLATIVE BILL 849. Introduced by Gay, 14.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 68-906, 68-1017, 68-1017.01, 68-1070, 77-27,165, 83-1220, 83-1221, 83-1222, 83-1223, and 83-1224, Reissue Revised Statutes of Nebraska, and section 83-1217, Revised Statutes Supplement, 2009; to adopt federal law for purposes of the Medical Assistance Act and the Supplemental Nutrition Assistance Program; to remove and change references to Supplemental Nutrition Assistance Program coupons and benefits; to change notification requirements for child support claims against income tax refunds; to change requirements for specialized programs providing developmental disability services; to change provisions relating to hearing officers of the Division of Developmental Disabilities; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 850. Introduced by Avery, 28.

A BILL FOR AN ACT relating to public postsecondary educational institutions; to require the provision of information on early voting to students.

LEGISLATIVE BILL 851. Introduced by Avery, 28.

A BILL FOR AN ACT relating to political subdivisions; to amend sections 13-2703, 13-2705, 13-2706, and 13-2707, Reissue Revised Statutes of Nebraska, and section 13-2610, Revised Statutes Supplement, 2009; to change provisions under the Convention Center Facility Financing Assistance Act and the Local Civic, Cultural, and Convention Center Financing Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 852. Introduced by Avery, 28.

A BILL FOR AN ACT relating to elections; to amend section 32-816, Reissue Revised Statutes of Nebraska; to change provisions relating to write-in space on official ballots for certain offices; and to repeal the original section.

LEGISLATIVE BILL 853. Introduced by Wightman, 36; Ashford, 20; Council, 11.

A BILL FOR AN ACT relating to criminal law; to amend sections 28-105, 29-2204, 29-2520, 29-2522, 29-2524, and 83-1,105.01, Reissue Revised Statutes of Nebraska; to change the statutes to reflect the Nebraska Supreme Court opinion *State v. Conover*, 270 Neb. 446, 703 N.W.2d 898 (2005); to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 854. Introduced by Howard, 9.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-131.01 and 53-135, Reissue Revised Statutes of

Nebraska; to change requirements for licensure; and to repeal the original sections.

LEGISLATIVE BILL 855. Introduced by Fischer, 43.

A BILL FOR AN ACT relating to pharmacies; to amend section 38-2845, Reissue Revised Statutes of Nebraska, and section 38-2801, Revised Statutes Supplement, 2009; to adopt the Remote Pharmacy Act; to define and redefine terms; to change provisions relating to the Pharmacy Practice Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 856. Introduced by Janssen, 15.

A BILL FOR AN ACT relating to the state highway system; to amend section 39-1359, Reissue Revised Statutes of Nebraska; to provide for rules and regulations regarding memorials in the right-of-way; and to repeal the original section.

LEGISLATIVE BILL 857. Introduced by Gay, 14.

A BILL FOR AN ACT relating to the Public Service Commission; to amend sections 71-1559 and 71-4604.01, Reissue Revised Statutes of Nebraska; to eliminate limitations on certain fees; to create and eliminate funds; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 858. Introduced by Sullivan, 41.

A BILL FOR AN ACT relating to service animals; to amend sections 20-126, 20-131.01, and 28-1009.01, Reissue Revised Statutes of Nebraska, and sections 20-126.01, 20-127, 20-128, 20-129, 20-131.02, and 20-131.04, Revised Statutes Cumulative Supplement, 2008; to provide protections and penalties for mobility-impaired and otherwise disabled persons who use service animals as prescribed; to provide additional requirements for service animals and service animals in training; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 859. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to courts; to amend sections 25-2705 and 25-2805, Reissue Revised Statutes of Nebraska; to change provisions relating to trial by jury; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 860. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to the Concealed Handgun Permit Act; to amend section 69-2433, Reissue Revised Statutes of Nebraska; to change permit application provisions relating to misdemeanor crimes of violence;

and to repeal the original section.

LEGISLATIVE BILL 861. Introduced by General Affairs Committee: Karpisek, 32, Chairperson; Coash, 27; Cook, 13; Dierks, 40; Dubas, 34; Krist, 10; Price, 3; Rogert, 16.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 9-823, 28-421, 53-123.12, 53-124.13, 53-124.14, 53-138.01, 53-139, 53-1,104, 60-4,152, 71-5730, and 79-267, Reissue Revised Statutes of Nebraska, sections 48-1902, 53-122, 53-123.13, 53-123.15, 53-124.12, 53-132, 53-134, 53-164.01, 53-169.01, 53-403, and 60-4,119, Revised Statutes Cumulative Supplement, 2008, and sections 53-101, 53-103, 53-124, and 53-131, Revised Statutes Supplement, 2009; to transfer definitions and fee provisions; to change provisions relating to distribution of license fees in accordance with the Constitution of Nebraska; to eliminate unconstitutional provisions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 862. Introduced by Christensen, 44; Carlson, 38.

A BILL FOR AN ACT relating to natural resources; to amend sections 2-3226.01 and 2-3226.05, Revised Statutes Cumulative Supplement, 2008; to change provisions relating to river-flow enhancement bonds; to change provisions relating to an occupation tax as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 863. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to cities of the first class; to amend section 31-744, Reissue Revised Statutes of Nebraska, and section 16-130, Revised Statutes Supplement, 2009; to change provisions relating to annexation; to provide duties for sanitary and improvement districts; and to repeal the original sections.

LEGISLATIVE BILL 864. Introduced by Pirsch, 4; Ashford, 20; Carlson, 38; Council, 11; Fulton, 29; Giese, 17; Nelson, 6.

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 duties for the Community Corrections Council regarding reporting centers; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 865. Introduced by Fischer, 43; Carlson, 38; Cornett, 45; Dubas, 34; Schilz, 47.

A BILL FOR AN ACT relating to animals; to amend sections 28-1008 and 28-1013, Revised Statutes Supplement, 2009; to adopt the Livestock Animal Welfare Act; to harmonize provisions; to provide a duty for the Revisor of

Statutes; to repeal the original sections; and to outright repeal sections 28-1009.02, 28-1009.03, 28-1013.01, and 28-1013.02, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 866. Introduced by Howard, 9; Gloor, 35.

A BILL FOR AN ACT relating to the Pharmacy Practice Act; to amend sections 38-2817, 71-436, and 71-7435, Reissue Revised Statutes of Nebraska, and sections 38-2801, 38-2802, 38-2850, 38-2867, and 38-2869, Revised Statutes Supplement, 2009; to define and redefine terms; to provide for a dispensing practitioner permit; to change provisions relating to an exception to the practice of pharmacy; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 867. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to alcoholic liquors; to amend section 53-124, Revised Statutes Supplement, 2009; to change fees for shipping licenses; and to repeal the original section.

LEGISLATIVE BILL 868. Introduced by Flood, 19.

A BILL FOR AN ACT relating to criminal procedure; to amend sections 29-2262, 29-2266, 29-2277, 29-2278, 29-2279, 48-126.01, 48-147, 53-180.05, 60-6,211.02, and 60-6,211.06, Reissue Revised Statutes of Nebraska, sections 48-115 and 48-145, Revised Statutes Cumulative Supplement, 2008, and section 48-106, Revised Statutes Supplement, 2009; to name, change, and adopt provisions for the Community Service Sentencing Act; to provide for community service programs; to state findings and intent; to remove offenders performing community service and persons fulfilling conditions of probation from coverage under the Nebraska Workers' Compensation Act; to limit liability of a community service program under the Community Service Act and provide duties; to change penalties for a minor in possession of alcohol and a minor driving with blood alcohol concentration within certain limits; to harmonize provisions; and to repeal the original sections.

RESOLUTIONS

LEGISLATIVE RESOLUTION 279CA. Introduced by Avery, 28.

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 III, section 2:

III-2 The first power reserved by the people is the initiative whereby laws may be enacted and constitutional amendments adopted by the people

independently of the Legislature. This power may be invoked by petition wherein the proposed measure shall be set forth at length. If the petition be for the enactment of a law, it shall be signed by ~~seven-four~~ percent of the registered voters of the state, and if the petition be for the amendment of the Constitution, the petition therefor shall be signed by ~~ten-fifteen~~ percent of such registered voters. In all cases the registered voters signing such petition shall be so distributed as to include five percent of the registered voters of each of two-fifths of the counties of the state, and when thus signed, the petition shall be filed with the Secretary of State who shall submit the measure thus proposed to the electors of the state at the first general election held not less than four months after such petition shall have been filed. The same measure, either in form or in essential substance, shall not be submitted to the people by initiative petition, either affirmatively or negatively, more often than once in three years. If conflicting measures submitted to the people at the same election be approved, the one receiving the highest number of affirmative votes shall thereby become law as to all conflicting provisions. The constitutional limitations as to the scope and subject matter of statutes enacted by the Legislature shall apply to those enacted by the initiative. Initiative measures shall contain only one subject. The Legislature shall not amend, repeal, modify, or impair a law enacted by the people by initiative, contemporaneously with the adoption of this initiative measure or at any time thereafter, except upon a vote of at least two-thirds of all the members of the Legislature.

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 number of signatures required on initiative petitions.

For

Against.

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 280. Introduced by Stuthman, 22.

WHEREAS, the Howells Bobcats won the 2009 Class D-1 State Football Championship; and

WHEREAS, the Bobcats defeated Giltner High School 68-28 to win the state title; and

WHEREAS, the Bobcats also won state titles in 2000, 2001, 2002, 2003, 2004, 2005, and 2008; and

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

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

1. That the Legislature congratulates the Howells Bobcats on winning the 2009 Class D-1 State Football Championship.

2. That a copy of this resolution be sent to the Howells Bobcats and their coach, Mike Speirs.

Laid over.

LEGISLATIVE RESOLUTION 281. Introduced by Stuthman, 22.

WHEREAS, the Humphrey St. Francis Flyers won the 2009 Class D-2 State Football Championship; and

WHEREAS, the Flyers defeated Hayes Center High School 34-0 to win the state title; and

WHEREAS, the Flyers were able to capture the 2009 state title after a runner-up finish in 2008; and

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

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

1. That the Legislature congratulates the Humphrey St. Francis Flyers on winning the 2009 Class D-2 State Football Championship.

2. That a copy of this resolution be sent to the Humphrey St. Francis Flyers and their coach, Eric Kessler.

Laid over.

MOTION - Print in Journal

Senator Lautenbaugh filed the following motion to LB796:

MO71

Indefinitely postpone.

NOTICE OF COMMITTEE HEARING

Urban Affairs

Room 1510

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

LB781

(Signed) Amanda McGill, Chairperson

ATTORNEY GENERAL'S OPINIONOpinion 10002

SUBJECT: Elimination of the constitutional office of State Treasurer on a date that does not coincide with the end of an incumbent Treasurer's term of office.

REQUESTED BY: Senator Dennis Utter
Nebraska State Legislature

WRITTEN BY: Jon Bruning, Attorney General
Charles E. Lowe, Assistant Attorney General

Introduction

In a letter to this office dated November 20, 2009, you indicate that, at the next session of the Nebraska Legislature, you are planning to propose a constitutional amendment to eliminate the office of Nebraska State Treasurer. In that context you ask for our opinion on the question: "[C]ould the proposed Constitutional Amendment be worded to eliminate the office of State Treasurer in the middle of a term of office, or must elimination of the office of Treasurer coincide with the end of a validly elected Treasurer's term of office?"

In asking your question you clearly recognize that the State Treasurer is an officer created by the Nebraska Constitution, Neb. Const. art. IV, § 1, and that, therefore, such office may be eliminated only by means of a constitutional amendment. You also recognize that under that same section of the constitution the State Treasurer (along with the Governor, Lieutenant Governor, Secretary of State, State Auditor and Attorney General) is elected "for a term of four years." So the question is whether or not the office of State Treasurer can be eliminated by a constitutional amendment effective on some date that is before the incumbent State Treasurer at that time has served his or her full four year term in office.

Discussion

The following "black letter law" appears in 67 C.J.S. Officers § 93 (2002): "A term of office may be changed by constitutional amendment, or, in a proper case, by legislative enactment." That same section of C.J.S. contains the statement that a "change of term of an office may be made in the state constitution." It goes on to say: "The sovereign power creating an office may change its tenure in the absence of constitutional restriction, and such power may be exercised subject to constitutional limitations." (Footnotes omitted.)

In the case of the State Treasurer the "sovereign power" that created the office is the people of the State of Nebraska who, by means of exercising

their right to vote, approved the constitutional provisions naming the State Treasurer as a constitutional executive officer and setting his or her term of office. Based upon the general rules set forth above, it appears that this same "sovereign power" may, by constitutional amendment, delete the State Treasurer as a constitutional officer and/or change the term of office for such officer. *State ex rel. Lull v. Frizzell*, 31 Minn. 460, 467, 18 N.W. 316, 319-20 (1884), confirms this conclusion.

It is elementary that there is no contract, express or implied, between a public officer and the government, whose agent he is, for the continuance of his office or the permanency of his salary for the full term for which he was elected. Public officers have no proprietary interest in their offices, or any right of property in the prospective compensation attached thereto. Public offices, in theory, at least, are held and exercised for the benefit of the public and not of the incumbent. Therefore, it is in all cases competent for the people, in their sovereign capacity, to abolish an office or shorten a term, or reduce or take away entirely the salary attached to it, without regard to the interests or expectations of the incumbent as to the prospective compensation. *Cooley*, *Const. Lim.* *276; *County of Hennepin v. Jones*, 18 Minn. 182, (199;) *Connor v. City of New York*, 2 Sandf. 355.

The Minnesota court in *Frizzell* upheld a series of constitutional amendments which shortened the terms of some constitutional officers and lengthened the terms of others.

Accordingly, it seems clear that the people, by means of a constitutional amendment, can eliminate a constitutional office at any point and that, in such circumstance, the office holder has no right to remain in office to serve out his or her entire term.

We believe that legal authority dealing with changes in terms of office for officers created by legislative enactments provides additional guidance in dealing with the issue of whether a constitutional amendment eliminating a constitutional office may take effect before the incumbent officer has served a full term of office. In this connection the section of C.J.S. cited above concludes that, since the sovereign authority that created an office may change its tenure, "the legislature may change the term of an office during the term of an incumbent, even though the effect of the change is to curtail the unexpired term of an incumbent . . ." C.J.S. goes on to explain that the legislature cannot do this when the constitution fixes the duration of the term. This means that, while the legislature clearly cannot override the provisions of the constitution and, on its own, change the terms of constitutionally created state officers, it may change the terms of state officers it has created by law, even if such change results in an incumbent officer being out of office before the previously existing term of office has expired.

Nebraska cases appear to follow this general rule that the legislature may change the terms of state officers created by statute, even if it means that an incumbent officer's term of office will be shortened. *Hamilton v. Foster*, 155 Neb. 89, 93, 50 N.W.2d 542, 544-45 (1951); *State ex rel. Comstock v. Stewart*, 52 Neb. 243, 255, 71 N.W. 998, 1002-03 (1897). See, *Op. Att'y Gen. No. 01040* (Dec. 17, 2001). In *Stewart*, a case which dealt with city council members in Lincoln, whose offices and terms of office had been created by legislation – not the constitution, the court stated:

"In the absence of any constitutional prohibition or affirmative provision fixing the term of office of any officer, or his compensation, the legislature may change such term or compensation, and such change of term or compensation will apply as well to the officers then in office as to those to be thereafter elected." The same principle applies to the offices of councilmen. The official tenure of such officers is not fixed by the constitution, and hence may be shortened or terminated at the will of the legislature.

Stewart, 52 Neb. at 255, 71 N.W. at 1002-03 (quoting *Douglas County v. Timme*, 32 Neb. 272, 275, 49 N.W. 266, 267 (1891)).

In *Stewart*, of course, it was the Nebraska Legislature that was permitted to change the terms of office for officers it had created, even if that meant incumbents' terms were shortened. There is no reason, however, why the same result would not apply where the people, by means of adopting a constitutional amendment in the prescribed manner, change the term of office of an officer created by the constitution.

The Iowa Supreme Court has made the following observations in connection with upholding the elimination of an office created by the legislature before the terms of the incumbent officer holders expired:

In 67 C. J. S., *Officers*, section 54(1), it is said:

"It has been laid down broadly that a public officer, regardless of the form of the statute under which he takes office, enjoys a privilege revocable by the sovereignty at will and that the incumbent of a public office possesses only such right to it as the laws of tenure give to him. A constitutional officer has the right, however, to perform the duties of his office until he is legally removed from office or is legally disqualified to act."

In *Eckerson v. City of Des Moines*, 137 Iowa 452, 481, 482, 115 N.W. 177, we said:

"Public offices are created in the interests of the general public, and not for the benefit of any individual. And no one in possession of an office has a constitutional right to remain therein for the full period of the term for which he was elected. * * * And as no contract right exists in favor of the incumbent of an office, it does not remain for him to quarrel with the

method of procedure adopted. In the case of a statutory office, the Legislature may even abolish the office, and with the taking effect of the law providing therefor the right of the incumbent to further act ceases eo instanti, notwithstanding the term for which he was elected has not expired."

Sueppel v. City Council of Iowa City, 257 Iowa 1350, 1357, 136 N.W.2d 523, 527 (1965).

Thus, it appears that under the law whether one is holding an office created by statute or an office created by the constitution, there is no constitutional or contractual right to continue in office for the full term if the term is shortened or ended by the body that created the office – the legislature for statutorily created offices, the people of the state through the voters for constitutionally created offices.

Conclusion

For the reasons discussed above, it is our opinion that the answer to your question is in the affirmative – i.e., your proposed constitutional amendment could be worded in such a way as to eliminate the office of State Treasurer at any point in time after adoption of the amendment by the people. Elimination of the office of State Treasurer by constitutional amendment would not have to coincide with the end of a Treasurer's term of office.

If you wish to have the elimination of the office of State Treasurer take place at some time other than the end of a term, we additionally note that your proposed constitutional amendment should be worded in such a way as to make clear not only that the office of State Treasurer is being eliminated, but also that the four year term of office provision of Neb. Const. art. IV, § 1 would not apply to the incumbent Treasurer in the event the office is eliminated effective on some date other than the end of that four year period.

Finally, if your intent is to abolish the office of State Treasurer entirely, rather than simply eliminating it as a constitutional office, you might want to draft your proposed amendment bearing in mind *Swanson v. State of Nebraska*, 132 Neb. 82, 271 N.W. 264 (1937), in which it was held that a constitutional amendment that simply deleted the office of commissioner of public lands from the list of constitutional officers in Neb. Const. art. IV, § 1 did not completely abolish the office since the constitutional amendment did not expressly abolish the office in its entirety and since the office was still referred to in numerous statutes and given many duties to perform by statute. Rather, the supreme court found that the commissioner of public lands continued to exist as a statutorily created office to carry out the duties assigned to it.

Sincerely yours,
JON BRUNING
Attorney General

(Signed) Charles E. Lowe
Assistant Attorney General

cc. Patrick J. O'Donnell
Clerk of the Legislature
17-079-20

UNANIMOUS CONSENT - Add Cointroducers

Senator Coash asked unanimous consent to add his name as cointroducer to LB726. No objections. So ordered.

Senator Christensen asked unanimous consent to add his name as cointroducer to LB763. No objections. So ordered.

Senator Council asked unanimous consent to add her name as cointroducer to LB779. No objections. So ordered.

Senator Krist asked unanimous consent to add his name as cointroducer to LB795. No objections. So ordered.

Senator Janssen asked unanimous consent to add his name as cointroducer to LB836. No objections. So ordered.

RECESS

At 11:55 a.m., on a motion by Senator McGill, the Legislature recessed until 1:30 p.m.

AFTER RECESS

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

ROLL CALL

The roll was called and all members were present except Senator Heidemann who was excused; and Senators Ashford and Dierks who were excused until they arrive.

REFERENCE COMMITTEE REPORT

The Executive Board submits the following report:

LB/LR	Committee
LB794	Government, Military and Veterans Affairs
LB795	Judiciary
LB796	Revenue
LB797	Natural Resources
LB798	Natural Resources
LB799	Urban Affairs

LB800	Judiciary
LB801	Judiciary
LB802	Revenue
LB803	Health and Human Services
LB804	Revenue
LB805	Transportation and Telecommunications
LB806	Revenue
LB807	Banking, Commerce and Insurance
LB808	Transportation and Telecommunications
LB809	Judiciary
LB810	Transportation and Telecommunications
LB811	Transportation and Telecommunications
LB812	Health and Human Services
LB813	Banking, Commerce and Insurance
LB814	Banking, Commerce and Insurance
LB815	Government, Military and Veterans Affairs
LB816	Transportation and Telecommunications
LB817	Judiciary
LB818	Banking, Commerce and Insurance
LB819	Transportation and Telecommunications
LB820	Transportation and Telecommunications
LB821	Transportation and Telecommunications
LB822	Judiciary
LB823	Revenue
LB824	Judiciary
LB825	General Affairs
LB826	Government, Military and Veterans Affairs
LB827	Health and Human Services
LB828	Health and Human Services
LB829	Business and Labor
LB830	Judiciary
LB831	Transportation and Telecommunications
LB832	Natural Resources
LB833	Business and Labor
LB834	General Affairs
LB835	Judiciary
LB836	Natural Resources
LB837	Revenue
LB838	Transportation and Telecommunications
LB839	Government, Military and Veterans Affairs
LB840	Judiciary
LB841	Transportation and Telecommunications
LB842	Judiciary
LB843	Judiciary
LB844	Judiciary
LB845	Natural Resources
LB846	Business and Labor
LR277CA	General Affairs
LR278CA	Government, Military and Veterans Affairs

(Signed) John Wightman, Chairperson
Executive Board

RESOLUTION

LEGISLATIVE RESOLUTION 282. Introduced by Hadley, 37.

WHEREAS, Dr. Richard Miller, a psychology professor at the University of Nebraska at Kearney, is the first Nebraska educator to be named a United States Professor of the Year by the Council for Advancement and Support of Education; and

WHEREAS, Dr. Miller has also received the Robert S. Daniel Award for outstanding teaching at a four-year college or university from the American Psychological Association; and

WHEREAS, Dr. Miller has also received the top University of Nebraska at Kearney teaching and mentoring awards, which include the Pratt-Heins Foundation Award for Excellence in Teaching and the Leland Holdt/Security Mutual Life Distinguished Professor Award; and

WHEREAS, Dr. Miller has also received the University of Nebraska Outstanding Teaching and Instructional Creativity Award.

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

1. That the Legislature congratulates Dr. Richard Miller for his outstanding achievements in the field of higher education.
2. That a copy of this resolution be sent to Dr. Richard Miller.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 261. The Fischer amendment, AM323, found on page 576, First Session, 2009, and considered in this day's Journal, to the committee amendment, was renewed.

The Fischer amendment was adopted with 40 ayes, 1 nay, 5 present and not voting, and 3 excused and not voting.

Senator Rogert withdrew his amendment, AM1544, found on page 125.

Senator Rogert offered the following amendment to the committee amendment:

AM1545

(Amendments to Standing Committee amendments, AM182)

- 1 1. On page 1, line 18, strike "(3)" and insert "(3)(a)".
- 2 2. On page 2, after line 16 insert the following new
- 3 subdivision:

4 "(b) Information scanned, compiled, stored, or preserved
 5 pursuant to subdivision (a) of this subsection may not be retained
 6 longer than eighteen months unless required by state or federal
 7 law."
 8 3. On page 3, after line 3 insert the following new
 9 subsection:
 10 "(5) Except as provided in subsection (4) of this
 11 section, information scanned, compiled, stored, or preserved
 12 pursuant to this section may not be traded or sold to a third
 13 party; used for any marketing or sales purpose by any person,
 14 including the retailer who obtained the information; or, unless
 15 pursuant to a court order, reported or shared with any third party.
 16 A person who violates this subsection shall be guilty of a Class
 17 IV felony."

The Rogert amendment was adopted with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

Senator Lathrop offered the following amendment to the committee amendment:

FA54

Amend AM182

Add on page 2 line 6 the word "only" between "may" and "be" and on page 2 line 8 after "products" add "and may not be shared with any other person or entity".

The Lathrop amendment was adopted with 40 ayes, 0 nays, 6 present and not voting, and 3 excused and not voting.

Committee AM182, found on page 367 and considered on page 576, First Session, 2009, and considered in this day's Journal, as amended, was renewed.

The committee amendment, as amended, was adopted with 35 ayes, 5 nays, 6 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 8 nays, 5 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 522. Title read. Considered.

Advanced to Enrollment and Review Initial with 43 ayes, 0 nays, 3 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 72. Title read. Considered.

Committee AM366, found on page 513, First Session, 2009, was considered.

SENATOR FISCHER PRESIDING

SENATOR LANGEMEIER PRESIDING

Pending.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 869. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-123.12, 53-130, 53-135, and 53-138.01, Reissue Revised Statutes of Nebraska, sections 53-124.11 and 53-129, Revised Statutes Cumulative Supplement, 2008, and section 53-131, Revised Statutes Supplement, 2009; to provide for application and renewal fees; to change provisions relating to registration fees; to change the distribution of fees; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 870. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-149, Reissue Revised Statutes of Nebraska; to provide for a temporary operating permit; and to repeal the original section.

LEGISLATIVE BILL 871. Introduced by Fischer, 43.

A BILL FOR AN ACT relating to the Game Law; to amend section 37-413, Revised Statutes Supplement, 2009; to change provisions relating to persons accompanying apprentice hunters; and to repeal the original section.

LEGISLATIVE BILL 872. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to workers' compensation; to amend section 48-120.04, Revised Statutes Supplement, 2009; to change applicability of a medical fee schedule as prescribed; and to repeal the original section.

LEGISLATIVE BILL 873. Introduced by Giese, 17.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1716, Reissue Revised Statutes of Nebraska; to eliminate provisions relating to notification of delinquent property taxes; and to repeal the original section.

LEGISLATIVE BILL 874. Introduced by Giese, 17.

A BILL FOR AN ACT relating to the Nebraska Probation Administration Act; to amend section 29-2259, Reissue Revised Statutes of Nebraska; to change provisions relating to office expenses; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 875. Introduced by Giese, 17.

A BILL FOR AN ACT relating to elections; to amend sections 32-101, 32-312, 32-312.05, 32-318.01, 32-321, 32-323, 32-325, 32-902, 32-914, and 32-915, Reissue Revised Statutes of Nebraska, and section 60-484.02, Revised Statutes Supplement, 2009; to provide for voter registration on the Secretary of State's web site; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 876. Introduced by Howard, 9.

A BILL FOR AN ACT relating to insurance; to amend sections 44-2825 and 44-2832, Reissue Revised Statutes of Nebraska; to change recovery amounts under the Nebraska Hospital-Medical Liability Act; and to repeal the original sections.

LEGISLATIVE BILL 877. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-701, 77-1363, 77-1502, 77-1507, 77-3517, 77-5007, 77-5013, and 77-5016, Reissue Revised Statutes of Nebraska; to authorize appeals by the Tax Commissioner and Property Tax Administrator as prescribed; to change provisions relating to soil surveys; to change provisions relating to descriptions of property for property tax purposes; to change provisions relating to homestead exemptions; to change powers and duties of the Tax Equalization and Review Commission; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 878. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1784, 77-2756, and 77-2794, Reissue Revised Statutes of Nebraska; to change provisions relating to electronic fund transfers, income tax withholding, and overpayments of tax; to eliminate a provision relating to electronic filings and payments; to provide an operative date; to repeal the original sections; and to outright repeal section 77-2769.02, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 879. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 9-1,101, 66-719, 77-2701.38, 77-2711, 77-2712.03, 77-2789, 77-2790, 77-2796, 77-27,100, 77-27,119, 77-5725, 77-5726, 77-5735, and 81-8,128, Reissue Revised Statutes of Nebraska, and section 60-484, Revised Statutes Cumulative Supplement, 2008; to change provisions relating to waiver of interest, the streamlined sales and use tax agreement, failure to file, penalties, certain appeal procedures, certain tax incentives, and funding; to require the Department of Motor Vehicles to provide certain information to the Department of Revenue as prescribed; to provide for publication of delinquent taxpayer lists, disclosure of certain information to the Department of Labor, and applicability; to harmonize provisions; to provide

a duty for the Revisor of Statutes; to provide operative dates; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 880. Introduced by Rogert, 16; Stuthman, 22.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-1213, 28-1239.01, 28-1241, 28-1244, 28-1246, 28-1247, 28-1249, and 28-1250, Reissue Revised Statutes of Nebraska; to change provisions relating to fireworks; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 881. Introduced by Rogert, 16.

A BILL FOR AN ACT relating to the State Fire Marshal; to amend sections 28-1213, 28-1241, 28-1242, 28-1244, 28-1248, 28-1249, and 28-1250, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to 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.

LEGISLATIVE BILL 882. Introduced by Rogert, 16; Dubas, 34.

A BILL FOR AN ACT relating to agriculture; to amend section 54-744, Revised Statutes Supplement, 2009; to change provisions relating to disposal of dead animals; and to repeal the original section.

LEGISLATIVE BILL 883. Introduced by Coash, 27; Karpisek, 32.

A BILL FOR AN ACT relating to farm wineries; to amend sections 53-123.11 and 53-164.01, Revised Statutes Cumulative Supplement, 2008; to provide for offsite storage facilities; to change reporting and payment requirements for farm wineries; and to repeal the original sections.

LEGISLATIVE BILL 884. Introduced by McGill, 26.

A BILL FOR AN ACT relating to labor; to amend section 48-1231, Reissue Revised Statutes of Nebraska, and sections 48-1230 and 48-1232, Revised Statutes Cumulative Supplement, 2008; to require employers to provide employees with wage and deduction information as prescribed; to provide a remedy; to harmonize sections; and to repeal the original sections.

GENERAL FILE

LEGISLATIVE BILL 72. Senator Lathrop offered the following amendment to the committee amendment:

FA55

Amend AM366

Strike Page 1 lines 15-23 and page 2 lines 1-6.

The Lathrop amendment was adopted with 30 ayes, 1 nay, 15 present and

not voting, and 3 excused and not voting.

Committee AM366, found on page 513, First Session, 2009, and considered in this day's Journal, as amended, was renewed.

The committee amendment, as amended, was adopted with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

Senator Cornett moved for a call of the house. The motion prevailed with 41 ayes, 0 nays, and 8 not voting.

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

Voting in the affirmative, 21:

Adams	Cornett	Giese	Lathrop	Wightman
Ashford	Council	Haar	McGill	
Avery	Dierks	Harms	Mello	
Conrad	Dubas	Howard	Rogert	
Cook	Flood	Karpisek	White	

Voting in the negative, 27:

Campbell	Gloor	Langemeier	Pahls	Sullivan
Christensen	Hadley	Lautenbaugh	Pankonin	Utter
Coash	Hansen	Louden	Pirsch	Wallman
Fischer	Heidemann	McCoy	Price	
Fulton	Janssen	Nelson	Schilz	
Gay	Krist	Nordquist	Stuthman	

Excused and not voting, 1:

Carlson

Failed to advance to Enrollment and Review Initial with 21 ayes, 27 nays, and 1 excused and not voting.

The Chair declared the call raised.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 885. Introduced by Nordquist, 7; Mello, 5.

A BILL FOR AN ACT relating to energy; to amend sections 11-201, 13-1205, 13-2043, 33-151, 57-605, 57-607, 57-701, 57-902, 57-903, 57-904, 57-905, 57-906, 57-907, 57-908, 57-909, 57-910, 57-910.01, 57-910.02, 57-910.03, 57-910.05, 57-910.06, 57-910.07, 57-910.08,

57-910.09, 57-910.10, 57-910.11, 57-910.12, 57-911, 57-912, 57-913, 57-914, 57-915, 57-916, 57-916.01, 57-917, 57-918, 57-920, 57-921, 57-922, 57-923, 58-221, 66-1004, 66-1009, 70-1003, 72-804, 72-805, 81-1011, 81-1108.55, 81-1201.04, 81-1316, 81-1531.01, 81-1606, 81-1607, 81-1608, 81-1609, 81-1611, 81-1613, 81-1614, 81-1615, 81-1616, 81-1617, 81-1618, 81-1620, 81-1622, 81-1625, 81-1626, 81-1635, 81-1636, 81-1637, 81-1638, 81-1639, 81-1640, 81-1641, 81-3453, 81-3541, 84-166, and 84-1005, Reissue Revised Statutes of Nebraska, section 46-601.01, Revised Statutes Cumulative Supplement, 2008, sections 57-919, 81-1607.01, and 81-1634, Reissue Revised Statutes of Nebraska, as amended by sections 33, 81, and 82, respectively, Legislative Bill 3, One Hundred First Legislature, First Special Session, 2009, and section 57-705, Revised Statutes Supplement, 2009, as amended by section 32, Legislative Bill 3, One Hundred First Legislature, First Special Session, 2009; to transfer powers, duties, positions of employment, funds, violations, penalties, and other provisions relating to the Nebraska Oil and Gas Conservation Commission and the State Energy Office to the newly created Nebraska Energy Commission as prescribed; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 57-901, 81-1601, 81-1602, 81-1603, 81-1605, and 81-1612, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 886. Introduced by Stuthman, 22.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-1427 and 29-431, Reissue Revised Statutes of Nebraska; to change provisions relating to minors and tobacco as prescribed; to provide a penalty; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 887. Introduced by Stuthman, 22.

A BILL FOR AN ACT relating to horseracing; to amend section 2-1228, Reissue Revised Statutes of Nebraska; to change requirements for an interstate simulcast facility license; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 888. Introduced by Conrad, 46.

A BILL FOR AN ACT relating to limited liability companies; to amend sections 9-614, 67-248.02, 70-1903, 77-2704.57, 77-2716, and 77-2734.01, Reissue Revised Statutes of Nebraska; to adopt the Nebraska Uniform Limited Liability Company Act; to terminate the Limited Liability Company Act; to provide applicability; to harmonize provisions; to provide an operative date; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 889. Introduced by Christensen, 44.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-1406, 28-1408, 28-1409, 28-1410, 28-1411, 28-1412, 28-1413, 28-1415, 28-1416, and 29-439, Reissue Revised Statutes of Nebraska, and section 28-101, Revised Statutes Supplement, 2009; to change and eliminate

provisions relating to the justification for the use of force; to provide a presumption; to harmonize provisions; to provide severability; to repeal the original sections; and to outright repeal sections 28-1407 and 28-1414, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 890. Introduced by Pahls, 31.

A BILL FOR AN ACT relating to banking and finance; to amend sections 8-142, 8-143, 8-183.04, 8-908, 8-1502, and 21-1725.01, Reissue Revised Statutes of Nebraska, sections 8-115.01, 8-157, 8-234, and 8-374, Revised Statutes Cumulative Supplement, 2008, and sections 8-1,140, 8-355, and 21-17,115, Revised Statutes Supplement, 2009; to change provisions relating to the delivery of certain notices; to change and provide powers and duties for the Department of Banking and Finance and Director of Banking and Finance; to change capital requirements for converted savings associations; to change and provide criminal penalties and civil liability relating to violations of loan limit provisions; to revise powers of state-chartered banks, building and loan associations, and credit unions; to change provisions relating to bank holding company management; to change notice provisions relating to acquisitions; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 891. Introduced by Pahls, 31.

A BILL FOR AN ACT relating to banks and banking; to amend sections 8-101.01 and 8-602, Revised Statutes Supplement, 2009; to provide for conditional bank charters, powers and duties for the Department of Banking and Finance and the Director of Banking and Finance, and for fees; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 892. Introduced by Pahls, 31.

A BILL FOR AN ACT relating to banking and finance; to amend sections 45-101.04 and 45-1068, Reissue Revised Statutes of Nebraska, section 45-1005, Revised Statutes Cumulative Supplement, 2008, and sections 8-702, 45-701, 45-702, 45-704, 45-705, 45-724, 45-725, 45-726, 45-728, 45-730, 45-733, 45-737, 45-741, 45-742, 45-748, 45-749, 45-1002, 45-1018, 45-1033.01, and 45-1033.02, Revised Statutes Supplement, 2009; to change provisions relating to federal deposit insurance requirements, the Residential Mortgage Licensing Act, the Nebraska Installment Loan Act, and reverse-mortgage loans; to harmonize provisions; to repeal the original sections; and to declare an emergency.

RESOLUTION

LEGISLATIVE RESOLUTION 283. Introduced by Harms, 48; Louden, 49; Schilz, 47.

WHEREAS, Aubree Worden, a junior at Scottsbluff High School, was named the All-Region Girls' Cross Country Runner of the Year by the Scottsbluff Star-Herald newspaper; and

WHEREAS, Aubree Worden had an outstanding year in cross country, winning her second straight state championship in Class B and an All-Class Gold Medal at the 2009 Girls' State Cross Country Meet; and

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

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

1. That the Legislature congratulates Aubree Worden on her achievements.
2. That a copy of this resolution be sent to Aubree Worden.

Laid over.

NOTICE OF COMMITTEE HEARING

Agriculture

Room 2102

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

LB731

LB748

(Signed) Tom Carlson, Chairperson

AMENDMENTS - Print in Journal

Senator Lautenbaugh filed the following amendment to LB512:
AM1549

- 1 1. On page 2, line 5, strike beginning with "pursuant"
- 2 through "23-174.09" in line 7.

Senator Cornett filed the following amendment to LB72A:
AM1551

- 1 1. Strike the original section and insert the following
- 2 new section:
- 3 Section 1. There is hereby appropriated \$46,000 from
- 4 the General Fund for FY2010-11 to the State Department of
- 5 Education, for Program 25, to aid in carrying out the provisions of

6 Legislative Bill 72, One Hundred First Legislature, Second Session,
 7 2010.
 8 No expenditures for permanent and temporary salaries and
 9 per diems for state employees shall be made from funds appropriated
 10 in this section.

RESOLUTION

LEGISLATIVE RESOLUTION 284CA. Introduced by Utter, 33; Campbell, 25; Fischer, 43; Hadley, 37; Mello, 5; Nordquist, 7.

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

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

To amend Article IV, sections 1 and 3:

IV-1 The executive officers of the state shall be the Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, ~~State Treasurer,~~ Attorney General, and the heads of such other executive departments as set forth herein or as may be established by law. The Legislature may provide for the placing of the above named officers as heads over such departments of government as it may by law establish.

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

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

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

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

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

The term of office of the State Treasurer elected at the general election at which this constitutional amendment passes shall end on January 1, 2013, at which time the office shall be abolished.

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

A constitutional amendment to abolish the office of the State Treasurer on January 1, 2013.

For

Against.

Referred to the Reference Committee.

UNANIMOUS CONSENT - Add Cointroducers

Senator Gay asked unanimous consent to add his name as cointroducer to LB726. No objections. So ordered.

Senator Coash asked unanimous consent to add his name as cointroducer to LB865. No objections. So ordered.

VISITOR

Visitor to the Chamber was Michael Meyer from Kearney.

ADJOURNMENT

At 3:53 p.m., on a motion by Senator Schilz, the Legislature adjourned until 9:00 a.m., Tuesday, January 12, 2010.

Patrick J. O'Donnell
Clerk of the Legislature

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

FIFTH DAY

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

PRAYER

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

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Flood presiding.

The roll was called and all members were present except Senators Ashford, Coash, Conrad, Cornett, Council, Dierks, Haar, Karpisek, and Loudon who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fourth day was approved.

NOTICE OF COMMITTEE HEARING
Transportation and Telecommunications

Room 1113

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

LB688
LB705
LB739
LB749
LB782

(Signed) Deb Fischer, Chairperson

AMENDMENT - Print in Journal

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

(Amendments to Standing Committee amendments, AM983)

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

GENERAL FILE

LEGISLATIVE BILL 254. Title read. Considered.

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

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

PRESIDENT SHEEHY PRESIDING

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

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

LEGISLATIVE BILL 512. Title read. Considered.

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

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

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

LEGISLATIVE BILL 544. Title read. Considered.

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

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

Voting in the affirmative, 17:

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

Voting in the negative, 27:

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

Present and not voting, 2:

Fulton	Pahls
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Excused and not voting, 3:

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

The Chair declared the call raised.

BILLS ON FIRST READING

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

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

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

LEGISLATIVE BILL 894. Introduced by Pirsch, 4.

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

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

LEGISLATIVE BILL 895. Introduced by Janssen, 15.

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

LEGISLATIVE BILL 896. Introduced by Christensen, 44.

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

LEGISLATIVE BILL 897. Introduced by Howard, 9.

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

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

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

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

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

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

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

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

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

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

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

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

LEGISLATIVE BILL 903. Introduced by Howard, 9.

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

LEGISLATIVE BILL 904. Introduced by Howard, 9.

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

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

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

GENERAL FILE

LEGISLATIVE BILL 325. Title read. Considered.

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

SENATOR LANGEMEIER PRESIDING

PRESIDENT SHEEHY PRESIDING

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

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

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

BILLS ON FIRST READING

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

LEGISLATIVE BILL 906. Introduced by Karpisek, 32.

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

LEGISLATIVE BILL 907. Introduced by Conrad, 46.

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

LEGISLATIVE BILL 908. Introduced by Conrad, 46.

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

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

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

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

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

LEGISLATIVE BILL 911. Introduced by Langemeier, 23.

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

RESOLUTION

LEGISLATIVE RESOLUTION 285. Introduced by Schilz, 47.

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

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

WHEREAS, the Wolves defeated Greeley-Wolbach 45-30 to win the title; and

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

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

1. That the Legislature congratulates the Arthur County Wolves on winning the 2009 state championship in Nebraska six-man football.

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

Laid over.

NOTICE OF COMMITTEE HEARING

Banking, Commerce and Insurance

Room 1507

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

LB690

LB691

LB736

LB751

LB752

(Signed) Rich Pahls, Chairperson

UNANIMOUS CONSENT - Add Cointroducers

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

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

VISITORS

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

RECESS

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

AFTER RECESS

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

ROLL CALL

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

BILLS ON FIRST READING

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

LEGISLATIVE BILL 912. Introduced by Pahls, 31.

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

LEGISLATIVE BILL 913. Introduced by Council, 11.

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

REFERENCE COMMITTEE REPORT

The Executive Board submits the following report:

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

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

(Signed) John Wightman, Chairperson
 Executive Board

GENERAL FILE

LEGISLATIVE BILL 341. Title read. Considered.

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

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

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

Voting in the affirmative, 30:

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

Voting in the negative, 16:

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

Present and not voting, 2:

Heidemann White

Excused and not voting, 1:

Pankonin

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

The Chair declared the call raised.

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

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

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

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

Voting in the affirmative, 18:

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

Voting in the negative, 25:

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

Present and not voting, 4:

Rogert	Wallman	White	Wightman
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Excused and not voting, 2:

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

The Chair declared the call raised.

LEGISLATIVE BILL 183. Title read. Considered.

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

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

LEGISLATIVE BILL 197. Title read. Considered.

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

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

BILLS ON FIRST READING

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

LEGISLATIVE BILL 914. Introduced by Sullivan, 41.

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

LEGISLATIVE BILL 915. Introduced by McGill, 26.

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

LEGISLATIVE BILL 916. Introduced by Heidemann, 1.

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

LEGISLATIVE BILL 917. Introduced by Rogert, 16.

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

LEGISLATIVE BILL 918. Introduced by Hadley, 37.

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

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

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

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

To add a new section 14 to Article VIII:

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

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

A constitutional amendment to create the Highway Trust Fund, to provide for certain revenue to be placed in the Highway Trust Fund, and to restrict the use of the Highway Trust Fund for highways, roads, and streets, for expenses related to administration of related laws, and for any other use authorized by law as of January 1, 2011.

For

Against.

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 287. Introduced by Coash, 27.

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

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

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

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

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

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

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

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

Laid over.

AMENDMENTS - Print in Journal

Senator Dubas filed the following amendment to LB297:

AM1538

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

Senators Avery and Stuthman filed the following amendment to LB475:

AM1547

(Amendments to Standing Committee amendments, AM830)

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

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

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

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

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

NOTICE OF COMMITTEE HEARINGS

Education

Room 1525

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

LB713

LB750

LB754

(Signed) Greg Adams, Chairperson

Health and Human Services

Room 1510

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

LB701
LB726
LB706
LB702
LB766

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

LB710
LB803
LB790

(Signed) Tim Gay, Chairperson

UNANIMOUS CONSENT - Add Cointroducers

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

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

VISITOR

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

ADJOURNMENT

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

Patrick J. O'Donnell
Clerk of the Legislature

SIXTH DAY - JANUARY 13, 2010

LEGISLATIVE JOURNAL

**ONE HUNDRED FIRST LEGISLATURE
SECOND SESSION**

SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 13, 2010

PRAYER

The prayer was offered by Pastor Nathan Reckling, Princeton Countryside Alliance Church, Princeton.

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 Senators Adams, Ashford, Christensen, Council, Price, and Sullivan who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifth day was approved.

NOTICE OF COMMITTEE HEARING
Government, Military and Veterans Affairs

Room 1507

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

LB753
LB791
LB721
LB722

(Signed) Bill Avery, Chairperson

GENERAL FILE

LEGISLATIVE BILL 550. Title read. Considered.

Senator Avery renewed his amendment, AM1539, found on page 125.

The Avery amendment was adopted with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 5 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 297. Title read. Considered.

Committee AM424, found on page 675, First Session, 2009, was considered.

Senator Dubas renewed her amendment, AM1538, found on page 196, to the committee amendment.

The Dubas amendment was adopted with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

Senator Lautenbaugh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

The committee amendment, as amended, was adopted with 41 ayes, 0 nays, 5 present and not voting, and 3 excused and not voting.

Senator Langemeier moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Senator White requested a record vote on the advancement of the bill.

Voting in the affirmative, 34:

Adams	Cook	Hadley	Nelson	Schilz
Avery	Cornett	Harms	Nordquist	Stuthman
Campbell	Dubas	Howard	Pahls	Sullivan
Carlson	Flood	Karpisek	Pankonin	Wallman
Christensen	Fulton	Langemeier	Pirsch	White
Coash	Gloor	Lathrop	Price	Wightman
Conrad	Haar	Mello	Rogert	

Voting in the negative, 2:

Hansen	Louden
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Present and not voting, 10:

Ashford	Fischer	Heidemann	Krist	McCoy
Dierks	Giese	Janssen	Lautenbaugh	Utter

Excused and not voting, 3:

Council	Gay	McGill
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Advanced to Enrollment and Review Initial with 34 ayes, 2 nays, 10 present and not voting, and 3 excused and not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 919. Introduced by Schilz, 47; Carlson, 38; Christensen, 44; Gloor, 35; Hansen, 42; Loudon, 49; Wightman, 36.

A BILL FOR AN ACT relating to cities of the first class; to amend section 17-301, Reissue Revised Statutes of Nebraska; to permit a city to remain a city of the first class despite a population decrease; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 920. Introduced by Haar, 21.

A BILL FOR AN ACT relating to schools; to provide for school transportation safety committees; and to require transportation plans as prescribed.

LEGISLATIVE BILL 921. Introduced by Campbell, 25.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-901, Reissue Revised Statutes of Nebraska; to provide for payment of claims as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 922. Introduced by Coash, 27.

A BILL FOR AN ACT relating to medication aides; to amend section 71-6728, Reissue Revised Statutes of Nebraska; to change provisions relating to registration renewal; and to repeal the original section.

LEGISLATIVE BILL 923. Introduced by Ashford, 20; Council, 11.

A BILL FOR AN ACT relating to juveniles; to amend sections 25-2701 and 43-2,129, Reissue Revised Statutes of Nebraska, and section 43-245, Revised Statutes Supplement, 2009; to provide powers to county courts; to

define a term; to provide and eliminate provisions relating to sealing criminal justice records; to harmonize provisions; to repeal the original sections; and to outright repeal sections 43-2,102, 43-2,103, 43-2,104, and 43-2,105, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 924. Introduced by Fischer, 43.

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.

LEGISLATIVE BILL 925. Introduced by Conrad, 46.

A BILL FOR AN ACT relating to labor; to require employment of Nebraska laborers for public works projects during periods of excessive unemployment; to define terms; to provide powers and duties; and to authorize injunctive relief.

LEGISLATIVE BILL 926. Introduced by Rogert, 16; Coash, 27; Dubas, 34.

A BILL FOR AN ACT relating to highways; to amend sections 39-204, 39-205, and 39-210, Reissue Revised Statutes of Nebraska; to redefine specific information sign panel; to provide minimum requirements for farm wineries as prescribed; to change requirements for tourist-oriented directional sign panels; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 927. Introduced by Nebraska Retirement Systems Committee: Pankonin, 2, Chairperson; Heidemann, 1; Karpisek, 32; Loudon, 49; Mello, 5; Nordquist, 7.

A BILL FOR AN ACT relating to the School Employees Retirement Act; to amend section 79-958, Revised Statutes Supplement, 2009; to change employee deposit requirements; and to repeal the original section.

LEGISLATIVE BILL 928. Introduced by Nebraska Retirement Systems Committee: Pankonin, 2, Chairperson; Heidemann, 1; Karpisek, 32; Loudon, 49; Mello, 5; Nordquist, 7.

A BILL FOR AN ACT relating to the Nebraska State Patrol Retirement Act; to amend section 81-2017, Revised Statutes Supplement, 2009; to change the contribution rate as prescribed; to provide an operative date; to repeal the original section; and to declare an emergency.

RESOLUTIONS**LEGISLATIVE RESOLUTION 288.** Introduced by Mello, 5.

WHEREAS, the Omaha Jaycees recently named the 2009 recipients of the 77th Annual Ten Outstanding Young Omahans Award; and

WHEREAS, this award is annually presented to ten people between the ages of twenty-one and forty who exemplify excellence in both the professional and personal arenas while also taking an active role in the community; and

WHEREAS, the 2009 recipients of the 77th Annual Ten Outstanding Young Omahans Award are Elaine Buescher, Stephanie Hansen, Kristine Hull, Jeffrey Jorth, Craig Moody, Crystal Rhoades, Shawntal Smith, Kelli Sweet, Quinn Vanderberg, and Carol Wang; and

WHEREAS, these ten individuals will be recognized for the award on Wednesday, January 27, 2010; and

WHEREAS, the Legislature should recognize outstanding individual achievements like receiving the 77th Annual Ten Outstanding Young Omahans Award.

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

1. That the Legislature congratulates Elaine Buescher, Stephanie Hansen, Kristine Hull, Jeffrey Jorth, Craig Moody, Crystal Rhoades, Shawntal Smith, Kelli Sweet, Quinn Vanderberg, and Carol Wang on receiving the 77th Annual Ten Outstanding Young Omahans Award.

2. That a copy of this resolution be sent to Elaine Buescher, Stephanie Hansen, Kristine Hull, Jeffrey Jorth, Craig Moody, Crystal Rhoades, Shawntal Smith, Kelli Sweet, Quinn Vanderberg, and Carol Wang.

Laid over.

LEGISLATIVE RESOLUTION 289CA. Introduced by McCoy, 39; Carlson, 38; Christensen, 44; Coash, 27; Fulton, 29; Harms, 48; Janssen, 15; Krist, 10; Lautenbaugh, 18; Price, 3; Schilz, 47; Utter, 33.

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

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

To add a new section 31 to Article I:

I-31 Because all people should have the right to make decisions about their health care, no law shall be passed that:

(1) Restricts a person's freedom of choice of private health care systems or private health plans of any type;

(2) Interferes with a person's or an entity's right to pay directly for lawful medical services; or

(3) Imposes a penalty or fine of any type for choosing to obtain or decline health care coverage or for participation in any particular health care system or health plan.

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 provide that no law shall be passed that restricts a person's freedom of choice of private health care systems or plans of any type, that interferes with a person's or an entity's right to pay directly for lawful medical services, or that imposes a penalty or fine for choosing or declining health care coverage or participation.

For

Against.

Referred to the Reference Committee.

NOTICE OF COMMITTEE HEARINGS

Revenue

Room 1524

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

LB698

LB724

LB804

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

LB877

LB878

LB879

(Signed) Abbie Cornett, Chairperson

Judiciary

Room 1113

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

LB853

LB687

LB703

LB707

LB712

(Signed) Brad Ashford, Chairperson

Government, Military and Veterans Affairs

Room 1507

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

LB742
LB714
LB737

Friday, January 22, 2010 1:30 p.m.

LB686
LB768
LB826

(Signed) Bill Avery, Chairperson

COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 682. Placed on Select File.

LEGISLATIVE BILL 683. Placed on Select File.

LEGISLATIVE BILL 684. Placed on Select File.

LEGISLATIVE BILL 261. Placed on Select File with amendment.
ER8137

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 60-4,111.01, Reissue Revised Statutes
- 4 of Nebraska, is amended to read:
- 5 60-4,111.01 (1) The Department of Motor Vehicles,
- 6 the courts, or law enforcement agencies may store or compile
- 7 information acquired from an operator's license or state
- 8 identification card for their statutorily authorized purposes.
- 9 ~~(2) No-Except as otherwise provided in subsection (3)~~
- 10 ~~or (4) of this section, no person having use of or access to~~
- 11 ~~machine-readable information encoded on an operator's license or a~~
- 12 ~~state identification card shall compile, store, preserve, trade, or~~
- 13 ~~sell such information. Violation of this subsection shall be Any~~
- 14 ~~person who trades or sells such information shall be guilty of a~~
- 15 ~~Class IV felony. Any person who compiles, stores, or preserves such~~
- 16 ~~information except as authorized in subsection (3) or (4) of this~~
- 17 ~~section shall be guilty of a Class IV felony.~~
- 18 (3)(a) For purposes of compliance with and enforcement
- 19 of restrictions on the purchase of alcohol, lottery tickets, and
- 20 tobacco products, a retailer who sells any of such items pursuant
- 21 to a license issued or a contract under the applicable statutory
- 22 provision may scan machine-readable information encoded on an

23 operator's license or a state identification card presented for
1 the purpose of such a sale. The retailer may store the following
2 information obtained from the license or card: Age and license
3 or card identification number. The retailer shall post a sign at
4 the point of sale of any of such items stating that the license
5 or card will be scanned and that the age and identification
6 number will be stored. The stored information may only be used
7 by a law enforcement agency for purposes of enforcement of the
8 restrictions on the purchase of alcohol, lottery tickets, and
9 tobacco products and may not be shared with any other person
10 or entity. The programmer for computer software designed to
11 store such information shall certify to the retailer that the
12 software is capable of storing only the information allowed by this
13 subsection. Intentional or grossly negligent programming by the
14 programmer which allows for the storage of more than the age and
15 identification number shall be a Class IV felony. A retailer who
16 knowingly stores more information than the age and identification
17 number from the operator's license or state identification card
18 shall be guilty of a Class IV felony.

19 (b) Information scanned, compiled, stored, or preserved
20 pursuant to subdivision (a) of this subsection may not be retained
21 longer than eighteen months unless required by state or federal
22 law.

23 (4) A person having use of or access to machine-readable
24 information encoded on an operator's license or a state
25 identification card may scan, compile, store, and preserve such
26 information:

27 (a) For purposes of providing such information to a
1 consumer reporting agency subject to and in compliance with the
2 federal Fair Credit Reporting Act, 15 U.S.C. 1681, as such act
3 existed on January 1, 2009;

4 (b) As necessary to effect, administer, or enforce a
5 transaction requested by the holder of the license or card;

6 (c) To protect against or prevent actual or potential
7 fraud, unauthorized transactions, claims, or other liability; or

8 (d) For resolving a dispute or inquiry by the holder of
9 the license or card.

10 (5) Except as provided in subsection (4) of this section,
11 information scanned, compiled, stored, or preserved pursuant to
12 this section may not be traded or sold to a third party; used
13 for any marketing or sales purpose by any person, including the
14 retailer who obtained the information; or, unless pursuant to a
15 court order, reported to or shared with any third party. A person
16 who violates this subsection shall be guilty of a Class IV felony.

17 Sec. 2. Original section 60-4,111.01, Reissue Revised
18 Statutes of Nebraska, is repealed.

LEGISLATIVE BILL 522. Placed on Select File.

(Signed) Jeremy Nordquist, Chairperson

GENERAL FILE

LEGISLATIVE BILL 205. Title read. Considered.

Committee AM689, found on page 744, First Session, 2009, was considered.

SPEAKER FLOOD PRESIDING

PRESIDENT SHEEHY PRESIDING

Senator Stuthman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

The committee amendment was adopted with 32 ayes, 4 nays, 9 present and not voting, and 4 excused and not voting.

Senator Nordquist offered the following amendment:

AM1550

- 1 1. On page 3, line 24; page 4, lines 4 and 8; and page 7,
- 2 lines 9, 16, and 20, strike "2010" and insert "2012".

Senator Nordquist moved for a call of the house. The motion prevailed with 39 ayes, 0 nays, and 10 not voting.

The Nordquist amendment was adopted with 26 ayes, 6 nays, 12 present and not voting, 1 absent and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Nordquist moved for a call of the house. The motion prevailed with 39 ayes, 0 nays, and 10 not voting.

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

Voting in the affirmative, 19:

Ashford	Cornett	Howard	Nordquist	Sullivan
Avery	Fulton	Karpisek	Pankonin	Wallman
Conrad	Giese	Lathrop	Pirsch	White
Cook	Haar	Mello	Rogert	

Voting in the negative, 22:

Adams	Fischer	Janssen	Nelson	Utter
Campbell	Flood	Langemeier	Pahls	Wightman
Carlson	Hadley	Lautenbaugh	Price	
Christensen	Hansen	Louden	Schilz	
Coash	Harms	McCoy	Stuthman	

Present and not voting, 3:

Dubas	Gloor	Heidemann
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Excused and not voting, 5:

Council	Dierks	Gay	Krist	McGill
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Failed to advance to Enrollment and Review Initial with 19 ayes, 22 nays, 3 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 929. Introduced by Ashford, 20; Mello, 5; Nelson, 6; Nordquist, 7.

A BILL FOR AN ACT relating to the Special Education Act; to amend section 79-1110, Revised Statutes Supplement, 2009; to require distribution of information to parents of children with hearing needs as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 930. Introduced by Gloor, 35.

A BILL FOR AN ACT relating to the Pharmacy Practice Act; to amend sections 38-2841 and 71-7447, Reissue Revised Statutes of Nebraska, and sections 38-2826, 38-2850, 38-2867, and 38-2869, Revised Statutes Supplement, 2009; to redefine terms; to change provisions relating to the practice of pharmacy and patient counseling; to harmonize provisions; and to repeal the original sections.

RECESS

At 11:49 a.m., on a motion by Senator Utter, the Legislature recessed until 1:30 p.m.

AFTER RECESS

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

SENATOR ROBERT PRESIDING**ROLL CALL**

The roll was called and all members were present except Senators Gay and Krist who were excused; and Senators Ashford, Christensen, Dierks, Karpisek, Loudon, and Sullivan who were excused until they arrive.

REFERENCE COMMITTEE REPORT

The Executive Board submits the following report:

LB/LR	Committee
LB893	Revenue
LB894	Judiciary
LB895	Natural Resources
LB896	Transportation and Telecommunications
LB897	Revenue
LB898	Education
LB899	Nebraska Retirement Systems
LB900	General Affairs
LB901	Judiciary
LB902	Health and Human Services
LB903	Health and Human Services
LB904	Health and Human Services
LB905	Judiciary
LB906	General Affairs
LB907	Judiciary
LB908	Business and Labor
LB909	Agriculture
LB910	Agriculture
LB911	Natural Resources
LB912	Banking, Commerce and Insurance
LB913	Business and Labor
LB914	Transportation and Telecommunications
LB915	Judiciary
LB916	Education
LB917	Revenue
LB918	Revenue
LR286CA	Transportation and Telecommunications

(Signed) John Wightman, Chairperson
Executive Board

NOTICE OF COMMITTEE HEARING

Appropriations

Room 1524

Monday, January 25, 2010 1:30 p.m.

LB740
LB776
LB793

(Signed) Lavon Heidemann, Chairperson

GENERAL FILE**LEGISLATIVE BILL 235.** Title read. Considered.

Committee AM681, found on page 745, First Session, 2009, was considered.

Senator Adams renewed his amendment, AM1541, found on page 123, to the committee amendment.

The Adams amendment was adopted with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

The committee amendment, as amended, was adopted with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 1 nay, 8 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 210. Title read. Considered.

Senator Langemeier offered the following amendment:

FA57

Page 3, line 5 strike "January" and insert "July"

The Langemeier amendment was adopted with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 280. Title read. Considered.

Senator Avery offered the following motion:

MO72

Indefinitely postpone.

Laid over.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 931. Introduced by Langemeier, 23.

A BILL FOR AN ACT relating to the Real Property Appraiser Act; to amend sections 76-2201, 76-2202, 76-2203, 76-2206, 76-2211.01, 76-2211.02, 76-2213, 76-2213.01, 76-2216, 76-2217.02, 76-2220, 76-2223, 76-2225, 76-2228, 76-2228.01, 76-2229, 76-2229.01, 76-2230, 76-2231.01, 76-2232, 76-2233, 76-2233.01, 76-2233.02, 76-2236, 76-2237, 76-2238, 76-2240, 76-2241, 76-2249, and 77-5004, Reissue Revised Statutes of Nebraska; to change provisions relating to the credentialing of appraisers, testing, and hearings; to provide and change powers and duties for the Real Property Appraiser Board; to provide provisions relating to appraisal management companies; to define and redefine terms; to harmonize provisions; to repeal the original sections; to outright repeal sections 76-2205.01 and 76-2207, Reissue Revised Statutes of Nebraska; and to declare an emergency.

LEGISLATIVE BILL 932. Introduced by Christensen, 44.

A BILL FOR AN ACT relating to natural resources; to amend sections 2-3226.06, 2-3226.07, and 2-3226.08, Revised Statutes Cumulative Supplement, 2008; to change provisions relating to repayment of financial assistance as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 933. Introduced by Utter, 33.

A BILL FOR AN ACT relating to the Motor Vehicle Certificate of Title Act; to amend section 60-149, Revised Statutes Cumulative Supplement, 2008; to change provisions relating to manufactured homes and mobile homes; and to repeal the original section.

LEGISLATIVE BILL 934. Introduced by Haar, 21; Coash, 27; Cook, 13; Cornett, 45; Council, 11; Fulton, 29; Giese, 17; Gloor, 35; Janssen, 15; McCoy, 39; Stuthman, 22; Wallman, 30; Wightman, 36.

A BILL FOR AN ACT relating to labor; to amend section 35-1402, Reissue Revised Statutes of Nebraska; to include volunteer members of the Nebraska Wing of the Civil Air Patrol under the Volunteer Emergency Responders Job Protection Act; and to repeal the original section.

RESOLUTIONS

LEGISLATIVE RESOLUTION 290. Introduced by Fulton, 29; Adams, 24; Ashford, 20; Avery, 28; Campbell, 25; Carlson, 38; Christensen, 44; Coash, 27; Conrad, 46; Cook, 13; Cornett, 45; Council, 11; Dierks, 40; Dubas, 34; Fischer, 43; Flood, 19; Gay, 14; Giese, 17; Gloor, 35; Haar, 21; Hadley, 37; Hansen, 42; Harms, 48; Heidemann, 1; Howard, 9; Janssen, 15; Karpisek, 32; Krist, 10; Langemeier, 23; Lathrop, 12; Lautenbaugh, 18; Loudon, 49; McCoy, 39; McGill, 26; Mello, 5; Nelson, 6; Nordquist, 7; Pahls, 31; Pankonin, 2; Pirsch, 4; Price, 3; Rogert, 16; Schilz, 47; Stuthman, 22; Sullivan, 41; Utter, 33; Wallman, 30; White, 8; Wightman, 36.

WHEREAS, the University of Nebraska Cornhusker football team won their second consecutive bowl game in their 2009 Holiday Bowl victory over the University of Arizona Wildcats by a score of thirty-three to zero; and

WHEREAS, no team has prevented its opponent from scoring in the history of the Holiday Bowl and no Cornhusker team has prevented its opponent from scoring in the University's storied history of forty-six bowl games; and

WHEREAS, head coach Bo Pelini has led the Cornhuskers to two consecutive Big Twelve Conference North Division titles, the second outright, in his first two seasons as head coach; and

WHEREAS, head coach Bo Pelini, defensive coordinator Carl Pelini, and the entire coaching staff have transformed the Blackshirt defense into one of the top-rated defenses in all of college football over the course of two seasons; and

WHEREAS, defensive tackle Ndamukong Suh has achieved unprecedented individual accolades, winning the Bronko Nagurski Award, the Rotary Lombardi Award, the Outland Trophy, the Chuck Bednarik Award, and the Associated Press National Player of the Year Award, while unselfishly leading the Blackshirt defense and the Cornhuskers throughout their impressive season; and

WHEREAS, the work ethic, discipline, teamwork, character, and dedication to excellence evident in each player and coach of the Cornhusker football program on and off the field of play are a source of great inspiration and pride for the people of Nebraska.

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

1. That the Legislature congratulates the University of Nebraska Cornhusker football team and head coach Bo Pelini for their achievements.

2. That a copy of this resolution be delivered to the University of Nebraska Athletic Department.

Laid over.

LEGISLATIVE RESOLUTION 291. Introduced by Fulton, 29.

WHEREAS, the Lincoln Saltdogs baseball team won the 2009 American Association Championship on September 13, 2009; and

WHEREAS, Manager Marty Scott led the Saltdogs to the championship in his first season as manager; and

WHEREAS, the Lincoln Saltdogs exhibited the team unity, commitment to high achievement, and perseverance that are hallmarks of athletics in Nebraska; and

WHEREAS, pitcher Chris Thompson led the league with thirty saves and became the fifth player in team history to be named an American Association postseason All-Star; and

WHEREAS, Chairman Jim Abel, President Charlie Meyer, General Manager Tim Utrup, and the entire Lincoln Saltdogs front office have put forth tremendous effort in developing a high-quality baseball organization for the citizens of Lincoln; and

WHEREAS, the Lincoln Saltdogs have been a continual source of family entertainment and civic pride in the city of Lincoln for nine seasons; and

WHEREAS, the Lincoln Saltdogs have enkindled greater interest and participation in our national pastime in southeast Nebraska.

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

1. That the Legislature congratulates the Lincoln Saltdogs baseball team for their achievements.

2. That a copy of this resolution be sent to the Lincoln Saltdogs and their manager, Marty Scott.

Laid over.

LEGISLATIVE RESOLUTION 292. Introduced by Fulton, 29.

WHEREAS, the Ninth Amendment to the United States Constitution states that "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people;" and

WHEREAS, the Tenth Amendment to the United States Constitution declares that "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people;" and

WHEREAS, the framers of the United States Constitution envisioned a federal government with "few and defined" delegated powers, whereby state governments retained "numerous and indefinite" powers extending "to all the objects which, in the ordinary course of affairs, concern the lives, liberties, and properties of the people, and the internal order, improvement, and prosperity of the State;" and

WHEREAS, the United States Government has historically and continues to expand its enumerated powers in a manner inconsistent with the Ninth Amendment to the United States Constitution; and

WHEREAS, the United States Government has historically and continues to assert powers not enumerated under Article I, section 8, of the United States Constitution in a manner inconsistent with the Tenth Amendment to the United States Constitution; and

WHEREAS, a balanced federalism is necessary to preserve the inherent rights of the people, from whose consent the just powers of both state and federal governments are derived.

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

1. That the Legislature memorializes the Congress of the United States to adhere to the principles of federalism in accord with the Ninth and Tenth Amendments to the United States Constitution.

2. That a copy of this resolution be sent to all the members of the Nebraska congressional delegation with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

3. That a copy of this resolution be sent to each state legislature within these United States of America.

Referred to the Reference Committee.

NOTICE OF COMMITTEE HEARING

Natural Resources

Room 1525

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

LB797

LB798

LB911

(Signed) Chris Langemeier, Chairperson

UNANIMOUS CONSENT - Add Cointroducer

Senator Howard asked unanimous consent to add her name as cointroducer to LB929. No objections. So ordered.

VISITORS

Visitor to the Chamber was Jay Wolf from Albion.

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

ADJOURNMENT

At 2:59 p.m., on a motion by Speaker Flood, the Legislature adjourned until 9:45 a.m., Thursday, January 14, 2010.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTH DAY - JANUARY 14, 2010
LEGISLATIVE JOURNAL
ONE HUNDRED FIRST LEGISLATURE
SECOND SESSION

SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 14, 2010

PRAYER

The prayer was offered by Reverend Jack Sample, Wood River.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:45 a.m., President Sheehy presiding.

The roll was called and all members were present.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixth day was approved.

NOTICE OF COMMITTEE HEARINGS
Banking, Commerce and Insurance

Room 1507

Monday, January 25, 2010 1:30 p.m.

LB738
LB762
LB814

Tuesday, January 26, 2010 1:30 p.m.

LB890
LB891
LB892

(Signed) Rich Pahls, Chairperson

Business and Labor

Room 2102

Monday, January 25, 2010 1:30 p.m.

LB709
 LB729
 LB884
 LB913

(Signed) Steve Lathrop, Chairperson

Natural Resources

Room 1525

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

LB743
 LB871

Friday, January 22, 2010 1:30 p.m.

LB832

(Signed) Chris Langemeier, Chairperson

Revenue

Room 1524

Friday, January 22, 2010 1:30 p.m.

Robert W. Hotz - Tax Equalization and Review Commission

LB823

(Signed) Abbie Cornett, Chairperson

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

Insurance, Department of

Total Number of Applicants for Public Benefits and the Number of Applicants Rejected Pursuant to Such Sections

Natural Resources, Department of

Total Number of Applicants for Public Benefits and the Number of Applicants Rejected Pursuant to Such Sections

Revenue, Nebraska Department of

Charitable Gaming Division 2009 Annual Report

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of January 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

Obst, Robert E.

Qwest Communications

Partington, Jim

Restaurant Association, Nebraska

Plucker, Julia

Bennington Public Schools

Beverage Operators of Nebraska, Responsible

Community Alliance, Inc.

Credit Union League and Affiliates, Nebraska

Kelley and Jerram, P.C.

Lamar Advertising Company

Nebraska School Activities Association

Radcliffe, Walter H. of Radcliffe & Associates

Enterprise Rent-A-Car

MOTION - Escort Governor

Senator Wightman moved that a committee of five be appointed to escort the Governor of the State of Nebraska to the Legislative Chamber to deliver his State of the State Address.

The motion prevailed.

The Chair appointed Senators Wightman, Rogert, Cook, Cornett, and Janssen to serve on said committee.

STATE OF THE STATE ADDRESS

*"Our roadmap is clear and my focus will be on three priorities:
Growing our economy by focusing on job creation; strengthening
Nebraska's education system so that our students can compete in the 21st
Century economy; and developing a more efficient government through
greater use of technology."
- Dave Heineman, Governor*

Mr. President, Mr. Speaker, Members of the Legislature, Tribal Chairmen, Distinguished Guests, Friends and Fellow Nebraskans:

As we enter a new decade, we have a unique opportunity to pause - to reflect on our past accomplishments and take the first step toward new endeavors. As a State, we are in an exceptional position to become an even more extraordinary place to live, to work and to raise a family.

Nebraska's financial health is stronger than most of our peers across America, because working together we have been fiscally responsible. Two months ago, Nebraska faced a \$335 million revenue shortfall. We acted quickly and decisively. We resolved this financial challenge by reducing spending, not by increasing taxes. Members of this body were in special session just 12 days. You passed the budget unanimously and I signed it into law immediately. No other state has acted as swiftly or spoken with one voice as Nebraska has in recent months. Senators, thank you for your work during the 2009 special session.

As a result, we are positioned to continue moving Nebraska forward. My focus for the coming year is to prepare our state to take advantage of new opportunities.

My vision for ensuring a strong future for Nebraska is summed up in three priorities: growing our economy, strengthening education, and developing an even more efficient government. Growing our economy means an every day focus on job creation.

Our efforts to modernize Nebraska's economic incentive programs, to lower taxes, and to prioritize investments have resulted in a stronger, more stable economy in Nebraska than in the rest of the country. In 2005, I worked with this body and we enacted the most comprehensive reform of our state's economic development programs since the 1980s.

I am pleased to report that the Nebraska Advantage is exceeding our expectations. Since its passage, 195 companies have decided to expand or locate in Nebraska. These companies plan to invest \$5.3 billion in our economy. When all projects are completed, nearly 16,000 new jobs will have been created.

Even as the national economic slowdown is impacting all states, our

recruiting efforts continue to pay dividends. Fifteen months ago, one of America's most well-known technology companies announced it would locate a data center and customer service center in the Omaha area. Both projects will be operational this year. Last month, a California technology company announced it was locating in Grand Island. This company will create 200 new jobs over the next three years.

In September, a successful and nationally-known retailer, headquartered in Kearney, announced an expansion of its distribution center using funding from Nebraska's Community Development Block Grant program. That same program is helping the communities of Aurora, Kearney, and South Sioux City develop new industrial power park sites for future economic growth. Last April, two central Nebraska companies announced a partnership that created 25 new jobs in Central City producing custom made cabinets that had previously been manufactured in China.

Working with the International Brotherhood of Electrical Workers, we used funding from Nebraska's Worker Training program to build a wind tower training facility that will help prepare our workers for the future growth of Nebraska's wind energy sector. Agriculture and ag-related businesses continue to be a solid and stable foundation of Nebraska's economy. Nebraska's insurance and financial services industry continues to expand.

In addition to our work to create jobs, the other important element to growing Nebraska's economy is our work to lower taxes. For too long, Nebraska has been a high tax state. But we are changing that.

Three years ago, we passed the largest tax relief package in the history of the State. We repealed the estate tax, eliminated the marriage penalty, repealed the sales tax on construction labor, and lowered income taxes. Prior to those changes, the Tax Foundation ranked Nebraska as one of America's Top 10 highest tax states. Their survey ranked Nebraska as having the 44th highest tax rates out of 50 states.

Today we have successfully reduced our ranking to 33rd, making Nebraska a more competitive and business-friendly state. That's progress, but we have more to do. Taxes are still too high.

The key to lowering taxes is to control spending. It requires difficult choices and it requires that we prioritize our investments.

During this national economic slowdown, we have seized the opportunity to make Nebraska more competitive. Many states have raised income or sales taxes – Nebraska has not. Many states spent beyond their means – Nebraska did not. We controlled our spending.

Because of the tough choices we have made, Nebraska is receiving national attention. According to Forbes, Nebraska is one of the Top 10 "Best States For Business." Business Week rated Nebraska as one of the Top 10 states

"Where Struggling Americans Can Find a Fresh Start." Mainstreet.com ranked Nebraska as the number one state for financial prosperity in their "Happiness Index." Nebraska has the second lowest unemployment rate in America. CNN Money just published a ranking of the Top 10 "Best Places to Live" in America for jobs. Three of the Top 8 places for jobs in America are in one state - Nebraska. They are Platte County, Sarpy County and Madison County.

There is more good news. The latest U.S. Census Bureau estimates indicated Nebraska's population growth in 2009 compared to the national growth rate was our best performance in nearly 50 years.

Nebraska is on the move in typical Nebraska fashion – making deliberate, disciplined, steady, and responsible progress. However, the next 12 to 18 months will be a time of uncertainty for our economy. Historically, as the national economy begins to recover, state tax revenues tend to lag behind.

To build on the progress of the past few years, it will be critical that we solve any additional revenue shortfalls by remaining committed to reducing spending. Preventing any future tax increases is crucial to continuing Nebraska's economic progress. Tax increases are job-killers, not job-creators. Whether it's a special session or a regular legislative session, I will oppose any attempt to increase income or sales taxes on Nebraskans.

The second key element to spurring future growth is strengthening Nebraska's education system. The world is changing. Our task is to prepare our sons and daughters to compete in a knowledge-based, technology-driven, global, free-market economy. Today's jobs require higher reading and math skills than was true 20 years ago.

In order to prepare our students for the 21st Century workplace, we need to transform our education system from pre-school all the way through college. We've begun that reform by restructuring the Nebraska P-16 Initiative. This partnership includes education leaders and policy makers.

As the new chair of the Nebraska P-16 Initiative, I am pleased to be working closely with my fellow co-chairs, including Senator Greg Adams, Chair of your Education Committee, Commissioner of Education, Dr. Roger Breed, University of Nebraska President J.B. Milliken, and Liz Koop, President and CEO of EducationQuest Foundation. We are united in our effort to strengthen Nebraska's education system.

For all students to succeed, Nebraska needs a common set of career-ready and college-ready academic standards. One of our first P-16 goals was to update Nebraska's high school graduation requirements by supporting a core curriculum of four years of English and three years of math, science and social studies. I am pleased to report that the State Board of Education has adopted these new high school graduation requirements starting with the 2014-2015 academic year, and just minutes ago, I approved the Rule 10

regulation updating Nebraska's graduation requirements for the first time since 1984.

Furthermore, the road to economic prosperity for us as a State and for individual students is a good education. The road out of poverty into a good job is a good education, and a good education starts with parents and early learning activities at home. It continues with outstanding early childhood programs, and as our children enter one of Nebraska's 253 school districts, the focus must be on learning.

Student success in the classroom is directly related to quality teachers and increased parental involvement. That's why in 2007, I began collaborating with the Nebraska Association of School Boards on a new award recognizing school districts that are successful in increasing parental involvement. In the last three years, we have honored school districts from Garden County, Sutherland, Cozad, Kearney, Loup City, St. Paul, Grand Island, Madison, Papillion-LaVista, and Millard for their parental involvement programs.

As good as Nebraska's schools are today, they must be even better in the future. Increasing student achievement means Nebraska needs a high quality teacher in every classroom, a high quality principal in every school, and a high quality superintendent leading every school district. Eliminating academic achievement gaps means changing the status quo. For example, high truancy rates are unacceptable. Superintendents, parents, law enforcement, county attorneys, and other community agencies need a high profile effort to ensure students are in school every day.

Additionally, Nebraska needs to reform its school day and school year. The needs of students have changed dramatically during the past century, yet our American education system continues to rely upon a 100-year-old school calendar. School districts need to examine their current school day and school year with a focus on increasing learning opportunities. School leaders and parents must work together to develop effective strategies to use time more effectively.

Tomorrow, Commissioner Breed and I will be submitting Nebraska's Race to the Top application to the federal Department of Education. Our commitment includes working with the University of Nebraska to develop a new Nebraska Virtual High School that will provide Nebraska's school districts with rigorous academic programs.

Imagine how a Nebraska Virtual High School could expand learning beyond the traditional school day and school year for both students and teachers. Every school district stands to benefit from this effort. For rural and urban school districts, it will provide access to a wider range of rigorous academic subjects, such as foreign languages and advanced math and science classes. For school districts with parents without internet access at home, schools could keep buildings open later in the evening for students to access these

academic programs online.

Imagine students spending more time in a virtual classroom between the hours of 3:30 p.m. and 8:30 p.m., and less time on the streets involved in drug and gang activities. Imagine students using Nebraska's Virtual High School from their home, a library or a community center during the summer. With innovative and creative thinking, we will expand learning opportunities well beyond the traditional school day and school year.

In Nebraska, we have an opportunity to create an education system with higher student achievement, increased accountability, improved teacher and principal effectiveness, and a reformed school day and school year. Change of this magnitude will require a redirection of current financial resources at the school district level, including diverting resources from lawyers and lobbyists to the classroom. It will require a continued prioritization of state resources, and I will continue to prioritize education. The focus must be on student learning, both individual achievement and student growth.

In a 21st Century, global economy, we must recognize that today's students need more than a high school education. Today's jobs require at least two years of college and in many cases four years of college. That's why Nebraska needs a top 10 college going rate and affordable access to higher education institutions. Like our K-12 school districts, the University of Nebraska, our state and community colleges, and our private colleges and universities need to re-examine their educational processes. Students need a clear path to degree completion in four years, not six years.

Our colleges and universities need to prioritize their investments as well as redirecting financial resources to higher priorities. Strengthening Nebraska's education system from pre-school through college is essential to Nebraska's future success. Now is the time to focus our attention on building an education system that meets the needs of modern students competing in a modern world.

The final component to keep Nebraska moving forward is to continue to develop a more efficient government by reforming the delivery of government services. By using technology, state government can become more efficient and more productive. For example, Nebraska is developing a statewide radio system to allow city, county, state, and federal agencies to communicate with each other. This project is a perfect example of how innovation can provide enhanced public safety that benefits every Nebraskan.

In addition, the technology that allows Nebraskans to file taxes electronically has also helped increase productivity and lower costs. More than 71 percent of Nebraska's tax returns were filed electronically last year. We have one of the highest e-filing rates in the nation.

The Department of Health and Human Services is using technology to

improve client services and modernize the delivery of economic assistance programs through a series of online applications known as ACCESSNebraska. More than 56,000 Nebraskans have taken advantage of the ability to apply for services online since last September. More than 30 percent of our citizens applying online do so outside of traditional work hours. Once fully implemented, the federal and state budget savings will be more than \$5 million annually.

Some of our most popular online services include hunting and fishing licenses from the Nebraska Game and Parks Commission, and the 511 feature offered by the Department of Roads providing real-time information on weather and road conditions across the State. Last year, more than 434,000 hunting and fishing licenses were purchased online. The Department of Roads 511 site logged more than 700,000 visits in December alone and more than 1.3 million visits in 2009.

Ladies and Gentlemen, although 2010 will be a challenging year for Nebraska and all states, it is essential that we continue to position Nebraska for future growth.

Our roadmap is clear and my focus will be on three priorities: Growing our economy by focusing on job creation; strengthening Nebraska's education system so that our students can compete in the 21st Century economy; and developing a more efficient government through greater use of technology.

We have worked hard to position Nebraska as an attractive place to live, to work and to raise a family, and I am confident that the year ahead will provide us with new opportunities to move Nebraska forward.

Thank you.

The committee escorted Governor Dave Heineman from the Chamber.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 935. Introduced by Speaker Flood, 19; at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2009, LB 313, section 17; Laws 2009, LB 315, section 76; Laws 2009, First Special Session, LB 1, sections 15, 16, 17, 18, 20, 21, 22, 23, 27, 41, 87, 98, 104, 210, and 228; to define terms; to appropriate funds; to change certain appropriations; to provide for transfers; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 936. Introduced by Flood, 19.

A BILL FOR AN ACT relating to juvenile dispositions; to amend sections 29-2262.06 and 43-286, Reissue Revised Statutes of Nebraska; to authorize juvenile court-ordered conditions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 937. Introduced by Fischer, 43.

A BILL FOR AN ACT relating to learning community coordinating councils; to amend section 32-546.01, Revised Statutes Supplement, 2009; to eliminate provisions relating to per diems; and to repeal the original section.

LEGISLATIVE BILL 938. Introduced by Stuthman, 22.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend sections 68-907 and 68-911, Reissue Revised Statutes of Nebraska; to define a term; to provide for reimbursement of federally qualified health centers as prescribed; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 939. Introduced by Stuthman, 22.

A BILL FOR AN ACT relating to support enforcement; to amend sections 43-1701, 43-1702, 43-1703, 43-1717, 43-1718.02, 43-1720, 43-1722, 43-1723, 43-1724, 43-1726, 43-1727, and 43-3330, Reissue Revised Statutes of Nebraska, and section 43-512.12, Revised Statutes Supplement, 2009; to change review procedures for support orders; to include the satisfaction of certain monetary judgments of an obligor by income withholding; to define and redefine terms and change terminology for support collection; to change provisions of the bank match system; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 940. Introduced by Janssen, 15; Fulton, 29; Lautenbaugh, 18; McCoy, 39; Schilz, 47.

A BILL FOR AN ACT relating to the Welfare Reform Act; to amend sections 68-1708, 68-1723, and 68-1724, Reissue Revised Statutes of Nebraska; to provide for drug-screening of applicants for and recipients of cash assistance benefits; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 941. Introduced by Gay, 14.

A BILL FOR AN ACT relating to the Uniform Credentialing Act; to amend sections 38-2605 and 38-2617, Reissue Revised Statutes of Nebraska, and section 38-2850, Revised Statutes Supplement, 2009; to redefine the practice of optometry to include dispensing contact lenses as prescribed; to provide for rules and regulations; to exclude certain activities from

regulation under the Pharmacy Practice Act; and to repeal the original sections.

LEGISLATIVE BILL 942. Introduced by Gay, 14.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-123.15, Revised Statutes Cumulative Supplement, 2008; to provide for a special shipping permit; to provide for a fee; and to repeal the original section.

LEGISLATIVE BILL 943. Introduced by Harms, 48; Louden, 49; Schilz, 47.

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

LEGISLATIVE BILL 944. Introduced by Harms, 48.

A BILL FOR AN ACT relating to schools; to amend section 79-580, Reissue Revised Statutes of Nebraska; to provide for publication on certain districts' web sites of claims allowed and proceedings of meetings; and to repeal the original section.

LEGISLATIVE BILL 945. Introduced by Harms, 48; Howard, 9.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-4,182, Revised Statutes Cumulative Supplement, 2008, and section 60-601, Revised Statutes Supplement, 2009; to prohibit using a handheld wireless communication device as prescribed while operating a motor vehicle; to provide exceptions; to provide penalties; to define terms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 946. Introduced by Hadley, 37.

A BILL FOR AN ACT relating to child support; to provide for postsecondary education subsidy orders; and to provide a duty for the Revisor of Statutes.

NOTICE OF COMMITTEE HEARINGS

Judiciary

Room 1113

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

LB694

LB695

LB746

LB784

LB844

Friday, January 22, 2010 1:30 p.m.

LB769

LB824

LB915

LB728

(Signed) Brad Ashford, Chairperson

General Affairs

Room 1510

Monday, January 25, 2010 1:30 p.m.

LB788

LB861

LB867

LB825

LR277CA

(Signed) Russ Karpisek, Chairperson

Education

Hearing Room 1525

Monday, January 25, 2010 1:30 p.m.

LB741

LB711

LB916

(Signed) Greg Adams, Chairperson

GENERAL FILE

LEGISLATIVE BILL 139. Title read. Considered.

Committee AM823, found on page 816, First Session, 2009, was considered.

SENATOR FISCHER PRESIDING

The committee amendment was adopted with 26 ayes, 2 nays, 13 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review Initial with 26 ayes, 4 nays, 10 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 475. Title read. Considered.

Committee AM830, found on page 862, First Session, 2009, was considered.

Senator Avery renewed the Avery-Stuthman amendment, AM1547, found on page 196, to the committee amendment.

The Avery-Stuthman amendment was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

The committee amendment, as amended, was adopted with 28 ayes, 0 nays, 11 present and not voting, and 10 excused and not voting.

Advanced to Enrollment and Review Initial with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 279. Title read. Considered.

Committee AM909, found on page 890, First Session, 2009, was adopted with 27 ayes, 0 nays, 10 present and not voting, and 12 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 6 present and not voting, and 11 excused and not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 947. Introduced by Avery, 28.

A BILL FOR AN ACT relating to the Community Development Block Grant Program; to amend sections 81-1201.04 and 81-1201.18, Reissue

Revised Statutes of Nebraska; to eliminate the Community Development Block Grant Program Advisory Committee; to transfer the duties of the committee to the Economic Development Commission; to repeal the original sections; and to outright repeal section 81-1201.08, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 948. Introduced by Avery, 28.

A BILL FOR AN ACT relating to the Department of Administrative Services; to amend sections 81-159 and 81-161, Reissue Revised Statutes of Nebraska; to change provisions relating to agency requisitions and competitive bidding; and to repeal the original sections.

LEGISLATIVE BILL 949. Introduced by Gloor, 35; Avery, 28; Campbell, 25; Carlson, 38; Christensen, 44; Coash, 27; Dierks, 40; Dubas, 34; Fischer, 43; Fulton, 29; Hadley, 37; Hansen, 42; Harms, 48; Howard, 9; Janssen, 15; Karpisek, 32; Lautenbaugh, 18; McCoy, 39; McGill, 26; Mello, 5; Pankonin, 2; Price, 3; Rogert, 16; Schilz, 47; Stuthman, 22; Sullivan, 41; Utter, 33; Wallman, 30; Wightman, 36.

A BILL FOR AN ACT relating to the Building Construction Act; to amend sections 71-6401, 71-6403, 71-6405, and 71-6406, Reissue Revised Statutes of Nebraska; to change provisions relating to building codes; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 950. Introduced by Nebraska Retirement Systems Committee: Pankonin, 2, Chairperson; Heidemann, 1; Karpisek, 32; Loudon, 49; Mello, 5; Nordquist, 7.

A BILL FOR AN ACT relating to retirement; to amend sections 23-2310.04, 23-2315.01, 23-2319.02, 24-701.01, 79-902, 79-910.01, 79-915, 79-920, 79-951, 79-978, 79-990, 81-2016, 84-1310.01, 84-1311.03, 84-1314, 84-1321.01, 84-1323.01, and 84-1504, Reissue Revised Statutes of Nebraska, sections 23-2309.01 and 23-2310.05, Revised Statutes Cumulative Supplement, 2008, and sections 23-2306, 23-2308.01, 84-1307, and 84-1309.02, Revised Statutes Supplement, 2009; to change provisions relating to the County Employees Retirement Act, the Judges Retirement Act, the School Employees Retirement Act, the Nebraska State Patrol Retirement Act, and the State Employees Retirement Act regarding participation eligibility, uses of funds, disability eligibility, and retirement system options; to redefine terms; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 951. Introduced by Avery, 28; Krist, 10.

A BILL FOR AN ACT relating to elections; to amend sections 32-101, 32-808, and 32-939, Reissue Revised Statutes of Nebraska; to change provisions relating to early voting; to repeal the original sections; and to outright repeal section 32-939.01, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 952. Introduced by White, 8; Ashford, 20; Cook, 13; Cornett, 45; Council, 11; Gay, 14; Howard, 9; Lathrop, 12; Lautenbaugh, 18; McGill, 26; Mello, 5; Nelson, 6; Nordquist, 7; Price, 3; Rogert, 16.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701, 77-2701.04, and 77-2701.16, Reissue Revised Statutes of Nebraska; to exempt certain public utility income for infrastructure replacement and sewer programs from sales tax as prescribed; to define a term; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 953. Introduced by Coash, 27.

A BILL FOR AN ACT relating to medical services; to amend sections 47-703, 71-919, 71-922, and 71-926, Reissue Revised Statutes of Nebraska; to provide a rate of payment for certain medical services in emergency protective custody situations; and to repeal the original sections.

LEGISLATIVE BILL 954. Introduced by Giese, 17; Schilz, 47.

A BILL FOR AN ACT relating to the Nebraska Advantage Act; to amend section 77-5726, Reissue Revised Statutes of Nebraska; to change provisions relating to refunds of local sales and use taxes; and to repeal the original section.

LEGISLATIVE BILL 955. Introduced by Giese, 17.

A BILL FOR AN ACT relating to correctional facilities; to amend sections 83-183.01 and 83-184, Reissue Revised Statutes of Nebraska; to adopt the Correctional Facility Reimbursement Act; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 956. Introduced by Adams, 24.

A BILL FOR AN ACT relating to the Nebraska Scholarship Act; to amend sections 9-836.01, 85-1901, 85-1902, 85-1903, 85-1907, 85-1908, 85-1909, 85-1911, 85-1912, 85-1913, 85-1914, 85-1915, 85-1917, 85-1918, 85-1919, and 85-1920, Reissue Revised Statutes of Nebraska, section 85-1412, Revised Statutes Supplement, 2009, and section 9-812, Revised Statutes Supplement, 2009, as amended by section 1, Legislative Bill 2, One Hundred First Legislature, First Special Session, 2009; to rename the act and a fund; to redefine terms; to change provisions relating to awards; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 957. Introduced by Adams, 24.

A BILL FOR AN ACT relating to students; to amend section 85-1511, Reissue Revised Statutes of Nebraska, and section 79-318, Revised Statutes Supplement, 2009; to provide duties relating to sharing of student information for the State Board of Education, the Board of Regents of the University of Nebraska, the Board of Trustees of the Nebraska State Colleges, and the community colleges; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

LEGISLATIVE BILL 958. Introduced by Giese, 17; Conrad, 46; McGill, 26.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Reissue Revised Statutes of Nebraska; to exempt social security benefits, qualified retirement plan benefits, and government employee retirement benefits from state income taxation as prescribed; and to repeal the original section.

LEGISLATIVE BILL 959. Introduced by Lathrop, 12; Council, 11.

A BILL FOR AN ACT relating to insurance; to amend section 44-1525, Reissue Revised Statutes of Nebraska; to prohibit certain acts or practices having the effect of discrimination because of race, creed, national origin, or religion; and to repeal the original section.

LEGISLATIVE BILL 960. Introduced by Stuthman, 22.

A BILL FOR AN ACT relating to energy; to amend sections 70-2002 and 70-2003, Reissue Revised Statutes of Nebraska; to change provisions relating to net metering; and to repeal the original sections.

LEGISLATIVE BILL 961. Introduced by Council, 11; Ashford, 20; Carlson, 38; Coash, 27; Cook, 13; Giese, 17; Gloor, 35; Harms, 48; Karpisek, 32; Langemeier, 23; Lautenbaugh, 18; McCoy, 39; McGill, 26; Mello, 5; Pirsch, 4; Price, 3; Rogert, 16; Schilz, 47; Stuthman, 22; Sullivan, 41; Utter, 33; Wallman, 30; White, 8.

A BILL FOR AN ACT relating to economic development; to amend sections 81-1203, 81-1205, and 81-1207, Reissue Revised Statutes of Nebraska, and 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 change provisions relating to certain training grants; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 962. Introduced by Council, 11; Campbell, 25; Coash, 27; Cook, 13; Fulton, 29; Gloor, 35; Haar, 21; Harms, 48; McGill, 26; Mello, 5; Nordquist, 7; Rogert, 16; Sullivan, 41; Wallman, 30; White, 8.

A BILL FOR AN ACT relating to students; to amend sections 79-219, 79-220, 79-221, and 79-222, Reissue Revised Statutes of Nebraska, and

sections 79-217 and 79-1601, Revised Statutes Supplement, 2009; to require blood lead testing prior to school enrollment; to provide for exceptions; to harmonize provisions; and to repeal the original sections.

RESOLUTION

LEGISLATIVE RESOLUTION 293. Introduced by McGill, 26; Adams, 24; Avery, 28; Carlson, 38; Christensen, 44; Conrad, 46; Cook, 13; Council, 11; Dierks, 40; Fischer, 43; Flood, 19; Fulton, 29; Gay, 14; Giese, 17; Gloor, 35; Hadley, 37; Hansen, 42; Harms, 48; Heidemann, 1; Howard, 9; Janssen, 15; Krist, 10; Langemeier, 23; Lathrop, 12; Lautenbaugh, 18; Loudon, 49; McCoy, 39; Mello, 5; Nelson, 6; Pahls, 31; Pankonin, 2; Pirsch, 4; Price, 3; Rogert, 16; Schilz, 47; Stuthman, 22; Sullivan, 41; Utter, 33; Wallman, 30; White, 8; Wightman, 36.

WHEREAS, Haiti recently suffered a massive earthquake killing over one hundred thousand people and leaving much of its capitol city Port-au-Prince in ruins and its people homeless; and

WHEREAS, Haiti is our neighbor and, as the poorest nation in the Western Hemisphere, was poorly equipped to handle a natural disaster of such magnitude; and

WHEREAS, much of Port-au-Prince infrastructure has been destroyed, including the National Palace and the local United Nations headquarters; and

WHEREAS, there are many Nebraskans with loved ones, friends, or colleagues missing in Haiti; and

WHEREAS, the generosity of Nebraskans towards those in need is second to none.

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

1. That the Legislature sends its condolences to the nation of Haiti.
2. That the Legislature asks the citizens of Nebraska to send needed support to the country of Haiti.
3. That the Legislature thanks those Nebraska businesses, charities, and individuals that were quick to organize donations and supplies to send to Haiti.
4. That a copy of this resolution be sent to the government of Haiti.

Laid over.

NOTICE OF COMMITTEE HEARING
Transportation and Telecommunications

Room 1113

Monday, January 25, 2010 1:30 p.m.

LB816
LB719
LB831
LB856
LB725

(Signed) Deb Fischer, Chairperson

UNANIMOUS CONSENT - Add Cointroducer

Senator Gloor asked unanimous consent to add his name as cointroducer to LB880. No objections. So ordered.

VISITOR

The Doctor of the Day was Dr. Stuart Embury from Holdrege.

ADJOURNMENT

At 12:03 p.m., on a motion by Senator Karpisek, the Legislature adjourned until 10:00 a.m., Tuesday, January 19, 2010.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTH DAY - JANUARY 19, 2010**LEGISLATIVE JOURNAL****ONE HUNDRED FIRST LEGISLATURE
SECOND SESSION****EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 19, 2010

PRAYER

The prayer was offered by Pastor Rich Carlson, Union College, Lincoln.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Sheehy presiding.

The roll was called and all members were present except Senators Harms, Janssen, McCoy, and Stuthman who were excused; and Senators Carlson, Dierks, and Karpisek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventh day was approved.

REFERENCE COMMITTEE REPORT

The Executive Board submits the following report:

LB/LR	Committee
LB919	Urban Affairs
LB920	Education
LB921	Health and Human Services
LB922	Health and Human Services
LB923	Judiciary
LB924	Transportation and Telecommunications
LB925	Business and Labor
LB926	Transportation and Telecommunications
LB927	Nebraska Retirement Systems
LB928	Nebraska Retirement Systems
LB929	Education
LB930	Health and Human Services
LB931	Banking, Commerce and Insurance
LB932	Natural Resources
LB933	Transportation and Telecommunications

LB934 Business and Labor
 LB935 Appropriations
 LR289CA Health and Human Services
 LR292 Government, Military and Veterans Affairs

(Signed) John Wightman, Chairperson
 Executive Board

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 254. Placed on Select File with amendment. ER8139 is available in the Bill Room.

LEGISLATIVE BILL 512. Placed on Select File.

LEGISLATIVE BILL 325. Placed on Select File with amendment. ER8138

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 32-328, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 32-328 (1) The election commissioner or county clerk
- 6 shall, upon the personal application of any registered voter or
- 7 whenever informed of any error and after due investigation, correct
- 8 any error in the voter registration register. For such purpose,
- 9 the election commissioner or county clerk may summon witnesses and
- 10 compel their attendance to appear at the office of the election
- 11 commissioner or county clerk to give testimony pertaining to
- 12 residence, qualifications, or any other facts required to be
- 13 entered in the voter registration register. Such testimony shall be
- 14 transcribed and become a part of his or her records.
- 15 (2) If the name of any registered voter of any precinct
- 16 does not appear on the precinct list of registered voters through
- 17 an error and the election commissioner or county clerk informs
- 18 the precinct inspector or judge of election that credible evidence
- 19 exists that substantiates that an error has been made, the precinct
- 20 inspector or judge of election shall enter the correction in the
- 21 precinct list of registered voters, initial the correction, and
- 22 authorize the receiving board to issue the proper ballots to the
- 23 voter as directed by the election commissioner or county clerk
- 1 and receive his or her vote. The election commissioner or county
- 2 clerk shall designate whether the voter is entitled to a regular
- 3 ballot or a provisional ballot as provided in section 32-915. All
- 4 corrections shall be entered on the voter registration register as
- 5 soon as possible after the election.
- 6 Sec. 2. Section 32-329, Reissue Revised Statutes of
- 7 Nebraska, is amended to read:
- 8 32-329 (1) The Secretary of State with the assistance

9 of the election commissioners and county clerks shall perform
10 list maintenance with respect to the computerized statewide voter
11 registration list on a regular basis. The list maintenance shall be
12 conducted in a manner that ensures that:

13 (a) The name of each registered voter appears in the
14 computerized list;

15 (b) Only persons who have been entered into the register
16 in error or who are not eligible to vote are removed from the
17 computerized list; and

18 (c) Duplicate names are eliminated from the computerized
19 list.

20 (2) The election commissioner or county clerk shall
21 verify the voter registration register by using (a) the National
22 Change of Address program of the United States Postal Service
23 and a confirmation notice pursuant to subsection (3) of this
24 section or (b) the biennial mailing of a nonforwardable notice
25 to each registered voter. The Secretary of State shall provide
26 biennial training for the election commissioners and county clerks
27 responsible for maintaining voter registration lists. No name shall
1 be removed from the voter registration register for the sole reason
2 that such person has not voted for any length of time.

3 (3) When an election commissioner or county clerk
4 receives information from the National Change of Address program
5 of the United States Postal Service that a registered voter has
6 moved from the address at which he or she is registered to
7 vote, the election commissioner or county clerk shall ~~immediately~~
8 update the voter registration register to indicate that the voter
9 may have moved and mail a confirmation notice by forwardable
10 first-class mail. If a nonforwardable notice under subdivision
11 (2)(b) of this section is returned as undeliverable, the election
12 commissioner or county clerk shall mail a confirmation notice
13 by forwardable first-class mail. The confirmation notice shall
14 include a confirmation letter and a preaddressed, postage-paid
15 confirmation card. The confirmation letter shall contain statements
16 substantially as follows:

17 (a) The election commissioner or county clerk has
18 received information that you have moved to a different residence
19 address from that appearing on the voter registration register;

20 (b) If you have not moved or you have moved to a
21 new residence within this county, you should return the enclosed
22 confirmation card by the regular registration deadline prescribed
23 in section 32-302. If you fail to return the card by the deadline,
24 you will be required to affirm or confirm your address prior to
25 being allowed to vote. If you are required to affirm or confirm
26 your address, it may result in a delay at your polling place; and

27 (c) If you have moved out of the county, you must
1 reregister to be eligible to vote. This can be accomplished by mail
2 or in person. For further information, contact your local election
3 commissioner or county clerk.

4 (4) The election commissioner or county clerk shall
 5 maintain for a period of not less than two years a record of
 6 each confirmation letter indicating the date it was mailed and the
 7 person to whom it was mailed.

8 (5) If information from the National Change of Address
 9 program or the nonforwardable notice under subdivision (2)(b)
 10 of this section indicates that the voter has moved outside the
 11 jurisdiction and the election commissioner or county clerk receives
 12 no response to the confirmation letter and the voter does not offer
 13 to vote at any election held prior to and including the second
 14 statewide federal general election following the mailing of the
 15 confirmation notice, the voter's registration shall be canceled
 16 and his or her name shall be deleted from the voter registration
 17 register.

18 Sec. 3. Section 32-607, Revised Statutes Supplement,
 19 2009, is amended to read:

20 32-607 All candidate filing forms shall contain the
 21 following statement: I hereby swear that I will abide by the laws
 22 of the State of Nebraska regarding the results of the primary and
 23 general elections, that I am a registered voter and qualified to
 24 be elected, and that I will serve if elected. Candidate filing
 25 forms shall also contain the candidate's name; residence address;
 26 mailing address if different from the residence address; telephone
 27 number; office sought; and party affiliation if the office sought
 1 is a partisan office. Candidate filing forms shall be filed with
 2 the following filing officers:

3 (1) For candidates for national, state, or congressional
 4 office, directors of public power and irrigation districts,
 5 directors of reclamation districts, directors of natural resources
 6 districts, members of the boards of educational service units,
 7 members of governing boards of community colleges, delegates to
 8 national conventions, and other offices filled by election held in
 9 more than one county and judges desiring retention, in the office
 10 of the Secretary of State;

11 (2) For officers elected within a county, in the office
 12 of the election commissioner or county clerk. If the candidate is
 13 not a resident of the county, he or she shall submit a certificate
 14 of registration obtained under section 32-316 with the candidate
 15 filing form;

16 (3) For officers in school districts which include land
 17 in adjoining counties, in the office of the election commissioner
 18 or county clerk of the county in which the greatest number of
 19 registered voters entitled to vote for the officers reside. If the
 20 candidate is not a resident of the county, he or she shall submit a
 21 certificate of registration obtained under section 32-316 with the
 22 candidate filing form; and

23 (4) For city or village officers, in the office of the
 24 ~~city or village clerk, except that in the case of joint elections,~~
 25 ~~the filing may be either in the office of the election commissioner~~

26 or county clerk, ~~or in the office of the city or village clerk with~~
27 ~~deputized personnel. When the city or village clerk is deputized to~~
1 ~~take filings, he or she shall return all filings to the office of~~
2 ~~the election commissioner or county clerk by the end of the next~~
3 ~~business day following the filing deadline.~~

4 Sec. 4. Section 32-914.02, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 32-914.02 If a person who is registered to vote moves
7 to a new residence within the same county and precinct and has
8 continuously resided in such county and precinct since registering
9 to vote but the voter registration register has not been changed
10 to reflect the move, the person shall be entitled to vote at the
11 polling place for the new residence. The election commissioner or
12 county clerk shall designate whether such a person is entitled
13 to a regular ballot upon completing a registration application to
14 update his or her voter registration record at the polling place
15 or a provisional ballot as provided in section 32-915. The election
16 commissioner or county clerk shall update the voter registration
17 register to reflect the change of address.

18 Sec. 5. Section 32-915, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 32-915 (1) A person whose name does not appear on the
21 precinct list of registered voters at the polling place for the
22 precinct in which he or she resides, whose name appears on the
23 precinct list of registered voters at the polling place for the
24 precinct in which he or she resides at a different residence
25 address as described in section 32-914.02, or whose name appears
26 with a notation that he or she received a ballot for early voting
27 may vote a provisional ballot if he or she:

1 (a) Claims that he or she is a registered voter who has
2 continuously resided in the county in which the precinct is located
3 since registering to vote;

4 (b) Is not entitled to vote under section 32-914.01 or
5 32-914.02;

6 (c) Has not registered to vote or voted in any other
7 county since registering to vote in the county in which the
8 precinct is located;

9 (d) Has appeared to vote at the polling place for the
10 precinct to which the person would be assigned based on his or her
11 residence address; and

12 (e) Completes and signs a registration application before
13 voting.

14 (2) A voter whose name appears on the precinct list
15 of registered voters for the polling place with a notation
16 that the voter is required to present identification pursuant
17 to section 32-318.01 but fails to present identification may vote a
18 provisional ballot if he or she completes and signs a registration
19 application before voting.

20 (3) Each person voting by provisional ballot shall
 21 enclose his or her ballot in an envelope marked Provisional
 22 Ballot and shall, by signing the certification on the front of the
 23 envelope or a separate form attached to the envelope, certify to
 24 the following facts:

25 (a) I am a registered voter in County;

26 (b) My name did not appear on the precinct list of
 27 registered voters;

1 (c) I registered to vote on or about this date
 2

3 (d) I registered to vote

4 in person at the election office or a voter
 5 registration site,

6 by mail,

7 on a form through the Department of Motor Vehicles,

8 on a form through another state agency,

9 in some other way;

10 (e) I have not resided outside of this county or voted
 11 outside of this county since registering to vote in this county;

12 (f) My current address is shown on the registration
 13 application completed as a requirement for voting by provisional
 14 ballot; and

15 (g) I am eligible to vote in this election and I have not
 16 voted and will not vote in this election except by this ballot.

17 (4) The voter shall sign the certification under penalty
 18 of election falsification. The following statements shall be on
 19 the front of the envelope or on the attached form: By signing the
 20 front of this envelope or the attached form you are certifying to
 21 the information contained on this envelope or the attached form
 22 under penalty of election falsification. Election falsification
 23 is a Class IV felony and may be punished by up to five years
 24 imprisonment, a fine of up to ten thousand dollars, or both.

25 (5) If the person's name does not appear on the precinct
 26 list of registered voters for the polling place and the judge or
 27 clerk of election determines that the person's residence address is
 1 located in another precinct within the same county, the judge or
 2 clerk of election shall direct the person to his or her correct
 3 polling place to vote.

4 Sec. 6. Section 32-930, Reissue Revised Statutes of
 5 Nebraska, is amended to read:

6 32-930 If a person is challenged on the ground that he
 7 or she is not eighteen years of age or, during the years in which
 8 a statewide general election is held, that he or she will not be
 9 eighteen years of age by the first Tuesday after the first Monday
 10 in November of such year, the person shall answer the following
 11 question on the form provided by the election commissioner or
 12 county clerk: Will you be ~~eighteen years of age to the best of~~
 13 ~~your knowledge and belief by the statewide general election of this~~
 14 ~~year?~~ at least eighteen years of age on or before the first Tuesday

15 following the first Monday in November of this year?

16 Sec. 7. Original sections 32-328, 32-329, 32-914.02,
 17 32-915, and 32-930, Reissue Revised Statutes of Nebraska, and
 18 section 32-607, Revised Statutes Supplement, 2009, are repealed.
 19 2. On page 1, strike beginning with "32-228" in line 1
 20 through line 10 and insert "32-328, 32-329, 32-914.02, 32-915, and
 21 32-930, Reissue Revised Statutes of Nebraska, and section 32-607,
 22 Revised Statutes Supplement, 2009; to change provisions relating to
 23 clerical errors on the precinct list of registered voters, updates
 24 of registration records due to change of address, candidate filing
 25 forms, provisional ballots, and challenges to voters; to harmonize
 26 provisions; and to repeal the original sections."

LEGISLATIVE BILL 183. Placed on Select File.

LEGISLATIVE BILL 197. Placed on Select File with amendment.
 ER8142

1 1. In the Standing Committee amendment, AM464, on page
 2 7, line 2, strike "and"; and in line 11 after "Nebraska" insert
 3 ", as amended by section 95, Legislative Bill 3, One Hundred First
 4 Legislative Bill 3, One Hundred First Legislature, First Special
 5 Session, 2009".

6 2. On page 1, strike lines 2 through 5 and insert
 7 "to amend sections 85-1802 and 85-1807, Reissue Revised Statutes
 8 of Nebraska; to redefine terms; to create funds; to change and
 9 eliminate provisions relating to the use of funds; to repeal the
 10 original sections; and to outright repeal section 85-1803, Reissue
 11 Revised Statutes of Nebraska, as amended by section 95, Legislative
 12 Bill 3, One Hundred First Legislature, First Special Session,
 13 2009".

LEGISLATIVE BILL 550. Placed on Select File with amendment.
 ER8141

1 1. On page 1, line 2, after the first comma insert
 2 "55-121,".

3 2. On page 2, line 3, strike "6" and insert "7".

(Signed) Jeremy Nordquist, Chairperson

BILLS ON FIRST READING

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

LEGISLATIVE BILL 963. Introduced by Carlson, 38.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-128, Reissue Revised Statutes of Nebraska, and section 48-121, Revised Statutes Cumulative Supplement, 2008; to change disability compensation after retirement as prescribed; to harmonize

provisions; and to repeal the original sections.

LEGISLATIVE BILL 964. Introduced by Christensen, 44.

A BILL FOR AN ACT relating to oil and gas; to amend section 57-218, Reissue Revised Statutes of Nebraska; to prohibit the leasing of land in a county road right-of-way for oil and gas exploration and development; and to repeal the original section.

LEGISLATIVE BILL 965. Introduced by Sullivan, 41.

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.

LEGISLATIVE BILL 966. Introduced by Pahls, 31.

A BILL FOR AN ACT relating to schools; to amend section 79-703, Reissue Revised Statutes of Nebraska; to adopt the Classroom Educational Expenditure Act; to harmonize provisions; to provide an operative date; and to repeal the original section.

ANNOUNCEMENT

The Chair announced January 17 was Senator Schilz's birthday.

SELECT FILE

LEGISLATIVE BILL 682. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 683. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 684. Advanced to Enrollment and Review for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 304. Title read. Considered.

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

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

Voting in the affirmative, 20:

Ashford	Conrad	Giese	Lathrop	Rogert
Avery	Cook	Gloor	McGill	Wallman
Christensen	Cornett	Haar	Mello	White
Coash	Council	Howard	Nordquist	Wightman

Voting in the negative, 20:

Adams	Fulton	Heidemann	Lautenbaugh	Price
Campbell	Gay	Karpisek	Nelson	Schilz
Fischer	Hadley	Krist	Pankonin	Sullivan
Flood	Hansen	Langemeier	Pirsch	Utter

Present and not voting, 4:

Dierks	Dubas	Louden	Pahls
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Excused and not voting, 5:

Carlson	Harms	Janssen	McCoy	Stuthman
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Failed to advance to Enrollment and Review Initial with 20 ayes, 20 nays, 4 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 373. Title read. Considered.

Committee AM1022, found on page 1037, First Session, 2009, was considered.

Senator Price offered the following amendment to the committee amendment:

AM1577

(Amendments to Standing Committee amendments, AM1022)

- 1 1. On page 3, lines 10 and 11 and 15 and 16; and
- 2 page 4, lines 1 and 2, strike "meningococcal meningitis, or
- 3 methicillin-resistant Staphylococcus aureus" and insert "or
- 4 meningococcal meningitis".

Senator Price moved for a call of the house. The motion prevailed with 38 ayes, 0 nays, and 11 not voting.

Senator Price requested a roll call vote on his amendment.

Voting in the affirmative, 4:

Coash	Council	Gloor	Price
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Voting in the negative, 27:

Adams	Cook	Giese	Karpisek	Nordquist
Ashford	Cornett	Haar	Krist	Pankonin
Avery	Dierks	Hadley	Lathrop	Rogert
Campbell	Dubas	Hansen	Lautenbaugh	
Christensen	Fischer	Heidemann	McGill	
Conrad	Fulton	Howard	Mello	

Present and not voting, 13:

Flood	Louden	Pirsch	Utter	Wightman
Gay	Nelson	Schilz	Wallman	
Langemeier	Pahls	Sullivan	White	

Excused and not voting, 5:

Carlson	Harms	Janssen	McCoy	Stuthman
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The Price amendment lost with 4 ayes, 27 nays, 13 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

The committee amendment was adopted with 28 ayes, 3 nays, 13 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 26 ayes, 9 nays, 10 present and not voting, and 4 excused and not voting.

NOTICE OF COMMITTEE HEARINGS

Health and Human Services

Room 1510

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

LB855
LB930
LB866
LB827

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

LB922
LB828
LB902
LB903
LB904

(Signed) Tim Gay, Chairperson

Appropriations

Room 1524

Tuesday, January 26, 2010 1:30 p.m.

LB935

(Signed) Lavon Heidemann, Chairperson

Transportation and Telecommunications

Room 1113

Tuesday, January 26, 2010 1:30 p.m.

LB821
LB805
LB808
LB914

Monday, February 1, 2010 1:30 p.m.

LB723
LB735
LB787
LB811

(Signed) Deb Fischer, Chairperson

Education

Room 1525

Tuesday, January 26, 2010 1:30 p.m.

Martin Demuth - Board of Educational Lands and Funds

LB898

LB929

(Signed) Greg Adams, Chairperson

Agriculture

Room 2102

Tuesday, January 26, 2010 1:30 p.m.

LB909

(Signed) Tom Carlson, Chairperson

Urban Affairs

Room 1510

Tuesday, January 26, 2010 1:30 p.m.

LB848

LB863

LB919

(Signed) Amanda McGill, Chairperson

AMENDMENTS - Print in Journal

Senator Pirsch filed the following amendment to LB147:
AM1569

- 1 1. Strike original sections 2, 3, and 4 and insert the
- 2 following sections:
- 3 Sec. 2. Section 28-718, Revised Statutes Supplement,
- 4 2009, is amended to read:
- 5 28-718 (1) There shall be a central register of
- 6 child protection cases maintained in the department containing
- 7 records of all reports of child abuse or neglect opened for
- 8 investigation as provided in section 28-713 and classified as
- 9 either court substantiated or agency substantiated as provided in
- 10 section 28-720. The department may change records classified as

11 inconclusive prior to August 30, 2009, to agency substantiated. The
12 department shall give public notice of the changes made to this
13 section and subsection (3) of section 28-720 by Laws 2009, LB 122,
14 within thirty days after August 30, 2009, by having such notice
15 published in a newspaper or newspapers of general circulation
16 within the state.

17 (2) The department shall determine whether a name-change
18 order received from the clerk of a district court pursuant to
19 section 25-21,271 is for a person on the central register of child
20 protection cases and, if so, shall include the changed name with
21 the former name in the register and file or cross-reference the
22 information under both names.

23 Sec. 3. Section 29-4004, Revised Statutes Supplement,
1 2009, is amended to read:

2 29-4004 (1) Any person subject to the Sex Offender
3 Registration Act shall register within three working days after
4 becoming subject to the act at a location designated by the
5 Nebraska State Patrol for purposes of accepting such registration.

6 (2) Any person required to register under the act shall
7 inform the sheriff of the county in which he or she resides, in
8 person, and complete a form as prescribed by the Nebraska State
9 Patrol for such purpose, if he or she has a new address, temporary
10 domicile, or habitual living location, within three working days
11 before the change. The sheriff shall submit such information to the
12 sex offender registration and community notification division of
13 the Nebraska State Patrol on the day it is received and in a manner
14 prescribed by the Nebraska State Patrol for such purpose.

15 (3) Any person required to register under the act shall
16 inform the sheriff of the county in which he or she resides, in
17 person, and complete a form as prescribed by the Nebraska State
18 Patrol for such purpose, if he or she has a new address, temporary
19 domicile, or habitual living location in a different county in
20 this state, within three working days before the address change.
21 The sheriff shall submit such information to the sex offender
22 registration and community notification division of the Nebraska
23 State Patrol on the day it is received and in a manner as
24 prescribed by the Nebraska State Patrol for such purpose. If the
25 change in address, temporary domicile, or habitual living location
26 is to a location within the State of Nebraska, the division shall
27 notify the sheriff of each affected county of the new address,

1 temporary domicile, or habitual living location, within three
2 working days. The person shall report to the county sheriff of
3 his or her new county of residence and register with such county
4 sheriff within three working days after the address change.

5 (4) Any person required to register under the act shall
6 inform the sheriff of the county in which he or she resides, in
7 person, and complete a form as prescribed by the Nebraska State
8 Patrol for such purpose, if he or she moves to a new out-of-state
9 address, within three working days before the address change.

10 The sheriff shall submit such information to the sex offender
11 registration and notification division of the Nebraska State Patrol
12 on the day it is received and in a manner as prescribed by the
13 Nebraska State Patrol for such purpose. If the change in address,
14 temporary domicile, or habitual living location is to a location
15 outside of the State of Nebraska, the division shall notify the
16 sheriff of each affected county in Nebraska and the other state's,
17 country's, or territory's central repository for sex offender
18 registration of the new out-of-state address, temporary domicile,
19 or habitual living location, within three working days.

20 (5) Any person required to register under the act who is
21 employed, carries on a vocation, or attends school shall inform, in
22 person, the sheriff of the county in which he or she is employed,
23 carries on a vocation, or attends school and complete a form as
24 prescribed by the Nebraska State Patrol for such purpose, within
25 three working days after becoming employed, carrying on a vocation,
26 or attending school. The person shall also notify the sheriff,
27 in person, of any changes in employment, vocation, or school of
1 attendance, and complete a form as prescribed by the Nebraska
2 State Patrol for such purpose, within three working days after
3 the change. The sheriff shall submit such information to the sex
4 offender registration and community notification division of the
5 Nebraska State Patrol on the day it is received and in a manner as
6 prescribed by the Nebraska State Patrol for such purpose.

7 (6) Any person required to register under the act who
8 is residing, has a temporary domicile, or is habitually living in
9 another state, and is employed, carries on a vocation, or attends
10 school in this state, shall report and register, in person, with
11 the sheriff of the county in which he or she is employed, carries
12 on a vocation, or attends school in this state and complete a
13 form as prescribed by the Nebraska State Patrol for such purpose,
14 within three working days after becoming employed, carrying on
15 a vocation, or attending school. The person shall also notify
16 the sheriff of any changes in employment, vocation, or school of
17 attendance, in person, and complete a form as prescribed by the
18 Nebraska State Patrol for such purpose, within three working days
19 after the change. The sheriff shall submit such information to the
20 sex offender registration and community notification division of
21 the Nebraska State Patrol on the day it is received and in a manner
22 as prescribed by the Nebraska State Patrol for such purpose. For
23 purposes of this subsection:

24 (a) Attends school means enrollment in any educational
25 institution in this state on a full-time or part-time basis; and

26 (b) Is employed or carries on a vocation means any
27 full-time or part-time employment, with or without compensation,
1 which lasts for a duration of more than fourteen days or for an
2 aggregate period exceeding thirty days in a calendar year.

3 (7) Any person incarcerated for a registrable offense
4 under section 29-4003 in a jail, penal or correctional facility,

5 or other public or private institution shall be registered by
6 the jail, penal or correctional facility, or public or private
7 institution prior to his or her discharge, parole, furlough, work
8 release, or release. The person shall be informed and information
9 shall be obtained as required in section 29-4006.

10 (8) Any person required to register or who is registered
11 under the act, but is incarcerated for more than three working
12 days, shall inform the sheriff of the county in which he or
13 she is incarcerated, in writing, within three working days after
14 incarceration, of his or her incarceration and his or her expected
15 release date, if any such date is available. The sheriff shall
16 forward the information regarding incarceration to the sex offender
17 registration and community notification division of the Nebraska
18 State Patrol immediately on the day on which it was received and in
19 a manner prescribed by the Nebraska State Patrol for such purpose.

20 (9) Any person required to register or who is registered
21 under the act who no longer has a residence, temporary domicile, or
22 habitual living location shall report such change in person to the
23 sheriff of the county in which he or she is located, within three
24 working days after such change in residence, temporary domicile,
25 or habitual living location. Such person shall update his or her
26 registration, in person, to the sheriff of the county in which
27 he or she is located, on a form approved by the sex offender
1 registration and community notification division of the Nebraska
2 State Patrol at least once every thirty calendar days during the
3 time he or she remains without residence, temporary domicile, or
4 habitual living location.

5 (10) Each registering entity shall forward all written
6 information, photographs, and fingerprints obtained pursuant to the
7 act to the sex offender registration and community notification
8 division of the Nebraska State Patrol on the day it is received
9 and in a manner prescribed by the Nebraska State Patrol for such
10 purpose. The information shall be forwarded on forms furnished by
11 the division. The division shall maintain a central registry of sex
12 offenders required to register under the act. Any collected DNA
13 samples shall be forwarded to the State DNA Data Base.

14 (11) The sex offender registration and community
15 notification division of the Nebraska State Patrol shall determine
16 whether a name-change order received from the clerk of a district
17 court pursuant to section 25-21,271 is for a person in the central
18 registry of sex offenders and, if so, shall include the changed
19 name with the former name in the registry, file or cross-reference
20 the information under both names, and notify the sheriff of the
21 county in which such person then resides.

22 Sec. 4. This act becomes operative on January 1, 2012.

23 Sec. 5. Original sections 28-718 and 29-4004, Revised
24 Statutes Supplement, 2009, are repealed.

Senator White filed the following amendment to LB552:
AM1563

- 1 1. On page 3, line 16; and page 5, line 1, strike
- 2 "thirty" and insert "forty-five".
- 3 2. On page 5, line 24, strike "2009" and insert "2010".
- 4 3. On page 9, line 1, strike "2009" and insert "2010".

BILLS ON FIRST READING

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

LEGISLATIVE BILL 967. Introduced by Schilz, 47.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-4106 and 77-5726, Reissue Revised Statutes of Nebraska; to change provisions relating to refunds of local sales and use taxes under certain tax incentive laws; to create a fund; and to repeal the original sections.

LEGISLATIVE BILL 968. Introduced by McGill, 26; Coash, 27; Conrad, 46.

A BILL FOR AN ACT relating to domestic abuse; to amend sections 28-323, 29-404.02, and 42-903, Reissue Revised Statutes of Nebraska; to redefine abuse for purposes of domestic assault, arrests without warrant, and the Protection from Domestic Abuse Act; and to repeal the original sections.

LEGISLATIVE BILL 969. Introduced by Urban Affairs Committee: McGill, 26, Chairperson; Coash, 27; Cook, 13; Krist, 10; Lathrop, 12; Rogert, 16; White, 8.

A BILL FOR AN ACT relating to municipalities; to amend sections 17-107 and 17-208, Revised Statutes Supplement, 2009; to provide for terms of office for certain officers; and to repeal the original sections.

LEGISLATIVE BILL 970. Introduced by Campbell, 25.

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.

LEGISLATIVE BILL 971. Introduced by Campbell, 25; Hansen, 42.

A BILL FOR AN ACT relating to foster care; to amend sections 43-285 and 43-1318, Reissue Revised Statutes of Nebraska; to provide notice to relatives of removal of a neglected child from the home; to require reasonable efforts to place siblings together; to provide for sibling time as prescribed; to provide for a transition plan for older youth; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 972. Introduced by Utter, 33.

A BILL FOR AN ACT relating to budgets; to amend sections 23-909 and 79-1085, Reissue Revised Statutes of Nebraska, sections 13-508, 79-1084, and 79-1086, Revised Statutes Supplement, 2009, and section 79-1023, Revised Statutes Supplement, 2009, as amended by section 11, Legislative Bill 5, One Hundred First Legislature, First Special Session, 2009; to change a date related to certain budget filings as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 973. Introduced by Coash, 27; McGill, 26.

A BILL FOR AN ACT relating to the Child Protection Act; to amend sections 28-710 and 28-713.01, Reissue Revised Statutes of Nebraska, and sections 28-718 and 28-720, Revised Statutes Supplement, 2009; to change provisions relating to a central register; to provide for a hearing and appeal as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 974. Introduced by Avery, 28.

A BILL FOR AN ACT relating to learning communities; to amend sections 77-3442 and 79-2111, Reissue Revised Statutes of Nebraska, and section 79-2104, Revised Statutes Supplement, 2009; to change provisions relating to use of a tax levy as prescribed; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 975. Introduced by Nordquist, 7; Ashford, 20; Cook, 13; Council, 11; Mello, 5; White, 8.

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.

LEGISLATIVE BILL 976. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 13-519, Revised Statutes Supplement, 2009; to change a provision relating to budget limitations; and to repeal the original section.

LEGISLATIVE BILL 977. Introduced by Mello, 5; Haar, 21.

A BILL FOR AN ACT relating to state buildings; to amend sections 81-1114.02 and 85-1414, Reissue Revised Statutes of Nebraska; to require new state buildings and renovations to comply with energy efficiency standards; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 978. Introduced by Mello, 5; Haar, 21.

A BILL FOR AN ACT relating to the Department of Administrative Services; to amend section 81-161, Reissue Revised Statutes of Nebraska; to provide requirements relating to energy star certified appliances in the competitive bidding process; to provide powers for the materiel administrator; and to repeal the original section.

LEGISLATIVE BILL 979. Introduced by Nebraska Retirement Systems Committee: Pankonin, 2, Chairperson; Heidemann, 1; Karpisek, 32; Louden, 49; Mello, 5; Nordquist, 7.

A BILL FOR AN ACT relating to the State Employees Retirement Act; to amend section 84-1301, Reissue Revised Statutes of Nebraska, and section 84-1307, Revised Statutes Supplement, 2009; to provide for the transition of certain employees to the State Employees Retirement System as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 980. Introduced by Wallman, 30; Conrad, 46; Haar, 21; Karpisek, 32; Mello, 5; White, 8.

A BILL FOR AN ACT relating to state government; to amend sections 73-301, 73-302, 73-303, 73-304, 73-305, 73-306, 73-307, and 81-154.01, Reissue Revised Statutes of Nebraska; to name an act; to define terms; to change provisions relating to contracts for personal services; to provide requirements for privatization contracts; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 981. Introduced by Cornett, 45; Adams, 24; Dierks, 40; Hadley, 37; Louden, 49; Pahls, 31; Pirsch, 4; Utter, 33; White, 8.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-382, Reissue Revised Statutes of Nebraska; to create a panel to review a tax expenditure report; and to repeal the original section.

LEGISLATIVE BILL 982. Introduced by Campbell, 25; Gay, 14.

A BILL FOR AN ACT relating to roads; to amend sections 39-2201, 39-2205, 39-2209, 39-2211, 39-2212, 39-2213, 39-2215.01, 39-2216, 39-2223, and 39-2224, Reissue Revised Statutes of Nebraska; to adopt the Build Nebraska Act; to authorize issuance of highway bonds; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 983. Introduced by Karpisek, 32; Cornett, 45.

A BILL FOR AN ACT relating to the Mechanical Amusement Device Tax Act; to amend sections 2-1207.01, 77-3001, 77-3002, 77-3003, 77-3004, 77-3005, 77-3006, 77-3007, 77-3008, 77-3009, 77-3010, and 77-3011, Reissue Revised Statutes of Nebraska; to provide for the taxation and regulation of skilled mechanical amusement devices as prescribed; to

provide for excise fees; to distribute certain funds to the State Racing Commission; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 984. Introduced by Howard, 9; Ashford, 20; Avery, 28; Campbell, 25; Conrad, 46; Cornett, 45; Dubas, 34; Giese, 17; Gloor, 35; Hansen, 42; Lathrop, 12; McGill, 26; Mello, 5; Nordquist, 7; Pirsch, 4; Wallman, 30.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-707, Reissue Revised Statutes of Nebraska; to change a penalty relating to child abuse; and to repeal the original section.

LEGISLATIVE BILL 985. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to gambling; to amend sections 2-219, 9-1,101, 9-1,103, 9-1,104, 9-204, 9-226, 9-227, 9-232.01, 9-312, 9-322, 9-323, 9-411, 9-415, 9-418, 9-419, 9-507, 9-509, 9-512, 9-607, 9-620, 9-701, 9-826, 17-120, 17-207, 28-1101, 28-1105, 28-1113, and 35-901, Reissue Revised Statutes of Nebraska, and sections 14-102, 15-258, and 16-226, Revised Statutes Supplement, 2009; to adopt the Nebraska Charitable Poker Act; to harmonize provisions; to provide a duty for the Revisor of Statutes; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 986. Introduced by Conrad, 46.

A BILL FOR AN ACT relating to the Agricultural Opportunities and Value-Added Partnerships Act; to amend sections 2-5414, 2-5416, and 2-5419, Reissue Revised Statutes of Nebraska; to state intent; to authorize grants relating to electronic scanners and point-of-sale devices; and to repeal the original sections.

LEGISLATIVE BILL 987. Introduced by Krist, 10; Avery, 28; Christensen, 44; Coash, 27; Hadley, 37; Howard, 9; Lautenbaugh, 18; McGill, 26; Nelson, 6; Pankonin, 2; Pirsch, 4; Price, 3; Rogert, 16; Schilz, 47.

A BILL FOR AN ACT relating to veterans; to amend section 71-7611, Reissue Revised Statutes of Nebraska; to provide for a study of lung cancer in veterans; to provide duties for the Department of Veterans' Affairs; to provide for a transfer of funds; and to repeal the original section.

RESOLUTIONS

LEGISLATIVE RESOLUTION 294. Introduced by White, 8; Mello, 5.

WHEREAS, on July 26, 1990, the Americans with Disabilities Act of 1990 was signed into federal law in order to accord equality and civil rights protections to individuals with disabilities; and

WHEREAS, the Americans with Disabilities Act of 1990 declares that disability in no way diminishes an individual's civil rights, including the right to fully participate in all aspects of society; and

WHEREAS, prior to the Americans with Disabilities Act of 1990, individuals who experienced discrimination on the basis of disability often had no legal recourse to redress such discrimination; and

WHEREAS, the Americans with Disabilities Act of 1990 codifies the nation's goals regarding individuals with disabilities, which are to assure equality of opportunity, full participation in society, independent living, and economic self-sufficiency; and

WHEREAS, the Americans with Disabilities Act of 1990 serves to provide a national mandate for the elimination of discrimination against individuals with disabilities and provides strong, consistent, and enforceable standards to redress such discrimination; and

WHEREAS, it is fitting that the State of Nebraska officially recognizes the Americans with Disabilities Act of 1990 on its twentieth anniversary, the act's declaration of the inherent civil rights of individuals with disabilities, and the recourse provided by the act to individuals with disabilities to remove barriers to full participation in society.

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

1. That the Legislature recognizes July 26, 2010, as the twentieth anniversary of the Americans with Disabilities Act of 1990.

2. That the Legislature reaffirms its support of and commitment to the Americans with Disabilities Act of 1990 and celebrates the act's inclusion of all citizens of Nebraska in society.

Laid over.

LEGISLATIVE RESOLUTION 295CA. Introduced by McGill, 26.

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

Section 1. At the primary election in May 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 (1) 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~~-subsection 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~~-this 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.

(2) Notwithstanding any other provision in this Constitution, the Legislature may also authorize any county, city, or village to acquire, own, develop, and lease or finance real and personal property, other than property used or to be used for sectarian instruction or study or as a place for devotional activities or religious worship, to be used, during the term of any revenue bonds issued, only by nonprofit enterprises 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, and such governmental subdivision shall have no authority to impose taxes for the payment of such bonds. Notwithstanding the provisions of Article VIII, section 2, of this Constitution, the acquisition, ownership, development, use, or financing of any real or personal property pursuant to the provisions of this subsection shall not affect the imposition of any taxes or the exemption therefrom by the Legislature pursuant to this Constitution. The acquiring, owning, developing, and leasing or financing of such property shall be deemed for a public purpose, but the governmental subdivision shall not have the right to acquire such property for the purposes specified in this subsection 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.

(3) Notwithstanding any other provision in ~~the~~-this 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.

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 authorize the use of revenue bonds to develop and lease property for use by nonprofit enterprises as determined by law.

For

Against.

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 296CA. 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 III, section 24:

III-24 (1) Except as provided in this section, the Legislature shall not authorize any game of chance or any lottery or gift enterprise when the consideration for a chance to participate involves the payment of money for the purchase of property, services, or a chance or admission ticket or requires an expenditure of substantial effort or time.

(2) The Legislature may authorize and regulate a state lottery pursuant to subsection (3) of this section and other lotteries, raffles, charitable poker, and gift enterprises which are intended solely as business promotions or the proceeds of which are to be used solely for charitable or community betterment purposes without profit to the promoter of such lotteries, raffles, charitable poker, or gift enterprises.

(3)(a) The Legislature may establish a lottery to be operated and regulated by the State of Nebraska. The proceeds of the lottery shall be appropriated by the Legislature for the costs of establishing and maintaining the lottery and for the following purposes, as directed by the Legislature:

(i) The first five hundred thousand dollars after the payment of prizes and operating expenses shall be transferred to the Compulsive Gamblers Assistance Fund;

(ii) Forty-four and one-half percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the Nebraska Environmental Trust Fund to be used as provided in the Nebraska Environmental Trust Act;

(iii) Forty-four and one-half percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be used for education as the Legislature may direct;

(iv) Ten percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the Nebraska State Fair Board if the most populous city within the county in which the fair is located provides matching funds equivalent to ten percent of the funds available for transfer. Such matching funds may be obtained from the city and any other private or public entity, except that no portion of such matching funds shall be provided by the state. If the Nebraska State Fair ceases operations, ten percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the General Fund; and

(v) One percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the Compulsive Gamblers Assistance Fund.

(b) No lottery game shall be conducted as part of the lottery unless the type of game has been approved by a majority of the members of the Legislature.

(4) Nothing in this section shall be construed to prohibit (a) the enactment of laws providing for the licensing and regulation of wagering on the results of horseraces, wherever run, either within or outside of the state, by the parimutuel method, when such wagering is conducted by licensees within a licensed racetrack enclosure or (b) the enactment of laws providing for the licensing and regulation of bingo games conducted by nonprofit associations which have been in existence for a period of five years immediately preceding the application for license, except that bingo games cannot be conducted by agents or lessees of such associations on a percentage basis.

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 permit the Legislature to authorize and regulate charitable poker.

For

Against.

Referred to the Reference Committee.

UNANIMOUS CONSENT - Add Cointroducers

Senator Mello asked unanimous consent to add his name as cointroducer to LB552 and LB799. No objections. So ordered.

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

WITHDRAW - Cointroducer

Senator Mello withdrew his name as cointroducer to LB949.

VISITORS

Visitors to the Chamber were Virginia Kiviranta, Phyllis Fleharty, and Cheryl Pignotti from Omaha.

ADJOURNMENT

At 12:01 p.m., on a motion by Speaker Flood, the Legislature adjourned until 9:00 a.m., Wednesday, January 20, 2010.

Patrick J. O'Donnell
Clerk of the Legislature

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 Louden, 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
-------	-------

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

TENTH DAY - JANUARY 21, 2010**LEGISLATIVE JOURNAL****ONE HUNDRED FIRST LEGISLATURE
SECOND SESSION****TENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, January 21, 2010

PRAYER

The prayer was offered by Senator Gloor.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:45 a.m., President Sheehy presiding.

The roll was called and all members were present except Senators Fulton, Hadley, Langemeier, and Schilz who were excused; and Senator Gay who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the ninth day was approved.

REFERENCE COMMITTEE REPORT

The Executive Board submits the following report:

LB/LR	Committee
LB963	Business and Labor
LB964	Natural Resources
LB965	Government, Military and Veterans Affairs
LB966	Education
LB967	Revenue
LB968	Judiciary
LB969	Urban Affairs
LB970	Government, Military and Veterans Affairs
LB971	Judiciary
LB972	Revenue
LB973	Judiciary
LB974	Education
LB975	Revenue
LB976	Revenue
LB977	Urban Affairs

LB978 Government, Military and Veterans Affairs
 LB979 Nebraska Retirement Systems
 LB980 Government, Military and Veterans Affairs
 LB981 Revenue
 LB982 Transportation and Telecommunications
 LB983 Revenue
 LB984 Judiciary
 LB985 General Affairs
 LB986 Agriculture
 LB987 Government, Military and Veterans Affairs
 LR295CA Urban Affairs
 LR296CA General Affairs

(Signed) John Wightman, Chairperson
 Executive Board

COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 373. Placed on Select File.

(Signed) Jeremy Nordquist, Chairperson

COMMITTEE REPORT

Revenue

LEGISLATIVE BILL 698. Placed on General File.

(Signed) Abbie Cornett, Chairperson

NOTICE OF COMMITTEE HEARINGS

Natural Resources

Room 1525

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

LB895
 LB885
 LB696

(Signed) Annette Dubas, Vice Chairperson

Agriculture

Room 2102

Tuesday, February 2, 2010 1:30 p.m.

LB865

LB882

(Signed) Tom Carlson, Chairperson

Judiciary

Room 1113

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

LB763

LB732

LB822

LB859

LB830

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

LB864

LB792

LB809

LB817

(Signed) Brad Ashford, Chairperson

MOTION - Print in Journal

Senator Harms filed the following motion to LB944:

MO74

Withdraw bill.

MESSAGE FROM THE GOVERNOR

January 15, 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 Nebraska Arts Council:

Steve Homan, 32 Red Fox Lane, Kearney, NE 68845

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 1034. Introduced by Cook, 13.

A BILL FOR AN ACT relating to the Community College Foundation and Equalization Aid Act; to amend sections 85-2201 and 85-2203, Reissue Revised Statutes of Nebraska; to define a term; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1035. Introduced by Cook, 13.

A BILL FOR AN ACT relating to public health and welfare; to provide powers for counties, cities, and villages to control and abate public health nuisances.

LEGISLATIVE BILL 1036. Introduced by Council, 11.

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

LEGISLATIVE BILL 1037. Introduced by Fulton, 29.

A BILL FOR AN ACT relating to support enforcement; to amend sections 43-3314 and 43-3333, Reissue Revised Statutes of Nebraska; to change provisions relating to delinquent support and arrearages; and to repeal the original sections.

LEGISLATIVE BILL 1038. Introduced by Fulton, 29.

A BILL FOR AN ACT relating to genetic testing; to amend section 71-551, Reissue Revised Statutes of Nebraska; to change provisions relating to written informed consent for genetic tests as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1039. Introduced by Fulton, 29.

A BILL FOR AN ACT relating to the State Fire Marshal; to amend section 81-502, Reissue Revised Statutes of Nebraska; to adopt the Fire Extinguishing Certification Act; to provide a duty for the State Fire Marshal; and to repeal the original section.

LEGISLATIVE BILL 1040. Introduced by Fulton, 29.

A BILL FOR AN ACT relating to labor; to amend section 48-818, Reissue Revised Statutes of Nebraska; to adopt the Nebraska Municipal Comparability Act; to encourage labor organizations and municipal governments to use joint arrays or surveys; to recognize good faith agreements reached in negotiations; to provide deadlines for collective bargaining; to harmonize provisions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1041. Introduced by Fulton, 29.

A BILL FOR AN ACT relating to labor; to amend section 48-818, Reissue Revised Statutes of Nebraska; to change provisions relating to findings and orders of the Commission of Industrial Relations; and to repeal the original section.

LEGISLATIVE BILL 1042. Introduced by Fulton, 29.

A BILL FOR AN ACT relating to labor; to amend section 48-818, Reissue Revised Statutes of Nebraska; to change provisions relating to findings and orders of the Commission of Industrial Relations; and to repeal the original section.

LEGISLATIVE BILL 1043. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to medical claims; to amend section 52-401, Revised Statutes Cumulative Supplement, 2008; to change provisions relating to liens; to provide for discovery of value and payment rights for

medical treatment rendered; and to repeal the original section.

LEGISLATIVE BILL 1044. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-101, Reissue Revised Statutes of Nebraska; to change employer liability provisions; and to repeal the original section.

LEGISLATIVE BILL 1045. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to courts; to amend section 25-1625, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to the designation of jury commissioner; and to repeal the original section.

LEGISLATIVE BILL 1046. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to criminal procedure; to amend sections 29-1207 and 29-1208, Reissue Revised Statutes of Nebraska; to change provisions relating to speedy trial and indefinite continuances; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1047. Introduced by Wightman, 36.

A BILL FOR AN ACT relating to wills and trusts; to provide for construction of certain terms relating to federal estate and generation-skipping transfer taxes.

LEGISLATIVE BILL 1048. Introduced by Natural Resources Committee: Langemeier, 23, Chairperson; Carlson, 38; Cook, 13; Dubas, 34; Fischer, 43; Haar, 21; McCoy, 39; Schilz, 47.

A BILL FOR AN ACT relating to power generation; to amend sections 70-1001.01, 70-1013, 70-1014, 76-710.04, 77-103, 77-202, and 77-702, Reissue Revised Statutes of Nebraska; to define terms; to change provisions relating to hearings; to provide for approval of facilities as prescribed; to change provisions relating to eminent domain; to provide for a tax as prescribed; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

LEGISLATIVE BILL 1049. Introduced by Langemeier, 23.

A BILL FOR AN ACT relating to energy; to amend sections 70-1902, 70-1903, and 77-2704.57, Reissue Revised Statutes of Nebraska; to change provisions relating to community-based energy projects; to change tax exemption provisions; and to repeal the original sections.

LEGISLATIVE BILL 1050. Introduced by Price, 3.

A BILL FOR AN ACT relating to coroners; to amend section 23-1824, Reissue Revised Statutes of Nebraska; to require a second coroner's opinion as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1051. Introduced by Christensen, 44.

A BILL FOR AN ACT relating to the Abstracters Act; to amend sections 76-545, 76-547, and 76-550, Reissue Revised Statutes of Nebraska; to change provisions relating to certificate terms, fees, and rosters of abstracters; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 1052. Introduced by Christensen, 44.

A BILL FOR AN ACT relating to revenue; to adopt the Agricultural Production and Economic Stability and Assistance Act; to create a fund; to provide an operative date; and to declare an emergency.

MOTION - Escort Chief Justice

Senator Council moved that a committee of five be appointed to escort the Chief Justice of the Supreme Court to the Legislative Chamber for the purpose of delivering the State of the Judiciary Address.

The motion prevailed.

The Chair appointed Senators Nelson, Conrad, Christensen, Ashford, and McGill to serve on said committee.

The committee escorted Chief Justice Michael G. Heavican to the rostrum where he delivered the following message:

Mr. President, Mr. Speaker, members of the Legislature, and fellow Justices of the Supreme Court. I would like to thank the members of this body, and specifically the Speaker, for inviting me to address you again this year. It is always a great honor for me to do so.

Let me first introduce my fellow Justices of the Court.

To my immediate right is Justice John Gerrard of Norfolk. To the right of Justice Gerrard is Justice Michael McCormack of Omaha. To my immediate left is Justice Kenneth Stephan of Lincoln. And to Justice Stephan's left is Justice Lindsey Miller-Lerman of Omaha. Justice John Wright of Scottsbluff and Justice William Connolly of Hastings are not able to be with us today.

As the third branch of government, the judiciary is mindful of its role in providing citizens and litigants access to a swift and fair system of justice. As I have in past years, I will first speak to you about swift and fair justice for children in our juvenile court system.

Children in the Courts - Probation

Consistent with the Nebraska Supreme Court's Strategic Agenda, the Court's Office of Probation Administration has initiated a series of new and progressive programs. These programs are designed to prevent juveniles from going into state care and to address alternatives to detention for nonviolent juvenile offenders in the court system.

Beginning in January 2009, the Office of Probation Administration cooperated with the Department of Health and Human Services to provide community-based services for juveniles and families in the Omaha area in a pilot project entitled "The Nebraska Juvenile Service Delivery Project." This endeavor is intended to safely supervise children at home or in the community while they receive needed assistance.

The goal is for children to receive rehabilitative services without being made wards of the State. Prior to this project, in order to access such services it had been a common practice for these children to be made State wards supervised by the Department of Health and Human Services while simultaneously being supervised by probation staff. This was a costly, confusing, and redundant practice.

The Juvenile Service Delivery Project is already showing promising results:

- Nearly 80% of all juveniles in the project are receiving needed services in their own home while on probation;
- There has been a 59% reduction in the number of these children being simultaneously supervised by both State Probation and the Department of Health and Human Services;
- Access to all of these services is greatly expedited through the new program.
- I want to thank the Department of Health and Human Services for making funds available to probation so that the project can succeed.

This project has the potential to be implemented statewide.

The Court's Office of Probation Administration is also working with members of the Legislature's Judiciary Committee, officials of Douglas County, and other interested parties to reduce the number of juveniles housed in the Douglas County Juvenile Detention Center. The Office of Probation Administration is refining the screening instruments used in determining detention of probation violators and is developing alternatives to detention for those violators.

The Court's Minority Justice Committee and the Nebraska State Bar Association have given special attention to juvenile detention issues in Douglas County and are working closely with probation staff and this body's Judiciary Committee on this project.

Children in the Courts – Abuse and Neglect

Our juvenile courts also deal with abused and neglected children. I have spoken to you in the past about our Through the Eyes of the Child Initiative. This Initiative continues to be a major part of our efforts to improve court processing in abuse and neglect cases. The following improvements have been made:

- There has been a significant drop in Nebraska's foster care population, from 6,222 children in foster care in 2006 to 5,221 children in foster care in 2009. The role of our State's juvenile courts in facilitating that decrease in the number of foster care children has been to continue to emphasize front-loading in the juvenile court process. Prehearing conferences have been initiated throughout the State so that when children are placed in foster care services for both children and their parents are provided as quickly as possible.
- There has been a significant increase in the timeliness of adoptions: Only 18% of adoptions happened within 24 months in 2006; the number increased to 36% of adoptions within 24 months in 2009.
- Judges who host national Adoption Day celebrations in Omaha, Lincoln, Grand Island, and Hastings were joined this year by judges in Kearney, O'Neill, and Scottsbluff. Scotts Bluff County reports that in 2009 they had a record number of adoptions from foster care due, in part, to the Through the Eyes of the Child Initiative.
- Statewide, the number of adoptions increased from 397 in 2006 to 537 in 2009.
- There has also been a small but positive improvement in timeliness of permanency in child placement between 2006 and 2009. In 2006, 39% of cases achieved permanency within 12 months; in 2009, 41% of cases achieved permanency within 12 months.

The Supreme Court is also currently in the process of adopting new, tighter guidelines for timeliness of hearings, including permanency hearings in abuse and neglect cases.

Children's Summit

In September of 2009, all juvenile court judges and county court judges with juvenile court jurisdiction attended a training and planning session in Grand Island. This session was called the Children's Summit. Some of you attended all or part of that Summit, and I want to thank you for doing so.

Issues impacting children in the courts, including parenting time, reasonable efforts at family reunification, children's presence at court hearings, permanency hearings, and using mediation in the juvenile court process were all discussed at the Summit.

At the conclusion of the Summit, three future priorities for the Through the Eyes of the Child Initiative were announced, including further reducing the time to family reunification; improving treatment opportunities for parents who abuse drugs and alcohol; and improving the use of parenting time in the family reunification process. These priorities will be the focus of action teams working throughout the State.

Getting accurate data reports to those action teams is an integral part of improving the performance of all participants in the juvenile court system. We have made great progress in the past year in providing data to our Through the Eyes of the Child action teams. Data reports for each team were distributed at the Children's Summit and are now publicly available on the Through the Eyes of the Child website, www.throughtheeyes.org.

Although the data indicates that we still have room for improvement, the collection and analysis of the reports is a significant step in improving the work we do on behalf of Nebraska's most vulnerable children.

Education for Lawyers

The Grand Island Summit was also part of an ambitious effort to provide excellent training around the State for guardians ad litem and other participants in the juvenile court system. Regional training is continuing in Lexington, Valentine, Hastings, and South Sioux City, as well as Lincoln, Papillion, and Omaha this spring.

Attorneys around the state will have access to this excellent and inexpensive training. Coupled with Mandatory Continuing Legal Education requirements being implemented by the Court this year, these educational opportunities are part of an ongoing effort to increase the quality of legal representation for Nebraska's foster children.

Judicial Branch Education

Internally, the Court's Office of Judicial Branch Education has increased opportunities for distance learning for judges, support personnel, and probation officers. We have instituted monthly on-line education sessions for all members of the court family about such things as the Through the Eyes of the Child Initiative, legislative updates, procedural changes, and personnel matters. Delivery of on-line educational material is both timely and cost effective. It allows us to improve our service to the public while significantly reducing the cost of providing that service.

Technology

Providing education through technology is just part of the Court's emphasis on technology. As you are aware, our courts are in the process of implementing other money-saving and productivity-increasing technology projects.

For example, electronic payment of fines, which we call e-payment, is now available statewide. In December 2009, more than 2,580 payments were made using the e-payment system. In all, 18% of citations were paid online in December, a record for e-payment use. For all of 2009, online payments totaled \$3,408,806.62.

The estimated staff time saved was 1,757 hours. The vast majority of those collections were for traffic or speeding tickets, but individuals can now pay all fines and fees on-line.

Another major court technology initiative has been the implementation of electronic, or e-filing, throughout the State. At this point the bulk of the State's district and county courts are accepting e-filings. By the end of March the court system will have reached a major milestone with every available court accepting e-filings.

Work continues in converting the computer system in the district and juvenile courts in Douglas County to our statewide computer network so that e-filing will be available in those courts soon.

Also, we continue to automate the work of court clerks around the State. A recent example is our program to computerize what we call "default

judgments." A default judgment is given to a plaintiff when the defendant does not respond in court. This happens frequently in county courts. In the past our staff had to go through a lengthy process of pulling files and issuing paperwork. Now, after review by a county court judge, the default is entered into the computer and the system automatically does the rest of the work. The 38 county courts using this new default judgment system processed over 4,000 judgments and saved an estimated 1,000 hours in staff time.

Another example of how courts are using technology creatively is happening in the 10th Judicial District in south-central Nebraska. The Nuckolls County Court has used technological advances to assist other courts which have more filings and greater workloads. The Nuckolls County Clerk Magistrate typically processes 50 filings a day for the Lancaster County Court. The 10th Judicial District also utilizes a district-wide online calendar for scheduling.

These courts are also using "Skype," a computer video camera that provides free video calls. Skype also allows for group interaction among judges, magistrates, attorneys, and interpreters, greatly cutting down on travel costs.

In other courts across the State interpreter services are being provided in various court processes also utilizing Skype. These innovations were pioneered in the Colfax County Court and are now being utilized in several other counties. We have also implemented a statewide system of on-call certified Spanish interpreters. This system uses telephones and Skype, thereby increasing the quality of interpretation while at the same time minimizing costs.

Budget Concerns

I have emphasized the courts' use of technology in this presentation so that you, as members of the Legislature and all citizens of Nebraska, understand that the Court is mindful of the difficult economic times our State is facing. The Court is also aware of the tough budget decisions that the Legislature has made and will need to make in the future. I want to acknowledge and thank the Legislature for recognizing the unique circumstances of the State's judiciary during its special session this past November.

As I reported to the Appropriations Committee at that time, the Supreme Court had already taken action to reduce expenditures prior to the Special Session. Consistent with the executive branch initiative, the Court had restricted hiring, travel, and large purchases. We had previously reduced mileage reimbursement to a level below the amount which is given other State employees, and salary increases for many of our court employees was less than that given to most employees in the executive branch. We have since indefinitely postponed the hiring of necessary administrative positions.

Because our budget is 95% salaries and benefits, budget reductions are particularly difficult for the judiciary. Nevertheless, this Court is continuing efforts to make cuts while at the same time maintaining necessary court services.

Nebraska has requested cost-free assistance from the National Center for State Courts. We are one (1) of five (5) states selected to participate in an intensive planning process to reshape courts for the 21st century.

The Supreme Court and the judicial branch will continue to explore options which will allow Nebraska to save money yet better serve the citizens of the state. We will work with you in making any future budget sacrifices.

Thank you so much for this opportunity to speak to you today.

The committee escorted the Chief Justice from the Chamber.

NOTICE OF COMMITTEE HEARINGS
Health and Human Services

Room 1510

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

Acela Turco - Foster Care Review Board

(Signed) Tim Gay, Chairperson

Appropriations

Room 1003

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

Agency 5 - Supreme Court

Agency 13 - Education, Department of

Agency 25 - Health and Human Services

Agency 72 - Economic Development, Department of

(Signed) Lavon Heidemann, Chairperson

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1053. Introduced by Pahls, 31.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701 and 77-2701.04, Reissue Revised Statutes of Nebraska; to exempt prepared food and meals, furniture and appliances, computer software and hardware and electronic devices, and clothing from sales tax; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 1054. Introduced by Carlson, 38.

A BILL FOR AN ACT relating to the Nebraska Ground Water Management

and Protection Act; to amend sections 46-701 and 46-706, Revised Statutes Supplement, 2009; to define a term; to adopt the correlative rights doctrine; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1055. Introduced by Carlson, 38.

A BILL FOR AN ACT relating to Employment Security Law; to amend sections 48-628.02 and 48-628.03, Reissue Revised Statutes of Nebraska; to change provisions relating to extended benefits; to eliminate obsolete provisions and restructure provisions; to alphabetize defined terms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1056. Introduced by Carlson, 38.

A BILL FOR AN ACT relating to the Nebraska Ground Water Management and Protection Act; to amend section 46-701, Revised Statutes Supplement, 2009; to provide duties for the Department of Natural Resources relating to aquifer depletion; to provide for limitations on irrigation as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1057. Introduced by Carlson, 38; Christensen, 44; Fischer, 43.

A BILL FOR AN ACT relating to water resources; to create the Republican River Basin Water Sustainability Task Force; to provide duties; to state intent relating to expenses; and to declare an emergency.

LEGISLATIVE BILL 1058. Introduced by Howard, 9.

A BILL FOR AN ACT relating to the Community College Foundation and Equalization Aid Act; to amend sections 77-3442, 85-1416, 85-1418, 85-1503, 85-1511, 85-1517, 85-2201, 85-2202, 85-2203, 85-2215, 85-2221, 85-2222, 85-2223, and 85-2224, Reissue Revised Statutes of Nebraska, and section 13-518, Revised Statutes Supplement, 2009; to rename the act and a fund; to redefine a term; to change provisions relating to a formula; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1059. Introduced by Avery, 28.

A BILL FOR AN ACT relating to initiative and referendum petitions; to amend sections 32-101, 32-117, 32-118, 32-628, 32-1401, 32-1402, 32-1405, 32-1409, 32-1412, and 84-205, Reissue Revised Statutes of Nebraska; to change provisions relating to preparation of initiative and referendum petitions; to provide for digital and electronic signatures on petitions via the Internet; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1060. Introduced by Janssen, 15.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,131, Reissue Revised Statutes of Nebraska; to change requirements for driving in the right-hand lane of a roadway; and to repeal the original section.

LEGISLATIVE BILL 1061. Introduced by Janssen, 15.

A BILL FOR AN ACT relating to postsecondary education; to amend section 85-1412, Revised Statutes Supplement, 2009; to adopt the Tuition Equalization Grant Program Act; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1062. Introduced by McGill, 26.

A BILL FOR AN ACT relating to homicide; to amend sections 28-304 and 28-305, Reissue Revised Statutes of Nebraska, and section 28-101, Revised Statutes Supplement, 2009; to change provisions relating to murder in the second degree and manslaughter; to create the offenses of voluntary and involuntary manslaughter; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1063. Introduced by Nelson, 6.

A BILL FOR AN ACT relating to the Nebraska Arts Council; to amend sections 82-326 and 82-329, Reissue Revised Statutes of Nebraska; to authorize an art maintenance fund and provide for an inspection schedule; and to repeal the original sections.

LEGISLATIVE BILL 1064. Introduced by Nelson, 6; Coash, 27; Janssen, 15; Karpisek, 32; Krist, 10; Pirsch, 4; Rogert, 16.

A BILL FOR AN ACT relating to drainage; to amend sections 25-2501, 32-608, 32-1203, 77-1701, 77-1858, 77-3442, and 77-3444, Reissue Revised Statutes of Nebraska, and section 2-4214, Revised Statutes Supplement, 2009; to adopt the Limited Purpose Sanitary and Improvement District Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1065. Introduced by Heidemann, 1.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-2401, 60-2401.01, 60-2403, 60-2405, 60-2406, 60-2407, 60-2408, 60-2409, and 60-2411, Reissue Revised Statutes of Nebraska, and sections 60-2404 and 60-2410, Revised Statutes Cumulative Supplement, 2008; to change provisions relating to towing; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1066. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701.16, Reissue Revised Statutes of Nebraska; to provide for sales and use tax on services as prescribed; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 1067. Introduced by Rogert, 16.

A BILL FOR AN ACT relating to infants; to state findings; to require pulse oximetry screening for newborn infants; and to provide duties for the Department of Health and Human Services.

LEGISLATIVE BILL 1068. Introduced by Hansen, 42.

A BILL FOR AN ACT relating to economic development; to adopt the Rural Tourism Development Act; to provide operative dates; and to declare an emergency.

LEGISLATIVE BILL 1069. Introduced by Adams, 24.

A BILL FOR AN ACT relating to educational service units; to amend sections 79-1233, 79-1241.02, 79-1245, 79-1247, 79-1248, 79-1249, 86-516, 86-520, 86-521, and 86-5,100, Reissue Revised Statutes of Nebraska, and sections 79-1241.01 and 79-1241.03, Revised Statutes Supplement, 2009; to change and eliminate provisions relating to core services and technology infrastructure purchase and funding; to change provisions relating to the Educational Service Unit Coordinating Council and Network Nebraska; to provide, change, and eliminate duties for the Nebraska Information Technology Council and Chief Information Officer; to harmonize provisions; to repeal the original sections; to outright repeal sections 79-1243 and 79-1331, Reissue Revised Statutes of Nebraska; and to declare an emergency.

LEGISLATIVE BILL 1070. Introduced by Adams, 24.

A BILL FOR AN ACT relating to learning communities; to amend sections 77-3442, 79-527, 79-2111, and 79-2112, Reissue Revised Statutes of Nebraska, and sections 32-546.01, 79-528, and 79-2104, Revised Statutes Supplement, 2009; to change provisions relating to tax levies; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1071. Introduced by Adams, 24.

A BILL FOR AN ACT relating to schools; to amend sections 79-201, 79-215, 79-1003.01, 79-1007.04, 79-1007.05, 79-1013, and 79-1030, Reissue Revised Statutes of Nebraska, sections 13-509, 79-8,137.01, 79-8,137.03, 79-8,137.04, and 79-1014, Revised Statutes Supplement, 2009, and sections 79-1003 and 79-1007.23, Revised Statutes Supplement, 2009, as amended by sections 3 and 9, respectively, Legislative Bill 5, One Hundred First Legislature, First Special Session, 2009; to change provisions relating to certification of property valuations, attendance age, admissions, the Enhancing Excellence in Teaching Program, and the Tax Equity and Educational Opportunities Support Act; to redefine terms; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1072. Introduced by Adams, 24.

A BILL FOR AN ACT relating to community colleges; to amend sections

77-3442, 85-960.02, 85-962, 85-966.01, 85-1404, 85-1413, 85-1416, 85-1418, 85-1429, 85-1501, 85-1501.01, 85-1502, 85-1503, 85-1511, 85-1515, 85-1516, 85-1517, 85-1521, 85-1535, 85-2201, 85-2202, 85-2203, 85-2205, 85-2206, 85-2212, 85-2215, 85-2220, 85-2221, 85-2222, 85-2223, 85-2224, 85-2227, 85-2228, and 86-594, Reissue Revised Statutes of Nebraska, and sections 13-509, 13-518, 13-519, and 85-1412, Revised Statutes Supplement, 2009; to rename an act and a fund; to change and provide duties for community colleges and the Coordinating Commission for Postsecondary Education; to define and redefine terms; to change provisions relating to aid to community colleges; to harmonize provisions; to repeal the original sections; and to declare an emergency.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 682. Placed on Final Reading.

LEGISLATIVE BILL 683. Placed on Final Reading.

LEGISLATIVE BILL 684. Placed on Final Reading.

(Signed) Jeremy Nordquist, Chairperson

GENERAL FILE

LEGISLATIVE BILL 306. Senator Council offered the following motion: MO73

Indefinitely postpone.

Laid over.

LEGISLATIVE BILL 552. Title read. Considered.

Senator White renewed his amendment, AM1563, found on page 250.

The White amendment was adopted with 39 ayes, 0 nays, 5 present and not voting, and 5 excused and not voting.

Senator White offered the following amendment:

AM1591

- 1 1. On page 2, line 23, strike "the state," and after
- 2 "subdivision" insert "of this state. Owner does not include the
- 3 State of Nebraska".
- 4 2. On page 4, line 24, strike the second occurrence of
- 5 "section" and insert "act".
- 6 3. On page 6, line 17, strike "the state or" and strike
- 7 the second occurrence of "the" and insert "this"; and in line 18
- 8 strike "the state or".
- 9 4. On page 7, line 1, strike "the state or"; in line 2
- 10 strike the first occurrence of "the" and insert "this"; strike the
- 11 matter in lines 6 and 7; in line 8 strike "(b)" and insert "(a)";

12 in line 11 strike "(c)" and insert "(b)"; in line 13 strike "(d)"
 13 and insert "(c)"; in line 15 strike "(e)" and insert "(d)"; in line
 14 18 strike "state or"; in line 20 strike "by the state or political
 15 subdivision"; and strike beginning with "by" in line 24 through
 16 "subdivision" in line 25.

17 5. On page 8, line 9, strike "the state"; in line 10
 18 strike "or" and strike "the" and insert "this"; and in line 11
 19 strike "the state or".

20 6. Strike sections 11 and 13 and renumber the remaining
 21 section accordingly.

The White amendment was adopted with 37 ayes, 0 nays, 6 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 5 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 216. Title read. Considered.

Pending.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1073. Introduced by Mello, 5; Conrad, 46; McGill, 26.

A BILL FOR AN ACT relating to economic development; to amend sections 77-2715.07, 77-2717, and 77-2734.03, Reissue Revised Statutes of Nebraska; to adopt the Building Nebraska's Creative Economy Act; to provide a termination date; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 1074. Introduced by Mello, 5.

A BILL FOR AN ACT relating to economic development; to amend sections 81-1203 and 81-1211, Reissue Revised Statutes of Nebraska; to change provisions relating to job training grants and the Tourist Promotion Fund; and to repeal the original sections.

LEGISLATIVE BILL 1075. Introduced by Carlson, 38; Harms, 48.

A BILL FOR AN ACT relating to alcoholic liquor; to adopt the Alcoholic Liquor Liability Act; and to provide an operative date.

LEGISLATIVE BILL 1076. Introduced by Schilz, 47.

A BILL FOR AN ACT relating to the Nebraska Ground Water Management

and Protection Act; to amend section 46-713, Revised Statutes Supplement, 2009; to change provisions relating to evaluation of river basins, subbasins, and reaches as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1077. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 46-294.03, 77-112, 77-201, 77-1359, 77-1371, and 77-5023, Reissue Revised Statutes of Nebraska, and section 79-1016, Revised Statutes Supplement, 2009; to change provisions relating to valuation of agricultural land and horticultural land; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1078. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 49-801.01, Revised Statutes Supplement, 2009; to update references to the Internal Revenue Code of 1986; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1079. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-202.02, 77-1315, 77-1375, 77-1502, 77-1504, 77-1507, 77-1510, 77-5028, and 77-5029, Reissue Revised Statutes of Nebraska; to change the time for appealing to the Tax Equalization and Review Commission as prescribed; to change certain dates relating to property tax assessment and equalization as prescribed; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 1080. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to the Nebraska Advantage Act; to amend sections 77-5715 and 77-5725, Reissue Revised Statutes of Nebraska; to provide tax incentives for wind energy projects; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1081. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to economic development; to amend sections 77-27,188, 81-1203, and 81-1204, Reissue Revised Statutes of Nebraska; to provide a tax credit and authorize job training grants for teleworkers; and to repeal the original sections.

LEGISLATIVE BILL 1082. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to community colleges; to amend sections 77-3442, 85-960.02, 85-962, 85-966.01, 85-1404, 85-1413, 85-1416, 85-1418, 85-1429, 85-1501, 85-1502, 85-1503, 85-1511, 85-1517, 85-1535,

85-2201, 85-2202, 85-2205, 85-2221, 85-2222, 85-2223, 85-2224, 85-2227, and 85-2228, Reissue Revised Statutes of Nebraska, and sections 13-509, 13-518, 13-519, and 85-1412, Revised Statutes Supplement, 2009; to rename an act and a fund; to change and provide duties for community colleges and the Coordinating Commission for Postsecondary Education; to define and redefine terms; to change provisions relating to aid to community colleges; to provide for a maximum levy; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1083. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to the Nebraska Uniform Trust Code; to amend section 30-38,103, Reissue Revised Statutes of Nebraska; to change provisions relating to contents of a certification of trust; and to repeal the original section.

LEGISLATIVE BILL 1084. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to criminal procedure; to amend sections 28-1006, 28-1012, 28-1019, and 29-818, Reissue Revised Statutes of Nebraska; to provide for seizures of pet animals and equines as prescribed; to provide procedures; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1085. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to civil procedure; to amend section 25-1011, Reissue Revised Statutes of Nebraska; to change provisions relating to garnishment; to eliminate obsolete provisions; and to repeal the original section.

LEGISLATIVE BILL 1086. Introduced by McCoy, 39.

A BILL FOR AN ACT relating to the Employment Security Law; to amend section 48-649, Revised Statutes Supplement, 2009; to change provisions relating to determination of the state unemployment insurance tax rate and require a hearing; and to repeal the original section.

LEGISLATIVE BILL 1087. Introduced by Adams, 24.

A BILL FOR AN ACT relating to schools; to amend sections 79-215, 79-1113, 79-1124, and 79-1140, Reissue Revised Statutes of Nebraska, and section 79-1110, Revised Statutes Supplement, 2009; to change provisions relating to payments for educational services as prescribed; to define and redefine terms under the Special Education Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1088. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to prescriptions; to adopt the Physician and Patient Prescription Protection Act.

LEGISLATIVE BILL 1089. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to adult guardianship jurisdiction; to amend sections 30-2603, 30-2607, 30-2610, 30-2611, 30-2616, 30-2636, 30-2639, and 30-2647, Reissue Revised Statutes of Nebraska; to adopt the Nebraska Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1090. Introduced by Business and Labor Committee: Lathrop, 12, Chairperson; Carlson, 38; McGill, 26; Wallman, 30; White, 8.

A BILL FOR AN ACT relating to claims against the state; to appropriate funds for the payment of certain claims; to provide for payment of the claims; to authorize agencies to write off certain claims as prescribed; and to declare an emergency.

LEGISLATIVE BILL 1091. Introduced by Business and Labor Committee: Lathrop, 12, Chairperson; Carlson, 38; McGill, 26; Wallman, 30; White, 8.

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

LEGISLATIVE BILL 1092. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-2410, Revised Statutes Cumulative Supplement, 2008; to provide restrictions on fees for towing services as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1093. Introduced by Lathrop, 12; Campbell, 25.

A BILL FOR AN ACT relating to the Medicaid Prescription Drug Act; to amend sections 68-953 and 68-954, Reissue Revised Statutes of Nebraska; to change provisions relating to the pharmaceutical and therapeutics committee; and to repeal the original sections.

LEGISLATIVE BILL 1094. Introduced by Lathrop, 12; Lautenbaugh, 18.

A BILL FOR AN ACT relating to courts; to amend section 84-907.03, Revised Statutes Supplement, 2009; to adopt the Nonrecourse Civil Litigation Act; to provide powers and duties for the Secretary of State; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1095. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to educational service units; to amend section 79-1241.03, Revised Statutes Supplement, 2009; to change provisions relating to distribution of funds; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1096. Introduced by Haar, 21; Cook, 13; Mello, 5.

A BILL FOR AN ACT relating to schools; to adopt the Nebraska High Performance Schools Initiative Act.

LEGISLATIVE BILL 1097. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-3442, Reissue Revised Statutes of Nebraska; to change property tax levy limitations as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1098. Introduced by Mello, 5; Ashford, 20; Cook, 13; Haar, 21; Harms, 48; Lathrop, 12; McGill, 26; Nordquist, 7.

A BILL FOR AN ACT relating to municipalities; to authorize creation of sustainable energy financing districts; and to grant powers and duties regarding such districts.

LEGISLATIVE BILL 1099. Introduced by Mello, 5; Haar, 21.

A BILL FOR AN ACT relating to cities of the metropolitan class; to amend section 13-2020, Reissue Revised Statutes of Nebraska, and section 14-102, Revised Statutes Supplement, 2009; to provide for the establishment of a recycling program as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1100. Introduced by Mello, 5; Gay, 14.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-6,349, Reissue Revised Statutes of Nebraska, sections 60-123, 60-137, 60-302, 60-339, and 60-605, Revised Statutes Cumulative Supplement, 2008, and sections 60-101, 60-301, and 60-601, Revised Statutes Supplement, 2009; to allow operation of low-speed vehicles on highways as prescribed; to require titling and registration for low-speed vehicles; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1101. Introduced by Wightman, 36.

A BILL FOR AN ACT relating to the Legislature; to amend section 50-401.01, Revised Statutes Cumulative Supplement, 2008; to authorize use of employee furloughs; and to repeal the original section.

LEGISLATIVE BILL 1102. Introduced by Giese, 17; Karpisek, 32;

Rogert, 16.

A BILL FOR AN ACT relating to horseracing; to amend sections 2-1203.01 and 2-1215, Reissue Revised Statutes of Nebraska; to authorize the State Racing Commission to license and regulate wagering on historic horseraces; to provide a penalty; and to repeal the original sections.

LEGISLATIVE BILL 1103. Introduced by Flood, 19.

A BILL FOR AN ACT relating to abortion; to amend section 38-2021, Reissue Revised Statutes of Nebraska, and section 28-101, Revised Statutes Supplement, 2009; to adopt the Abortion Pain Prevention Act; to provide and change civil and criminal penalties with respect to abortion; to harmonize provisions; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 1104. Introduced by Flood, 19.

A BILL FOR AN ACT relating to judges; to amend section 24-201.01, Revised Statutes Supplement, 2009; to change salaries; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1105. Introduced by Council, 11; Ashford, 20; Conrad, 46; Lathrop, 12.

A BILL FOR AN ACT relating to the death penalty; to require an audit comparing the costs of administering death penalty and non-death-penalty sentences resulting from murder in the first degree convictions; and to provide a duty for the Auditor of Public Accounts.

LEGISLATIVE BILL 1106. Introduced by Nordquist, 7; Ashford, 20; Cook, 13; Council, 11; Gloor, 35; Howard, 9; Mello, 5.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend sections 68-901, 68-907, and 68-908, Reissue Revised Statutes of Nebraska; to define a term; to provide for school-based health centers; to provide for amending or seeking a waiver to the medicaid state plan; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1107. Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 14-557, 15-725, 15-733, 15-735, 15-821, 15-822, 16-708.01, 17-524, 77-209, and 77-1917.01, Reissue Revised Statutes of Nebraska; to change priority of special assessment liens; and to repeal the original sections.

LEGISLATIVE BILL 1108. Introduced by Nordquist, 7.

A BILL FOR AN ACT relating to compressed natural gas; to amend

sections 39-2215, 66-697, 66-6,107, 66-6,109, 66-1810, and 66-1825, Reissue Revised Statutes of Nebraska; to impose an excise tax and provide for its use; to provide for a grant program; to provide funding and create a fund; to change provisions relating to jurisdictional utilities; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1109. Introduced by Conrad, 46; Harms, 48; Mello, 5; Nordquist, 7; Wightman, 36.

A BILL FOR AN ACT relating to the Legislature; to adopt the Nebraska Innovation and High Wage Employment Act; to provide a termination date; to provide funding; and to declare an emergency.

RESOLUTIONS

LEGISLATIVE RESOLUTION 298. Introduced by Dubas, 34.

WHEREAS, the Aurora Huskies won the 2009 Class B State Football Championship; and

WHEREAS, the Huskies defeated Skutt Catholic High School 34-21 to win the state title; and

WHEREAS, the Huskies finished the season undefeated at 13-0; and

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

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

1. That the Legislature congratulates the Aurora Huskies on winning the 2009 Class B State Football Championship.

2. That a copy of this resolution be sent to the Aurora Huskies and their coach, Randy Huebert.

Laid over.

LEGISLATIVE RESOLUTION 299CA. Introduced by Ashford, 20.

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

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

To add a new section 18 to Article VII:

VII-18 Effective January 1, 2012, there shall be no more than three community college areas in Nebraska as the Legislature shall provide.

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 require the Legislature to provide for no more than three community college areas effective January 1, 2012.

For
Against.

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 300CA. Introduced by Nelson, 6.

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 III, section 2:

III-2 The first power reserved by the people is the initiative whereby laws may be enacted and constitutional amendments adopted by the people independently of the Legislature. This power may be invoked by petition wherein the proposed measure shall be set forth at length. If the petition be for the enactment of a law, it shall be signed by ~~seven-three~~ percent of the registered voters of the state, and if the petition be for the amendment of the Constitution, the petition therefor shall be signed by ~~ten-five~~ percent of such registered voters. In all cases For a petition for the enactment of a law, the registered voters signing such petition shall be so distributed as to include three percent of the registered voters of each of two-fifths of the counties of the state. For a petition for the amendment of the Constitution, the registered voters signing such petition shall be so distributed as to include five percent of the registered voters of each of two-fifths of the counties of the state. When —and when— thus signed, the petition shall be filed with the Secretary of State who shall submit the measure thus proposed to the electors of the state at the first general election held not less than four months after such petition ~~shall have been~~ is filed. The same measure, either in form or in essential substance, shall not be submitted to the people by initiative petition, either affirmatively or negatively, more often than once in three years. If conflicting measures submitted to the people at the same election be approved, the one receiving the highest number of affirmative votes shall thereby become law as to all conflicting provisions. The constitutional limitations as to the scope and subject matter of statutes enacted by the Legislature shall apply to those enacted by the initiative. Initiative measures shall contain only one subject. The Legislature shall not amend, repeal, modify, or impair a law enacted by the people by initiative, contemporaneously with the adoption of this initiative measure or at any time thereafter, except upon a vote of at least two-thirds of all the members of the Legislature.

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 number of signatures required for an initiative petition.

For
Against.

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 301CA. Introduced by Price, 3; Avery, 28; Janssen, 15; Karpisek, 32; Mello, 5.

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 III, sections 2, 3, and 4:

III-2 The first power reserved by the people is the initiative whereby laws may be enacted and constitutional amendments adopted by the people independently of the Legislature. This power may be invoked by petition wherein the proposed measure shall be set forth at length. If the petition be for the enactment of a law, it shall be signed by seven percent of the registered voters of the state calculated as of January 1 of the calendar year in which the petition signatures are filed, and if the petition be for the amendment of the Constitution, the petition therefor shall be signed by ten percent of ~~such~~ the registered voters of the state calculated as of January 1 of the calendar year in which the petition signatures are filed. In all cases the registered voters signing such petition shall be so distributed as to include five percent of the registered voters of each of two-fifths of the counties of the state calculated as of January 1 of the calendar year in which the petition signatures are filed, and when thus signed, the petition shall be filed with the Secretary of State who shall submit the measure thus proposed to the electors of the state at the first general election held not less than four months after such petition shall have been filed.

The same measure, either in form or in essential substance, shall not be submitted to the people by initiative petition, either affirmatively or negatively, more often than once in three years. If conflicting measures submitted to the people at the same election be approved, the one receiving the highest number of affirmative votes shall thereby become law as to all conflicting provisions. The constitutional limitations as to the scope and subject matter of statutes enacted by the Legislature shall apply to those enacted by the initiative. Initiative measures shall contain only one subject. The Legislature shall not amend, repeal, modify, or impair a law enacted by the people by initiative, contemporaneously with the adoption of this initiative measure or at any time thereafter, except upon a vote of at least two-thirds of all the members of the Legislature.

III-3 The second power reserved is the referendum which may be invoked, by petition, against any act or part of an act of the Legislature, except those making appropriations for the expense of the state government or a state institution existing at the time of the passage of such act. Petitions invoking the referendum shall be signed by not less than five percent of the registered voters of the state calculated as of January 1 of the calendar year in which the petition signatures are filed, distributed as required for initiative petitions, and filed in the office of the Secretary of State within ninety days

after the Legislature at which the act sought to be referred was passed shall have adjourned sine die or for more than ninety days. Each such petition shall set out the title of the act against which the referendum is invoked and, in addition thereto, when only a portion of the act is sought to be referred, the number of the section or sections or portion of sections of the act designating such portion. No more than one act or portion of an act of the Legislature shall be the subject of each referendum petition. When the referendum is thus invoked, the Secretary of State shall refer the same to the electors for approval or rejection at the first general election to be held not less than thirty days after the filing of such petition.

When the referendum is invoked as to any act or part of act, other than emergency acts or those for the immediate preservation of the public peace, health, or safety, by petition signed by not less than ten percent of the registered voters of the state calculated as of January 1 of the calendar year in which the petition signatures are filed, distributed as aforesaid, it shall suspend the taking effect of such act or part of act until the same has been approved by the electors of the state.

~~III-4 The whole number of votes cast for Governor at the general election next preceding the filing of an initiative or referendum petition shall be the basis on which the number of signatures to such petition shall be computed.~~ The veto power of the Governor shall not extend to measures initiated by or referred to the people.

A measure initiated shall become a law or part of ~~the~~ this Constitution, as the case may be, when a majority of the votes cast ~~thereon, on the measure,~~ and not less than thirty-five ~~per cent~~ percent of the total vote cast at the election at which the ~~same measure~~ was submitted, are cast in favor ~~thereof, and of the measure, and the measure~~ shall take effect upon proclamation by the Governor which shall be made within ten days after the official canvass of ~~such the~~ votes. The vote upon initiative and referendum measures shall be returned and canvassed in the manner prescribed for the canvass of votes for president.

The method of submitting and adopting amendments to the Constitution provided by this section shall be supplementary to the method prescribed in ~~the article~~ Article XVI of this Constitution, ~~entitled, "Amendments"~~ and the latter shall in no case be construed to conflict ~~herewith, with the provisions relating to initiative and referendum.~~ The provisions with respect to the initiative and referendum shall be self-executing, but legislation may be enacted to facilitate their operation. ~~All propositions submitted in pursuance hereof~~ Initiative and referendum measures shall be submitted in a ~~non-partisan~~ nonpartisan manner and without any indication or suggestion on the ballot that they have been approved or endorsed by any political party or organization. Only the title or proper descriptive words of measures shall be printed on the ballot, and when two or more measures have the same title, they shall be numbered consecutively in the order of filing with the Secretary of State and the number shall be followed by the name of the first petitioner on the corresponding petition.

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 basis for calculating the number of signatures needed on initiative and referendum petitions.

For

Against.

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 302. Introduced by Karpisek, 32.

WHEREAS, the Nebraska Petroleum Marketers and Convenience Store Association will be celebrating its ninetieth anniversary in 2010; and

WHEREAS, the Nebraska Petroleum Marketers and Convenience Store Association began in 1920 as the Nebraska Petroleum Marketers Association; and

WHEREAS, the Nebraska Petroleum Marketers and Convenience Store Association has existed for the past ninety years to unify petroleum marketers in order to effectively further the common business interests of the petroleum marketing industry and the convenience store industry.

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

1. That the Legislature congratulates the Nebraska Petroleum Marketers and Convenience Store Association on celebrating its ninetieth anniversary.

2. That a copy of this resolution be sent to the Nebraska Petroleum Marketers and Convenience Store Association.

Laid over.

BILL ON FIRST READING

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

LEGISLATIVE BILL 638A. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 638, One Hundred First Legislature, Second Session, 2010.

COMMITTEE REPORT

Judiciary

LEGISLATIVE BILL 226. Placed on General File with amendment.

AM1590

1 1. Strike the original sections and insert the following

2 sections:

3 Section 1. Section 30-2604, Reissue Revised Statutes of

4 Nebraska, is amended to read:

5 30-2604 A parent or a guardian of a minor or

6 incapacitated person, by a properly executed power of attorney, may

7 delegate to another person, for a period not exceeding six months,
 8 any of his or her powers regarding care, custody, or property of
 9 the minor child or ward, except his or her power to consent to
 10 marriage or adoption of a minor ward. A parent or guardian of a
 11 minor who is at least eighteen years of age, by a properly executed
 12 power of attorney, may delegate to such minor, for a period not
 13 exceeding one year, the parent or guardian's power to consent to
 14 such minor's own health care and medical treatment.

15 Sec. 2. Section 43-2101, Reissue Revised Statutes of
 16 Nebraska, is amended to read:

17 43-2101 All persons under nineteen years of age are
 18 declared to be minors, but in case any person marries under the
 19 age of nineteen years, his or her minority ends. Upon becoming the
 20 age of majority, a person is considered an adult and acquires all
 21 rights and responsibilities granted or imposed by statute or common
 22 law, except that a person eighteen years of age or older may enter
 23 into a binding contract or lease of whatever kind or nature and
 1 shall be legally responsible therefor.

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

3 Sec. 4. Original sections 30-2604 and 43-2101, Reissue
 4 Revised Statutes of Nebraska, are repealed.

(Signed) Brad Ashford, Chairperson

AMENDMENT - Print in Journal

Senator Rogert filed the following amendment to LB261:
 AM1594

(Amendments to E & R amendments, ER8137)

- 1 1. On page 2, strike lines 23 through 27.
- 2 2. On page 3, strike lines 1 through 9 and insert
- 3 "(4) In order to approve a negotiable instrument, an
- 4 electronic funds transfer, or a similar method of payment, a person
- 5 having use of or access to machine-readable information encoded on
- 6 an operator's license or a state identification card may:
- 7 (a) Scan, compile, store, or preserve such information
- 8 in order to provide the information to a consumer reporting agency
- 9 subject to and in compliance with the federal Fair Credit Reporting
- 10 Act, 15 U.S.C. 1681, as such act existed on January 1, 2009, for
- 11 the purpose of effecting, administering, or enforcing a transaction
- 12 requested by the holder of the license or card or preventing fraud
- 13 or other criminal activity; or
- 14 (b) Scan and store such information only as necessary to
- 15 protect against or prevent actual or potential fraud, unauthorized
- 16 transactions, claims, or other liability or to resolve a dispute or
- 17 inquiry by the holder of the license or card."; in line 10 strike
- 18 "subsection (4)" and insert "subdivision (4)(a)"; and in line 13
- 19 strike "person" and insert "party".

ANNOUNCEMENT

Senator Harms designates LB258 as his priority bill.

UNANIMOUS CONSENT - Add Cointroducers

Senator Cornett asked unanimous consent to add her name as cointroducer to LB754. No objections. So ordered.

Senator McCoy asked unanimous consent to add his name as cointroducer to LB1103. No objections. So ordered.

VISITORS

Visitors to the Chamber were Lou, Mike, Matt, and Nathan Brtek from Norfolk; Michael Kinney and Warren Whitted Jr. from Omaha, Robert Bartle and Jane Schoenike from Lincoln, and Bradley White from Hastings; and Jim O'Keeffe from Hastings.

The Doctor of the Day was Dr. Kyle Haeefele from Lincoln.

ADJOURNMENT

At 12:01 p.m., on a motion by Senator McCoy, the Legislature adjourned until 9:00 a.m., Friday, January 22, 2010.

Patrick J. O'Donnell
Clerk of the Legislature

ELEVENTH DAY - JANUARY 22, 2010**LEGISLATIVE JOURNAL****ONE HUNDRED FIRST LEGISLATURE
SECOND SESSION****ELEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Friday, January 22, 2010

PRAYER

The prayer was offered by Senator Wallman.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Langemeier presiding.

The roll was called and all members were present except Senators Adams and Hadley who were excused; and Senators Ashford, Campbell, Conrad, Cornett, Dierks, Janssen, and Karpisek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the tenth day was approved.

REFERENCE COMMITTEE REPORT

The Executive Board submits the following report:

LB/LR	Committee
LB962	Education (rereferred)
LB965	Education (rereferred)
LB988	Judiciary
LB989	Judiciary
LB990	Judiciary
LB991	Transportation and Telecommunications
LB992	Health and Human Services
LB993	Natural Resources
LB994	Business and Labor
LB995	Business and Labor
LB996	Judiciary
LB997	Urban Affairs
LB998	Transportation and Telecommunications
LB999	Health and Human Services
LB1000	General Affairs
LB1001	Education

LB1002 Revenue
 LB1003 Government, Military and Veterans Affairs
 LB1004 Transportation and Telecommunications
 LB1005 Health and Human Services
 LB1006 Education
 LB1007 Education
 LB1008 Revenue
 LB1009 Government, Military and Veterans Affairs
 LB1010 Natural Resources
 LB1011 Natural Resources
 LB1012 General Affairs
 LB1013 General Affairs
 LB1014 Education
 LB1015 Government, Military and Veterans Affairs
 LB1016 Natural Resources
 LB1017 Banking, Commerce and Insurance
 LB1018 Revenue
 LB1019 Natural Resources
 LB1020 Business and Labor
 LB1021 Education
 LB1022 Health and Human Services
 LB1023 General Affairs
 LB1024 Transportation and Telecommunications
 LB1025 Natural Resources
 LB1026 Judiciary
 LB1027 Health and Human Services
 LB1028 Education
 LB1029 Judiciary
 LB1030 Appropriations
 LB1031 Revenue
 LB1032 Revenue
 LB1033 Judiciary
 LR297CA Urban Affairs

Homan, Steve - Nebraska Arts Council - General Affairs

Turco, Acela - Foster Care Review Board - Health and Human Services

(Signed) John Wightman, Chairperson
 Executive Board

COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 552. Placed on Select File with amendment.
 ER8146

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Sections 1 to 10 of this act shall be known
- 4 and may be cited as the Nebraska Construction Prompt Pay Act.

5 Sec. 2. For purposes of the Nebraska Construction Prompt
6 Pay Act:

7 (1) Contractor includes individuals, firms, partnerships,
8 limited liability companies, corporations, or other associations of
9 persons engaged in the business of the construction, alteration,
10 repairing, dismantling, or demolition of buildings, roads, bridges,
11 viaducts, sewers, water and gas mains, streets, disposal plants,
12 water filters, tanks and towers, airports, dams, levees and canals,
13 water wells, pipelines, transmission and power lines, and every
14 other type of structure, project, development, or improvement
15 coming within the definition of real property and personal
16 property, including such construction, repairing, or alteration
17 of such property to be held either for sale or rental. Contractor
18 also includes any subcontractor engaged in the business of such
19 activities and any person who is providing or arranging for labor
20 for such activities, either as an employee or as an independent
21 contractor, for any contractor or person;

22 (2) Owner means a person (a) who has an interest in any
23 real property improved, (b) for whom an improvement is made, or
1 (c) who contracted for an improvement to be made. Owner includes
2 a person, an entity, or any political subdivision of this state.
3 Owner does not include the State of Nebraska;

4 (3) Owner's representative means an architect, an
5 engineer, or a construction manager in charge of a project for
6 the owner or such other contract representative or officer as
7 designated in the contract document as the party representing the
8 owner's interest regarding administration and oversight of the
9 project;

10 (4) Real property means real estate that is improved,
11 including private and public land, and leaseholds, tenements, and
12 improvements placed on the real property;

13 (5) Receipt means actual receipt of cash or funds by the
14 contractor or subcontractor; and

15 (6) Subcontractor means a person or an entity that has
16 contracted to furnish labor or materials to, or performed labor or
17 supplied materials for, a contractor or another subcontractor in
18 connection with a contract to improve real property. Subcontractor
19 includes materialmen and suppliers.

20 Sec. 3. (1) When a contractor has performed work in
21 accordance with the provisions of a contract with an owner, the
22 owner shall pay the contractor within forty-five days after receipt
23 by the owner or the owner's representative of a payment request
24 made pursuant to the contract.

25 (2) When a subcontractor has performed work in accordance
26 with the provisions of a subcontract and all conditions precedent
27 to payment contained in the subcontract have been satisfied, the
1 contractor shall pay the subcontractor and the subcontractor shall
2 pay his, her, or its subcontractor, within ten days after receipt
3 by the contractor or subcontractor of each periodic or final

4 payment, the full amount received for the subcontractor's work
5 and materials based on work completed or service provided under
6 the subcontract for which the subcontractor has properly requested
7 payment, if the subcontractor provides or has provided satisfactory
8 and reasonable assurances of continued performance and financial
9 responsibility to complete the work.

10 Sec. 4. When work has been performed pursuant to a
11 contract, a party may only withhold payment:

12 (1) For retainage, in an amount not to exceed the
13 amount specified in the contract, if applicable, until the work is
14 substantially complete;

15 (2) Of a reasonable amount, to the extent that such
16 withholding is allowed in the contract, for any of the following
17 reasons:

18 (a) Reasonable evidence showing that the contractual
19 completion date will not be met due to unsatisfactory job progress;

20 (b) Third-party claims filed or reasonable evidence that
21 such a claim will be filed with respect to work under the contract;
22 or

23 (c) Failure of the contractor to make timely payments for
24 labor, equipment, subcontractors, or materials; or

25 (3) After substantial completion, in an amount not to
26 exceed one hundred twenty-five percent of the estimated cost to
27 complete the work remaining on the contract.

1 Sec. 5. Except as provided in section 4 of this act, if
2 a periodic or final payment to (1) a contractor is delayed by more
3 than forty-five days after receipt of a properly submitted periodic
4 or final payment request by the owner or owner's representative
5 or (2) a subcontractor is delayed by more than ten days after
6 receipt of a periodic or final payment by the contractor or
7 subcontractor, then the remitting party shall pay the contractor or
8 subcontractor interest due until such amount is paid, beginning on
9 the day following the payment due date at the rate of one percent
10 per month or a pro rata fraction thereof on the unpaid balance.
11 Interest is due under this section only after the person charged
12 the interest has been notified of the provisions of this section
13 by the contractor or subcontractor. Acceptance of progress payments
14 or a final payment shall release all claims for interest on such
15 payments.

16 Sec. 6. The Nebraska Construction Prompt Pay Act shall
17 not modify the remedies available to any person under the terms of
18 a contract in existence prior to the operative date of this act or
19 by any other statute.

20 Sec. 7. The Nebraska Construction Prompt Pay Act does not
21 apply to improvements to real property intended for residential
22 purposes when the residence consists of no more than four
23 residential units.

24 Sec. 8. The Nebraska Construction Prompt Pay Act applies
25 to contracts or subcontracts entered into on or after October 1,

26 2010.

27 Sec. 9. The following provisions in any contract or
1 subcontract for construction work performed within the State of
2 Nebraska shall be against public policy and shall be void and
3 unenforceable:

4 (1) A provision that purports to waive, release, or
5 extinguish rights to file a claim against a payment or performance
6 bond, except that a contract or subcontract may require a
7 contractor or subcontractor to provide a waiver or release of
8 such rights as a condition for payment, but only to the extent of
9 the amount of the payment received;

10 (2) A provision that purports to make any state law other
11 than that of Nebraska applicable to or governing any contract for
12 construction within the state; or

13 (3) A provision that purports to require that the venue
14 for a court or arbitration hearing be held at any location outside
15 of the state.

16 Sec. 10. (1) Any liquidated or unliquidated claim against
17 any political subdivision of this state arising from construction
18 performed for such political subdivision shall: (a) Be presented
19 in writing to the individual or officer as set forth in subsection
20 (2) of this section; (b) state the name of the claimant and the
21 amount of the claim; and (c) identify the item or service for which
22 payment is claimed or the time, place, nature, and circumstance
23 giving rise to the claim. All claims shall be filed within one
24 hundred eighty days after the date of substantial completion of the
25 construction project.

26 (2) A construction contract entered into by any political
27 subdivision of this state may provide the name and location of
1 the office in which a claim under this section may be filed. In
2 the absence of such provision, a written claim shall be filed as
3 follows:

4 (a) Claims against a city of the metropolitan, primary,
5 first, or second class shall be filed with the appropriate city
6 clerk;

7 (b) Claims against a village shall be filed with the
8 village clerk;

9 (c) Claims against a county shall be filed with the
10 county clerk; and

11 (d) Claims against any other political subdivision shall
12 be filed with the person who executed the contract on behalf of the
13 political subdivision or that person's successor in office.

14 (3) The applicable political subdivision shall issue a
15 decision on the claim within ninety days after receipt thereof.
16 If no decision has been issued after such period, the claim shall
17 be deemed to be denied in whole and the claimant may commence an
18 action in accordance with subsection (4) of this section.

19 (4) If a claim is denied in whole or in part, a claimant
20 may bring a civil action on the claim. An action under this

21 subsection may only be brought within two years after the denial of
 22 the claim or the date upon which the claim is deemed to be denied.
 23 Any such action shall be in the nature of an original action and
 24 not an appeal and shall be commenced in the district court of
 25 the county in which the construction project at issue was located.
 26 Either party may appeal from the decision of the district court.
 27 (5) Notwithstanding any other provision of law in
 1 Chapters 13, 14, 15, 16, 17, 23, and 81, claims against a political
 2 subdivision of this state arising from construction performed for
 3 such political subdivision shall be governed by this section.
 4 Sec. 11. This act becomes operative on October 1, 2010.
 5 2. On page 1, strike beginning with "amend" in line 1
 6 through line 5 and insert "adopt the Nebraska Construction Prompt
 7 Pay Act; and to provide an operative date."

(Signed) Jeremy Nordquist, Chairperson

REPORTS

The following reports were received by the Legislature:

Game and Parks Commission

One-Year Certified Future Recreation Road Plan

Investment Finance Authority, Nebraska (NIFA)

2009 Series A, B, C, D, E and F Community Development Loan Notes
 (City of Lincoln Program-2009) Report

Clean Water State Revolving Fund Revenue Bonds Series 2009B
 Quarterly Report

Roads, Nebraska Department of

Maps: Current State Highway System, March 27, 1972 Federal Aid
 Primary System, Interstate and Defense Highway System, June 1, 1991
 Federal Aid Primary System, National Highway System, Highway
 Beautification Control System, Scenic Byways System

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of January 21,
 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

Funk, Christine

Nebraska Friends of Midwives

Moors, H. Jack

Mines & Associates

Radcliffe, Walter H. of Radcliffe & Associates

Altria Client Services Inc. and its Affiliates (formerly Philip Morris USA Inc.)

ALTRIA Client Services, Inc. (Formerly UST Public Affairs, Inc.)
(Withdrawn 01/20/2010)

Zieg, Patricia A.

Durable Medical Equipment Stakeholders of Nebraska

MOTION - Withdraw LB944

Senator Harms renewed his motion, MO74, found on page 285, to withdraw LB944.

The Harms motion to withdraw the bill prevailed with 31 ayes, 0 nays, 9 present and not voting, and 9 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 216. Considered.

SPEAKER FLOOD PRESIDING

SENATOR LANGEMEIER PRESIDING

Senator Conrad moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 3 nays, and 20 not voting.

Advanced to Enrollment and Review Initial with 26 ayes, 16 nays, 5 present and not voting, and 2 excused and not voting.

AMENDMENTS - Print in Journal

Senator Haar filed the following amendment to LB261:

AM1601

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 60-4,111.01, Reissue Revised Statutes
- 4 of Nebraska, is amended to read:
- 5 60-4,111.01 (1) The Department of Motor Vehicles,
- 6 the courts, or law enforcement agencies may store or compile
- 7 information acquired from an operator's license or state
- 8 identification card for their statutorily authorized purposes.
- 9 (2) The department shall develop and distribute
- 10 software for scanning or reading and storing the machine-readable
- 11 information encoded on an operator's license or a state
- 12 identification card. The department shall have control of and
- 13 provide access to a secure server which will store the information
- 14 scanned or read by a person using the software. The department
- 15 shall provide the software and access to the server to a person

16 upon entering into an agreement with the person to comply with the
17 requirements of this section to scan or read the machine-readable
18 information only for purposes authorized in this section. The
19 agreement shall specify that the information will not be stored or
20 kept in any manner by the person using the software. The department
21 shall charge a fee for the software and for access to the server.
22 The fees shall be established by the department at a rate which
23 covers the cost of developing and distributing the software and
1 acquiring, maintaining, and providing access to the server. The
2 department shall remit the fees to the State Treasurer for credit
3 to the Department of Motor Vehicles Cash Fund.

4 ~~(2) No~~ (3) Except as otherwise provided in subsection
5 (4) or (5) of this section, no person having use of or access to
6 machine-readable information encoded on an operator's license or a
7 state identification card shall compile, store, preserve, trade, or
8 sell such information. Violation of this subsection shall be. Any
9 person who trades or sells such information shall be guilty of a
10 Class IV felony. Any person who compiles, stores, or preserves such
11 information except as authorized in subsection (4) or (5) of this
12 section shall be guilty of a Class IV felony.

13 (4)(a) For purposes of compliance with and enforcement
14 of restrictions on the purchase of alcohol, lottery tickets,
15 and tobacco products, a retailer who sells any of such items
16 pursuant to a license issued or a contract under the applicable
17 statutory provision may scan machine-readable information encoded
18 on an operator's license or a state identification card presented
19 for the purpose of such a sale. The retailer may request in its
20 agreement under subsection (2) of this section that the department
21 provide for the storage in the department's server of the following
22 information obtained from the license or card: Age and license
23 or card identification number. The retailer shall post a sign at
24 the point of sale of any of such items stating that the license
25 or card will be scanned and that the age and identification
26 number will be stored. The stored information may only be used
27 by a law enforcement agency for purposes of enforcement of the
1 restrictions on the purchase of alcohol, lottery tickets, and
2 tobacco products and may not be shared with any other person or
3 entity. A retailer who knowingly stores more information than the
4 age and identification number from the operator's license or state
5 identification card or who knowingly stores any information from
6 the operator's license or state identification card in any place
7 other than the department's server shall be guilty of a Class IV
8 felony.

9 (b) Information scanned, compiled, stored, or preserved
10 pursuant to subdivision (a) of this subsection may not be retained
11 by the department for longer than eighteen months unless required
12 by state or federal law.

13 (5) A person having use of or access to machine-readable
14 information encoded on an operator's license or a state

15 identification card may enter an agreement with the department
 16 under subsection (2) of this section to scan such information and
 17 compile, store, and preserve such information on the department's
 18 server:

19 (a) For purposes of providing such information to a
 20 consumer reporting agency subject to and in compliance with the
 21 federal Fair Credit Reporting Act, 15 U.S.C. 1681, as such act
 22 existed on January 1, 2009;

23 (b) As necessary to effect, administer, or enforce a
 24 transaction requested by the holder of the license or card;

25 (c) To protect against or prevent actual or potential
 26 fraud, unauthorized transactions, claims, or other liability; or

27 (d) For resolving a dispute or inquiry by the holder of
 1 the license or card.

2 (6) Except as provided in subsection (5) of this section,
 3 information scanned, compiled, stored, or preserved pursuant to
 4 this section may not be traded or sold to a third party; used
 5 for any marketing or sales purpose by any person, including the
 6 retailer who obtained the information; or, unless pursuant to a
 7 court order, reported to or shared with any third party. A person
 8 who violates this subsection shall be guilty of a Class IV felony.

9 Sec. 2. Original section 60-4,111.01, Reissue Revised
 10 Statutes of Nebraska, is repealed.

Senator Haar filed the following amendment to LB325:
 AM1592

(Amendments to E & R amendments, ER8138)

1 1. Insert the following new sections:

2 Sec. 6. Section 32-916, Reissue Revised Statutes of
 3 Nebraska, is amended to read:

4 32-916 (1) Two judges of election or a precinct inspector
 5 and a judge of election shall affix their initials to the official
 6 ballots. The judge of election shall deliver a ballot to each
 7 registered voter after complying with section 32-914.

8 (2) After voting the ballot, the registered voter shall,
 9 as directed by the judge of election, fold his or her ballot or
 10 place the ballot in the ballot envelope or sleeve so as to conceal
 11 the voting marks and to expose the initials affixed on the ballot.
 12 The registered voter shall, without delay and without exposing the
 13 voting marks upon the ballot, deliver the ballot to the judge of
 14 election before leaving the enclosure in which the voting booths
 15 are placed.

16 (3) The judge of election shall, without exposing the
 17 voting marks on the ballot, approve the exposed initials upon the
 18 ballot and deposit the ballot in the ballot box in the presence of
 19 the registered voter. No judge of election shall deposit any ballot
 20 in a ballot box unless the ballot has been identified as having the
 21 appropriate initials. Any ballot not properly identified shall be
 22 rejected in the presence of the voter, the judge of election shall

1 make a notation on the ballot Rejected, not properly identified,
 2 and another ballot shall be issued to the voter and the voter shall
 3 then be permitted to cast his or her ballot. If the ballot is in
 4 order, the judge shall deposit the ballot in the ballot box in
 5 the presence of the voter and the voter shall promptly leave the
 6 polling place. The judges of election shall maintain the secrecy
 7 of the rejected ballots and shall cause the rejected ballots to be
 8 made up in a sealed packet. The judges of election shall endorse
 9 the packet with the words Rejected Ballots and the designation of
 10 the precinct. The judges of election shall sign the endorsement
 11 label and shall return the packet to the election commissioner or
 12 county clerk with a statement by the judges of election showing the
 13 number of ballots rejected.

14 (4) Upon receiving a provisional ballot as provided in
 15 section 32-915, the judge of election shall give the voter written
 16 information that states that the voter will receive a postcard from
 17 the election commissioner or county clerk indicating if the voter's
 18 vote was counted and, if not, the reason that the vote was not
 19 counted and that the voter also may determine if his or her vote
 20 was counted and, if not, the reason that the vote was not counted
 21 by accessing the system created pursuant to section 32-202. ~~The~~ and
 22 the judge of election shall ensure that the appropriate information
 23 is on the outside of the envelope in which the ballot is enclosed
 24 or attached to the envelope, attach the statement required by
 25 section 32-915 if not contained on the envelope, and place the
 26 entire envelope into the ballot box. Upon receiving a provisional
 27 ballot as provided in section 32-915.01, the judge of election
 1 shall comply with the requirements for a provisional ballot under
 2 this subsection, except that a provisional ballot cast pursuant to
 3 section 32-915.01 shall be kept separate from the other ballots
 4 cast at the election.

5 Sec. 8. Section 32-1002, Reissue Revised Statutes of
 6 Nebraska, is amended to read:

7 32-1002 (1) As the ballots are removed from the ballot
 8 box pursuant to sections 32-1012 to 32-1018, the receiving board
 9 shall separate the envelopes containing the provisional ballots
 10 from the rest of the ballots and deliver them to the election
 11 commissioner or county clerk.

12 (2) Upon receipt of a provisional ballot, the election
 13 commissioner or county clerk shall verify that the certificate on
 14 the front of the envelope or the form attached to the envelope is
 15 in proper form and that the certification has been signed by the
 16 voter.

17 (3) The election commissioner or county clerk shall
 18 also (a) verify that such person has not voted anywhere else
 19 in the county or been issued a ballot for early voting, (b)
 20 investigate whether any credible evidence exists that the person
 21 was properly registered to vote in the county before the deadline
 22 for registration for the election, (c) investigate whether any

23 information has been received pursuant to section 32-309, 32-310,
24 or 32-324 that the person has resided, registered, or voted in
25 any other county or state since registering to vote in the county,
26 ~~and~~ (d) upon determining that credible evidence exists that the
27 person was properly registered to vote in the county, make the
1 appropriate changes to the voter registration register by entering
2 the information contained in the registration application completed
3 by the voter at the time of voting a provisional ballot, and (e)
4 mail a postcard to the voter indicating if the voter's vote counted
5 and, if not, the reason that the vote was not counted.

6 (4) A provisional ballot cast by a voter pursuant to
7 section 32-915 shall be counted if:

8 (a) Credible evidence exists that the voter was properly
9 registered in the county before the deadline for registration for
10 the election;

11 (b) The voter has resided in the county continuously
12 since registering to vote in the county;

13 (c) The voter has not voted anywhere else in the county
14 or has not otherwise voted early using a ballot for early voting;

15 (d) The voter has completed a registration application
16 prior to voting and:

17 (i) The residence address provided on the registration
18 application completed pursuant to subdivision (1)(e) of section
19 32-915 is located within the precinct in which the person voted;
20 and

21 (ii) If the voter is voting in a primary election,
22 the party affiliation provided on the registration application
23 completed prior to voting the provisional ballot is the same party
24 affiliation that appears on the voter's voter registration record
25 based on his or her previous registration application; and

26 (e) The certification on the front of the envelope or
27 form attached to the envelope is in the proper form and signed by
1 the voter.

2 (5) A provisional ballot cast by a voter pursuant to
3 section 32-915 shall not be counted if:

4 (a) The voter was not properly registered in the county
5 before the deadline for registration for the election;

6 (b) Information has been received pursuant to section
7 32-309, 32-310, or 32-324 that the voter has resided, registered,
8 or voted in any other county or state since registering to vote in
9 the county in which he or she cast the provisional ballot;

10 (c) Credible evidence exists that the voter has voted
11 elsewhere or has otherwise voted early;

12 (d) The voter failed to complete and sign a registration
13 application pursuant to subdivision (1)(e) of section 32-915;

14 (e) The residence address provided on the registration
15 application completed pursuant to subdivision (1)(e) of section
16 32-915 is in a different county or in a different precinct than the
17 county or precinct in which the voter voted;

- 18 (f) If the voter is voting in a primary election, the
 19 party affiliation on the registration application completed prior
 20 to voting the provisional ballot is different than the party
 21 affiliation that appears on the voter's voter registration record
 22 based on his or her previous registration application; or
 23 (g) The voter failed to complete and sign the
 24 certification on the envelope or form attached to the envelope
 25 pursuant to subsection (3) of section 32-915.
- 26 (6) Upon determining that the voter's provisional ballot
 27 is eligible to be counted, the election commissioner or county
 1 clerk shall remove the ballot from the envelope without exposing
 2 the marks on the ballot and shall place the ballot with the ballots
 3 to be counted by the county canvassing board.
- 4 (7) The election commissioner or county clerk shall
 5 notify the system administrator of the system created pursuant to
 6 section 32-202 as to whether the ballot was counted and, if not,
 7 the reason the ballot was not counted.
- 8 (8) The verification and investigation shall be completed
 9 within seven days after the election.
- 10 2. Renumber the remaining sections and correct the
 11 repealer accordingly.

NOTICE OF COMMITTEE HEARINGS

Natural Resources

Room 1525

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

LB689
 LB845
 LB960

(Signed) Chris Langemeier, Chairperson

General Affairs

Room 1510

Monday, February 1, 2010 1:30 p.m.

LB783
 LB786
 LB869
 LB870
 LB900
 LB906

(Signed) Russ Karpisek, Chairperson

Nebraska Retirement Systems

Room 1525

Tuesday, February 2, 2010 12:10 p.m.

LB950

Tuesday, February 9, 2010 12:10 p.m.

LB979

Tuesday, February 16, 2010 12:10 p.m.

LB899

LB927

LB928

(Signed) Dave Pankonin, Chairperson

COMMITTEE REPORTS

Natural Resources

LEGISLATIVE BILL 743. Placed on General File.**LEGISLATIVE BILL 798.** Placed on General File.**LEGISLATIVE BILL 871.** Placed on General File.

(Signed) Chris Langemeier, Chairperson

Agriculture

LEGISLATIVE BILL 731. Placed on General File.

(Signed) Tom Carlson, Chairperson

GENERAL FILE**LEGISLATIVE BILL 147.** Title read. Considered.

Committee AM756, found on page 1297, First Session, 2009, was adopted with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

Senator Pirsch renewed his amendment, AM1569, found on page 246.

The Pirsch amendment was adopted with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 43 ayes, 0 nays, 4 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 181. Title read. Considered.

Committee AM1282, found on page 1398, First Session, 2009, was considered.

Senator Fischer offered the following amendment to the committee amendment:

AM1595

(Amendments to Standing Committee amendments, AM1282)

- 1 1. On page 2, line 5, strike "or" and insert "and".
- 2 2. On page 3, line 14 strike "relief from" and insert
- 3 "modification of"; and in line 17 strike "relief" and insert
- 4 "modification".

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

The committee amendment, as amended, was adopted with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

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

SENATOR CARLSON PRESIDING

LEGISLATIVE BILL 190. Title read. Considered.

Committee AM85, found on page 1460, First Session, 2009, was considered.

Senator Avery renewed his amendment, AM1555, found on page 276, to the committee amendment.

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

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

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 5 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 638. Title read. Considered.

Senator Lautenbaugh offered the following motion:

MO75

Indefinitely postpone.

Laid over.

AMENDMENTS - Print in Journal

Senator Mello filed the following amendment to LB635:

AM1603

(Amendments to Standing Committee amendments, AM1140)

- 1 1. Insert the following new section:
- 2 Sec. 4. This act becomes operative on January 1, 2011.
- 3 2. Renumber the remaining sections accordingly.

Senators Gay and Fulton filed the following amendment to LB197:

AM1588 is available in the Bill Room.

UNANIMOUS CONSENT - Add Cointroducers

Senator Karpisek asked unanimous consent to add his name as cointroducer to LB940. No objections. So ordered.

Senator Coash asked unanimous consent to add his name as cointroducer to LB1018. No objections. So ordered.

Senator Mello asked unanimous consent to add his name as cointroducer to LB1086. No objections. So ordered.

Senator Langemeier asked unanimous consent to add his name as cointroducer to LB1103. No objections. So ordered.

WITHDRAW - Cointroducer

Senator Howard withdrew her name as cointroducer to LB949.

VISITORS

Visitors to the Chamber were members of Nebraska Dental Hygienists Association and students from Iowa Western Community College.

The Doctor of the Day was Dr. Rob Rhodes from Lincoln.

ADJOURNMENT

At 11:28 a.m., on a motion by Speaker Flood, the Legislature adjourned until 10:00 a.m., Monday, January 25, 2010.

Patrick J. O'Donnell
Clerk of the Legislature

TWELFTH DAY - JANUARY 25, 2010
LEGISLATIVE JOURNAL
ONE HUNDRED FIRST LEGISLATURE
SECOND SESSION

TWELFTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, January 25, 2010

PRAYER

The prayer was offered by Pastor Art Grimm, St. John's Lutheran Church, Beatrice.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Senator Langemeier presiding.

The roll was called and all members were present except Senators Ashford and Giese who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eleventh day was approved.

REFERENCE COMMITTEE REPORT

The Executive Board submits the following report:

LB/LR	Committee
LB1034	Education
LB1035	Government, Military and Veterans Affairs
LB1036	Health and Human Services
LB1037	Judiciary
LB1038	Health and Human Services
LB1039	Government, Military and Veterans Affairs
LB1040	Business and Labor
LB1041	Business and Labor
LB1042	Business and Labor
LB1043	Judiciary
LB1044	Business and Labor
LB1045	Judiciary
LB1046	Judiciary
LB1047	Judiciary
LB1048	Natural Resources

LB1049	Revenue
LB1050	Judiciary
LB1051	Banking, Commerce and Insurance
LB1052	Revenue
LB1053	Revenue
LB1054	Natural Resources
LB1055	Business and Labor
LB1056	Natural Resources
LB1057	Natural Resources
LB1058	Education
LB1059	Government, Military and Veterans Affairs
LB1060	Transportation and Telecommunications
LB1061	Education
LB1062	Judiciary
LB1063	Appropriations
LB1064	Urban Affairs
LB1065	Transportation and Telecommunications
LB1066	Revenue
LB1067	Health and Human Services
LB1068	Banking, Commerce and Insurance
LB1069	Education
LB1070	Education
LB1071	Education
LB1072	Education
LB1073	Revenue
LB1075	Judiciary
LB1076	Natural Resources
LB1077	Revenue
LB1078	Revenue
LB1079	Revenue
LB1080	Revenue
LB1081	Revenue
LB1082	Education
LB1083	Banking, Commerce and Insurance
LB1084	Judiciary
LB1085	Judiciary
LB1086	Business and Labor
LB1087	Education
LB1088	Banking, Commerce and Insurance
LB1089	Judiciary
LB1090	Business and Labor
LB1091	Business and Labor
LB1092	Transportation and Telecommunications
LB1093	Health and Human Services
LB1094	Judiciary
LB1095	Education
LB1096	Education
LB1097	Revenue
LB1098	Urban Affairs

LB1099 Urban Affairs
LB1100 Transportation and Telecommunications
LB1101 Executive Board
LB1102 Judiciary
LB1103 Judiciary
LB1104 Judiciary
LB1105 Judiciary
LB1106 Health and Human Services
LB1107 Revenue
LB1108 Revenue
LB1109 Executive Board
LR299CA Education
LR300CA Government, Military and Veterans Affairs
LR301CA Government, Military and Veterans Affairs

(Signed) John Wightman, Chairperson
Executive Board

NOTICE OF COMMITTEE HEARINGS
Transportation and Telecommunications

Room 1113

Tuesday, February 2, 2010 1:30 p.m.

LR286CA
LB838
LB819

(Signed) Deb Fischer, Chairperson

Banking, Commerce and Insurance

Room 1507

Monday, February 1, 2010 1:30 p.m.

LB807
LB912
LB693

Tuesday, February 2, 2010 1:30 p.m.

LB888
LB730
LB720

(Signed) Rich Pahls, Chairperson

COMMITTEE REPORT

Revenue

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

Robert W. Hotz - Tax Equalization and Review Commission

Aye: 8 Senators Adams, Cornett, Dierks, Hadley, Loudon, Pirsch, Utter, White. Nay: 0. Absent: 0.

(Signed) Abbie Cornett, Chairperson

PRESIDENT SHEEHY PRESIDING**SELECT FILE**

LEGISLATIVE BILL 261. ER8137, found on page 205, was adopted.

Senator Rogert asked unanimous consent to withdraw his amendment, AM1594, found on page 310, and replace it with his substitute amendment, AM1612. No objections. So ordered.
AM1612

(Amendments to E & R amendments, ER8137)

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 60-4,111.01, Reissue Revised Statutes
- 4 of Nebraska, is amended to read:
- 5 60-4,111.01 (1) The Department of Motor Vehicles,
- 6 the courts, or law enforcement agencies may store or compile
- 7 information acquired from an operator's license or a state
- 8 identification card for their statutorily authorized purposes.
- 9 (2) ~~No~~ Except as otherwise provided in subsection (3)
- 10 or (4) of this section, no person having use of or access to
- 11 machine-readable information encoded on an operator's license or a
- 12 state identification card shall compile, store, preserve, trade, ~~or~~
- 13 sell, or share such information. ~~Violation of this subsection shall~~
- 14 ~~be~~ Any person who trades, sells, or shares such information shall
- 15 be guilty of a Class IV felony. Any person who compiles, stores, or
- 16 preserves such information except as authorized in subsection (3)
- 17 or (4) of this section shall be guilty of a Class IV felony.
- 18 (3)(a) For purposes of compliance with and enforcement
- 19 of restrictions on the purchase of alcohol, lottery tickets,
- 20 and tobacco products, a retailer who sells any of such items
- 21 pursuant to a license issued or a contract under the applicable
- 22 statutory provision may scan machine-readable information encoded
- 1 on an operator's license or a state identification card presented
- 2 for the purpose of such a sale. The retailer may store only the

3 following information obtained from the license or card: Age and
4 license or card identification number. The retailer shall post a
5 sign at the point of sale of any of such items stating that the
6 license or card will be scanned and that the age and identification
7 number will be stored. The stored information may only be used
8 by a law enforcement agency for purposes of enforcement of the
9 restrictions on the purchase of alcohol, lottery tickets, and
10 tobacco products and may not be shared with any other person or
11 entity. The retailer shall utilize software that stores only the
12 information allowed by this subsection. A programmer for computer
13 software designed to store such information shall certify to the
14 retailer that the software stores only the information allowed by
15 this subsection. Intentional or grossly negligent programming by
16 the programmer which allows for the storage of more than the age
17 and identification number or wrongfully certifying the software
18 shall be a Class IV felony. A retailer who knowingly stores
19 more information than the age and identification number from the
20 operator's license or state identification card shall be guilty of
21 a Class IV felony.

22 (b) Information scanned, compiled, stored, or preserved
23 pursuant to subdivision (a) of this subsection may not be retained
24 longer than eighteen months unless required by state or federal
25 law.

26 (4) In order to approve a negotiable instrument, an
27 electronic funds transfer, or a similar method of payment, a person
1 having use of or access to machine-readable information encoded on
2 an operator's license or a state identification card may:

3 (a) Scan, compile, store, or preserve such information
4 in order to provide the information to a check services company
5 subject to and in compliance with the federal Fair Credit Reporting
6 Act, 15 U.S.C. 1681, as such act existed on January 1, 2010, for
7 the purpose of effecting, administering, or enforcing a transaction
8 requested by the holder of the license or card or preventing fraud
9 or other criminal activity; or

10 (b) Scan and store such information only as necessary to
11 protect against or prevent actual or potential fraud, unauthorized
12 transactions, claims, or other liability or to resolve a dispute or
13 inquiry by the holder of the license or card.

14 (5) Except as provided in subdivision (4)(a) of this
15 section, information scanned, compiled, stored, or preserved
16 pursuant to this section may not be traded or sold to or shared
17 with a third party; used for any marketing or sales purpose by any
18 person, including the retailer who obtained the information; or,
19 unless pursuant to a court order, reported to or shared with any
20 third party. A person who violates this subsection shall be guilty
21 of a Class IV felony.

22 Sec. 2. Original section 60-4,111.01, Reissue Revised
23 Statutes of Nebraska, is repealed.

The Rogert amendment was adopted with 27 ayes, 6 nays, 14 present and not voting, and 2 excused and not voting.

Senator Haar renewed his amendment, AM1601, found on page 319.

The Haar amendment lost with 4 ayes, 24 nays, 19 present and not voting, and 2 excused and not voting.

Senator Pankonin requested a record vote on the advancement of the bill.

Voting in the affirmative, 31:

Adams	Fischer	Karpisek	Nordquist	Utter
Avery	Flood	Langemeier	Pahls	Wallman
Campbell	Gay	Lautenbaugh	Pirsch	Wightman
Carlson	Gloor	McCoy	Price	
Christensen	Hadley	McGill	Rogert	
Coash	Harms	Mello	Schilz	
Dubas	Janssen	Nelson	Sullivan	

Voting in the negative, 8:

Dierks	Hansen	Krist	Pankonin
Haar	Howard	Louden	White

Present and not voting, 8:

Ashford	Cook	Council	Lathrop
Conrad	Cornett	Fulton	Stuthman

Excused and not voting, 2:

Giese	Heidemann
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Advanced to Enrollment and Review for Engrossment with 31 ayes, 8 nays, 8 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 522. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 254. ER8139, found on page 236, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 325. ER8138, found on page 236, was adopted.

Senator Haar renewed his amendment, AM1592, found on page 321.

Senator Haar withdrew his amendment.

Senator Lathrop offered the following amendment:
AM1610

(Amendments to E & R amendments, ER8138)

1 1. Insert the following new section:

2 Sec. 7. Section 32-1002, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 32-1002 (1) As the ballots are removed from the ballot
5 box pursuant to sections 32-1012 to 32-1018, the receiving board
6 shall separate the envelopes containing the provisional ballots
7 from the rest of the ballots and deliver them to the election
8 commissioner or county clerk.

9 (2) Upon receipt of a provisional ballot, the election
10 commissioner or county clerk shall verify that the certificate on
11 the front of the envelope or the form attached to the envelope is
12 in proper form and that the certification has been signed by the
13 voter.

14 (3) The election commissioner or county clerk shall
15 also (a) verify that such person has not voted anywhere else
16 in the county or been issued a ballot for early voting, (b)
17 investigate whether any credible evidence exists that the person
18 was properly registered to vote in the county before the deadline
19 for registration for the election, (c) investigate whether any
20 information has been received pursuant to section 32-309, 32-310,
21 or 32-324 that the person has resided, registered, or voted in
22 any other county or state since registering to vote in the county,
1 and (d) upon determining that credible evidence exists that the
2 person was properly registered to vote in the county, make the
3 appropriate changes to the voter registration register by entering
4 the information contained in the registration application completed
5 by the voter at the time of voting a provisional ballot.

6 (4) A provisional ballot cast by a voter pursuant to
7 section 32-915 shall be counted if:

8 (a) Credible evidence exists that the voter was properly
9 registered in the county before the deadline for registration for
10 the election;

11 (b) The voter has resided in the county continuously
12 since registering to vote in the county;

13 (c) The voter has not voted anywhere else in the county
14 or has not otherwise voted early using a ballot for early voting;

15 (d) The voter has completed a registration application
16 prior to voting as prescribed in subsection (6) of this section
17 and:

18 (i) The residence address provided on the registration
19 application completed pursuant to subdivision (1)(e) of section
20 32-915 is located within the precinct in which the person voted;
21 and

22 (ii) If the voter is voting in a primary election,
23 the party affiliation provided on the registration application

24 completed prior to voting the provisional ballot is the same party
 25 affiliation that appears on the voter's voter registration record
 26 based on his or her previous registration application; and

27 (e) The certification on the front of the envelope or
 1 form attached to the envelope is in the proper form and signed by
 2 the voter.

3 (5) A provisional ballot cast by a voter pursuant to
 4 section 32-915 shall not be counted if:

5 (a) The voter was not properly registered in the county
 6 before the deadline for registration for the election;

7 (b) Information has been received pursuant to section
 8 32-309, 32-310, or 32-324 that the voter has resided, registered,
 9 or voted in any other county or state since registering to vote in
 10 the county in which he or she cast the provisional ballot;

11 (c) Credible evidence exists that the voter has voted
 12 elsewhere or has otherwise voted early;

13 (d) The voter failed to complete and sign a registration
 14 application pursuant to subsection (6) of this section and
 15 subdivision (1)(e) of section 32-915;

16 (e) The residence address provided on the registration
 17 application completed pursuant to subdivision (1)(e) of section
 18 32-915 is in a different county or in a different precinct than the
 19 county or precinct in which the voter voted;

20 (f) If the voter is voting in a primary election, the
 21 party affiliation on the registration application completed prior
 22 to voting the provisional ballot is different than the party
 23 affiliation that appears on the voter's voter registration record
 24 based on his or her previous registration application; or

25 (g) The voter failed to complete and sign the
 26 certification on the envelope or form attached to the envelope
 27 pursuant to subsection (3) of section 32-915.

1 (6) An error or omission of information on the
 2 registration application or the certification required under
 3 section 32-915 shall not result in the provisional ballot not being
 4 counted if:

5 (a)(i) The errant or omitted information is contained
 6 elsewhere on the registration application or certification; or

7 (ii) The information is not necessary to determine the
 8 eligibility of the voter to cast a ballot; and

9 (b) Both the registration application and the
 10 certification are signed by the voter.

11 ~~(6)~~(7) Upon determining that the voter's provisional
 12 ballot is eligible to be counted, the election commissioner or
 13 county clerk shall remove the ballot from the envelope without
 14 exposing the marks on the ballot and shall place the ballot with
 15 the ballots to be counted by the county canvassing board.

16 ~~(7)~~(8) The election commissioner or county clerk shall
 17 notify the system administrator of the system created pursuant to

18 section 32-202 as to whether the ballot was counted and, if not,
19 the reason the ballot was not counted.
20 ~~(8)~~(9) The verification and investigation shall be
21 completed within seven days after the election.
22 2. On page 2, line 3; and page 6, line 15, after the
23 period insert "The election commissioner or county clerk shall
24 implement the policy regarding designation of ballots uniformly
25 throughout the county.".
26 3. Renumber the remaining sections and correct the
27 repealer accordingly.

The Lathrop amendment was adopted with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 183. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 197. ER8142, found on page 241, was adopted.

Senator Gay renewed the Gay-Fulton amendment, AM1588, found on page 327.

The Gay-Fulton amendment was adopted with 38 ayes, 0 nays, 10 present and not voting, and 1 excused and not voting.

Senator Fulton offered the following amendment:
AM1578 is available in the Bill Room.

The Fulton amendment was adopted with 42 ayes, 0 nays, 6 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 550. ER8141, found on page 241, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 210. ER8143, found on page 266, was adopted.

Senator Langemeier renewed his amendment, AM1573, found on page 268.

The Langemeier amendment was adopted with 39 ayes, 0 nays, 9 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 139. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 475. ER8145, found on page 267, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 279. Advanced to Enrollment and Review for Engrossment.

NOTICE OF COMMITTEE HEARINGS

Urban Affairs

1510

Tuesday, February 2, 2010 1:30 p.m.

LB799
LB949
LB977
LR295CA

(Signed) Amanda McGill, Chairperson

Education

Room 1525

Monday, February 1, 2010 1:30 p.m.

LB1001
LB1061
LB745
LB956

(Signed) Greg Adams, Chairperson

Business and Labor

Room 2102

Monday, February 1, 2010 1:30 p.m.

LB934
LB925
LB1086
LB1055
LB1020

(Signed) Steve Lathrop, Chairperson

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 216. Placed on Select File.

LEGISLATIVE BILL 147. Placed on Select File with amendment.
ER8147

1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:
3 Section 1. Section 25-21,271, Reissue Revised Statutes of
4 Nebraska, is amended to read:
5 25-21,271 (1) Any person desiring to change his or her
6 name ~~may~~shall file a petition in the district court of the county
7 in which such person may be a resident, setting forth (a) that the
8 petitioner has been a bona fide citizen of such county for at least
9 one year prior to the filing of the petition, (b) the address of
10 the petitioner, (c) the date of birth of the petitioner, (d) the
11 cause for which the change of petitioner's name is sought, and (e)
12 (e) the name asked for.

13 (2) Notice of the filing of the petition shall be
14 published in a newspaper in the county, and if no newspaper is
15 printed in the county, then in a newspaper of general circulation
16 therein. The notice shall be published (a) once a week for four
17 consecutive weeks if the petitioner is nineteen years of age
18 or older at the time the action is filed and (b) once a week
19 for two consecutive weeks if the petitioner is under nineteen
20 years of age at the time the action is filed. In an action
21 involving a petitioner under nineteen years of age who has a
22 noncustodial parent, notice of the filing of the petition shall be
23 sent by certified mail within five days after publication to the
1 noncustodial parent at the address provided to the clerk of the
2 district court pursuant to subsection (1) of section 42-364.13 for
3 the noncustodial parent if he or she has provided an address. The
4 clerk of the district court shall provide the petitioner with the
5 address upon request.

6 (3) It shall be the duty of the district court, upon
7 being duly satisfied by proof in open court of the truth of the
8 allegations set forth in the petition, that there exists proper
9 and reasonable cause for changing the name of the petitioner,
10 and that notice of the filing of the petition has been given as
11 required by this section, to order and direct a change of name of
12 such petitioner and that an order for the purpose be made in the
13 journals of the court.

14 (4) The clerk of the district court shall deliver a copy
15 by hard copy or electronic means of any name-change order issued
16 by the court pursuant to this section to the Department of Health

17 and Human Services for use pursuant to sections 28-376 and 28-718
18 and to the sex offender registration and community notification
19 division of the Nebraska State Patrol for use pursuant to section
20 29-4004.

21 Sec. 2. Section 28-376, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 28-376 (1) The department shall establish and maintain
24 an Adult Protective Services Central Registry for recording each
25 report of alleged abuse.

26 (2) Upon request, a vulnerable adult who is the subject
27 of a report or, if the vulnerable adult is legally incapacitated,
1 the guardian or guardian ad litem of the vulnerable adult shall
2 be entitled to receive a copy of all information contained in the
3 registry pertaining to his or her case. The department shall not
4 release data that would be harmful or detrimental to the vulnerable
5 adult or that would identify or locate a person who, in good faith,
6 made a report or cooperated in a subsequent investigation unless
7 ordered to do so by a court of competent jurisdiction.

8 (3) The department shall establish classifications for
9 all cases in the registry. All cases determined to be unfounded
10 shall be expunged from the registry.

11 (4) The department shall determine whether a name-change
12 order received from the clerk of a district court pursuant to
13 section 25-21,271 is for a person on the Adult Protective Services
14 Central Registry and, if so, shall include the changed name with
15 the former name in the registry and file or cross-reference the
16 information under both names.

17 Sec. 3. Section 28-718, Revised Statutes Supplement,
18 2009, is amended to read:

19 28-718 (1) There shall be a central register of
20 child protection cases maintained in the department containing
21 records of all reports of child abuse or neglect opened for
22 investigation as provided in section 28-713 and classified as
23 either court substantiated or agency substantiated as provided in
24 section 28-720. The department may change records classified as
25 inconclusive prior to August 30, 2009, to agency substantiated. The
26 department shall give public notice of the changes made to this
27 section and subsection (3) of section 28-720 by Laws 2009, LB 122,
1 within thirty days after August 30, 2009, by having such notice
2 published in a newspaper or newspapers of general circulation
3 within the state.

4 (2) The department shall determine whether a name-change
5 order received from the clerk of a district court pursuant to
6 section 25-21,271 is for a person on the central register of child
7 protection cases and, if so, shall include the changed name with
8 the former name in the register and file or cross-reference the
9 information under both names.

10 Sec. 4. Section 29-4004, Revised Statutes Supplement,
11 2009, is amended to read:

12 29-4004 (1) Any person subject to the Sex Offender
13 Registration Act shall register within three working days after
14 becoming subject to the act at a location designated by the
15 Nebraska State Patrol for purposes of accepting such registration.

16 (2) Any person required to register under the act shall
17 inform the sheriff of the county in which he or she resides, in
18 person, and complete a form as prescribed by the Nebraska State
19 Patrol for such purpose, if he or she has a new address, temporary
20 domicile, or habitual living location, within three working days
21 before the change. The sheriff shall submit such information to the
22 sex offender registration and community notification division of
23 the Nebraska State Patrol on the day it is received and in a manner
24 prescribed by the Nebraska State Patrol for such purpose.

25 (3) Any person required to register under the act shall
26 inform the sheriff of the county in which he or she resides, in
27 person, and complete a form as prescribed by the Nebraska State
1 Patrol for such purpose, if he or she has a new address, temporary
2 domicile, or habitual living location in a different county in
3 this state, within three working days before the address change.
4 The sheriff shall submit such information to the sex offender
5 registration and community notification division of the Nebraska
6 State Patrol on the day it is received and in a manner as
7 prescribed by the Nebraska State Patrol for such purpose. If the
8 change in address, temporary domicile, or habitual living location
9 is to a location within the State of Nebraska, the division shall
10 notify the sheriff of each affected county of the new address,
11 temporary domicile, or habitual living location, within three
12 working days. The person shall report to the county sheriff of
13 his or her new county of residence and register with such county
14 sheriff within three working days after the address change.

15 (4) Any person required to register under the act shall
16 inform the sheriff of the county in which he or she resides,
17 in person, and complete a form as prescribed by the Nebraska
18 State Patrol for such purpose, if he or she moves to a new
19 out-of-state address, within three working days before the address
20 change. The sheriff shall submit such information to the sex
21 offender registration and community notification division of the
22 Nebraska State Patrol on the day it is received and in a manner
23 as prescribed by the Nebraska State Patrol for such purpose. If
24 the change in address, temporary domicile, or habitual living
25 location is to a location outside of the State of Nebraska, the
26 division shall notify the sheriff of each affected county in
27 Nebraska and the other state's, country's, or territory's central
1 repository for sex offender registration of the new out-of-state
2 address, temporary domicile, or habitual living location, within
3 three working days.

4 (5) Any person required to register under the act who is
5 employed, carries on a vocation, or attends school shall inform, in
6 person, the sheriff of the county in which he or she is employed,

7 carries on a vocation, or attends school and complete a form as
8 prescribed by the Nebraska State Patrol for such purpose, within
9 three working days after becoming employed, carrying on a vocation,
10 or attending school. The person shall also notify the sheriff,
11 in person, of any changes in employment, vocation, or school of
12 attendance, and complete a form as prescribed by the Nebraska
13 State Patrol for such purpose, within three working days after
14 the change. The sheriff shall submit such information to the sex
15 offender registration and community notification division of the
16 Nebraska State Patrol on the day it is received and in a manner as
17 prescribed by the Nebraska State Patrol for such purpose.

18 (6) Any person required to register under the act who
19 is residing, has a temporary domicile, or is habitually living in
20 another state, and is employed, carries on a vocation, or attends
21 school in this state, shall report and register, in person, with
22 the sheriff of the county in which he or she is employed, carries
23 on a vocation, or attends school in this state and complete a
24 form as prescribed by the Nebraska State Patrol for such purpose,
25 within three working days after becoming employed, carrying on
26 a vocation, or attending school. The person shall also notify
27 the sheriff of any changes in employment, vocation, or school of
1 attendance, in person, and complete a form as prescribed by the
2 Nebraska State Patrol for such purpose, within three working days
3 after the change. The sheriff shall submit such information to the
4 sex offender registration and community notification division of
5 the Nebraska State Patrol on the day it is received and in a manner
6 as prescribed by the Nebraska State Patrol for such purpose. For
7 purposes of this subsection:

8 (a) Attends school means enrollment in any educational
9 institution in this state on a full-time or part-time basis; and

10 (b) Is employed or carries on a vocation means any
11 full-time or part-time employment, with or without compensation,
12 which lasts for a duration of more than fourteen days or for an
13 aggregate period exceeding thirty days in a calendar year.

14 (7) Any person incarcerated for a registrable offense
15 under section 29-4003 in a jail, penal or correctional facility,
16 or other public or private institution shall be registered by
17 the jail, penal or correctional facility, or public or private
18 institution prior to his or her discharge, parole, furlough, work
19 release, or release. The person shall be informed and information
20 shall be obtained as required in section 29-4006.

21 (8) Any person required to register or who is registered
22 under the act, but is incarcerated for more than three working
23 days, shall inform the sheriff of the county in which he or
24 she is incarcerated, in writing, within three working days after
25 incarceration, of his or her incarceration and his or her expected
26 release date, if any such date is available. The sheriff shall
27 forward the information regarding incarceration to the sex offender
1 registration and community notification division of the Nebraska

2 State Patrol immediately on the day on which it was received and in
3 a manner prescribed by the Nebraska State Patrol for such purpose.

4 (9) Any person required to register or who is registered
5 under the act who no longer has a residence, temporary domicile, or
6 habitual living location shall report such change in person to the
7 sheriff of the county in which he or she is located, within three
8 working days after such change in residence, temporary domicile,
9 or habitual living location. Such person shall update his or her
10 registration, in person, to the sheriff of the county in which
11 he or she is located, on a form approved by the sex offender
12 registration and community notification division of the Nebraska
13 State Patrol at least once every thirty calendar days during the
14 time he or she remains without residence, temporary domicile, or
15 habitual living location.

16 (10) Each registering entity shall forward all written
17 information, photographs, and fingerprints obtained pursuant to the
18 act to the sex offender registration and community notification
19 division of the Nebraska State Patrol on the day it is received
20 and in a manner prescribed by the Nebraska State Patrol for such
21 purpose. The information shall be forwarded on forms furnished by
22 the division. The division shall maintain a central registry of sex
23 offenders required to register under the act. Any collected DNA
24 samples shall be forwarded to the State DNA Data Base.

25 (11) The sex offender registration and community
26 notification division of the Nebraska State Patrol shall determine
27 whether a name-change order received from the clerk of a district
1 court pursuant to section 25-21,271 is for a person in the central
2 registry of sex offenders and, if so, shall include the changed
3 name with the former name in the registry, file or cross-reference
4 the information under both names, and notify the sheriff of the
5 county in which such person then resides.

6 Sec. 5. This act becomes operative on January 1, 2012.

7 Sec. 6. Original sections 25-21,271 and 28-376, Reissue
8 Revised Statutes of Nebraska, and sections 28-718 and 29-4004,
9 Revised Statutes Supplement, 2009, are repealed.

10 2. On page 1, strike lines 2 through 6 and insert
11 "25-21,271 and 28-376, Reissue Revised Statutes of Nebraska,
12 and sections 28-718 and 29-4004, Revised Statutes Supplement,
13 2009; to change petition requirements for a change of name; to
14 require delivery of court orders regarding name changes; to require
15 inclusion and notification of name changes for the Adult Protective
16 Services Central Registry, the central register of child protection
17 cases, and the central registry of sex offenders; to provide an
18 operative date; and to repeal the original sections."

- 1 1. In the Standing Committee amendments, AM1282, on page
 2 3, line 12, after the second occurrence of "railroad" insert
 3 "carrier".

LEGISLATIVE BILL 190. Placed on Select File with amendment.
 ER8149

- 1 1. Strike the original sections and all amendments
 2 thereto and insert the following new sections:
 3 Section 1. Section 29-4101, Reissue Revised Statutes of
 4 Nebraska, is amended to read:
 5 29-4101 Sections 29-4101 to 29-4115 and section 5 of this
 6 act shall be known and may be cited as the DNA Identification
 7 Information Act.
 8 Sec. 2. Section 29-4102, Reissue Revised Statutes of
 9 Nebraska, is amended to read:
 10 29-4102 The Legislature finds that DNA data banks are
 11 an important tool in criminal investigations, in the exclusion
 12 of individuals who are the subject of criminal investigations or
 13 prosecutions, in deterring and detecting recidivist acts, and in
 14 locating and identifying missing persons and human remains. Several
 15 states have enacted laws requiring persons convicted of certain
 16 crimes, especially sex offenses, to provide genetic samples for DNA
 17 typing tests. Moreover, it is the policy of this state to assist
 18 federal, state, and local criminal justice and law enforcement
 agencies in the identification and detection of individuals in
 20 criminal investigations and in locating and identifying missing
 21 persons and human remains. It is in the best interest of this
 22 state to establish a State DNA Data Base for DNA records and
 23 a State DNA Sample Bank as a repository for DNA samples from
 1 individuals convicted of felony ~~sex~~ offenses and other specified
 2 offenses and from individuals for purposes of assisting in locating
 3 and identifying missing persons and human remains.
 4 Sec. 3. Section 29-4103, Reissue Revised Statutes of
 5 Nebraska, is amended to read:
 6 29-4103 For purposes of the DNA Identification
 7 Information Act:
 8 (1) Combined DNA Index System means the Federal Bureau
 9 of Investigation's national DNA identification index system that
 10 allows the storage and exchange of DNA records submitted by state
 11 and local forensic DNA laboratories;
 12 (2) DNA means deoxyribonucleic acid which is located in
 13 the cells and provides an individual's personal genetic blueprint.
 14 DNA encodes genetic information that is the basis of human heredity
 15 and forensic identification;
 16 (3) DNA record means the DNA identification information
 17 stored in the State DNA Data Base or the Combined DNA Index System
 18 which is derived from DNA typing test results;

19 (4) DNA sample means a blood, tissue, or bodily fluid
 20 sample provided by any person covered by the DNA Identification
 21 Information Act for analysis or storage, or both;

22 (5) DNA typing tests means the laboratory procedures
 23 which evaluate the characteristics of a DNA sample which are of
 24 value in establishing the identity of an individual;

25 ~~(6) Felony sex offense means a felony offense, or an~~
 26 ~~attempt, conspiracy, or solicitation to commit a felony offense,~~
 27 ~~under any of the following:~~

1 (a) ~~Kidnapping of a minor pursuant to section 28-313,~~
 2 ~~except when the person is the parent of the minor and was not~~
 3 ~~convicted of any other offense in this subdivision;~~

4 (b) ~~Incest of a minor pursuant to section 28-703;~~

5 (c) ~~Sexual assault in the first or second degree pursuant~~
 6 ~~to section 28-319 or 28-320;~~

7 (d) ~~Sexual assault of a child in the second or third~~
 8 ~~degree pursuant to section 28-320.01;~~

9 (e) ~~Sexual assault of a child in the first degree~~
 10 ~~pursuant to section 28-319.01;~~

11 (f) ~~Sexual assault of a vulnerable adult pursuant to~~
 12 ~~subdivision (1)(c) of section 28-386; and~~

13 (g) ~~False imprisonment of a minor in the first degree~~
 14 ~~pursuant to section 28-314, except when the person is the parent~~
 15 ~~of the minor and was not convicted of any other offense in this~~
 16 ~~subdivision;~~

17 ~~(7)-(6) Law enforcement agency includes a police~~
 18 ~~department, a town marshal, a county sheriff, and the Nebraska~~
 19 ~~State Patrol, and the office of the Attorney General;~~

20 ~~(8)-(7) Other specified offense means an offense,~~
 21 misdemeanor stalking pursuant to sections 28-311.02 to 28-311.05 or
 22 false imprisonment in the second degree pursuant to section 28-315
 23 or an attempt, conspiracy, or solicitation to commit an offense,
 24 under any of the following: stalking pursuant to sections 28-311.02
 25 to 28-311.05, false imprisonment in the first degree pursuant to
 26 section 28-314, false imprisonment in the second degree pursuant
 27 to section 28-315, knowing and intentional sexual abuse of a
 1 vulnerable adult pursuant to subdivision (1)(c) of section 28-386,
 2 or a violation of the Sex Offender Registration Act pursuant to
 3 section 29-4011; and

4 (a) ~~Murder in the first degree pursuant to section~~
 5 ~~28-303;~~

6 (b) ~~Murder in the second degree pursuant to section~~
 7 ~~28-304;~~

8 (c) ~~Manslaughter pursuant to section 28-305;~~

9 (d) ~~Stalking pursuant to sections 28-311.02 to 28-311.05;~~

10 (e) ~~Burglary pursuant to section 28-507 provided that the~~
 11 ~~real estate is a dwelling place intended for human occupancy; or~~

12 (f) ~~Robbery pursuant to section 28-324; and~~

13 ~~(9)-(8)~~ Released means any release, parole, furlough,
 14 work release, prerelease, or release in any other manner from a
 15 prison, a jail, or any other detention facility or institution.

16 Sec. 4. Section 29-4106, Reissue Revised Statutes of
 17 Nebraska, is amended to read:

18 29-4106 (1) A person who is convicted of a felony ~~sex~~
 19 offense or other specified offense on or after ~~July 14, 2006,~~
 20 the effective date of this act, who does not have a DNA sample
 21 available for use in the State DNA Sample Bank, shall have a DNA
 22 sample collected:

23 (a) Upon intake to a prison, jail, or other detention
 24 facility or institution to which such person is sentenced. If the
 25 person is already confined at the time of sentencing, the person
 26 shall have a DNA sample collected immediately after the sentencing.
 27 Such DNA samples shall be collected at the place of incarceration
 1 or confinement. Such person shall not be released unless and until
 2 a DNA sample has been collected; or

3 (b) As a condition for any sentence which will not
 4 involve an intake into a prison, jail, or other detention facility
 5 or institution. Such DNA samples shall be collected at a detention
 6 facility or institution as specified by the court. Such person
 7 shall not be released unless and until a DNA sample has been
 8 collected.

9 (2) A person who has been convicted of a felony ~~sex~~
 10 offense or other specified offense before ~~July 14, 2006,~~ the
 11 effective date of this act, who does not have a DNA sample
 12 available for use in the State DNA Sample Bank, and who is still
 13 serving a term of confinement for such felony offense or other
 14 specified offense on July 14, 2006, the effective date of this
 15 act, shall not be released prior to the expiration of his or her
 16 maximum term of confinement unless and until a DNA sample has been
 17 collected.

18 Sec. 5. The State DNA Sample and Data Base Fund is
 19 created. The fund shall be maintained by the Department of Justice
 20 and administered by the Attorney General. The fund shall consist
 21 of any funds transferred to the fund by the Legislature or
 22 made available by any department or agency of the United States
 23 Government if so directed by such department or agency. The fund
 24 shall be used to pay the expenses of the Department of Correctional
 25 Services and the Nebraska State Patrol as needed to collect DNA
 26 samples as provided in section 29-4106. Any money in the fund
 27 available for investment shall be invested by the state investment
 1 officer pursuant to the Nebraska Capital Expansion Act and the
 2 Nebraska State Funds Investment Act.

3 Sec. 6. Original sections 29-4101, 29-4102, 29-4103, and
 4 29-4106, Reissue Revised Statutes of Nebraska, are repealed.

5 2. On page 1, strike lines 2 through 6 and insert "amend
 6 sections 29-4101, 29-4102, 29-4103, and 29-4106, Reissue Revised
 7 Statutes of Nebraska; to provide for the collection of DNA samples

8 from individuals convicted of felony offenses; to provide for
9 applicability; to create a fund; to harmonize provisions; and to
10 repeal the original sections."

(Signed) Jeremy Nordquist, Chairperson

AMENDMENTS - Print in Journal

Senator Christensen filed the following amendment to LB650:
AM1593

(Amendments to Standing Committee amendments, AM1582)

- 1 1. On page 46, strike beginning with "any" in line 25
- 2 through "higher" in line 26 and insert "freeways".

Senator Cornett filed the following amendment to LB579:
AM1566 is available in the Bill Room.

UNANIMOUS CONSENT - Add Cointroducers

Senator Mello asked unanimous consent to add his name as cointroducer to LB709, LB918, LB982, and LB1081. No objections. So ordered.

Senator Krist asked unanimous consent to add his name as cointroducer to LB952. No objections. So ordered.

Senator Pirsch asked unanimous consent to add his name as cointroducer to LB1103. No objections. So ordered.

VISITORS

Visitors to the Chamber were Dr. Chen Limei, Dr. Ai Jia, and Dr. Li Tao from China.

The Doctor of the Day was Dr. Paul Paulman from Omaha.

ADJOURNMENT

At 11:52 a.m., on a motion by Speaker Flood, the Legislature adjourned until 9:00 a.m., Tuesday, January 26, 2010.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTEENTH DAY - JANUARY 26, 2010**LEGISLATIVE JOURNAL****ONE HUNDRED FIRST LEGISLATURE
SECOND SESSION****THIRTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 26, 2010

PRAYER

The prayer was offered by Senator Sullivan.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Flood presiding.

The roll was called and all members were present except Senators Cook and Mello who were excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the twelfth day was approved.

REFERENCE COMMITTEE REPORT

The Executive Board submits the following report:

LB/LR	Committee
LB961	Business and Labor
LB1074	Banking, Commerce and Insurance

(Signed) John Wightman, Chairperson
Executive Board

COMMITTEE REPORTS

Banking, Commerce and Insurance

LEGISLATIVE BILL 738. Placed on General File.

LEGISLATIVE BILL 762. Placed on General File.

LEGISLATIVE BILL 814. Placed on General File.

(Signed) Rich Pahls, Chairperson

NOTICE OF COMMITTEE HEARINGS

Revenue

Room 1524

Wednesday, February 3, 2010 1:30 p.m.

LB983
LB1002
LB1073
LB1081

Thursday, February 4, 2010 1:30 p.m.

LB972
LB976
LB1008
LB1078
LB1097

Friday, February 5, 2010 1:30 p.m.

LB837
LB1079
LR271CA

Wednesday, February 10, 2010 1:30 p.m.

LB704
LB774
LB1049
LB1080

Thursday, February 11, 2010 1:30 p.m.

LB952
LB975
LB1018

Wednesday, February 17, 2010 1:30 p.m.

LB779
LB789
LB851

Thursday, February 18, 2010 1:30 p.m.

LB1031
LB1032
LB1077
LB1107

Friday, February 19, 2010 1:30 p.m.

LB775
LB796
LB1052
LB1108

Wednesday, February 24, 2010 1:30 p.m.

LB954
LB967
LB981
LB1053

Thursday, February 25, 2010 1:30 p.m.

LB802
LB917
LB1066

(Signed) Abbie Cornett, Chairperson

ATTORNEY GENERAL'S OPINION

Opinion 10003

DATE: January 25, 2010

SUBJECT: LB 691; Exercise of Personal Jurisdiction Over
Unlicensed Persons Who Engage in Activities
Described in Neb. Rev. Stat. § 81-885.01(2).

REQUESTED BY: Senator Chris Langemeier
Nebraska State Legislature

WRITTEN BY: Jon Bruning, Attorney General
Lynn A. Melson, Assistant Attorney General

You have requested our opinion regarding the State of Nebraska's authority to exercise personal jurisdiction over unlicensed persons who engage in those activities described in Neb. Rev. Stat. § 81-885.01(2). You have introduced LB 691 which would authorize the State Real Estate

Commission to issue cease and desist orders and impose civil fines on violators of Neb. Rev. Stat. § 81-885.03. That statute provides that committing any single act described in Neb. Rev. Stat. § 81-885.01(2) without being licensed under the Nebraska Real Estate License Act constitutes a violation of the Act. LB 691 would also provide that "any such action shall constitute sufficient contact with the state for the exercise of personal jurisdiction over such person. . . ." Your specific question for our office is whether committing an act described in § 81-885.01(2) is "sufficient contact or activity in the state for the State of Nebraska to exercise personal jurisdiction over unlicensed persons", particularly if that unlicensed person is a nonresident.

A Nebraska court resolving issues of personal jurisdiction would engage in a two-part analysis. First, the court would determine if, under the Nebraska long-arm statute, there is jurisdiction over the nonresident defendant. Second, if Nebraska law provides a basis for such jurisdiction, the court would then decide whether the exercise of personal jurisdiction over the defendant comports with the federal constitutional due process requirements. *Williams v. Gould, Inc.*, 232 Neb. 862, 443 N.W.2d 577 (1989).

Nebraska's long-arm statute appears at Neb. Rev. Stat. § 25-536 (2008) and provides as follows:

A court may exercise personal jurisdiction over a person:

(1) Who acts directly or by an agent, as to a cause of action arising from the person:

- (a) Transacting any business in this state;
- (b) Contracting to supply services or things in this state;
- (c) Causing tortious injury by an act or omission in this state;
- (d) Causing tortious injury in this state by an act or omission outside this state if the person regularly does or solicits business, engages in any other persistent course of conduct, or derives substantial revenue from goods used or consumed or services rendered, in this state;
- (e) Having an interest in, using, or possessing real property in this state; or
- (f) Contracting to insure any person, property, or risk located within this state at the time of contracting; or

(2) Who has any other contact with or maintains any other relation to this state to afford a basis for the exercise of personal jurisdiction consistent with the Constitution of the United States.

We first note that, in § 25-536(2), the Legislature has explicitly extended Nebraska's jurisdiction over nonresident defendants as far as the U.S. Constitution permits. Second, a nonresident who commits an act described in § 81-885.01(2), such as advertising or listing Nebraska real estate owned by another for some form of compensation, may fall within Neb. Rev. Stat. § 25-536(1)(a) or (b) depending upon the factual circumstances. Finally, the proposed language of LB 691, which would amend § 81-885.03 to provide

that "such action shall constitute sufficient contact with the state for the exercise of personal jurisdiction over such person" appears to add a statutory standard for the exercise of long-arm jurisdiction to those standards found in § 25-536. For these reasons it appears likely that, if LB 691 were enacted, the State would be able to establish the first prong of the two-step analysis described above.

Once a court has concluded that statutory long-arm provisions have been satisfied, it would then determine whether the exercise of jurisdiction over a nonresident defendant would comport with federal due process. The due process clause limits the exercise of personal jurisdiction to persons having certain "minimum contacts" with the forum state so that maintenance of the action does not offend notions of fair play and substantial justice. *Int'l Shoe Co. v. State of Washington*, 326 U.S. 310, 316, 66 S. Ct. 154 (1945); *Best Van Lines v. Walker*, 490 F.3d 239, 242 (2d Cir. 2007). Essential to the exercise of personal jurisdiction in each case is "some act by which the defendant purposely avails itself of the privilege of conducting activities within the forum State, thus invoking the benefits and protection of its laws." *Burger King Corp. v. Rudzewicz*, 471 U.S. 462, 475, 105 S. Ct. 2174, 2183 (1985) (quoting *Hanson v. Denckla*, 357 U.S. 235, 253, 78 S. Ct. 1228 (1958)). To establish personal jurisdiction, plaintiffs must demonstrate either specific jurisdiction, if the suit arises from the defendant's contacts with the forum, or general jurisdiction – that is, jurisdiction irrespective of whether the claim arises from or relates to the defendant's forum contacts – based on the defendant's "continuous and systematic" contacts with the forum state. *Helicopteros Nacionales de Colombia, S.A. v. Hall*, 466 U.S. 408, 415-16, 104 S. Ct. 1868 (1984).

You acknowledge in your opinion request that the exercise of personal jurisdiction over a nonresident who commits an act described in § 81-885.01(2) will "be contingent upon the extent of the activities or contacts the person. . .has with the State of Nebraska" and that "this would differ on a case by case basis. . . ." We agree. With your reference to an unlicensed person who offers Nebraska real estate for sale through advertising or listings on print or electronic media, including the internet, we assume you have some concern with exercising jurisdiction over a nonresident who has no physical ties to Nebraska and whose contacts may not be considered substantial and continuous. In that regard, we note that the U.S. Supreme Court in *Burger King Corp. v. Rudzewicz* stated that the "purposeful availment" requirement "ensures that a defendant will not be haled into a jurisdiction solely as a result of 'random', 'fortuitous,' or 'attenuated' contacts. Jurisdiction is proper, however, where the contacts proximately result from actions by the defendant himself that create a 'substantial connection' with the forum state. . . ." 471 U.S. at 475-76 (citations omitted) (emphasis in original). The court further stated that "it is an inescapable fact of modern commercial life that a substantial amount of business is transacted solely by mail and wire communications across state lines" so that the focus of a court's inquiry is whether "a commercial actor's

efforts are 'purposefully directed' toward residents of another State." 471 U.S. at 476.

The Burger King Corp. decision is discussed at some length by the Nebraska Supreme Court in *Quality Pork International v. Rupari Food Services, Inc.*, 267 Neb. 474, 675 N.W.2d 642 (2004). In both *Burger King Corp.* and *Quality Pork International*, the defendant had no physical presence in the forum state. Yet, both defendants were found to have the necessary minimum contacts with the forum state by purposefully directing their activities toward the forum state's residents.

Although the exercise of personal jurisdiction over an unlicensed nonresident who violates Neb. Rev. Stat. § 81-885.03 would differ on a case by case basis, a Nebraska court would likely find that those nonresidents have the necessary minimum contacts with Nebraska in some circumstances. Based upon our general discussion of long-arm jurisdiction above, we believe that the proposed language of LB 691 would aid the State Real Estate Commission in establishing the first prong of the analysis and that sufficient contacts would exist in certain factual situations to meet the second prong of the analysis and justify the exercise of personal jurisdiction.

Sincerely,
JON BRUNING
Attorney General
(Signed) Lynn A. Melson
Assistant Attorney General

cc: Patrick J. O'Donnell
Clerk of the Legislature
09-122-20

Opinion 10005

DATE: January 25, 2010

SUBJECT: Sale or transfer of carbon sequestration rights on land owned and managed by the Board of Educational Lands and Funds

REQUESTED BY: Senator Ken Haar
Nebraska State Legislature

WRITTEN BY: Jon Bruning, Attorney General
Charles E. Lowe, Assistant Attorney General

Section 2 of LB 235, currently pending on general file in the 101st Legislature, would allow the Board of Educational Lands and Funds ("BELF") to "enter into contracts for the sale of carbon sequestration rights, also referred to as exchange soil offsets, under such terms and conditions as

the board shall deem appropriate for durations not exceeding ten years." In this context you have asked this office for its opinion as to whether or not carbon sequestration rights on land owned and managed by BELF are minerals or natural resources within the meaning of Neb. Const. art. III, § 20 and, if so, whether or not that constitutional provision "prohibit[s] BELF from transferring carbon sequestration rights to its lessees."

Discussion

Carbon Sequestration and Carbon Sequestration Rights

In order to respond to your inquiries it is first necessary to have an understanding of what "carbon sequestration" and "carbon sequestration rights" are. These are both terms that have come into some prominence because of efforts to reduce or limit the amount of greenhouse gases, primarily carbon dioxide, that are released into the atmosphere by human activities.

We have found nothing in the Nebraska statutes or Nebraska case law that defines or describes in any detail "carbon sequestration." Neb. Rev. Stat. § 2-5301 (2007), in stating the legislative intent for enactment of a scheme to assess agricultural lands in the state for past carbon sequestration and future carbon sequestration potential and to set up an advisory committee on the subject, provides only the following very general description: "Improved agricultural production methods, soil conservation practices, and other methods of stewardship of soil resources have great potential to increase carbon sequestration on agricultural lands and help offset carbon dioxide emissions from other sectors of the economy."

Other sources have more specific definitions of "carbon sequestration." For example, the Pennsylvania Climate Change Act states that, for purposes of that act, carbon sequestration is: "The long-term storage of carbon or carbon dioxide in forests, forest products, soils, oceans or underground in depleted oil and gas reservoirs, coal seams and saline aquifers." 71 Pa. Cons. Stat. § 1361.2 (2009). A private company involved in carbon sequestration projects in Australia has provided a similar definition: "Carbon sequestration means the long-term storage of carbon or CO₂ in the forests, soils, oceans or underground in depleted oil and gas reservoirs, coal seams and saline aquifers." www.greeningthedesert.com/glossary.htm (last visited on 12/14/09).

Assuming that underground storage of carbon and carbon dioxide is not what is contemplated by LB 235 and your inquiries, we believe that the following definition set forth by the government of the state of Western Australia in a pamphlet called "Carbon rights in WA – a new interest in the land" (2005) is most apt: "Carbon sequestration in this instance means the absorption from the atmosphere of carbon dioxide by vegetation and soils; and the storage of carbon in vegetation and soils." *Id.* at 1 (found at http://www.agric.wa.gov.au/objtwr/imported_assets (lasted visited on

12/28/09)). Another, similar definition of "carbon sequestration" is: "The uptake and storage of atmospheric carbon in, for example, soil and vegetation." McGraw-Hill Dictionary of Scientific and Technical Terms (6th ed.), found at <http://www.answers.com/topic/carbon-sequestration> (last visited on 12/16/09).

A "carbon sequestration right" in relation to land means a right conferred on a person, by agreement, statute or otherwise, to the legal, commercial or other benefit of carbon sequestration (present or future) on any given parcel of land. See, Tasmanian Forestry Rights Registration Act of 1990, § 3 (found at <http://www.thelaw.tas.gov.au/print/index.w3p> (last visited on 12/11/09)); www.greeningthedesert.com/glossary.htm (last visited on 12/14/09). In other words, a "carbon sequestration right" is the right to the benefit of the absorption and storage of carbon dioxide and carbon by the vegetation and soils on any given parcel of land. Carbon sequestration rights may have financial value where a market exists for greenhouse gas emission offsets.

A Guide called "Soil Carbon Sequestration Contracts" published by University of Missouri Extension in September, 2009 (found at <http://extension.missouri.edu/publications/DisplayPub.aspx?> (last visited on 12/14/09)) sets forth the following discussion which is helpful in understanding what LB 235 seeks to achieve and the questions you have posed in that context:

Agriculture has become a player in world greenhouse gas markets by providing carbon credits in the form of soil sequestration (crop and rangeland), methane capture and forest sequestration. In order to provide these carbon credits, agricultural producers enter into a contractual arrangement with the market. Within the framework of the carbon credit market, soil sequestered carbon credits are referred to as exchange soil offsets.

The parties involved in soil carbon sequestration contracts are the farmer [or non-farming landowner], the aggregator and the market. . . . [T]he term "farmer" . . . refer[s] to the person actually providing the carbon offset to the market. A nonfarming landowner can also enter into a contract to supply carbon offsets as long as he ensures that the one farming his land complies with the specifications of the contract. Aggregators are businesses that assemble many small providers of soil carbon offsets, then register and sell those offsets on the market. Currently the major, but not sole, market in the United States is the Chicago Climate Exchange. . . .

The contracts offered by aggregators to farmers must follow the rules of the Chicago Climate Exchange (CCX) for exchange soil offsets (XSO's).

Id. at 1 (emphasis in original).

Carbon Sequestration and Neb. Const. art. III, § 20

With the foregoing understanding of the terms "carbon sequestration" and "carbon sequestration right" and of the marketing of carbon offsets, we turn to your question as to whether or not carbon sequestration rights fall within Neb. Const. art. III, § 20.

In full, Neb. Const. art. III, § 20 reads as follows: "The salt springs, coal, oil, minerals, or other natural resources on or contained in the land belonging to the state shall never be alienated; but provision may be made by law for the leasing or development of the same." There are but a handful of Nebraska cases dealing with this constitutional provision; and none of them provide any useful guidance in determining whether rights to the benefit of carbon sequestration occurring in soil and vegetation on state-owned lands fall within its parameters. The drafters of the amendment which became art. III, § 20 simply stated that the purpose of the provision was "to preserve to the people of the state the benefit of the remaining natural resources belonging to the state." Proceedings of the Constitutional Convention 1919-20, vol. II, p. 2842. There is no further explanation.

Nevertheless, it is readily apparent that carbon sequestered in soil and vegetation on state lands is neither "salt springs," "coal" nor "oil" as those terms are commonly understood. Therefore, carbon sequestration rights are not implicated by those items listed in art. III, § 20.

Likewise, we do not believe that atmospheric carbon stored in soil and vegetation as described above could fairly be understood to be a "mineral" on state land. The word "mineral" is generally defined as "an inorganic substance occurring naturally in the earth and having a consistent and distinctive set of physical properties (e.g., color, hardness, and crystalline structure) and a composition that can be expressed by a chemical formula." Webster's New Universal Unabridged Dictionary (2d ed. 1983) at 1145. Atmospheric carbon sequestered in soil and vegetation would not, we think, fall within this definition and would not have been thought of as a "mineral" by the Nebraska voters who approved the inclusion of art. III, § 20 in the state constitution. Accordingly, the "alienation" of carbon sequestration rights on state-owned lands is not prohibited by the "minerals" provision of art. III, § 20.

The question of whether carbon sequestration rights are "other natural resources on or contained in the land belonging to the state" is more difficult, especially since we have found no case law precedent addressing this or any similar issue. We have, however, concluded that it is most likely that carbon sequestration rights would not be deemed by a court to be "natural resources," as that term is used in Neb. Const. art. III, § 20.

Initially, from an overall reading of art. III, § 20 it seems to us that the drafters and ratifiers of that provision would not have been contemplating that the rights to the retention of atmospheric carbon on a parcel of land

owned by the state would themselves be natural resources. Rather, by specifically referring to salt springs, coal, oil and minerals and by referring to leasing and development in the second clause of art. III, § 20, it appears that that section is addressed to natural resources that can be extracted from the land (and which are irreplaceable on the land) and/or used on the land in a commercially viable manner. See, *State ex rel. Central Realty & Investment Co. v. McMullen*, 119 Neb. 739, 742, 230 N.W. 677, 678 (1930) (stating that the purpose of art. III, § 20 "was to prevent the alienation by the state of salt springs of commercial value").

Additionally, while the term "natural resources" can certainly have a broad meaning as "those actual and potential forms of wealth supplied by nature," Webster's New Universal Unabridged Dictionary (2d ed. 1983) at 1197, we think the structure of art. III, § 20 limits that definition in that context. There is a familiar rule of statutory and constitutional construction that is referred to by the courts as "ejusdem generis." This rule is described as follows:

Under the "ejusdem generis" canon of construction, when a general word or phrase follows a list of specific persons or things, the general word or phrase will be interpreted to include only persons or things of the same type as those listed. *Dykes v. Scotts Bluff Cty. Ag. Socy.*, 260 Neb. 375, 617 N.W.2d 817 (2000). Thus, under the "ejusdem generis" rule, specific words or terms modify and restrict the interpretation of general words or terms where both are used in sequence. *Id.*

Nebraska Liquor Distributors, Inc. v. Nebraska Liquor Control Commission, 269 Neb. 401, 410, 693 N.W.2d 539, 547 (2005). *Accord, Kuhn v. Wells Fargo Bank of Nebraska, N.A.*, 278 Neb. 428,445-46, 771 N.W.2d 103, 118-19 (2009).

Applying the ejusdem generis principle to art. III, § 20 it appears to us that the term "natural resources" in that provision is to be limited so as to include only "things of the same type" as salt springs, coal, oil and minerals. These all appear to be resources that obtain their value from the fact that they can be extracted from the land and sold in a commercially viable manner or used on the land in such manner. The items specifically listed in art. III, § 20 are all such that once they are removed from a tract of land, they no longer exist on the land, nor can they be replaced. This interpretation of the term "natural resources" in art. III, § 20 is supported by the fact that that section specifically permits the "leasing or development" of those items which cannot be "alienated."

It seems to us that carbon sequestered on a parcel of land does not fit within those parameters. The value of carbon sequestration rights lies not in the fact that atmospheric carbon stored in the soil and vegetation can be released through certain human activities but, rather, from the fact that atmospheric carbon can be, and is, absorbed and retained in the soil and vegetation. Carbon sequestration, therefore, does not appear to be a "thing"

of the "same type" as salt springs, coal, oil and minerals and is not a "natural resource" contained in the land as that term is used in the constitutional provision. In our view carbon sequestration rights do not appear to come within the purview of Neb. Const. art. III, § 20.

"Alienation" of Natural Resources under Neb. Const. art. III, § 20

In your letter to this office you ask whether, if carbon sequestration rights are covered by Neb. Const. art. III, § 20, that constitutional provision "prohibits BELF from transferring carbon sequestration rights to its lessees." While it is our opinion that carbon sequestration rights are not encompassed within the prohibitions of art. III, § 20, we will address this question assuming, for the sake of discussion, that a court disagrees with our conclusion and determines that carbon sequestration rights are "natural resources" within the meaning of the constitutional provision.

It is somewhat difficult to reply to your second question because you do not define what you mean by "transferring" the carbon sequestration rights to BELF's lessees. Since "lessees" are, by definition, possessors of the land pursuant to term-limited lease agreements, we will assume that you mean any transfer of rights to lessees would last only as long as the leases themselves and would not be an outright sale of the carbon sequestration rights for all time. We also note that pending LB 235 would allow the "sale" of carbon sequestration rights by BELF "for durations not exceeding ten years."

The key issue here is whether the term-limited "transfer" or "sale" of carbon sequestration rights on BELF lands amounts to an "alienation" of such rights under Neb. Const. art. III, § 20. As discussed above, there is little case law involving that constitutional provision and none that directly addresses the meaning of the word "alienated" as used therein. The Nebraska Supreme Court has, however, said that when the constitution was amended in 1920 and art. III, § 20 was added it made it illegal "to deed away" mineral rights on school lands. *Reavis v. State*, 140 Neb. 442, 447-48, 300 N.W. 344, 346 (1941).

In *Butler v. Fitzgerald*, 43 Neb. 192, 204, 61 N.W. 640 (1895), the supreme court discussed the word "alienate" as used in connection with property generally.

The word "alienate" means: "To transfer property to another; to make a thing another man's. In common law to alienate realty is voluntarily to part with ownership in it, by bargain and sale, conveyance, gift or will." "Alienation" means: "An act whereby one man transfers the property and possession of lands, tenements, or other things to another." (Quoting from *Anderson's Law Dictionary*.)

See also, *Hiles v. Benton*, 111 Neb. 557, 561-62, 196 N.W. 903, 904 (1924) (quoting 2 C.J. 1035 as saying that the definition of "alienation" includes

"the voluntary and complete transfer of property from one person to another").

When the foregoing common law definitions of "alienate" are considered in light of the court's declaration that art. III, § 20 is meant to prevent the state from "deed[ing] away" the items listed in the constitutional provision, it must be concluded that what is prohibited is the permanent sale and transfer of those particular natural resources. This conclusion is reinforced by the language of art. III, § 20 that specifically permits the "leasing or development" of these resources.

It appears from both the language of LB 235 and your letter that what is contemplated is not a permanent sale or transfer of the right to benefit from carbon sequestration occurring in the soil and vegetation on BELF-managed property. Rather, as noted above, the carbon sequestration rights (or exchange soil credits) would simply be "transferred" or "sold" for a limited period of time. Ultimately, such rights would come back to the "owner" of the land – the people of the state through BELF. If our understanding in this regard is correct, it is unlikely that the "alienation" prohibited by art. III, § 20 would take place. Thus, such arrangements would not be in violation of that constitutional provision.

Conclusion

In response to the two questions you have posed it is our opinion that: (1) carbon sequestration rights (or exchange carbon offsets) are not minerals or natural resources for purposes of Neb. Const. art. III, § 20 and (2) even if carbon sequestration rights were deemed to be "natural resources" within the meaning of art. III, § 20, the time-limited "sale" or "transfer" of such rights, as contemplated by LB 235 and your inquiry, would not be considered an "alienation" of those rights prohibited by the constitutional provision.

Sincerely yours,
JON BRUNING
Attorney General
(Signed) Charles E. Lowe
Assistant Attorney General

cc: Patrick J. O'Donnell
Clerk of the Legislature
17-079-20

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 290, 291, and 293 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 290, 291, and 293.

GENERAL FILE

LEGISLATIVE BILL 579. Title read. Considered.

Committee AM1323, found on page 1771, First Session, 2009, was considered.

Senator Cornett renewed her amendment, AM1566, found on page 347, to the committee amendment.

The Cornett amendment was adopted with 41 ayes, 0 nays, 5 present and not voting, and 3 excused and not voting.

The committee amendment, 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 Initial with 43 ayes, 0 nays, 3 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 690. Title read. Considered.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 691. Title read. Considered.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 736. Title read. Considered.

SENATOR ROBERT PRESIDING

Advanced to Enrollment and Review Initial with 31 ayes, 1 nay, 13 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 751. Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 650. Title read. Considered.

Committee AM1582, found on page 275, was considered.

Senator Christensen renewed his amendment, AM1593, found on page 347, to the committee amendment.

The Christensen amendment was adopted with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

The committee amendment, as amended, was adopted with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 698. Title read. Considered.

SENATOR STUTHMAN PRESIDING

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 226. Title read. Considered.

Committee AM1590, found on page 309, was considered.

Senator Rogert offered the following amendment to the committee amendment:

AM1633

(Amendments to Standing Committee amendments, AM1590)

- 1 1. On page 1, line 11, after "age" insert "and who is not
- 2 a ward of the state"; and in line 22 after "older" insert "and who
- 3 is not a ward of the state".

Pending.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 183. Placed on Final Reading.

LEGISLATIVE BILL 254. Placed on Final Reading.

LEGISLATIVE BILL 261. Placed on Final Reading.

LEGISLATIVE BILL 325. Placed on Final Reading.

ST9066

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

1. In the E & R amendments, ER8138, on page 9, line 17, the first "and" has been struck and "and 32-1002," has been inserted after the second comma; in line 20 the second "and" has been struck; and in line 21 "and 32-1002," has been inserted after the first comma.

LEGISLATIVE BILL 522. Placed on Final Reading.

(Signed) Jeremy Nordquist, Chairperson

COMMITTEE REPORTS

Government, Military and Veterans Affairs

LEGISLATIVE BILL 721. Placed on General File.

LEGISLATIVE BILL 722. Placed on General File with amendment.
AM1616

- 1 1. On page 5, line 23; and page 6, lines 2 and 4, after
- 2 "building" insert "or land".

LEGISLATIVE BILL 791. Placed on General File with amendment.
AM1617

- 1 1. Insert the following new sections:
- 2 Sec. 2. Section 21-2003, Revised Statutes Supplement,
- 3 2009, is amended to read:
- 4 21-2003 (1) A document shall satisfy the requirements of
- 5 this section and of any other provision of law that adds to or
- 6 varies these requirements to be entitled to filing by the Secretary
- 7 of State.
- 8 (2) The Business Corporation Act shall require or permit
- 9 filing the document in the office of the Secretary of State.
- 10 (3) The document shall contain the information required
- 11 by the act. It may contain other information as well.
- 12 (4) The document shall be typewritten or printed.
- 13 (5) The document shall be in the English language. A
- 14 corporate name shall not be required to be in English if written
- 15 in English letters or Arabic or Roman numerals. The certificate of
- 16 existence required of foreign corporations shall not be required to
- 17 be in English if accompanied by a reasonably authenticated English
- 18 translation.
- 19 (6) The document shall be executed:
- 20 (a) By the chairperson of the board of directors of a
- 21 domestic or foreign corporation, by its president, or by another of
- 22 its officers;
- 23 (b) If directors have not been selected or the
- 1 corporation has not been formed, by an incorporator; or
- 2 (c) If the corporation is in the hands of a receiver,
- 3 trustee, or other court-appointed fiduciary, by that fiduciary.
- 4 (7) The person executing the document shall sign it and
- 5 state beneath or opposite his or her signature his or her name

6 and the capacity in which he or she signs. The document may, but
 7 shall not be required to, contain (a) the corporate seal, (b) an
 8 attestation by the secretary or an assistant secretary, and (c) an
 9 acknowledgment, verification, or proof.

10 (8) If the Secretary of State has prescribed a mandatory
 11 form for the document under section 21-2004, the document shall be
 12 in or on the prescribed form.

13 (9) The document shall be delivered to the Secretary of
 14 State for filing and shall be accompanied by one exact or conformed
 15 copy, except as provided in sections 21-2033 and 21-20,176, the
 16 correct filing fee, and any tax, license fee, or penalty required
 17 by law. ~~For purposes of this subsection, delivered means physical~~
 18 ~~delivery of the document by hand, mail, or commercial delivery and~~
 19 ~~does not include delivery by electronic transmission.~~

20 Sec. 3. Original section 21-2003, Revised Statutes
 21 Supplement, 2009, is repealed.

(Signed) Bill Avery, Chairperson

NOTICE OF COMMITTEE HEARINGS

Appropriations

Room 1524

Tuesday, February 2, 2010 1:30 p.m.

LB1030

LB1063

(Signed) Lavon Heidemann, Chairperson

Education

Room 1525

Tuesday, February 2, 2010 1:30 p.m.

LB937

LB974

LB1070

LB1095

LB1069

(Signed) Greg Adams, Chairperson

Agriculture

Room 1524

Tuesday, February 9, 2010 1:30 p.m.

LB910

Room 2102

Tuesday, February 16, 2010 1:30 p.m.

Sallie Atkins - Nebraska State Fair Board
Linda Lovgren - Nebraska State Fair Board

(Signed) Tom Carlson, Chairperson

Health and Human Services

Room 1510

Wednesday, February 3, 2010 1:30 p.m.

LR289CA

LB938

LB921

Thursday, February 4, 2010 1:30 p.m.

LB812

LB733

LB857

LB734

LB849

(Signed) Tim Gay, Chairperson

Executive Board

Room 2102

Tuesday, February 2, 2010 12:00 p.m.

LB685

LB717

LB770

Thursday, February 4, 2010 12:00 p.m.

LB1109

LB1101

(Signed) John Wightman, Chairperson

Banking, Commerce and Insurance

Room 1507

Monday, February 8, 2010 1:30 p.m.

LB759
LB760
LB1068
LB1074

Tuesday, February 9, 2010 1:30 p.m.

LB818
LB931
LB1051
LB959

Tuesday, February 16, 2010 1:30 p.m.

LB1083
LB813
LB1017
LB1088

(Signed) Rich Pahls, Chairperson

UNANIMOUS CONSENT - Add Cointroducers

Senator McCoy asked unanimous consent to add his name as cointroducer to LB258. No objections. So ordered.

Senator Council asked unanimous consent to add her name as cointroducer to LB872. No objections. So ordered.

Senator Janssen asked unanimous consent to add his name as cointroducer to LB996. No objections. So ordered.

Senators Avery and Carlson asked unanimous consent to add their names as cointroducers to LB1014. No objections. So ordered.

VISITOR

The Doctor of the Day was Dr. Hal Pumphrey from Lincoln.

ADJOURNMENT

At 11:42 a.m., on a motion by Speaker Flood, the Legislature adjourned until 10:00 a.m., Wednesday, January 27, 2010.

Patrick J. O'Donnell
Clerk of the Legislature

FOURTEENTH DAY - JANUARY 27, 2010

LEGISLATIVE JOURNAL

**ONE HUNDRED FIRST LEGISLATURE
SECOND SESSION**

FOURTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 27, 2010

PRAYER

The prayer was offered by Senator Hansen.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Sheehy presiding.

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

CORRECTIONS FOR THE JOURNAL

The Journal for the thirteenth day was approved.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 139. Placed on Final Reading.

LEGISLATIVE BILL 197. Placed on Final Reading.
ST9067

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

1. In the Fulton amendment, AM1578:
 - a. Sections 2 and 4 have been struck and sections 5, 6, and 9 have been renumbered as sections 8, 9, and 12 respectively;
 - b. On page 10, the matter beginning with the semicolon in line 25 through line 27 has been struck; and
 - c. On page 11, lines 1 through 3 have been struck; and in line 4 "after the period" has been struck and "before 'Any'" inserted.
2. In the Gay-Fulton amendment, AM1588:
 - a. On page 13, line 17, "and excluding the administrative fund and the expense fund" has been inserted after "fund"; and
 - b. On page 14, line 9, "effective" has been struck and "operative" inserted.
3. In the E & R amendments, ER8142:

a. On page 1, line 2, the matter beginning with "2" through the second occurrence of "line" has been struck; and in line 4 the matter beginning with "Legislative" through "First" has been struck; and

b. Amendment 2 has been struck.

4. In the Standing Committee amendments, AM464, section 3 has been struck and the following new section inserted:

Sec. 10. Original sections 77-2716, 85-1801, 85-1802, 85-1804, 85-1807, 85-1808, and 85-1813, Reissue Revised Statutes of Nebraska, and Laws 2009, First Special Session, LB 1, section 228, are repealed.

5. On page 1, lines 2 through 5 have been struck and "to amend sections 77-2716, 85-1801, 85-1802, 85-1804, 85-1807, 85-1808, and 85-1813, Reissue Revised Statutes of Nebraska, and Laws 2009, First Special Session, LB 1, section 228; to redefine terms; to create and eliminate funds; to change and eliminate provisions relating to the use of funds; to provide for and change transfers of funds; to harmonize provisions; to provide an operative date; to repeal the original sections; to outright repeal section 85-1803, Reissue Revised Statutes of Nebraska, as amended by section 95, Legislative Bill 3, One Hundred First Legislature, First Special Session, 2009; and to declare an emergency." inserted.

LEGISLATIVE BILL 210. Placed on Final Reading.

LEGISLATIVE BILL 279. Placed on Final Reading.

LEGISLATIVE BILL 475. Placed on Final Reading.

LEGISLATIVE BILL 550. Placed on Final Reading.

(Signed) Jeremy Nordquist, Chairperson

COMMITTEE REPORTS

Transportation and Telecommunications

LEGISLATIVE BILL 749. Placed on General File with amendment. AM1587

- 1 1. On page 2, line 21, strike "the" and insert "a"; and
- 2 in line 22 strike "in Box Butte County".

LEGISLATIVE BILL 816. Placed on General File with amendment. AM1619

- 1 1. Strike original section 34 and insert the following
- 2 new section:
- 3 Sec. 34. Line-make means a collection of models, series,
- 4 or groups of motor vehicles manufactured by or for a particular
- 5 manufacturer, distributor, or importer that are offered for sale,
- 6 lease, or distribution pursuant to a common brand name or mark,
- 7 except that:
- 8 (1) Multiple brand names or marks may constitute a
- 9 single line-make, but only when included in a common dealer
- 10 agreement and the manufacturer, distributor, or importer offers
- 11 such vehicles bearing the multiple names or marks together only,
- 12 and not separately, to its authorized dealers; and

13 (2) Motor vehicles bearing a common brand name or
 14 mark may constitute separate line-makes when pertaining to motor
 15 vehicles subject to separate dealer agreements or when such
 16 vehicles are intended for different types of use.

17 2. On page 60, lines 6 through 10, strike the new matter.

18 3. On page 86, line 24, after the period insert "This
 19 section shall not apply to a termination or noncontinuation of a
 20 franchise that is implemented as a result of the sale of the assets
 21 or stock of the franchisee.".

22 4. On page 88, after line 25 insert the following new
 23 subdivision:

1 "(d) This subsection does not apply to the termination of
 2 a line-make by a franchisor of recreational vehicles.".

3 5. On page 92, line 14, after "facilities" insert ",
 4 except that this subdivision does not prohibit a manufacturer from
 5 requiring exclusive sales facilities that are in compliance with
 6 reasonable requirements for the facilities".

7 6. On page 96, line 2, strike "actual"; in lines 8 and
 8 9 strike "had actual knowledge" and insert "knew"; and in line 19
 9 strike the first occurrence of "in this state".

10 7. On page 100, line 2, after the period insert "If a
 11 claim is rejected for a clerical error, the dealer may resubmit a
 12 corrected claim in a timely manner.".

(Signed) Deb Fischer, Chairperson

General Affairs

LEGISLATIVE BILL 788. Placed on General File.

(Signed) Russ Karpisek, Chairperson

MESSAGE FROM THE GOVERNOR

January 22, 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 Board of Emergency Medical Services:

Bernard Kanger Jr., 14705 Manderson Plz, #104, Omaha, NE 68116

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

RESOLUTION

Pursuant to Rule 4, Sec. 5(b), LR294 was adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LR294.

MOTION - Approve Appointment

Senator Cornett moved the adoption of the Revenue Committee report for the confirmation of the following appointment(s) found on page 332:

Tax Equalization and Review Commission
Robert W. Hotz

Voting in the affirmative, 36:

Adams	Dubas	Hansen	Mello	Sullivan
Carlson	Fischer	Harms	Nelson	Utter
Coash	Flood	Howard	Nordquist	Wallman
Conrad	Gay	Krist	Pahls	White
Cook	Giese	Langemeier	Pankonin	
Cornett	Gloor	Lautenbaugh	Pirsch	
Council	Haar	McCoy	Rogert	
Dierks	Hadley	McGill	Stuthman	

Voting in the negative, 0.

Present and not voting, 9:

Avery	Fulton	Janssen	Lathrop	Wightman
Campbell	Heidemann	Karpisek	Price	

Excused and not voting, 4:

Ashford	Christensen	Louden	Schilz
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The appointment was confirmed with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 226. Senator Rogert renewed his amendment, AM1633, found on page 362, to the committee amendment.

The Rogert amendment was adopted with 41 ayes, 0 nays, and 8 present and not voting.

Committee AM1590, found on page 309 and considered on page 362, as amended, was renewed.

The committee amendment, as amended, was adopted with 40 ayes, 0 nays, and 9 present and not voting.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, and 8 present and not voting.

BILL ON FIRST READING

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

LEGISLATIVE BILL 190A. Introduced by Avery, 28.

A BILL FOR AN ACT relating to appropriations; to provide for a transfer; and to appropriate funds to aid in carrying out the provisions of Legislative Bill 190, One Hundred First Legislature, Second Session, 2010.

AMENDMENTS - Print in Journal

Senator Avery filed the following amendment to LB190:
AM1621

(Amendments to E & R amendments, ER8149)

- 1 1. On page 1, line 16 strike ", especially sex offenses,"
- 2 and show as stricken.
- 3 2. On page 5, line 13, after "confinement" insert
- 4 "or probation"; and in line 16 after "confinement" insert "or
- 5 revocation or discharge from his or her probation".

Senator Avery filed the following amendment to LB190:
AM1627

(Amendments to E & R amendments, ER8149)

- 1 1. Insert the following new section:
- 2 Sec. 6. Section 59-1608.04, Revised Statutes Cumulative
- 3 Supplement, 2008, as amended by section 34, Legislative Bill 3, One
- 4 Hundred First Legislature, First Special Session, 2009, is amended
- 5 to read:
- 6 59-1608.04 The State Settlement Cash Fund is created.
- 7 The fund shall be maintained by the Department of Justice and
- 8 administered by the Attorney General. Except as otherwise provided

- 9 by law, the fund shall consist of all recoveries received pursuant
 10 to the Consumer Protection Act, including any money, funds,
 11 securities, or other things of value in the nature of civil
 12 damages or other payment, except criminal penalties, whether such
 13 recovery is by way of verdict, judgment, compromise, or settlement
 14 in or out of court, or other final disposition of any case or
 15 controversy, or any other payments received on behalf of the state
 16 by the Department of Justice and administered by the Attorney
 17 General for the benefit of the state or the general welfare of its
 18 citizens, but excluding all funds held in a trust capacity where
 19 specific benefits accrue to specific individuals, organizations, or
 20 governments. All money in the fund shall be subject to legislative
 21 review and shall be appropriated and expended for any allowable
 1 legal purposes as determined by the Legislature. The fund shall
 2 only be appropriated to a separate and distinct budget program
 3 and such appropriations shall only be expended from a separate
 4 and distinct budget subprogram and shall not be commingled with
 5 any other revenue or expenditure. Transfers may be made from the
 6 fund to the General Fund and the State DNA Sample and Data Base
 7 Fund at the direction of the Legislature. To provide necessary
 8 financial accountability and management oversight, revenue from
 9 individual settlement agreements or other separate sources credited
 10 to the State Settlement Cash Fund may be tracked and accounted
 11 for within the state accounting system through the use of separate
 12 and distinct funds, subfunds, or any other available accounting
 13 mechanism specifically approved by the Accounting Administrator for
 14 use by the Department of Justice. Any money in the fund available
 15 for investment shall be invested by the state investment officer
 16 pursuant to the Nebraska Capital Expansion Act and the Nebraska
 17 State Funds Investment Act.
- 18 2. On page 6, line 4, after the last comma insert "and
 19 section 59-1608.04, Revised Statutes Cumulative Supplement, 2008,
 20 as amended by section 34, Legislative Bill 3, One Hundred First
 21 Legislature, First Special Session, 2009,".
- 22 3. Renumber the remaining section accordingly.

NOTICE OF COMMITTEE HEARINGS
 Government, Military and Veterans Affairs

Room 1507

Wednesday, February 3, 2010 1:30 p.m.

Reynold McMeen - State Emergency Response Commission

LB987
 LB1035
 LB715

(Signed) Bill Avery, Chairperson

Urban Affairs

Room 1510

Tuesday, February 9, 2010 1:30 p.m.

LB997
LB1098
LB1099

Tuesday, February 16, 2010 1:30 p.m.

LB943
LB969
LB1064
LR297CA

(Signed) Amanda McGill, Chairperson

Natural Resources

Room 1525

Wednesday, February 3, 2010 1:30 p.m.

LB764
LB862
LB932

(Signed) Chris Langemeier, Chairperson

COMMITTEE REPORT

Transportation and Telecommunications

LEGISLATIVE BILL 200. Placed on General File.

(Signed) Deb Fischer, Chairperson

GENERAL FILE

LEGISLATIVE BILL 635. Title read. Considered.

Committee AM1140, found on page 1548, First Session, 2009, was considered.

Senator Mello offered the following amendment to the committee amendment:

FA58

Amend AM1140

Strike "or political party committee" on page 8, line 5

Pending.

COMMITTEE REPORTS

Transportation and Telecommunications

LEGISLATIVE BILL 705. Placed on General File.**LEGISLATIVE BILL 725.** Placed on General File with amendment.
AM1630

- 1 1. Insert the following new section:
 2 Section 1. Section 60-363, Revised Statutes Cumulative
 3 Supplement, 2008, is amended to read:
 4 60-363 No person shall operate or park a motor vehicle or
 5 tow or park a trailer on the highways unless such motor vehicle or
 6 trailer at all times carries in or upon it, subject to inspection
 7 by any peace officer, the registration certificate issued for
 8 it, except fertilizer trailers as defined in section 60-326. The
 9 registration certificate for a fertilizer trailer shall be kept at
 10 the principal place of business of the owner of the fertilizer
 11 trailer. In the case of a motorcycle, the registration certificate
 12 shall be carried either in plain sight, affixed to the motorcycle,
 13 or in the tool bag or some convenient receptacle attached to the
 14 motorcycle.
 15 2. On page 18, line 18, after the comma insert "and
 16 section 60-363, Revised Statutes Cumulative Supplement, 2008,".
 17 3. Renumber the remaining sections accordingly.

(Signed) Deb Fischer, Chairperson

NOTICE OF COMMITTEE HEARINGS

Judiciary

Room 1113

Wednesday, February 3, 2010 1:30 p.m.

LB756

LB757

LB758

LB1026

LB1047

LB1104

LB727

(Signed) Brad Ashford, Chairperson

Health and Human Services

Room 1510

Wednesday, February 3, 2010 1:30 p.m.

LB1106

(Signed) Tim Gay, Chairperson

Government, Military and Veterans Affairs

Room 1507

Thursday, February 4, 2010 1:30 p.m.

LB978

LB980

LB948

Friday, February 5, 2010 1:30 p.m.

LR278CA

LR284CA

(Signed) Bill Avery, Chairperson

AMENDMENTS - Print in JournalSenator McCoy filed the following amendment to LB635:

AM1659

(Amendments to Standing Committee amendments, AM1140)

- 1 1. Strike the Mello amendment, AM1603.
- 2 2. Insert the following new section:
- 3 Sec. 6. Since an emergency exists, this act takes effect
- 4 when passed and approved according to law.

Senator McCoy filed the following amendment to LB635:

AM1653

(Amendments to Standing Committee amendments, AM1140)

- 1 1. Insert the following new amendment:
- 2 3. On page 4, line 21, after "treasurer" insert ".No
- 3 treasurer of an independent committee may also serve as treasurer
- 4 of any other independent committee during a specific election
- 5 cycle.".

Senator McCoy filed the following amendment to LB635:

AM1654

(Amendments to Standing Committee amendments, AM1140)

- 1 1. Insert the following new section:
- 2 Sec. 4. The total contributions of an independent
- 3 committee to another independent committee shall not exceed five
- 4 thousand dollars in any specific election cycle.
- 5 2. Renumber the remaining sections accordingly.

Senator McCoy filed the following amendment to LB635:

AM1655

(Amendments to Standing Committee amendments, AM1140)

- 1 1. Insert the following new amendment:
- 2 3. On page 5, line 13, after "statement" insert ", not
- 3 including political party statements".

Senator McCoy filed the following amendment to LB635:

AM1656

(Amendments to Standing Committee amendments, AM1140)

- 1 1. Insert the following new amendment:
- 2 3. On page 8, line 19, strike "two" and insert "seven".

Senator McCoy filed the following amendment to LB635:

AM1658

(Amendments to Standing Committee amendments, AM1140)

- 1 1. Insert the following new section:
- 2 Sec. 4. A member of the Legislature, his or her staff
- 3 and candidate committee, and any independent committee founded
- 4 by the member shall be prohibited from financially contributing
- 5 to an independent committee during such member's tenure in the
- 6 Legislature.
- 7 2. Renumber the remaining sections accordingly.

UNANIMOUS CONSENT - Add Cointroducers

Senators Fischer and Krist asked unanimous consent to add their names as cointroducers to LB650. No objections. So ordered.

Senator Conrad asked unanimous consent to add her name as cointroducer to LB709. No objections. So ordered.

Senators McGill and Mello asked unanimous consent to add their names as cointroducers to LB778. No objections. So ordered.

Senator Council asked unanimous consent to add her name as cointroducer to LB800. No objections. So ordered.

Senator Conrad asked unanimous consent to add her name as cointroducer to LB850, LB961, and LB1074. No objections. So ordered.

Senator Mello asked unanimous consent to add his name as cointroducer to LB986. No objections. So ordered.

Senators Fischer, Gay, Giese, Janssen, McCoy, and Wallman asked unanimous consent to add their names as cointroducers to LB987. No objections. So ordered.

Senator Fulton asked unanimous consent to add his name as cointroducer to LB1103. No objections. So ordered.

VISITORS

Visitors to the Chamber were 23 eleventh grade students and teacher from Kearney Catholic School; and Carol Maxson from Ogallala, Sue Chipman from McCook, and Denny Carr from Seward.

The Doctor of the Day was Dr. Gerald Matzke from Gothenburg.

ADJOURNMENT

At 11:57 a.m., on a motion by Senator Hadley, the Legislature adjourned until 10:00 a.m., Thursday, January 28, 2010.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTEENTH DAY - JANUARY 28, 2010**LEGISLATIVE JOURNAL****ONE HUNDRED FIRST LEGISLATURE
SECOND SESSION****FIFTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, January 28, 2010

PRAYER

The prayer was offered by Pastor Rick Johnson, St. Paul's Lutheran Church, DeWitt.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Speaker Flood presiding.

The roll was called and all members were present except Senators Fischer and Pahls who were excused; and Senators Ashford and Cornett who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fourteenth day was approved.

COMMITTEE REPORTS

Revenue

LEGISLATIVE BILL 708. Placed on General File.

LEGISLATIVE BILL 806. Placed on General File.

LEGISLATIVE BILL 873. Placed on General File.

LEGISLATIVE BILL 823. Indefinitely postponed.

(Signed) Abbie Cornett, Chairperson

NOTICE OF COMMITTEE HEARINGS

Natural Resources

Room 1525

Thursday, February 4, 2010 1:30 p.m.

LB1048 (Wind Briefing) Invited testimony on amendment to LB1048 only

Friday, February 5, 2010 1:30 p.m.

LB1057

LB1076

(Signed) Chris Langemeier, Chairperson

GENERAL FILE

LEGISLATIVE BILL 190A. Title read. Considered.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 5 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 235. ER8140, found on page 266, was adopted.

Senator Adams offered the following amendment:

AM1640

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Leases involving the production of wind or
- 4 solar energy on lands under the control of the Board of Educational
- 5 Lands and Funds shall be regulated by sections 1 to 5 of this act.
- 6 Sec. 2. For purposes of sections 1 to 5 of this act:
- 7 (1) Board means the Board of Educational Lands and Funds;
- 8 (2) Lease means any lease, easement, covenant, or other
- 9 such contractual arrangement;
- 10 (3) Lessee means any individual, corporation, or other
- 11 entity that enters into a lease with the board;
- 12 (4) Solar energy means radiant energy, direct, diffuse,
- 13 or reflected, received from the sun at wavelengths suitable for
- 14 conversion into thermal, chemical, or electrical energy; and
- 15 (5) Wind energy means the use of wind to produce
- 16 electricity.
- 17 Sec. 3. The board may authorize leases of any school
- 18 or public lands belonging to the state and under its control
- 19 for exploration and development of wind or solar energy for such
- 20 durations and under such terms and conditions as the board shall
- 21 deem appropriate, except that the initial term for any such wind
- 22 energy lease and any amendment thereto shall not exceed forty
- 23 years. In making such determinations, the board shall consider
- 1 comparable arrangements involving other lands similarly situated
- 2 and any other relevant factors bearing upon such leases. Any such
- 3 lease authorized by the board shall be created in writing and shall
- 4 be filed, duly recorded, and indexed in the office of the register
- 5 of deeds of the county in which the real property subject to the

6 lease is located. Such leases shall run with the land benefited and
 7 burdened and shall include, as applicable, the contents specified
 8 in sections 66-911 and 66-911.01.

9 Sec. 4. (1) If a wind or solar energy lease is authorized
 10 by the board on land already being leased for agricultural or other
 11 purposes by a prior lessee, the existing rights of the prior lessee
 12 shall not be impaired, and the board shall reduce the rental amount
 13 due from such prior lessee in proportion to the amount of land that
 14 is removed from use as a result of the wind or solar energy lease.

15 (2) A lessee for agricultural or other purposes shall
 16 be compensated for all damages to personal property owned by
 17 such lessee or to growing crops, including grass, caused by
 18 operations under a concurrent lease of such land for wind or
 19 solar energy purposes, and the board shall require the lessee
 20 under the wind or solar energy lease to provide such insurance and
 21 indemnity agreements which the board determines are necessary for
 22 the protection of the state and its lessees.

23 (3) If a wind or solar energy lease is authorized by the
 24 board on land concurrently being leased for agricultural purposes,
 25 the lessee for agricultural purposes shall have priority as to
 26 the use of the water on the land, but lessees for other purposes,
 27 including wind or solar lessees, shall be allowed reasonable use of
 1 the water on the land.

2 Sec. 5. The board may adopt and promulgate such rules
 3 and regulations as it shall deem necessary and proper to regulate
 4 the leasing of school and public lands for wind or solar energy
 5 exploration and development pursuant to sections 1 to 5 of this act
 6 and to prescribe such terms and conditions, including bonds, as it
 7 shall deem necessary in order to protect the interests of the state
 8 and its lessees.

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

Senator Heidemann offered the following amendment:

AM1649

1 1. Insert the following new section:

2 Sec. 7. Since an emergency exists, this act takes effect

3 when passed and approved according to law.

The Heidemann amendment was adopted with 40 ayes, 0 nays, 6 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 552. ER8146, found on page 314, was adopted.

Senator White offered the following amendment:

AM1629

(Amendments to E & R amendments, ER8146)

- 1 1. Insert the following new sections:
- 2 Sec. 11. Section 81-2402, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 81-2402 As used in the Prompt Payment Act, unless the
- 5 context otherwise requires:
- 6 (1) Agency shall mean the state and any agency,
- 7 department, office, commission, board, panel, or division of the
- 8 state. Agency shall include the University of Nebraska and the
- 9 Nebraska state colleges;
- 10 (2) Bill shall mean a proper billing or invoice which
- 11 requests a payment and which is supplemented by all necessary
- 12 verification and forms required by agency rules and regulations to
- 13 process payments;
- 14 (3) Creditor shall mean any person, corporation,
- 15 association, or other business concern engaged in a trade or
- 16 business, either on a for-profit or not-for-profit basis, and
- 17 providing any goods or services to an agency;
- 18 (4) Good faith dispute shall mean:
- 19 (a) A contention by the agency that goods delivered or
- 20 services rendered were of less quantity or quality than ordered or
- 21 specified by contract, faulty, or installed improperly; or
- 22 (b) Any other reason giving cause for the withholding
- 1 of payment by the agency until the dispute is settled, except
- 2 that failure to give notice as prescribed in section 81-2405 shall
- 3 preclude an agency from claiming a good faith dispute in the case
- 4 of a defective or improper billing;
- 5 (5) Goods shall mean any goods, supplies, materials,
- 6 equipment, or other personal property but shall not mean any real
- 7 property; and
- 8 (6) Services shall mean any contractual services,
- 9 including, but not limited to, architectural, engineering,
- 10 medical, financial consulting, or other professional services, any
- 11 construction services, and any other personal services but shall
- 12 not mean any services performed as an officer or employee of any
- 13 agency.
- 14 Sec. 13. Original section 81-2402, Reissue Revised
- 15 Statutes of Nebraska, is repealed.
- 16 2. On page 2, line 22; and page 4, line 3, strike
- 17 "forty-five" and insert "thirty".
- 18 3. On page 7, line 1, strike "23, and 81" and insert "and
- 19 23".
- 20 4. Renumber the remaining section accordingly.

The White amendment was adopted with 40 ayes, 0 nays, 6 present and not

voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 216. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 147. ER8147, found on page 339, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 181. ER8148, found on page 343, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 190. ER8149, found on page 344, was adopted.

Senator Avery renewed his amendment, AM1621, found on page 373.

The Avery amendment was adopted with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

Senator Avery renewed his amendment, AM1627, found on page 373.

The Avery amendment was adopted with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

COMMITTEE REPORTS

Agriculture

LEGISLATIVE BILL 667. Placed on General File with amendment. AM1575

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. The Legislature finds the duty of adjoining
- 4 landowners for the construction and maintenance of division fences
- 5 to be beneficial to the public interest and welfare. Such benefits
- 6 are not confined to historical and traditional societal benefits
- 7 that accrue from the proper constraint of livestock, but also
- 8 include suppression of civil disputes and public and private
- 9 nuisances and the protection of public safety. Division fences
- 10 promote the peace and security of society by the demarcation of
- 11 rural boundaries, physical separation of conflicting land uses,
- 12 enhancement of privacy, diminishment of frequency of public burden
- 13 imposed by incidences of trespass and adverse possession, and the
- 14 mitigation of impacts of conflicting land use intrusion into those
- 15 areas of the state devoted to agricultural and horticultural use.

16 Sec. 2. Section 34-102, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 34-102 (1) When there are two or more adjoining
19 landowners, each of them shall construct and maintain a just
20 proportion of the division fence between them. Just proportion
21 means an equitable allocation of the portion of the fenceline to
22 be physically constructed and maintained by each landowner or, in
23 lieu thereof, an equitable contribution to the costs to construct
1 and maintain the division fence to be made by either landowner.
2 Unless otherwise specified in statute or by agreement of the
3 parties, such equitable allocation shall be one which results in
4 an equal burden of construction and maintenance of the division
5 fence. ~~except that if the adjoining landowners each cause or~~
6 ~~allow the use of the division fence to confine livestock upon their~~
7 ~~respective properties, each landowner shall construct and maintain~~
8 ~~the division fence between them in equal shares.~~ This section
9 shall not be construed to compel the erection and maintenance of a
10 division fence if neither of the adjoining landowners desires such
11 division fence.

12 (2) Unless the adjoining landowners have agreed
13 otherwise, such fence shall be a ~~lawful wire~~ fence, as defined in
14 subsection (5) of section 34-115.

15 ~~(3) The duty assigned to adjoining landowners by this~~
16 ~~section applies (a) when either or both of the adjoining lands lie~~
17 ~~within an area zoned for agricultural or horticultural purposes as~~
18 ~~defined in section 77-1359 and either or both of the adjoining~~
19 ~~lands are utilized as agricultural or horticultural land and (b) in~~
20 ~~all other areas of the state when both of the adjoining lands are~~
21 ~~utilized as agricultural or horticultural land.~~

22 Sec. 3. Original section 34-102, Reissue Revised Statutes
23 of Nebraska, is repealed.

(Signed) Tom Carlson, Chairperson

Education

LEGISLATIVE BILL 711. Placed on General File.

(Signed) Greg Adams, Chairperson

REFERENCE COMMITTEE REPORT

The Executive Board submits the following report:

Kanger, Bernard, Jr. - Board of Emergency Medical Services - Health and
Human Services

(Signed) John Wightman, Chairperson
Executive Board

GENERAL FILE

LEGISLATIVE BILL 635. Senator Lautenbaugh offered the following motion:

MO76

Bracket until April 14, 2010.

SENATOR LANGEMEIER PRESIDING**SPEAKER FLOOD PRESIDING**

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

Senator Lautenbaugh requested a roll call vote on his motion to bracket.

Voting in the affirmative, 25:

Adams	Fulton	Heidemann	Louden	Price
Carlson	Gloor	Janssen	McCoy	Schilz
Christensen	Hadley	Krist	Nelson	Stuthman
Coash	Hansen	Langemeier	Pankonin	Utter
Flood	Harms	Lautenbaugh	Pirsch	Wightman

Voting in the negative, 12:

Conrad	Giese	Lathrop	Nordquist
Cook	Haar	McGill	Rogert
Council	Howard	Mello	Wallman

Present and not voting, 6:

Ashford	Dierks	Karpisek
Avery	Gay	Sullivan

Absent and not voting, 1:

Cornett

Excused and not voting, 5:

Campbell	Dubas	Fischer	Pahls	White
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The Lautenbaugh motion to bracket prevailed with 25 ayes, 12 nays, 6 present and not voting, 1 absent and not voting, and 5 excused and not voting.

The Chair declared the call raised.

NOTICE OF COMMITTEE HEARING

Judiciary

Room 1113

Thursday, February 4, 2010 1:30 p.m.

LB905
LB889
LB1033
LB860
LB842
LB843

(Signed) Brad Ashford, Chairperson

AMENDMENTS - Print in Journal

Senator Avery filed the following amendment to LB190:
AM1677

(Amendments to E & R amendments, ER8149)

- 1 1. Insert the following new section:
- 2 Section 1. Section 29-2262, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 29-2262 (1) When a court sentences an offender to
- 5 probation, it shall attach such reasonable conditions as it deems
- 6 necessary or likely to insure that the offender will lead a
- 7 law-abiding life. No offender shall be sentenced to probation if
- 8 he or she is deemed to be a habitual criminal pursuant to section
- 9 29-2221.
- 10 (2) The court may, as a condition of a sentence of
- 11 probation, require the offender:
- 12 (a) To refrain from unlawful conduct;
- 13 (b) To be confined periodically in the county jail or to
- 14 return to custody after specified hours but not to exceed (i) for
- 15 misdemeanors, the lesser of ninety days or the maximum jail term
- 16 provided by law for the offense and (ii) for felonies, one hundred
- 17 eighty days;
- 18 (c) To meet his or her family responsibilities;
- 19 (d) To devote himself or herself to a specific employment
- 20 or occupation;
- 21 (e) To undergo medical or psychiatric treatment and to
- 22 enter and remain in a specified institution for such purpose;
- 1 (f) To pursue a prescribed secular course of study or
- 2 vocational training;
- 3 (g) To attend or reside in a facility established for the
- 4 instruction, recreation, or residence of persons on probation;

- 5 (h) To refrain from frequenting unlawful or disreputable
6 places or consorting with disreputable persons;
- 7 (i) To possess no firearm or other dangerous weapon if
8 convicted of a felony, or if convicted of any other offense, to
9 possess no firearm or other dangerous weapon unless granted written
10 permission by the court;
- 11 (j) To remain within the jurisdiction of the court and
12 to notify the court or the probation officer of any change in his
13 or her address or his or her employment and to agree to waive
14 extradition if found in another jurisdiction;
- 15 (k) To report as directed to the court or a probation
16 officer and to permit the officer to visit his or her home;
- 17 (l) To pay a fine in one or more payments as ordered;
- 18 (m) To pay for tests to determine the presence of drugs
19 or alcohol, psychological evaluations, offender assessment screens,
20 and rehabilitative services required in the identification,
21 evaluation, and treatment of offenders if such offender has the
22 financial ability to pay for such services;
- 23 (n) To perform community service as outlined in sections
24 29-2277 to 29-2279 under the direction of his or her probation
25 officer;
- 26 (o) To be monitored by an electronic surveillance device
27 or system and to pay the cost of such device or system if the
1 offender has the financial ability;
- 2 (p) To participate in a community correctional facility
3 or program as provided in the Community Corrections Act;
- 4 (q) To successfully complete an incarceration work camp
5 program as determined by the Department of Correctional Services;
- 6 (r) To satisfy any other conditions reasonably related to
7 the rehabilitation of the offender;
- 8 (s) To make restitution as described in sections 29-2280
9 and 29-2281; or
- 10 (t) To pay for all costs imposed by the court, including
11 court costs and the fees imposed pursuant to section 29-2262.06.
- 12 (3) In all cases in which the offender is guilty
13 of violating section 28-416, a condition of probation shall be
14 mandatory treatment and counseling as provided by such section.
- 15 (4) In all cases in which the offender is guilty of
16 a crime covered by the DNA Identification Information Act, a
17 condition of probation shall be the collecting of a DNA sample
18 pursuant to the act and the paying of all costs associated with the
19 collection of the DNA sample prior to release ~~on~~ from probation.
- 20 2. On page 3, line 18, reinstate the stricken matter; and
21 in line 19 strike the new matter.
- 22 3. On page 5, after line 17, insert the following new
23 subsection:
- 24 "(3) A person who is serving a term of probation and has
25 a DNA sample collected pursuant to this section shall pay all costs
26 associated with the collection of the DNA sample."

- 27 4. On page 6, lines 3 and 6, after "sections" insert
 1 "29-2262,".
 2 5. Renumber the remaining sections and correct internal
 3 references accordingly.

Senator Avery filed the following amendment to LB190A:
 AM1674

- 1 1. Strike the original sections and insert the following
 2 new sections:
 3 Section 1. The State Treasurer shall transfer (1)
 4 \$249,250 from the State Settlement Cash Fund to the State DNA
 5 Sample and Data Base Fund on or before August 1, 2010, and (2)
 6 \$73,250 from the State Settlement Cash Fund to the State DNA Sample
 7 and Data Base Fund on or before July 15, 2011.
 8 Sec. 2. There is hereby appropriated \$72,800 from the
 9 State DNA Sample and Data Base Fund for FY2010-11 to the Department
 10 of Correctional Services, for Program 200, to aid in carrying
 11 out the provisions of Legislative Bill 190, One Hundred First
 12 Legislature, Second Session, 2010.
 13 No expenditures for permanent and temporary salaries and
 14 per diems for state employees shall be made from funds appropriated
 15 in this section.
 16 Sec. 3. There is hereby appropriated (1) \$176,450 from
 17 the State DNA Sample and Data Base Fund for FY2010-11 and (2)
 18 \$73,250 from the State DNA Sample and Data Base Fund for FY2011-12
 19 to the Nebraska State Patrol, for Program 100, to aid in carrying
 20 out the provisions of Legislative Bill 190, One Hundred First
 21 Legislature, Second Session, 2010.
 22 No expenditures for permanent and temporary salaries and
 23 per diems for state employees shall be made from funds appropriated
 1 in this section.

UNANIMOUS CONSENT - Add Cointroducers

Senator Dubas asked unanimous consent to add her name as cointroducer to LB689. No objections. So ordered.

Senator McCoy asked unanimous consent to add his name as cointroducer to LB747 and LB836. No objections. So ordered.

Senator Nordquist asked unanimous consent to add his name as cointroducer to LB778 and LB988. No objections. So ordered.

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

Senator Cornett asked unanimous consent to add her name as cointroducer to LB988 and LB990. No objections. So ordered.

VISITORS

Visitor to the Chamber was Ashlea Millsap from Kearney.

The Doctor of the Day was Dr. Jeff Harrison from Papillion.

ADJOURNMENT

At 12:05 p.m., on a motion by Senator Langemeier, the Legislature adjourned until 10:00 a.m., Friday, January 29, 2010.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTEENTH DAY - JANUARY 29, 2010

LEGISLATIVE JOURNAL

**ONE HUNDRED FIRST LEGISLATURE
SECOND SESSION**

SIXTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, January 29, 2010

PRAYER

The prayer was offered by Pastor Jim Runnels, Grace Bible Fellowship Church, Stella.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Senator Rogert presiding.

The roll was called and all members were present except Senators Fischer, Pahls, and Sullivan who were excused; and Senators Dubas and Fulton who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifteenth day was approved.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 579. Placed on Select File with amendment.
ER8152

- 1 1. In the Cornett amendment, AM1566:
- 2 a. On page 4, line 2, strike "act" and insert
- 3 "Professional Employer Organization Registration Act"; and in line
- 4 16 strike "subsections" and insert "sections";
- 5 b. On page 7, line 12, after "entity" insert an
- 6 underscored comma;
- 7 c. On page 8, line 6, after "Employer" insert
- 8 "Organization";
- 9 d. On page 9, line 7, strike the first comma and insert
- 10 "or" and strike the second comma;
- 11 e. On page 10, line 19; and page 27, line 11, strike
- 12 "organization";
- 13 f. On page 11, line 21, strike the comma;
- 14 g. On page 14, line 5; and page 26, line 12, strike

- 15 "half" and insert "one-half";
- 16 h. On page 15, line 21, after "sharing" insert an
17 underscored comma;
- 18 i. On page 18, line 9, strike the first occurrence of
19 "act" and insert "section" and strike the second occurrence of
20 "act" and insert "Professional Employer Organization Registration
21 Act";
- 22 j. On page 19, line 7, strike "meet" and insert "meets";
23 and in line 8 strike "are" and insert "is";
- 1 k. On page 24, line 10, after the first comma insert
2 "to";
- 3 l. On page 38, line 5, strike "than" and insert "that";
- 4 m. On page 46, line 27, strike "act", show as stricken,
5 and insert "Nebraska Workers' Compensation Act";
- 6 n. On page 51, line 16, strike the first "of" and insert
7 "or";
- 8 o. On page 54, line 12, after the comma insert "to"; and
- 9 p. On page 61, line 12, after "employer" insert an
10 underscored comma.
- 11 2. On page 1, strike beginning with "48-602" in
12 line 1 through "2008" in line 2 and insert "44-5702, 44-7515,
13 44-7524, 48-151, and 48-443, Reissue Revised Statutes of Nebraska,
14 sections 44-7504, 48-115, 48-145, 48-146, 48-146.03, 48-602, and
15 48-628, Revised Statutes Cumulative Supplement, 2008, and sections
16 48-144.03 and 48-648, Revised Statutes Supplement, 2009"; and in
17 line 4 after "harmonize" insert "insurance, workers' compensation,
18 safety committee, and".

LEGISLATIVE BILL 690. Placed on Select File.

LEGISLATIVE BILL 691. Placed on Select File.

LEGISLATIVE BILL 736. Placed on Select File.

LEGISLATIVE BILL 751. Placed on Select File.

LEGISLATIVE BILL 650. Placed on Select File with amendment.
ER8150

- 1 1. In the Standing Committee amendments, AM1582:
- 2 a. On page 11, line 14, strike "thereof;", show
3 as stricken, and insert "of the manufacturer's or importer's
4 certificate"; and
- 5 b. On page 45, line 13, strike "said" and show as
6 stricken.
- 7 2. On page 1, strike lines 2 through 6 and insert
8 "60-471, 60-501, 60-520, 60-547, 60-6,357, 60-6,358, 60-6,359,
9 60-6,360, and 60-6,361, Reissue Revised Statutes of Nebraska,
10 sections 60-102, 60-123, 60-136, 60-137, 60-148, 60-149, 60-153,
11 60-154, 60-154.01, 60-171, 60-302, 60-339, 60-3,100, 60-3,187,
12 60-3,190, 60-4,126, 60-605, 60-6,355, and 60-6,356, Revised
13 Statutes Cumulative Supplement, 2008, and sections 23-186,
14 30-24,125, 60-101, 60-144, 60-164, 60-165, 60-301, 60-3,104,

15 60-601, and 60-1901, Revised Statutes Supplement, 2009; to
 16 authorize the operation of minitrucks and utility-type vehicles".

LEGISLATIVE BILL 698. Placed on Select File.

LEGISLATIVE BILL 226. Placed on Select File with amendment.
 ER8151

- 1 1. In the Standing Committee amendments, AM1590, on page
- 2 1, line 13, strike "parent" and insert "parent's".
- 3 2. On page 1, strike beginning with "the" in line 1
- 4 through line 14 and insert "minors; to amend sections 30-2604
- 5 and 43-2101, Reissue Revised Statutes of Nebraska; to provide
- 6 for authority for certain persons who are eighteen years of age
- 7 to consent to health care and medical treatment and enter into
- 8 contracts and leases; to provide an operative date; and to repeal
- 9 the original sections.".
- 10 3. On page 2, strike lines 1 through 8.

LEGISLATIVE BILL 190A. Placed on Select File.

(Signed) Jeremy Nordquist, Chairperson

COMMITTEE REPORTS

Natural Resources

LEGISLATIVE BILL 797. Placed on General File.

LEGISLATIVE BILL 832. Placed on General File.

LEGISLATIVE BILL 911. Placed on General File.

(Signed) Chris Langemeier, Chairperson

NOTICE OF COMMITTEE HEARINGS

Education

Room 1525

Monday, February 8, 2010 1:30 p.m.

LB1014

LB1087

LB1071

Tuesday, February 9, 2010 1:30 p.m.

LB1021

LB962

LB1006

Tuesday, February 16, 2010 1:30 p.m.

LB1096
LB966
LB1007
LB957

Monday, February 22, 2010 1:30 p.m.

LB1034
LB1058
LB1082
LB1072
LR299CA

Tuesday, February 23, 2010 1:30 p.m.

LB1028
LB920
LB965

(Signed) Greg Adams, Chairperson

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of January 28, 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

Balch, Mary Spaulding
National Right to Life Committee
Freeman, Jessica
Nebraska Friends of Midwives
Kloeping, Kristen
Nebraska Friends of Midwives
Micek, Cora
Hospital Association, Nebraska (Withdrawn 01/27/2010)
Mines, Mick
3M Traffic Safety Systems
Cameco (formerly Crow Butte) Resources, Inc.
Cargill/Excel
Corn Growers Association, American
Hastings Exposition and Racing, Inc.
Johnson & Johnson
Papio Valley Preservation Association
Swimming Pool Foundation, National

Syngenta
 Tobacco & Candy Distributors, Nebraska Association of
 Pappas, James E.
 Bellevue Public Schools
 Independent Cattlemen of Nebraska
 League of Human Dignity
 Plucker, Julia
 Southport West Partners, LLC
 Prouty, Nathan Kent
 Pharmaceutical Research and Manufacturers of America
 Radcliffe, Walter H. of Radcliffe & Associates
 WNH, LLC (A Nebraska limited liability company)
 Reynolds, Simera
 Mothers Against Drunk Driving, Nebraska
 Schimek, DiAnna R.
 Educational Equity, Nebraskans for
 Segura, April
 Nebraska Friends of Midwives
 Slevin, Elaine L.
 Nebraska Friends of Midwives
 Swanson, Heather
 Nebraska Friends of Midwives

REPORTS

The following reports were received by the Legislature:

Aeronautics, Nebraska Department of

Total Number of Applicants for Public Benefits and the Number of Applicants Rejected Pursuant to Such Sections

Agriculture, Department of

Total Number of Applicants for Public Benefits and the Number of Applicants Rejected Pursuant to Such Sections

Criminal Justice, Commission on Law Enforcement and

Total Number of Applicants for Public Benefits and the Number of Applicants Rejected Pursuant to Such Sections

Education, Department of

Total Number of Applicants for Public Benefits and the Number of Applicants Rejected Pursuant to Such Sections

Energy Office, Nebraska

Total Number of Applicants for Public Benefits and the Number of Applicants Rejected Pursuant to Such Sections

Environmental Quality, Department of

Total Number of Applicants for Public Benefits and the Number of Applicants Rejected Pursuant to Such Sections

Fire Marshal, State

Total Number of Applicants for Public Benefits and the Number of Applicants Rejected Pursuant to Such Sections

Health and Human Services, Department of

Child Support Enforcement License Suspension Annual Report to the Legislature

Child Support Enforcement New Hire Annual Report to the Legislature

Child Support Enforcement State Disbursement Unit Annual Report to the Legislature

Waiver of Training Requirements for Relative Foster Care

Investment Finance Authority, Nebraska (NIFA)

2009 Series A (Taxable) Single Family Housing Revenue Bonds

Motor Vehicles, Department of

Number of Operator's Licenses Suspended Under the License Suspension Act

Patrol, Nebraska State

Total Number of Applicants for Public Benefits and the Number of Applicants Rejected Pursuant to Such Sections

Railway Council, Nebraska

2009 Annual Report

Roads, Nebraska Department of

Annual Report Relating to LB 403

One-Year and Five-Year Programs of Anticipated Design, Construction, Maintenance, and Improvements for our State's Recreation Roads

State College System, Nebraska

Total Number of Applicants for Public Benefits and the Number of Applicants Rejected Pursuant to Such Sections

University of Nebraska

Nebraska Tobacco Settlement Biomedical Research Development Fund

Veterans' Affairs, Department of

Total Number of Applicants for Public Benefits and the Number of Applicants Rejected Pursuant to Such Sections

GENERAL FILE

LEGISLATIVE BILL 798. Title read. Considered.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 6 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 731. Title read. Considered.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 738. Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 814. Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 721. Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 722. Title read. Considered.

Committee AM1616, found on page 363, was adopted with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 791. Title read. Considered.

Committee AM1617, found on page 363, was adopted with 30 ayes, 0 nays, 10 present and not voting, and 9 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 8 present and not voting, and 9 excused and not voting.

COMMITTEE REPORTS

General Affairs

LEGISLATIVE BILL 867. Placed on General File with amendment.
AM1638

- 1 1. Strike section 2 and insert the following new
- 2 sections:
- 3 Sec. 2. Section 53-123.15, Revised Statutes Cumulative
- 4 Supplement, 2008, is amended to read:
- 5 53-123.15 (1) No person shall order or receive alcoholic
- 6 liquor in this state which has been shipped directly to him or her
- 7 from outside this state by any person other than a holder of a
- 8 shipping license issued by the commission, except that a licensed
- 9 wholesaler may receive not more than three gallons of wine in any
- 10 calendar year from any person who is not a holder of a shipping
- 11 license.
- 12 (2) The commission may issue a shipping license to
- 13 a manufacturer. Such license shall allow the licensee to ship
- 14 alcoholic liquor only to a licensed wholesaler, except that a
- 15 licensed wholesaler may, without a shipping license and for the
- 16 purposes of subdivision (2) of section 53-161, receive beer in
- 17 this state which has been shipped from outside the state by a
- 18 manufacturer in accordance with the Nebraska Liquor Control Act
- 19 to the wholesaler, then transported by the wholesaler to another
- 20 state for retail distribution, and then returned by the retailer

21 to such wholesaler. A person who receives a license pursuant to
22 this subsection shall pay the fee required in subdivision (10) of
23 section 53-124. Such fee shall be collected by the commission and
1 be remitted to the State Treasurer for credit to the General Fund.

2 (3) The commission may issue a shipping license to
3 any person who deals with vintage wines, which shipping license
4 shall allow the licensee to distribute such wines to a licensed
5 wholesaler in the state. For purposes of distributing vintage
6 wines, a licensed shipper must utilize a designated wholesaler if
7 the manufacturer has a designated wholesaler. For purposes of this
8 section, vintage wine shall mean a wine verified to be ten years of
9 age or older and not available from a primary American source of
10 supply. A person who receives a license pursuant to this subsection
11 shall pay the fee required in subdivision (10) of section 53-124.
12 Such fee shall be collected by the commission and be remitted to
13 the State Treasurer for credit to the General Fund.

14 (4) The commission may issue a shipping license to any
15 person who sells and ships alcoholic liquor from another state
16 directly to a consumer in this state. A person who receives a
17 license pursuant to this subsection shall pay the fee required in
18 subdivision (11) of section 53-124. Until April 30, 2012, such fee
19 shall be collected by the commission and remitted to the State
20 Treasurer for credit to the Winery and Grape Producers Promotional
21 Fund.

22 (5) The application for a shipping license shall be
23 in such form as the commission prescribes. The application shall
24 contain all provisions the commission deems proper and necessary to
25 effectuate the purpose of any section of the act and the rules and
26 regulations of the commission that apply to manufacturers and shall
27 include, but not be limited to, provisions that the applicant, in
1 consideration of the issuance of such shipping license, agrees:

2 (a) To comply with and be bound by section 53-164.01 in
3 making and filing reports, paying taxes, penalties, and interest,
4 and keeping records;

5 (b) To permit and be subject to all of the powers granted
6 by section 53-164.01 to the commission or its duly authorized
7 employees or agents for inspection and examination of the
8 applicant's premises and records and to pay the actual expenses,
9 excluding salary, reasonably attributable to such inspections and
10 examinations made by duly authorized employees of the commission
11 if within the United States; and

12 (c) That if the applicant violates any of the provisions
13 of the application or the license, any section of the act, or
14 any of the rules and regulations of the commission that apply to
15 manufacturers, the commission may revoke or suspend such shipping
16 license for such period of time as it may determine.

17 Sec. 3. Original section 53-123.15, Revised Statutes
18 Cumulative Supplement, 2008, and section 53-124, Revised Statutes
19 Supplement, 2009, are repealed.

LEGISLATIVE BILL 266. Indefinitely postponed.

LEGISLATIVE BILL 600. Indefinitely postponed.

LEGISLATIVE RESOLUTION 6CA. Indefinitely postponed.

(Signed) Russ Karpisek, Chairperson

Urban Affairs

LEGISLATIVE BILL 848. Placed on General File with amendment.

AM1646

1 1. On page 2, line 4, reinstate the stricken "each year".

(Signed) Amanda McGill, Chairperson

Judiciary

LEGISLATIVE BILL 746. Placed on General File with amendment.

AM1669

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

3 Sec. 2. Section 20-506, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 20-506 (1) The Racial Profiling Advisory Committee is
6 created.

7 ~~(2)-(2)(a)~~ The committee shall consist of ~~the~~

8 (i) The executive director of the Nebraska Commission
9 on Law Enforcement and Criminal Justice, who also shall be the
10 chairperson of the committee; ~~and~~

11 (ii) The Superintendent of Law Enforcement and Public
12 Safety or his or her designee;

13 (iii) The executive director of the Commission on
14 Mexican-Americans or his or her designee; and

15 (iv) The executive director of the Commission on Indian
16 Affairs or his or her designee.

17 (b) The committee shall also consist of the following
18 persons, each appointed by the Governor from a list of three names
19 submitted to the Governor for each position

20 ~~(a)~~ (i) A representative appointed by of the Fraternal
21 Order of Police;

22 ~~(b)~~ (ii) A representative appointed by of the Nebraska
23 County Sheriffs Association;

1 ~~(c)~~ (iii) A representative appointed by of the Police
2 Officers Association of Nebraska;

3 ~~(d)~~ (iv) A representative appointed by of the American
4 Civil Liberties Union of Nebraska;

5 ~~(e)~~ A representative appointed by the Nebraska State

- 6 ~~Patrol;~~
 7 ~~(f)-(v)~~ A representative ~~appointed by~~ of the AFL-CIO; ~~and~~
 8 ~~(g)-(vi)~~ A representative ~~appointed by~~ of the Police
 9 Chiefs Association of Nebraska;
 10 (vii) A representative of the Nebraska branches of the
 11 National Association for the Advancement of Colored People; and
 12 (viii) A representative of the Minority Justice Committee
 13 of the Supreme Court and Nebraska State Bar Association.
 14 (3) The committee shall meet and organize within thirty
 15 days after the appointment of the members. The committee shall
 16 meet ~~quarterly~~ semiannually at a time and place to be fixed by the
 17 committee. Special meetings may be called by the chairperson or at
 18 the request of two or more members of the committee.
 19 (4) The committee shall advise the executive director
 20 of the commission in the conduct of his or her duties regarding
 21 the review required pursuant to subsection (6) of section 20-504,
 22 provide an analysis of the review, and make policy recommendations
 23 with respect to racial profiling.

(Signed) Brad Ashford, Chairperson

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 147. Placed on Final Reading.

LEGISLATIVE BILL 181. Placed on Final Reading.

LEGISLATIVE BILL 216. Placed on Final Reading.

LEGISLATIVE BILL 235. Placed on Final Reading.

ST9068

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

1. In the Heidemann amendment, AM1649, section 7 has been renumbered as section 6.

2. In the Adams amendment, AM1640, on page 2, line 27, "energy" has been inserted after "solar".

3. On page 1, the matter beginning with "provide" in line 1 through line 2 and all amendments thereto have been struck and "provide for leases involving the production of solar energy or wind energy; and to declare an emergency." inserted.

LEGISLATIVE BILL 552. Placed on Final Reading.

ST9069

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

1. On page 1, the matter beginning with "amend" in line 1 through line 5 and all amendments thereto have been struck and "amend section 81-2402, Reissue Revised Statutes of Nebraska; to adopt the Nebraska Construction

Prompt Pay Act; to harmonize provisions; to provide an operative date; and to repeal the original section." inserted.

(Signed) Jeremy Nordquist, Chairperson

NOTICE OF COMMITTEE HEARINGS
Judiciary

Room 1113

Friday, February 5, 2010 1:30 p.m.

LB840
LB771
LB886
LB968
LB984

(Signed) Brad Ashford, Chairperson

General Affairs

Room 1510

Monday, February 8, 2010 1:30 p.m.

LB834
LB854
LB883
LB1000
LB942
LB1013

Monday, February 22, 2010 1:30 p.m.

LB887
LB1012
LB744
LR296CA
LB985
LB1023

Michael Hiatt - State Electrical Board
Steve Homan - Nebraska Arts Council

(Signed) Russ Karpisek, Chairperson

AMENDMENT - Print in Journal

Senator Janssen filed the following amendment to LB200:
AM1644

- 1 1. On page 2, strike lines 23 through 25.
- 2 2. On page 3, strike lines 1 through 3; in line 4 strike
- 3 "(5)" and insert "(4)"; in line 9 strike "(6)" and insert "(5)";
- 4 and strike lines 14 through 17.

UNANIMOUS CONSENT - Add Cointroducers

Senator McCoy asked unanimous consent to add his name as cointroducer to LB741, LB860, LB868, LB889, LB895, LB982, and LR292. No objections. So ordered.

Senators Christensen and McCoy asked unanimous consent to add their names as cointroducers to LB817. No objections. So ordered.

VISITOR

Visitor to the Chamber was Senator Carlson's son, Nathan, from Holdrege.

ADJOURNMENT

At 11:58 a.m., on a motion by Speaker Flood, the Legislature adjourned until 10:00 a.m., Monday, February 1, 2010.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTEENTH DAY - FEBRUARY 1, 2010**LEGISLATIVE JOURNAL****ONE HUNDRED FIRST LEGISLATURE
SECOND SESSION****SEVENTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Monday, February 1, 2010

PRAYER

The prayer was offered by Senator Dierks.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Sheehy presiding.

The roll was called and all members were present except Senators Howard, Langemeier, and Pahls who were excused; and Senators Ashford, Cornett, Dubas, Gay, Karpisek, and Stuthman who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixteenth day was approved.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 798. Placed on Select File.

LEGISLATIVE BILL 731. Placed on Select File.

LEGISLATIVE BILL 738. Placed on Select File.

LEGISLATIVE BILL 814. Placed on Select File.

LEGISLATIVE BILL 721. Placed on Select File with amendment.

ER8153

- 1 1. On page 1, line 3, strike "qualifications" and insert
- 2 "qualification".

LEGISLATIVE BILL 722. Placed on Select File.

LEGISLATIVE BILL 791. Placed on Select File with amendment.

ER8154

- 1 1. On page 1, strike beginning with "provide" in line 1
- 2 through line 2 and insert "amend section 21-2003, Revised Statutes
- 3 Supplement, 2009; to provide for the electronic filing of documents

- 4 as prescribed; to harmonize provisions; and to repeal the original
 5 section."
 6 2. On page 2, line 9, strike the first comma.

(Signed) Jeremy Nordquist, Chairperson

COMMITTEE REPORTS

Banking, Commerce and Insurance

LEGISLATIVE BILL 890. Placed on General File.

LEGISLATIVE BILL 891. Placed on General File.

LEGISLATIVE BILL 892. Placed on General File.

(Signed) Pete Pirsch, Vice Chairperson

Natural Resources

LEGISLATIVE BILL 643. Placed on General File with amendment.
 AM1620

- 1 1. On page 2, lines 10 and 11; and on page 3, lines 1 and
 2 2, strike "one hundred eighty" and insert "ninety".
 3 2. On page 2, strike lines 16 through 18.
 4 3. On page 3, strike beginning with "If" in line 6
 5 through line 9.

(Signed) Chris Langemeier, Chairperson

NOTICE OF COMMITTEE HEARINGS

Transportation and Telecommunications

Room 1113

Monday, February 8, 2010 1:30 p.m.

LB761
 LB772
 LB810
 LB841
 LB924

Tuesday, February 9, 2010 1:30 p.m.

LB697
 LB945
 LB926
 LB982

(Signed) Deb Fischer, Chairperson

MESSAGE FROM THE GOVERNOR

January 27, 2010

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

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individuals are being appointed to the Board of Public Roads Classifications and Standards:

James Litchfield, 201 Highland Street, Wakefield, NE 68784
James Daws, 1091 N. 7th Street, Seward, NE 68434

Contingent upon your approval, the following individuals are being reappointed to the Board of Public Roads Classifications and Standards:

Barbara Keegan, P.O. Box 224, Hemingford, NE 69348
Randall Peters, 916 Fall Creek Road, Lincoln, NE 68510

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LR 298 and 302 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LR 298 and 302.

GENERAL FILE

LEGISLATIVE BILL 743. Title read. Considered.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 871. Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 749. Title read. Considered.

Committee AM1587, found on page 370, was adopted with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 816. Title read. Considered.

Committee AM1619, found on page 370, was adopted with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

NOTICE OF COMMITTEE HEARINGS
Business and Labor

Room 2102

Monday, February 8, 2010 1:30 p.m.

LB780
LB829
LB833
LB846
LB872
LB908
LB963
LB994
LB1044
LB961

(Signed) Steve Lathrop, Chairperson

Agriculture

Room 2102

Tuesday, February 16, 2010 1:30 p.m.

LB986

(Signed) Tom Carlson, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 303. Introduced by Nordquist, 7; Ashford, 20.

WHEREAS, local fundraising efforts are being held to provide assistance to the earthquake victims in Haiti; and

WHEREAS, Bancroft Elementary School in Omaha is collecting money to be donated to the American Red Cross; and

WHEREAS, the Legislature recognizes the importance of Nebraska's local fundraising efforts to help the people of Haiti.

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

1. That the Legislature commends Bancroft Elementary School for its fundraising efforts to provide assistance to the earthquake victims in Haiti.

2. That a copy of this resolution be sent to Bancroft Elementary School.

Laid over.

LEGISLATIVE RESOLUTION 304. Introduced by Ashford, 20; Nelson, 6.

WHEREAS, local fundraising efforts are being held to provide assistance to the earthquake victims in Haiti; and

WHEREAS, Creighton Preparatory School in Omaha is holding a special mission collection, with the funds to be donated to the Jesuit Refugee Service; and

WHEREAS, the Legislature recognizes the importance of Nebraska's local fundraising efforts to help the people of Haiti.

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

1. That the Legislature commends Creighton Preparatory School for its fundraising efforts to provide assistance to the earthquake victims in Haiti.

2. That a copy of this resolution be sent to Creighton Preparatory School.

Laid over.

LEGISLATIVE RESOLUTION 305. Introduced by Lathrop, 12; Ashford, 20; Conrad, 46; Council, 11; Flood, 19; Lautenbaugh, 18; Nelson, 6; Pirsch, 4; White, 8; Wightman, 36.

WHEREAS, Judge John T. Grant was born in Omaha, Nebraska, on October 25, 1920, and later attended and graduated from Creighton Preparatory School and Creighton University; and

WHEREAS, Judge Grant served honorably in the Army during World War II, including thirty months overseas; and

WHEREAS, after a lengthy career as a private practice attorney, Judge Grant was appointed to the Douglas County District Court; and

WHEREAS, Judge Grant was later appointed to the Nebraska Supreme Court and served as a member of the court from 1983 to 1992; and

WHEREAS, Judge Grant was known for his many positive attributes, including his serious legal mind, his patience and graciousness, his ability to work well with competing sides, and his wonderful sense of humor; and

WHEREAS, as a lawyer and judge, Judge Grant contributed greatly to the civility and camaraderie between and among lawyers and the judiciary; and

WHEREAS, Judge Grant passed away on January 26, 2010, and is survived by a large and loving family.

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

1. That the Legislature honors the memory of Judge John T. Grant and his many contributions and achievements.

2. That the Legislature expresses and extends its sympathy and condolences to the family of Judge John T. Grant.

3. That a copy of this resolution be sent to the family of Judge John T. Grant.

Laid over.

LEGISLATIVE RESOLUTION 306. Introduced by Lathrop, 12.

WHEREAS, the Boy Scouts of America has been instilling timeless values in our youth since its founding in 1910, with a mission of serving others through its many programs; and

WHEREAS, the Boy Scouts of America is committed to helping millions of youth succeed by providing the support, friendship, and mentoring necessary to live a productive and fulfilling life; and

WHEREAS, Boy Scout troops around the country are celebrating the 100th anniversary of their organization on February 8, 2010; and

WHEREAS, troops from the Lewis and Clark District of the Mid-America Council are joining together to celebrate this occasion.

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

1. That the Legislature congratulates the Boy Scouts of America on celebrating its 100th anniversary.

2. That a copy of this resolution be provided to Troop 377 of the Lewis and Clark District of the Mid-America Council of the Boy Scouts of America.

Laid over.

LEGISLATIVE RESOLUTION 307. Introduced by Pirsch, 4; Ashford, 20.

WHEREAS, local fundraising efforts are being held to provide assistance to the earthquake victims in Haiti; and

WHEREAS, Beveridge Magnet Center in Omaha is holding a number of fundraising efforts, including collecting change during lunch hours, holding candy sales and garage sales, and holding a "Hat for Haiti" day during which students are allowed to wear a hat at school if they make a donation, with all funds to be donated to the American Red Cross; and

WHEREAS, the Legislature recognizes the importance of Nebraska's local fundraising efforts to help the people of Haiti.

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

1. That the Legislature commends Beveridge Magnet Center for its fundraising efforts to provide assistance to the earthquake victims in Haiti.

2. That a copy of this resolution be sent to Beveridge Magnet Center.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 788. Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 200. Title read. Considered.

Senator Janssen renewed his amendment, AM1644, found on page 404.

Pending.

UNANIMOUS CONSENT - Add Cointroducers

Senator Gloor asked unanimous consent to add his name as cointroducer to LB817. No objections. So ordered.

Senator McCoy asked unanimous consent to add his name as cointroducer to LB865. No objections. So ordered.

Senators Gay and Mello asked unanimous consent to add their names as cointroducers to LB1004. No objections. So ordered.

REFERENCE COMMITTEE REPORT

The Executive Board submits the following report:

- Daws, James - Board of Public Roads Classifications and Standards -
Transportation and Telecommunications
- Keegan, Barbara - Board of Public Roads Classifications and Standards -
Transportation and Telecommunications
- Litchfield, James - Board of Public Roads Classifications and Standards -
Transportation and Telecommunications
- Peters, Randall - Board of Public Roads Classifications and Standards -
Transportation and Telecommunications

(Signed) John Wightman, Chairperson
Executive Board

AMENDMENTS - Print in Journal

Senator Lathrop filed the following amendment to LB200:
FA59

Strike page 2 lines 6 and 7 and page 2 line 21 through page 3 line 17.

Senator Price filed the following amendment to LB200:
AM1693

- 1 1. On page 3, after line 17, insert the following new
- 2 subsections:
- 3 "(8) Subsections (1) through (7) of this section
- 4 terminate on January 1, 2016.
- 5 (9) Beginning January 1, 2016, a person shall not operate
- 6 or be a passenger on a motorcycle or moped on any highway in this
- 7 state unless such person is wearing a protective helmet of the type
- 8 and design manufactured for use by an operator of a motorcycle or
- 9 moped and unless such helmet is secured properly on his or her
- 10 head with a chin strap while the motorcycle or moped is in motion.
- 11 Such protective helmets shall be designed to reduce injuries to
- 12 the user resulting from head impacts and shall be designed to
- 13 protect the user by remaining on the user's head, deflecting blows,
- 14 resisting penetration, and spreading the force of impact. Such
- 15 helmets shall consist of lining, padding, and a chin strap and
- 16 shall meet or exceed the standards for helmets established in the
- 17 United States Department of Transportation's Federal Motor Vehicle
- 18 Safety Standard No. 218, 49 C.F.R. 571.218."

VISITORS

Visitors to the Chamber were members of Family and Consumer Science Teachers of Nebraska (FCSTN) and Family, Career, and Community Leaders of America (FCCLA) from across the state.

The Doctor of the Day was Dr. Eric Thomsen from Beatrice.

ADJOURNMENT

At 11:58 a.m., on a motion by Speaker Flood, the Legislature adjourned until 9:00 a.m., Tuesday, February 2, 2010.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTEENTH DAY - FEBRUARY 2, 2010**LEGISLATIVE JOURNAL****ONE HUNDRED FIRST LEGISLATURE
SECOND SESSION****EIGHTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 2, 2010

PRAYER

The prayer was offered by Father Brendan Kelly, Blessed Sacrament, 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 Pahls who was excused; and Senators Ashford, Christensen, and Wightman who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventeenth day was approved.

NOTICE OF COMMITTEE HEARINGS

Natural Resources

Room 1525

Wednesday, February 10, 2010 1:30 p.m.

Norris Marshall - Game and Parks Commission

LB993
LB1054
LB1056

Thursday, February 11, 2010 1:30 p.m.

LB1010
LB1011
LB1019

(Signed) Chris Langemeier, Chairperson

AMENDMENT - Print in Journal

Senator Avery filed the following amendment to LB190:
AM1715

(Amendments to E & R amendments, ER8149)

- 1 1. Insert the following new section:
- 2 Section 1. Section 29-2262, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 29-2262 (1) When a court sentences an offender to
- 5 probation, it shall attach such reasonable conditions as it deems
- 6 necessary or likely to insure that the offender will lead a
- 7 law-abiding life. No offender shall be sentenced to probation if
- 8 he or she is deemed to be a habitual criminal pursuant to section
- 9 29-2221.
- 10 (2) The court may, as a condition of a sentence of
- 11 probation, require the offender:
 - 12 (a) To refrain from unlawful conduct;
 - 13 (b) To be confined periodically in the county jail or to
 - 14 return to custody after specified hours but not to exceed (i) for
 - 15 misdemeanors, the lesser of ninety days or the maximum jail term
 - 16 provided by law for the offense and (ii) for felonies, one hundred
 - 17 eighty days;
 - 18 (c) To meet his or her family responsibilities;
 - 19 (d) To devote himself or herself to a specific employment
 - 20 or occupation;
 - 21 (e) To undergo medical or psychiatric treatment and to
 - 22 enter and remain in a specified institution for such purpose;
 - 1 (f) To pursue a prescribed secular course of study or
 - 2 vocational training;
 - 3 (g) To attend or reside in a facility established for the
 - 4 instruction, recreation, or residence of persons on probation;
 - 5 (h) To refrain from frequenting unlawful or disreputable
 - 6 places or consorting with disreputable persons;
 - 7 (i) To possess no firearm or other dangerous weapon if
 - 8 convicted of a felony, or if convicted of any other offense, to
 - 9 possess no firearm or other dangerous weapon unless granted written
 - 10 permission by the court;
 - 11 (j) To remain within the jurisdiction of the court and
 - 12 to notify the court or the probation officer of any change in his
 - 13 or her address or his or her employment and to agree to waive
 - 14 extradition if found in another jurisdiction;
 - 15 (k) To report as directed to the court or a probation
 - 16 officer and to permit the officer to visit his or her home;
 - 17 (l) To pay a fine in one or more payments as ordered;
 - 18 (m) To pay for tests to determine the presence of drugs
 - 19 or alcohol, psychological evaluations, offender assessment screens,
 - 20 and rehabilitative services required in the identification,

21 evaluation, and treatment of offenders if such offender has the
 22 financial ability to pay for such services;

23 (n) To perform community service as outlined in sections
 24 29-2277 to 29-2279 under the direction of his or her probation
 25 officer;

26 (o) To be monitored by an electronic surveillance device
 27 or system and to pay the cost of such device or system if the
 1 offender has the financial ability;

2 (p) To participate in a community correctional facility
 3 or program as provided in the Community Corrections Act;

4 (q) To successfully complete an incarceration work camp
 5 program as determined by the Department of Correctional Services;

6 (r) To satisfy any other conditions reasonably related to
 7 the rehabilitation of the offender;

8 (s) To make restitution as described in sections 29-2280
 9 and 29-2281; or

10 (t) To pay for all costs imposed by the court, including
 11 court costs and the fees imposed pursuant to section 29-2262.06.

12 (3) In all cases in which the offender is guilty
 13 of violating section 28-416, a condition of probation shall be
 14 mandatory treatment and counseling as provided by such section.

15 (4) In all cases in which the offender is guilty of
 16 a crime covered by the DNA Identification Information Act, a
 17 condition of probation shall be the collecting of a DNA sample
 18 pursuant to the act and the paying of all costs associated with the
 19 collection of the DNA sample prior to release ~~on~~ from probation.

20 2. On page 3, line 18, reinstate the stricken matter; and
 21 in line 19 strike the new matter.

22 3. On page 4, line 21, after "shall" insert ", at his or
 23 her own expense,".

24 4. On page 5, after line 17, insert the following new
 25 subsection:

26 "(3) A person who is serving a term of probation and has
 27 a DNA sample collected pursuant to this section shall pay all costs
 1 associated with the collection of the DNA sample.".

2 5. On page 6, lines 3 and 6, after "sections" insert
 3 "29-2262,".

4 6. Renumber the remaining sections and correct internal
 5 references accordingly.

GENERAL FILE

LEGISLATIVE BILL 200. Senator Janssen asked unanimous consent to withdraw his amendment, AM1644, found on page 404 and considered on page 411, and replace it with his substitute amendment, AM1720. No objections. So ordered.

AM1720

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:

3 Section 1. Section 60-387, Revised Statutes Cumulative
 4 Supplement, 2008, is amended to read:
 5 60-387 (1) An application for registration of a motor
 6 vehicle shall be accompanied by proof of financial responsibility
 7 or evidence of insurance covering the motor vehicle. Proof of
 8 financial responsibility shall be evidenced by a copy of proof of
 9 financial responsibility filed pursuant to subdivision (2), (3), or
 10 (4) of section 60-528 bearing the seal of the department. Evidence
 11 of insurance shall give the effective dates of the automobile
 12 liability policy, which dates shall be evidence that the coverage
 13 is in effect on and following the date of registration, and shall
 14 designate, by explicit description or by appropriate reference,
 15 all motor vehicles covered. Evidence of insurance in the form of
 16 a certificate of insurance for fleet vehicles may include, as an
 17 appropriate reference, a designation that the insurance coverage is
 18 applicable to all vehicles owned by the named insured, or wording
 19 of similar effect, in lieu of an explicit description. Proof of
 20 financial responsibility also may be evidenced by ~~(4)-(a)~~ a check
 21 by the department or its agents of the motor vehicle insurance data
 22 base created under section 60-3,136 or ~~(2)-(b)~~ any other automated
 23 or electronic means as prescribed or developed by the department.

1 For purposes of this section, fleet means a group of at least five
 2 vehicles that belong to the same owner.

3 (2) If a motorcycle is being registered, an application
 4 for registration of the motorcycle shall be accompanied by, in
 5 addition to the requirements of subsection (1) of this section,
 6 proof of current and effective medical reimbursement insurance
 7 coverage of no less than one million dollars.

8 Sec. 2. Section 60-390, Revised Statutes Cumulative
 9 Supplement, 2008, is amended to read:

10 60-390 The certificate of registration shall contain upon
 11 the face thereof the name of the registered owner of the motor
 12 vehicle or trailer, his or her residential mailing address, a
 13 description of the motor vehicle or trailer as set forth in the
 14 application for registration, and whether alternative fuel was used
 15 to propel the motor vehicle and, if so, the type of fuel. The
 16 certificate of registration shall have and contain the identical
 17 registration number denoted on the license plate in connection
 18 with which such certificate of registration is issued and shall
 19 be valid only for the registration period for which it is issued.
 20 On the back of the certificate, the certificate of registration
 21 shall include a statement in boldface print that an automobile
 22 liability policy or proof of financial responsibility is required
 23 in Nebraska. On the back of the certificate for a motorcycle, the
 24 certificate of registration shall include a statement in boldface
 25 print that an automobile liability policy or proof of financial
 26 responsibility and proof of insurance as provided in subsection
 27 (2) of section 60-387 is required in Nebraska. By paying the
 1 required registration fees, every person whose name appears on

2 the registration of the motor vehicle or trailer certifies that
3 a current and effective automobile liability policy or proof of
4 financial responsibility will be maintained for the motor vehicle
5 or trailer at the time of registration and while the motor vehicle
6 or trailer is operated on a highway of this state and that he or
7 she will also provide a current and effective automobile liability
8 policy, evidence of insurance, or proof of financial responsibility
9 for the motor vehicle or trailer upon demand. By paying the
10 required registration fees, every person whose name appears on the
11 registration of a motorcycle certifies that a current and effective
12 automobile liability policy or proof of financial responsibility
13 and proof of insurance as provided in subsection (2) of section
14 60-387 will be maintained for the motor vehicle or trailer at
15 the time of registration and while the motor vehicle or trailer
16 is operated on a highway of this state and that he or she will
17 also provide a current and effective automobile liability policy,
18 evidence of insurance, or proof of financial responsibility and
19 proof of insurance as provided in subsection (2) of section 60-387
20 for the motorcycle upon demand.

21 Sec. 3. Section 60-3,167, Revised Statutes Cumulative
22 Supplement, 2008, is amended to read:

23 60-3,167 (1) It shall be unlawful for any owner of a
24 motor vehicle or trailer which is being operated or towed with
25 In Transit stickers pursuant to section 60-376, which is being
26 operated or towed pursuant to section 60-365 or 60-369, or which
27 is required to be registered in this state and which is operated
1 or towed on a public highway of this state to allow the operation
2 or towing of the motor vehicle or trailer on a public highway
3 of this state without having a current and effective automobile
4 liability policy, evidence of insurance, or proof of financial
5 responsibility. With respect to the operation of a motorcycle under
6 this subsection, the owner shall also be required to have insurance
7 coverage as provided in subsection (2) of section 60-387. The owner
8 shall be presumed to know of the operation or towing of his or her
9 motor vehicle or trailer on a highway of this state in violation of
10 this section when the motor vehicle or trailer is being operated or
11 towed by a person other than the owner.

12 (2) An owner of a motor vehicle or trailer who operates
13 or tows the motor vehicle or trailer or allows the operation or
14 towing of the motor vehicle or trailer in violation of this section
15 shall be guilty of a Class II misdemeanor and shall be advised by
16 the court that his or her motor vehicle operator's license, motor
17 vehicle certificate of registration, and license plates will be
18 suspended by the department until he or she complies with sections
19 60-505.02 and 60-528. Upon conviction the owner shall have his
20 or her motor vehicle operator's license, motor vehicle certificate
21 of registration, and license plates suspended by the department
22 until he or she complies with sections 60-505.02 and 60-528.
23 The owner shall also be required to comply with section 60-528

24 for a continuous period of three years after the violation. This
 25 subsection shall not apply to motor vehicles or trailers registered
 26 in another state.

27 ~~(2)-(3)~~ An owner who is unable to produce a current
 1 and effective automobile liability policy, evidence of insurance,
 2 or proof of financial responsibility upon the request of a law
 3 enforcement officer shall be allowed ten days after the date of
 4 the request to produce proof to the appropriate prosecutor or
 5 county attorney that a current and effective automobile liability
 6 policy or proof of financial responsibility was in existence
 7 for the motor vehicle or trailer at the time of such request.
 8 An owner of a motorcycle who is unable to produce a current
 9 and effective automobile liability policy, evidence of insurance,
 10 or proof of financial responsibility and proof of insurance as
 11 provided in subsection (2) of section 60-387 upon the request of a
 12 law enforcement officer shall be allowed ten days after the date
 13 of the request to produce proof to the appropriate prosecutor or
 14 county attorney that a current and effective automobile liability
 15 policy or proof of financial responsibility and proof of insurance
 16 as provided in subsection (2) of section 60-387 was in existence
 17 for the motor vehicle or trailer at the time of such request. Upon
 18 presentation of such proof, the citation shall be dismissed by the
 19 prosecutor or county attorney without cost to the owner and no
 20 prosecution for the offense cited shall occur.

21 ~~(3)-(4)~~ The department shall, for any person convicted
 22 for a violation of this section, reinstate such person's operator's
 23 license, motor vehicle certificate of registration, and license
 24 plates and rescind any order requiring such person to comply with
 25 section 60-528 without cost to such person upon presentation to the
 26 director that, at the time such person was cited for a violation of
 27 this section, a current and effective automobile liability policy
 1 or proof of financial responsibility or proof of insurance as
 2 provided in subsection (2) of section 60-387 was in existence for
 3 the motor vehicle or trailer at the time the citation was issued.

4 Sec. 4. Section 60-6,279, Reissue Revised Statutes of
 5 Nebraska, is amended to read:

6 60-6,279 (1) A person shall not operate or be a passenger
 7 on a motorcycle or moped on any highway in this state unless such
 8 person is wearing eye protection.

9 (2) Except as otherwise provided in subsection (3) of
 10 this section, a ~~A~~ person shall not operate or be a passenger on a
 11 motorcycle or moped on any highway in this state unless such person
 12 is wearing a protective helmet of the type and design manufactured
 13 for use by operators of such vehicles and unless such helmet is
 14 secured properly on his or her head with a chin strap while the
 15 vehicle is in motion. All such protective helmets shall be designed
 16 to reduce injuries to the user resulting from head impacts and
 17 shall be designed to protect the user by remaining on the user's
 18 head, deflecting blows, resisting penetration, and spreading the

19 force of impact. Each such helmet shall consist of lining, padding,
 20 and chin strap and shall meet or exceed the standards established
 21 in the United States Department of Transportation's Federal Motor
 22 Vehicle Safety Standard No. 218, 49 C.F.R. 571.218, for motorcycle
 23 helmets.

24 (3) A person who is at least twenty-one years of age is
 25 exempt from subsection (2) of this section.

26 (4) Except for the eye protection requirements of this
 27 section, enforcement of this section by state or local law
 1 enforcement agencies shall be accomplished only as a secondary
 2 action when an operator or passenger has been cited or charged with
 3 another violation of the Nebraska Rules of the Road.

4 (5) For purposes of this section, eye protection means
 5 glasses that cover the orbital region of a person's face, a
 6 protective face shield attached to a protective helmet, goggles,
 7 or a windshield on the motorcycle that protects the operator's and
 8 passenger's horizontal line of vision in all operating positions.

9 (6) Subsections (1) through (5) of this section terminate
 10 on January 1, 2016.

11 (7) Beginning January 1, 2016, a person shall not operate
 12 or be a passenger on a motorcycle or moped on any highway in this
 13 state unless such person is wearing a protective helmet of the type
 14 and design manufactured for use by an operator of a motorcycle or
 15 moped and unless such helmet is secured properly on his or her
 16 head with a chin strap while the motorcycle or moped is in motion.
 17 Such protective helmets shall be designed to reduce injuries to
 18 the user resulting from head impacts and shall be designed to
 19 protect the user by remaining on the user's head, deflecting blows,
 20 resisting penetration, and spreading the force of impact. Such
 21 helmets shall consist of lining, padding, and a chin strap and
 22 shall meet or exceed the standards for helmets established in the
 23 United States Department of Transportation's Federal Motor Vehicle
 24 Safety Standard No. 218, 49 C.F.R. 571.218.

25 Sec. 5 Original section 60-6,279, Reissue Revised
 26 Statutes of Nebraska, and sections 60-387, 60-390, and 60-3,167,
 27 Revised Statutes Cumulative Supplement, 2008, are repealed.

Senator Coash offered the following amendment to the Janssen amendment:

FA60

Amend AM1720

On page 2, line 7 insert after dollars, "and long term care insurance".

SPEAKER FLOOD PRESIDING

PRESIDENT SHEEHY PRESIDING

Senator Coash moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 3 nays, and 19 not voting.

Senator Coash moved for a call of the house. The motion prevailed with 39 ayes, 0 nays, and 10 not voting.

Senator Coash requested a roll call vote on his amendment.

Voting in the affirmative, 30:

Avery	Fischer	Janssen	Mello	Schilz
Carlson	Flood	Karpisek	Nelson	Stuthman
Christensen	Fulton	Krist	Pankonin	Utter
Coash	Giese	Langemeier	Pirsch	Wallman
Cook	Hadley	Lautenbaugh	Price	White
Dubas	Heidemann	McCoy	Rogert	Wightman

Voting in the negative, 11:

Adams	Dierks	Harms	Nordquist
Ashford	Gay	Howard	Sullivan
Campbell	Hansen	Lathrop	

Present and not voting, 7:

Conrad	Council	Haar	McGill
Cornett	Gloor	Louden	

Excused and not voting, 1:

Pahls

The Coash amendment was adopted with 30 ayes, 11 nays, 7 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Pending.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 743. Placed on Select File.

LEGISLATIVE BILL 871. Placed on Select File.

LEGISLATIVE BILL 749. Placed on Select File.

(Signed) Jeremy Nordquist, Chairperson

COMMITTEE REPORTS

Government, Military and Veterans Affairs

LEGISLATIVE BILL 686. Placed on General File with amendment. AM1598

- 1 1. Strike original section 4 and insert the following new
 2 section:
 3 Sec. 4. Section 33-109, Reissue Revised Statutes of
 4 Nebraska, is amended to read:
 5 33-109 (1) The register of deeds and the county clerk
 6 shall receive for recording a deed, mortgage, or release, recording
 7 and indexing of a will, recording and indexing of a decree in a
 8 testate estate, recording proof of publication, or recording any
 9 other instrument, a fee of ~~five dollars per page.~~ ~~ten dollars~~
 10 for the first page and six dollars for each additional page. Two
 11 dollars and fifty cents of the ten-dollar fee for recording the
 12 first page and fifty cents of the six-dollar fee for recording the
 13 each additional page shall be used exclusively for the purposes
 14 of preserving and maintaining public records of the office of
 15 the register of deeds and for modernization and technology needs
 16 relating to such records. The funds allocated under this subsection
 17 shall not be substituted for other allocations of county general
 18 funds to the register of deeds for the purposes enumerated in this
 19 subsection.
 20 (2) The cost for a certified copy of any instrument filed
 21 or recorded in the office of county clerk or register of deeds
 22 shall be one dollar and fifty cents per page.

(Signed) Bill Avery, Chairperson

General Affairs

LEGISLATIVE RESOLUTION 277CA. Placed on General File.

(Signed) Russ Karpisek, Chairperson

Health and Human Services

LEGISLATIVE BILL 146. Indefinitely postponed.
LEGISLATIVE BILL 214. Indefinitely postponed.
LEGISLATIVE BILL 247. Indefinitely postponed.
LEGISLATIVE BILL 291. Indefinitely postponed.
LEGISLATIVE BILL 319. Indefinitely postponed.
LEGISLATIVE BILL 444. Indefinitely postponed.
LEGISLATIVE BILL 519. Indefinitely postponed.
LEGISLATIVE BILL 541. Indefinitely postponed.
LEGISLATIVE BILL 590. Indefinitely postponed.
LEGISLATIVE BILL 610. Indefinitely postponed.
LEGISLATIVE BILL 656. Indefinitely postponed.

LEGISLATIVE BILL 790. Indefinitely postponed.

(Signed) Tim Gay, Chairperson

MESSAGE FROM THE GOVERNOR

January 29, 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 Public Employees Retirement Board:

The Honorable Randall Rehmeier, 705 Wildwood Lane, Nebraska City, NE 68410

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

BILL ON FIRST READING

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

LEGISLATIVE BILL 650A. Introduced by Christensen, 44.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 650, One Hundred First Legislature, Second Session, 2010.

RESOLUTIONS

LEGISLATIVE RESOLUTION 308. Introduced by Ashford, 20; Avery, 28; Conrad, 46; Cook, 13; Council, 11; Howard, 9; Lathrop, 12; Lautenbaugh, 18; McGill, 26; Mello, 5; Nordquist, 7; White, 8.

WHEREAS, Kathleen Munnely Cavanaugh was born in Omaha, Nebraska, on October 13, 1919, and lived there all her life; and

WHEREAS, Kathleen Munnely Cavanaugh and her husband, John J. Cavanaugh, raised six children, all of whom still reside in and contribute to the prosperity of the State of Nebraska; and

WHEREAS, Kathleen Munnely Cavanaugh had a long and distinguished career in public service at the Omaha Housing Authority and the Eastern Nebraska Office on Aging; and

WHEREAS, Kathleen Munnely Cavanaugh dedicated her public service career to helping individuals, especially the poor and the aged; and

WHEREAS, Kathleen Munnely Cavanaugh was one of the main organizers of the first White House Conference on Aging in 1977; and

WHEREAS, Kathleen Munnely Cavanaugh had a son and a brother who served in the Nebraska Unicameral Legislature; and

WHEREAS, Kathleen Munnely Cavanaugh also inspired the public service careers of her husband, her brothers, and her children on the local, state, and national levels; and

WHEREAS, Kathleen Munnely Cavanaugh lived a rich, simple, and productive life dedicated to faith, family, and friends; and

WHEREAS, Kathleen Munnely Cavanaugh, by her example and her countless deeds of individual kindness, immeasurably enriched the tradition of the nobility of public service and the necessity of civic involvement in Nebraska life; and

WHEREAS, Kathleen Munnely Cavanaugh quietly and peacefully passed away at the age of ninety on October 29, 2009.

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

1. That the Legislature extends its condolences to the family of Kathleen Munnely Cavanaugh.

2. That a copy of this resolution be sent to the family of Kathleen Munnely Cavanaugh.

Laid over.

LEGISLATIVE RESOLUTION 309. Introduced by Coash, 27.

WHEREAS, Ryan Mahoney, a teacher at Southwest High School in Lincoln, Nebraska, is a recipient of the 2009 Milken Family Foundation National Educator Award; and

WHEREAS, the Milken Family Foundation National Educator Award is the largest teacher recognition program in the United States, annually honoring K-12 teachers, principals, and specialists across America; and

WHEREAS, the criteria for selection include: Exceptional educational talent as evidenced by effective instructional practices and student learning results in the classroom; exemplary educational accomplishments beyond the classroom that provide models of excellence for the profession; strong long-range potential for professional and policy leadership; and an engaging and inspiring presence that motivates and impacts students, colleagues, and the community.

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

1. That the Legislature congratulates Ryan Mahoney for receiving a 2009 Milken Family Foundation National Educator Award.

2. That a copy of this resolution be sent to Ryan Mahoney.

Laid over.

AMENDMENT - Print in Journal

Senator Avery filed the following amendment to LB200:

AM1708

1 1. On page 2, strike beginning with "A" in line 3 through
2 "(2)" in line 6; in lines 6 and 21 strike "(3)" and insert "(2)";
3 in lines 7 and 23 strike "(4)" and insert "(3)"; and in lines 22
4 and 24 strike "(2)" and insert "(1)".

5 2. On page 3, strike beginning with "(5)" in line 4
6 through "enforcement" in line 5 and insert "(4) Enforcement";
7 strike lines 9 through 13; and in line 14 strike "(7)" and insert
8 "(5)" and strike "(2)" and insert "(1)".

UNANIMOUS CONSENT - Add Cointroducers

Senator McCoy asked unanimous consent to add his name as cointroducer to LB88, LB762, and LB966. No objections. So ordered.

Senator Lathrop asked unanimous consent to add his name as cointroducer to LB571. No objections. So ordered.

Senator Langemeier asked unanimous consent to add his name as cointroducer to LB696, LB751, and LB912. No objections. So ordered.

Senator Fischer asked unanimous consent to add her name as cointroducer to LB697. No objections. So ordered.

Senator Pirsch asked unanimous consent to add his name as cointroducer to LB752, LB890, LB891, and LB892. No objections. So ordered.

Senator Avery asked unanimous consent to add his name as cointroducer to LB826. No objections. So ordered.

Senators Coash and Krist asked unanimous consent to add their names as cointroducers to LB1103. No objections. So ordered.

VISITOR

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

ADJOURNMENT

At 12:01 p.m., on a motion by Speaker Flood, the Legislature adjourned until 9:00 a.m., Wednesday, February 3, 2010.

Patrick J. O'Donnell
Clerk of the Legislature

NINETEENTH DAY - FEBRUARY 3, 2010

LEGISLATIVE JOURNAL

**ONE HUNDRED FIRST LEGISLATURE
SECOND SESSION**

NINETEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 3, 2010

PRAYER

The prayer was offered by Senator Carlson.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Langemeier presiding.

The roll was called and all members were present except Senator Pahls who was excused; and Senators Ashford, Conrad, Cornett, Gloor, Haar, Hansen, Loudon, and Sullivan who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eighteenth day was approved.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 816. Placed on Select File with amendment.
ER8155

- 1 1. On page 2, line 1, strike the first comma; and
- 2 in line 5 after the first semicolon insert "to delete obsolete
- 3 provisions;".
- 4 2. On page 21, lines 8 and 11, after "distributor" insert
- 5 an underscored comma.
- 6 3. On page 40, line 17, after "seq." insert an
- 7 underscored comma.
- 8 4. On page 56, line 4, after the comma insert "or".
- 9 5. On page 77, line 22, strike ", his", show as stricken,
- 10 and insert "and the defendant's".
- 11 6. On page 79, line 7; and page 105, line 15, strike the
- 12 last comma and show as stricken.
- 13 7. On page 80, line 17, strike the comma and show as
- 14 stricken.
- 15 8. On page 85, line 19, after "metal" insert an

16 underscored comma.

17 9. On page 103, line 25, strike the semicolon and insert

18 an underscored colon.

LEGISLATIVE BILL 788. Placed on Select File.

(Signed) Jeremy Nordquist, Chairperson

NOTICE OF COMMITTEE HEARINGS

Judiciary

Room 1113

Wednesday, February 10, 2010 1:30 p.m.

LB795

LB880

LB881

LB868

LB1102

LB874

Thursday, February 11, 2010 1:30 p.m.

LB1094

LB901

LB936

LB876

LB835

(Signed) Brad Ashford, Chairperson

Government, Military and Veterans Affairs

Room 1507

Wednesday, February 10, 2010 1:30 p.m.

LB1015

LB718

LB1059

Thursday, February 11, 2010 1:30 p.m.

LB1009

LB970

LB1039

LB767

LB947

(Signed) Bill Avery, Chairperson

GENERAL FILE

LEGISLATIVE BILL 650A. Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 8 present and not voting, and 9 excused and not voting.

WITHDRAW - Amendment to LB190

Senator Avery withdrew his amendment, AM1677, found on page 388, to LB190.

MOTION - Return LB190 to Select File

Senator Avery moved to return LB190 to Select File for his specific amendment, AM1715, found on page 416.

The Avery motion to return prevailed with 43 ayes, 0 nays, 4 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 190. The Avery specific amendment, AM1715, found on page 416, was adopted with 37 ayes, 2 nays, 8 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

NOTICE OF COMMITTEE HEARINGS

Health and Human Services

Room 1510

Wednesday, February 10, 2010 1:30 p.m.

Nancy Oltman - Commission for the Blind and Visually Impaired
Darrell Walla - Commission for the Blind and Visually Impaired

LB858
LB1036
LB1022
LB1067

(Signed) Tim Gay, Chairperson

Transportation and Telecommunications

Room 2102

Friday, February 19, 2010 1:00 p.m.

Barbara Keegan - Board of Public Roads Classifications and Standards
 Randall Peters - Board of Public Roads Classifications and Standards
 James Daws - Board of Public Roads Classifications and Standards
 James Litchfield - Board of Public Roads Classifications and Standards

(Signed) Deb Fischer, Chairperson

COMMITTEE REPORTS

Transportation and Telecommunications

LEGISLATIVE BILL 723. Placed on General File.**LEGISLATIVE BILL 787.** Placed on General File.**LEGISLATIVE BILL 914.** Placed on General File.

(Signed) Deb Fischer, Chairperson

Executive Board

LEGISLATIVE BILL 685. Placed on General File.**LEGISLATIVE BILL 770.** Placed on General File with amendment.
AM1714

- 1 1. Insert the following new section:
- 2 Sec. 3. Section 49-617, Revised Statutes Cumulative
- 3 Supplement, 2008, is amended to read:
- 4 49-617 The Revisor of Statutes shall cause the statutes
- 5 to be printed. The printer shall deliver all completed copies to
- 6 the Supreme Court. These copies shall be held and disposed of
- 7 by the court as follows: Sixty copies to the State Library to
- 8 exchange for statutes of other states; five copies to the State
- 9 Library to keep for daily use; not to exceed twenty-five copies
- 10 to the Legislative Council for bill drafting and related services
- 11 to the Legislature and executive state officers; as many copies
- 12 to the Attorney General as he or she has attorneys on his or her
- 13 staff; as many copies to the Commission on Public Advocacy as it
- 14 has attorneys on its staff; up to sixteen copies to the State
- 15 Court Administrator; thirteen copies to the Tax Commissioner; eight
- 16 copies to the Nebraska Publications Clearinghouse; six copies to
- 17 the Public Service Commission; four copies to the Secretary of
- 18 State; four copies to the Tax Equalization and Review Commission;
- 19 four copies to the Clerk of the Legislature for use in his or
- 20 her office and three copies to be maintained in the legislative
- 21 chamber, one copy on each side of the chamber and one copy at

22 the desk of the Clerk of the Legislature, under control of the
 23 sergeant at arms; ~~three copies to the Auditor of Public Accounts;~~
 1 three copies to the Department of Health and Human Services; two
 2 copies each to the Governor of the state, the Chief Justice and
 3 each judge of the Supreme Court, each judge of the Court of
 4 Appeals, the Clerk of the Supreme Court, the Reporter of the
 5 Supreme Court and Court of Appeals, the Commissioner of Labor,
 6 the Auditor of Public Accounts, and the Revisor of Statutes;
 7 one copy each to the Secretary of State of the United States,
 8 each Indian tribal court located in the State of Nebraska, the
 9 library of the Supreme Court of the United States, the Adjutant
 10 General, the Air National Guard, the Commissioner of Education,
 11 the State Treasurer, the Board of Educational Lands and Funds, the
 12 Director of Agriculture, the Director of Administrative Services,
 13 the Director of Aeronautics, the Director of Economic Development,
 14 the director of the Nebraska Public Employees Retirement ~~Board~~,
 15 Systems, the Director-State Engineer, the Director of Banking
 16 and Finance, the Director of Insurance, the Director of Motor
 17 Vehicles, the Director of Veterans' Affairs, the Director of
 18 Natural Resources, the Director of Correctional Services, the
 19 Nebraska Emergency Operating Center, each judge of the Nebraska
 20 Workers' Compensation Court, each commissioner of the Commission
 21 of Industrial Relations, the Nebraska Liquor Control Commission,
 22 the State Real Estate Commission, the secretary of the Game and
 23 Parks Commission, the Board of Pardons, each state institution
 24 under the Department of Health and Human Services, each state
 25 institution under the State Department of Education, the State
 26 Surveyor, the Nebraska State Patrol, the materiel division of
 27 the Department of Administrative Services, the personnel division
 1 of the Department of Administrative Services, the Nebraska Motor
 2 Vehicle Industry Licensing Board, the Board of Trustees of the
 3 Nebraska State Colleges, each of the Nebraska state colleges, each
 4 district judge of the State of Nebraska, each judge of the county
 5 court, each judge of a separate juvenile court, the Lieutenant
 6 Governor, each United States Senator from Nebraska, each United
 7 States Representative from Nebraska, each clerk of the district
 8 court for the use of the district court, the clerk of the Nebraska
 9 Workers' Compensation Court, each clerk of the county court, each
 10 county attorney, each county public defender, each county law
 11 library, and the inmate library at all state penal and correctional
 12 institutions, and each member of the Legislature shall be entitled
 13 to two complete sets, and two complete sets of such volumes as are
 14 necessary to update previously issued volumes, but each member of
 15 the Legislature and each judge of any court referred to in this
 16 section shall be entitled, on request, to an additional complete
 17 set. Copies of the statutes distributed without charge, as listed
 18 in this section, shall be the property of the state or governmental
 19 subdivision of the state and not the personal property of the
 20 particular person receiving a copy. Distribution of statutes to the

21 library of the College of Law of the University of Nebraska shall
 22 be as provided in sections 85-176 and 85-177.

23 2. On page 2, line 25, after "Nebraska" insert ", and"
 24 section 49-617, Revised Statutes Cumulative Supplement, 2008".

25 3. Renumber the remaining sections accordingly.

(Signed) John Wightman, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 888. Placed on General File.

LEGISLATIVE BILL 912. Placed on General File.

(Signed) Pete Pirsch, Vice Chairperson

GENERAL FILE

LEGISLATIVE BILL 200. Senator Janssen offered the following motion:
 MO77

Reconsider the vote on FA60.

SPEAKER FLOOD PRESIDING

SENATOR LANGEMEIER PRESIDING

Senator Schilz moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

Senator Janssen moved for a call of the house. The motion prevailed with 39 ayes, 0 nays, and 10 not voting.

Senator Janssen requested a roll call vote on his motion to reconsider.

Voting in the affirmative, 42:

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

Voting in the negative, 2:

Ashford Avery

Present and not voting, 4:

Cornett Haar Lathrop Wallman

Excused and not voting, 1:

Pahls

The Janssen motion to reconsider prevailed with 42 ayes, 2 nays, 4 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Senator McCoy offered the following motion:

MO78

Bracket until February 9, 2010.

The McCoy motion to bracket prevailed with 34 ayes, 0 nays, 9 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 705. Title read. Considered.

Senator Pirsch offered the following amendment:

AM1729

- 1 1. Insert the following new sections:
- 2 Section 1. Section 60-3,122, Revised Statutes Supplement,
- 3 2009, is amended to read:
- 4 60-3,122 (1) Any person may, in addition to the
- 5 application required by section 60-385, apply to the department
- 6 for license plates designed by the department to indicate that he
- 7 or she is a survivor of the Japanese attack on Pearl Harbor if he
- 8 or she:
- 9 (a) Was a member of the United States Armed Forces on
- 10 December 7, 1941;
- 11 (b) Was on station on December 7, 1941, during the hours
- 12 of 7:55 a.m. to 9:45 a.m. Hawaii time at Pearl Harbor, the island
- 13 of Oahu, or offshore at a distance not to exceed three miles;
- 14 (c) Was discharged or otherwise separated with a
- 15 characterization of honorable from the United States Armed Forces;
- 16 and
- 17 (d) Holds a current membership in a Nebraska Chapter of
- 18 the Pearl Harbor Survivors Association.
- 19 (2) The license plates shall be issued upon the applicant
- 20 paying the regular license fee and an additional fee of five
- 21 dollars and furnishing proof satisfactory to the department that
- 22 the applicant fulfills the requirements provided by subsection (1)
- 23 of this section. The additional fee shall be remitted to the
- 1 State Treasurer for credit to the Nebraska Veteran Cemetery System

2 Operation Fund. ~~Only one motor vehicle, trailer, semitrailer, or~~
 3 ~~cabin trailer owned by the applicant shall be so licensed at any~~
 4 ~~one time. Any number of motor vehicles, trailers, semitrailers, or~~
 5 cabin trailers owned by the applicant may be so licensed at any one
 6 time. Motor vehicles and trailers registered under section 60-3,198
 7 shall not be so licensed.

8 (3) If the license plates issued pursuant to this section
 9 are lost, stolen, or mutilated, the recipient of the plates shall
 10 be issued replacement license plates upon request and without
 11 charge.

12 Sec. 2. Section 60-3,123, Revised Statutes Supplement,
 13 2009, is amended to read:

14 60-3,123 (1) Any person who was captured and incarcerated
 15 by an enemy of the United States during a period of conflict with
 16 such enemy and who was discharged or otherwise separated with a
 17 characterization of honorable from or is currently serving in the
 18 United States Armed Forces may, in addition to the application
 19 required in section 60-385, apply to the department for license
 20 plates designed to indicate that he or she is a former prisoner of
 21 war.

22 (2) The license plates shall be issued upon the applicant
 23 paying the regular license fee and an additional fee of five
 24 dollars and furnishing proof satisfactory to the department that
 25 the applicant was formerly a prisoner of war. The additional fee
 26 shall be remitted to the State Treasurer for credit to the Nebraska
 27 Veteran Cemetery System Operation Fund. ~~Only one motor vehicle,~~
 1 ~~trailer, semitrailer, or cabin trailer owned by an applicant shall~~
 2 ~~be so licensed at any one time. Any number of motor vehicles,~~
 3 trailers, semitrailers, or cabin trailers owned by the applicant
 4 may be so licensed at any one time. Motor vehicles and trailers
 5 registered under section 60-3,198 shall not be so licensed.

6 (3) If the license plates issued under this section are
 7 lost, stolen, or mutilated, the recipient of the license plates
 8 shall be issued replacement license plates upon request and without
 9 charge.

10 2. On page 3, line 3, strike "section 60-3,124" and
 11 insert "sections 60-3,122, 60-3,123, and 60-3,124"; and in line 4
 12 strike "is" and insert "are".

13 3. Renumber the remaining sections accordingly.

SENATOR CARLSON PRESIDING

The Pirsch amendment was adopted with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 6 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 725. Title read. Considered.

Committee AM1630, found on page 376, was considered.

Pending.

RESOLUTIONS

LEGISLATIVE RESOLUTION 310. Introduced by Krist, 10; Avery, 28; Coash, 27; Conrad, 46; Fulton, 29; Giese, 17; Haar, 21; Hadley, 37; Janssen, 15; Karpisek, 32; McGill, 26; Price, 3; Sullivan, 41.

WHEREAS, the 155th Air Refueling Wing of the Nebraska Air National Guard distinguished itself as an Air Force Outstanding Unit through exceptionally meritorious service during the period of July 1, 2007, through June 30, 2009; and

WHEREAS, during this same period, the unit distinguished itself by successfully employing its mobilized and volunteer-unit members in support of homeland defense, Operations Noble Eagle, Enduring Freedom, and Iraqi Freedom, and a host of expeditionary combat-support deployments; and

WHEREAS, the unit's personnel and assigned Stratotanker aircraft performed brilliantly in the execution of worldwide missions of vital importance to our strategic national interests and excelled in operational readiness, flying and ground safety, energy conservation, environmental protection, community involvement, and compliance inspections; and

WHEREAS, the unit flew more than five thousand seven hundred hours of operational training with over one thousand two hundred hours of combat or combat-support missions; and

WHEREAS, fifty-eight aircrew members were recognized with Flying Hour Safety Award milestones by the AMC Safety Center, and the unit has accumulated over one hundred fifteen thousand Class A/B mishap-free flying hours while performing global combat, combat support, and training missions; and

WHEREAS, the unit maintained a 95.9% retention rate and 104% unit strength; and

WHEREAS, the unit received the Air National Guard Director's Challenge Award for exceeding 120% of individual recruiting goals in fiscal year 2008; and

WHEREAS, the unit received inspection ratings of Excellent, Outstanding, 100% Compliance, Best Seen to Date, and Best and was validated well above the bar for Mission Readiness; and

WHEREAS, the unit continued its history of outstanding community service by providing orientation flights for over five hundred community leaders, hosting events for more than one thousand American Legion Boys and Girls State participants, providing aerospace instruction to more than two thousand at risk fifth-grade students through STARBASE Nebraska, holding community blood drives, supporting the 2008 National Veterans Wheelchair Games, and being recognized as the largest regional contributor

to the Combined Federal Campaign and for increasing participation in the campaign by 50%; and

WHEREAS, sections and individual unit members have been recognized for superior achievement, including 2008 Air National Guard Comptroller Organization of the Year, 2007 Kenneth W. Disney Award, Air National Guard Best Food Services Program, thirty-eight Nebraska National Guard Emergency Service awards for support of Hurricane Gustav, Public Affairs writing awards, and the Air National Guard Chief of Staff Team Spirit Excellence Award.

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

1. That the Legislature hereby congratulates and extends its appreciation to the men and women of the 155th Air Refueling Wing of the Nebraska Air National Guard on earning their tenth Air Force Outstanding Unit Award and thanks them for their excellent service to this state and nation.

2. That a copy of this resolution be sent to the Adjutant General of the Nebraska National Guard, Brigadier General Judd H. Lyons.

Laid over.

LEGISLATIVE RESOLUTION 311. Introduced by Flood, 19.

WHEREAS, the NEBRASKAland Foundation, on Saturday, February 27, 2010, at the annual Statehood Day Dinner held in the Nebraska State Capitol, will present the Distinguished NEBRASKAlander Award, along with the Wagonmaster, Trailblazer, and Pioneer Awards; and

WHEREAS, the Wagonmaster Award is presented to Dick Mercer, a resident of Kearney who has a distinguished career as a progressive farmer, cattleman, and steward of our soil and water resources. He has served as chairman of the Central Platte Natural Resources District, as a longtime natural resources district board member, as president of the Nebraska Livestock Feeders, and as a member of the Nebraska Environmental Trust Board. He has received various awards including the Farm Family of the Year, Nebraska Cattleman of the Year, Knights of Ak-Sar-Ben Court of Honor, and the Public Service to Agriculture Award; and

WHEREAS, the Pioneer Award is presented to Maxine Moul, a resident of Lincoln who was recently appointed by President Barack Obama to serve as the Nebraska State Director of the United States Department of Agriculture Rural Development. Maxine has founded a printing and publishing firm in Syracuse, served as Lieutenant Governor under former Governor Ben Nelson from 1991-93, directed the Department of Economic Development from 1993-99, served as chief executive officer of the Nebraska Community Foundation, and served as coordinator of EndowNebraska; and

WHEREAS, the Trailblazer Award is presented to Dick Davis, a resident of Omaha who has distinguished himself as an athlete, school administrator, businessman, entrepreneur, and education advocate. Following his National Football League playing days, he was an Omaha Public Schools

administrator, an executive with Northern Plains Natural Gas Company, and currently is chief executive officer of Davis Companies; and

WHEREAS, the Distinguished NEBRASKAlander Award is presented to Dick Holland, a resident of Omaha whose philanthropic actions have forever changed the way of life in Omaha and the state. The focus of his giving, and before her death, the focus of his wife Mary's giving, as well, is on children and the arts. The generous giving of the Hollands has resulted in the Holland Performing Arts Center, the Holland Computing Center at the Peter Kiewit Institute, an expansion to the Child Saving Institute, and most recently, the Building Bright Futures Educational Initiative.

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

1. That the Legislature extends its appreciation to the honorees for their service to the State of Nebraska.

2. That a copy of this resolution be given to all honorees.

Laid over.

REFERENCE COMMITTEE REPORT

The Executive Board submits the following report:

Rehmeier, Randall - Public Employees Retirement Board - Nebraska Retirement Systems

(Signed) John Wightman, Chairperson
Executive Board

COMMITTEE REPORTS

Transportation and Telecommunications

LEGISLATIVE BILL 735. Placed on General File with amendment.
AM1747

- 1 1. On page 2, strike lines 8 through 11 and insert
- 2 "(2) Law enforcement agency means a police department,
- 3 a town marshal, the office of sheriff, and the Nebraska State
- 4 Patrol";
- 5 2. On page 3, strike beginning with "in" in line 1
- 6 through "and" in line 2 and insert "at the request of a law
- 7 enforcement agency"; and in line 5 before the period insert "while
- 8 acting at the request of a law enforcement agency".

LEGISLATIVE BILL 821. Placed on General File with amendment.
AM1741

- 1 1. On page 2, line 11, strike "and maintenance" and after
- 2 "system" insert "asset".

(Signed) Deb Fischer, Chairperson

AMENDMENTS - Print in Journal

Senator Lathrop filed the following amendment to LB200:

FA61

Amend AM1720

On page 2, line 7 strike "one" and insert "five".

Senator Lathrop filed the following amendment to LB200:

FA62

Amend AM1720

Add page 3, line 20 after "demand" it shall be a class three misdemeanor to operate a motorcycle without the policy coverages provided for herein.

Senator Lathrop filed the following amendment to LB200:

FA63

Amend AM1720

Strike section 4 paragraph (4) page 6 line 26 through page 7 line 3.

Senator Avery filed the following amendment to LB200:

AM1750

(Amendments to AM1720)

- 1 1. On page 6, strike beginning with "A" in line 6 through
- 2 "(2)" in line 9; in lines 9 and 24 strike "(3)" and insert "(2)";
- 3 in line 25 strike "(2)" and insert "(1)"; and strike beginning with
- 4 "(4)" in line 26 through "enforcement" in line 27 and insert "(3)
- 5 Enforcement".
- 6 2. On page 7, strike lines 4 through 8; in line 9 strike
- 7 "(6)" and insert "(4)" and strike "(5)" and insert "(3)"; and in
- 8 line 11 strike "(7)" and insert "(5)".

UNANIMOUS CONSENT - Add Cointroducers

Senator Price asked unanimous consent to add his name as cointroducer to LB865. No objections. So ordered.

Senator Schilz asked unanimous consent to add his name as cointroducer to LB1103. No objections. So ordered.

Senator Gloor asked unanimous consent to add his name as cointroducer to LR310. No objections. So ordered.

VISITORS

Visitors to the Chamber were Suzanne Kemp and John Maag from Lincoln; Mike McCabe from Lombard, Illinois; 18 twelfth-grade students, teacher, and sponsors from Hartington; Roger Brede from Long Pine and Dale Caskey from Bassett; members of Scottsbluff/Gering United Chamber, Leadership Scotts Bluff from Scottsbluff and Gering, and Leadership Box

Butte from Alliance; and scout members of Cornhusker, Mid-America, and Overland Trails Councils and sponsors from across the state.

The Doctor of the Day was Dr. Bob Ranner from Lincoln.

ADJOURNMENT

At 11:59 a.m., on a motion by Speaker Flood, the Legislature adjourned until 9:00 a.m., Thursday, February 4, 2010.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTIETH DAY - FEBRUARY 4, 2010**LEGISLATIVE JOURNAL****ONE HUNDRED FIRST LEGISLATURE
SECOND SESSION****TWENTIETH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, February 4, 2010

PRAYER

The prayer was offered by Senator Wallman.

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 Pahls who was excused; and Senators Gay, Loudon, and Price who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the nineteenth day was approved.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 650A. Placed on Select File.

LEGISLATIVE BILL 705. Placed on Select File with amendment.
ER8156

- 1 1. On page 1, strike beginning with "section" in
- 2 line 1 through line 4 and insert "sections 60-3,122, 60-3,123,
- 3 and 60-3,124, Revised Statutes Supplement, 2009; to remove a
- 4 limitation on issuance of Pearl Harbor, prisoner-of-war, and
- 5 disabled veteran license plates as prescribed; and to repeal
- 6 the original sections.".

(Signed) Jeremy Nordquist, Chairperson

COMMITTEE REPORT

Banking, Commerce and Insurance

LEGISLATIVE BILL 730. Placed on General File with amendment.
AM1749

- 1 1. On page 3, after line 17, insert the following new
- 2 subsection:
- 3 "(8) This section provides the exclusive remedy by which
- 4 a person seeking to enforce a judgment against a member or
- 5 transferee may, in the capacity of judgment creditor, satisfy the
- 6 judgment from the judgment debtor's transferable interest."; and
- 7 strike lines 18 through 25 and show the old matter as stricken.
- 8 2. On page 4, strike lines 1 through 12 and show the old
- 9 matter as stricken.

(Signed) Pete Pirsch, Vice Chairperson

MESSAGE FROM THE GOVERNOR

February 1, 2010

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

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individuals are being appointed to the Crime Victim's Reparations Committee:

Candice Batton, 18633 Midway Road, Walton, NE 68461
Brenda Smith, 3310 North 147th Ct., #2309, Omaha, NE 68107

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

GENERAL FILE

LEGISLATIVE BILL 725. Committee AM1630, found on page 376 and considered on page 437, was renewed.

The committee amendment was adopted with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 5 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 762. Title read. Considered.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 708. Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 806. Title read. Considered.

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

LEGISLATIVE BILL 873. Title read. Considered.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 11 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 667. Title read. Considered.

Committee AM1575, found on page 385, was adopted with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 711. Title read. Considered.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

COMMITTEE REPORT
Enrollment and Review**LEGISLATIVE BILL 190.** Placed on Final Reading.
ST9070

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

1. In the E & R amendments, ER8149:

a. On page 1, line 5, "5" has been struck and "6" inserted; and

b. On page 6, line 7, ", and section 59-1608.04, Revised Statutes Cumulative Supplement, 2008, as amended by section 34, Legislative Bill 3, One Hundred First Legislature, First Special Session, 2009; to change and eliminate definitions" has been inserted after "Nebraska"; in line 8 "and individuals released on probation; to require such individuals to pay the costs of such collection" has been inserted after "offenses"; and in line 9 "to provide for transfers from the State Settlement Cash Fund;" has been inserted after the second semicolon.

(Signed) Jeremy Nordquist, Chairperson

NOTICE OF COMMITTEE HEARINGS
Government, Military and Veterans Affairs

Room 1507

Wednesday, February 17, 2010 1:30 p.m.

LR300CA
LR301CA
LR279CA

Friday, February 19, 2010 1:30 p.m.

LR292
LR273

Wednesday, February 24, 2010 1:30 p.m.

LB777
LB852
LB1003

(Signed) Bill Avery, Chairperson

Health and Human Services

Room 1510

Thursday, February 11, 2010 1:30 p.m.

LB992

LB940

(Signed) Tim Gay, Chairperson

COMMITTEE REPORTS

Education

LEGISLATIVE BILL 713. Placed on General File with amendment.
AM1687

- 1 1. Insert the following new section:
- 2 Sec. 4. Section 79-252, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 79-252 ~~The~~ In lieu of conducting the inspections required
- 5 by section 79-248, the board of education or school board of
- 6 any school district may employ regularly licensed physicians to
- 7 make ~~physical examinations or inspections in lieu of school health~~
- 8 inspections required by section 79-248. such inspections.
- 9 2. On page 2, strike beginning with "No" in line 19
- 10 through line 25, show as stricken, and insert "A child shall not
- 11 be required to submit to an inspection required by this section
- 12 if his or her parent or guardian provides school authorities
- 13 with a statement signed by a physician, a physician assistant,
- 14 or an advanced practice registered nurse practicing under and in
- 15 accordance with his or her respective credentialing act, stating
- 16 that such child has undergone such required inspection within the
- 17 past six months. A child shall submit to any required inspection
- 18 for which such a statement is not received.".
- 19 3. Renumber the remaining section and amend the repealer
- 20 accordingly.

(Signed) Greg Adams, Chairperson

Judiciary

LEGISLATIVE BILL 252. Placed on General File with amendment.
AM1761

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 28-101, Revised Statutes Supplement,
- 4 2009, is amended to read:
- 5 28-101 Sections 28-101 to 28-1356 and section 2 of this
- 6 act shall be known and may be cited as the Nebraska Criminal Code.

7 Sec. 2. (1) No person shall knowingly or intentionally
 8 own or possess animal fighting paraphernalia with the intent to
 9 commit a violation of section 28-1005.

10 (2)(a) For purposes of this section, except as
 11 provided in subdivision (b) of this subsection, animal fighting
 12 paraphernalia means equipment, products, and materials of any
 13 kind that are used, intended for use, or designed for use in
 14 the training, preparation, conditioning, or furtherance of the
 15 pitting of an animal against another as defined in section 28-1004.
 16 Animal fighting paraphernalia includes, but is not limited to, the
 17 following:

18 (i) A breaking stick, which means a device designed for
 19 insertion behind the molars of a dog for the purpose of breaking
 20 the dog's grip on another animal or object;

21 (ii) A cat mill, which means a device that rotates around
 22 a central support with one arm designed to secure a dog and one arm
 23 designed to secure a cat, rabbit, or other small animal beyond the
 1 grasp of the dog;

2 (iii) A treadmill, jenni, or hot walker, which means an
 3 exercise device consisting of an endless belt on which the animal
 4 walks or runs without changing place;

5 (iv) A fighting pit, which means a walled area designed
 6 to contain an animal fight;

7 (v) A springpole, which means a biting surface attached
 8 to a stretchable device, suspended at a height sufficient to
 9 prevent a dog from reaching the biting surface while touching the
 10 ground;

11 (vi) Unprescribed veterinary medicine that is a
 12 controlled substance as defined in section 28-401;

13 (vii) A heel, which means any edged or pointed instrument
 14 designed to be attached to the leg of a fowl or other animal;

15 (viii) A boxing glove or muff, which means a fitted
 16 protective covering for the spurs of a fowl; and

17 (ix) Any other instrument commonly used in the
 18 furtherance of pitting an animal against another.

19 (b) Animal fighting paraphernalia does not include
 20 equipment, products, or materials of any kind used by a
 21 veterinarian licensed to practice veterinary medicine and surgery
 22 in this state.

23 (3) Any person violating subsection (1) of this section
 24 is guilty of a Class I misdemeanor.

25 Sec. 3. Section 28-1006, Reissue Revised Statutes of
 26 Nebraska, is amended to read:

27 28-1006 (1) It shall be the duty of the sheriff, a police
 1 officer, or the Nebraska State Patrol to make prompt investigation
 2 of and arrest for any violation of section 28-1005 or section 2 of
 3 this act.

4 (2) Any animal, equipment, device, or other property or
 5 things involved in any violation of section 28-1005 or section 2

6 of this act shall be subject to seizure, and disposition may be
7 made in accordance with the method of disposition directed for
8 contraband in section 29-820.

9 (3) Any animal involved in any violation of section
10 28-1005 or section 2 of this act shall be subject to seizure.
11 Distribution or disposition may be made in such manner as the court
12 may direct. The court may give preference to adoption alternatives
13 through humane societies or comparable institutions and to the
14 protection of such animal's welfare. For a humane society or
15 comparable institution to be considered as an adoption alternative
16 under this subsection, it must first be licensed by the Department
17 of Agriculture as having passed the inspection requirements in the
18 Commercial Dog and Cat Operator Inspection Act and paid the fee
19 for inspection under the act. The court may prohibit an adopting
20 or purchasing party from selling such animal for a period not to
21 exceed one year.

22 (4) In addition to any other sentence given for a
23 violation of section 28-1005 or section 2 of this act, the
24 sentencing court may order the defendant to reimburse a public
25 or private agency for expenses incurred in conjunction with the
26 care, impoundment, or disposal, including adoption, of an animal
27 involved in the violation of ~~such section 28-1005 or section 2~~
1 of this act. Whenever the court believes that such reimbursement
2 may be a proper sentence or the prosecuting attorney requests,
3 the court shall order that the presentence investigation report
4 include documentation regarding the nature and amount of the
5 expenses incurred. The court may order that reimbursement be made
6 immediately, in specified installments, or within a specified
7 period of time, not to exceed five years after the date of
8 judgment.

9 Sec. 4. Section 28-1007, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 28-1007 Sections 28-1004 to 28-1006 and section 2 of this
12 act shall not be construed to amend or in any manner change the
13 authority of the Game and Parks Commission under the Game Law,
14 to prohibit any conduct authorized or permitted in the Game Law,
15 or to prohibit the training of ~~dogs~~ animals for any purpose not
16 prohibited by law.

17 Sec. 5. Section 28-1019, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 28-1019 (1)(a) If a person is convicted of a Class IV
20 felony under section 28-1005 or 28-1009, the sentencing court shall
21 order such person not to own, possess, or reside with any animal
22 for at least five years after the date of conviction, but such time
23 restriction shall not exceed fifteen years. Any person violating
24 such court order shall be guilty of a Class I misdemeanor.

25 (b) If a person is convicted of a Class I misdemeanor
26 under subdivision (2)(a) of section 28-1009 or section 2 of
27 this act or a Class III misdemeanor under section 28-1010, the

1 sentencing court may order such person not to own, possess,
 2 or reside with any animal after the date of conviction, but
 3 such time restriction, if any, shall not exceed five years. Any
 4 person violating such court order shall be guilty of a Class IV
 5 misdemeanor.

6 (c) Any animal involved in a violation of a court order
 7 under subdivision (a) or (b) of this subsection shall be subject to
 8 seizure by law enforcement.

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

14 Sec. 6. Original sections 28-1006, 28-1007, and 28-1019,
 15 Reissue Revised Statutes of Nebraska, and section 28-101, Revised
 16 Statutes Supplement, 2009, are repealed.

(Signed) Brad Ashford, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 312. Introduced by Pirsch, 4.

WHEREAS, local fundraising efforts are being held to provide assistance to the earthquake victims in Haiti; and

WHEREAS, St. Vincent de Paul Catholic School in Omaha is allowing students to dress down for a day if they make a donation, with all funds to be donated to the American Red Cross; and

WHEREAS, the Legislature recognizes the importance of Nebraska's local fundraising efforts to help the people of Haiti.

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

1. That the Legislature commends St. Vincent de Paul Catholic School for its fundraising efforts to provide assistance to the earthquake victims in Haiti.

2. That a copy of this resolution be sent to St. Vincent de Paul Catholic School.

Laid over.

REFERENCE COMMITTEE REPORT

The Executive Board submits the following report:

Batton, Candice - Crime Victim's Reparations Committee - Judiciary

Smith, Brenda - Crime Victim's Reparations Committee - Judiciary

(Signed) John Wightman, Chairperson
Executive Board

MOTION - Print in Journal

Senator Hadley filed the following motion to LB946:
MO79
Withdraw bill.

GENERAL FILE

LEGISLATIVE BILL 797. Title read. Considered.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 832. Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 911. Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 867. Title read. Considered.

Committee AM1638, found on page 399, was considered.

Pending.

COMMITTEE REPORT

Agriculture

LEGISLATIVE BILL 865. Placed on General File with amendment.
AM1739

- 1 1. On page 2, strike beginning with "conducted" in line
- 2 23 through "request" in line 25.
- 3 2. On page 6, line 7, strike "2003" and insert "2010"; in
- 4 line 15, strike "and"; in line 16 strike the period and insert ";
- 5 and"; and after line 16 insert
- 6 "(7) Commonly accepted practices occurring in conjunction
- 7 with sanctioned rodeos and animal racing and pulling contests.".
- 8 3. On page 8, line 12, strike "(5)" and insert "(6)".
- 9 4. On page 13, line 23, strike "2003", show as stricken,
- 10 and insert "2010".
- 11 5. On page 14, strike lines 1 and 2 and show as stricken;
- 12 in line 3 strike "(6)", show as stricken, and insert "(5)"; in

13 line 11 strike "(7)" and insert "(6)"; in line 16 strike "(8)" and
14 insert "(7)"; and in line 19 strike "(9)" and insert "(8)".

(Signed) Tom Carlson, Chairperson

UNANIMOUS CONSENT - Add Cointroducers

Senator Hadley asked unanimous consent to add his name as cointroducer to LB1053. No objections. So ordered.

Senator Coash asked unanimous consent to add his name as cointroducer to LB1068 and LB1073. No objections. So ordered.

Senators Heidemann and Utter asked unanimous consent to add their names as cointroducers to LB1103. No objections. So ordered.

WITHDRAW - Cointroducer

Senator Janssen withdrew his name as cointroducer to LB836.

VISITORS

Visitors to the Chamber were 18 students and sponsors from Rising City; and members of UNL Leadership Groups from across the state.

ADJOURNMENT

At 11:14 a.m., on a motion by Senator Hansen, the Legislature adjourned until 10:00 a.m., Friday, February 5, 2010.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-FIRST DAY - FEBRUARY 5, 2010**LEGISLATIVE JOURNAL****ONE HUNDRED FIRST LEGISLATURE
SECOND SESSION****TWENTY-FIRST DAY**

Legislative Chamber, Lincoln, Nebraska
Friday, February 5, 2010

PRAYER

The prayer was offered by Senator Heidemann.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Sheehy presiding.

The roll was called and all members were present except Senators Council, Krist, and Pahls who were excused; and Senator McGill who was excused until she arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the twentieth day was approved.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 725. Placed on Select File with amendment.
ER8158

- 1 1. On page 1, line 1, strike "motor carriers" and insert
- 2 "agricultural vehicles"; in line 2 after "Nebraska" insert ",
- 3 and section 60-363, Revised Statutes Cumulative Supplement, 2008;
- 4 to change provisions relating to fertilizer trailer registration
- 5 certificates".
- 6 2. On page 17, line 24, strike "(7)", show as stricken,
- 7 and insert "(8)".

LEGISLATIVE BILL 762. Placed on Select File.

LEGISLATIVE BILL 708. Placed on Select File.

LEGISLATIVE BILL 806. Placed on Select File.

LEGISLATIVE BILL 873. Placed on Select File.

LEGISLATIVE BILL 667. Placed on Select File with amendment.
ER8157

- 1 1. In the Standing Committee amendments, AM1575, on page
- 2 2, line 14, strike "subsection" and insert "subdivision".

LEGISLATIVE BILL 711. Placed on Select File.
LEGISLATIVE BILL 797. Placed on Select File.
LEGISLATIVE BILL 832. Placed on Select File.
LEGISLATIVE BILL 911. Placed on Select File.

(Signed) Jeremy Nordquist, Chairperson

COMMITTEE REPORTS

Government, Military and Veterans Affairs

LEGISLATIVE BILL 768. Placed on General File.
LEGISLATIVE BILL 850. Placed on General File.

The Government, Military and Veterans Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Reynold McMeen - State Emergency Response Commission

Aye: 7 Senators Avery, Giese, Janssen, Karpisek, Krist, Price, Sullivan.
 Nay: 0. Absent: 1 Senator Pahls.

(Signed) Bill Avery, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 313. Introduced by McCoy, 39.

WHEREAS, the Boy Scouts of America has been instilling timeless values in our youth since its founding in 1910, with a mission of serving others through its many programs; and

WHEREAS, the Boy Scouts of America is committed to helping millions of youth succeed by providing the support, friendship, and mentoring necessary to live a productive and fulfilling life; and

WHEREAS, the 100th anniversary of the Boy Scouts of America is on February 8, 2010, and troops around the country will be celebrating this occasion throughout 2010 in a number of events and programs; and

WHEREAS, scouts from the Cornhusker Council, Mid-America Council, and Overland Trails Council, a group which represents eighty-three of Nebraska's ninety-three counties, are gathering together on February 3, 2010, to celebrate this occasion.

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

1. That the Legislature congratulates the Boy Scouts of America on celebrating its 100th anniversary.

2. That a copy of this resolution be sent to the Cornhusker Council, Mid-America Council, and Overland Trails Council of the Boy Scouts of America.

Laid over.

LEGISLATIVE RESOLUTION 314. Introduced by Dubas, 34.

WHEREAS, Mitchell George Moeller 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 achievement 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, Mitchell George Moeller has learned, been tested on, and been recognized for various scouting skills; and

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

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

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

1. That the Legislature congratulates Mitchell George Moeller on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Mitchell George Moeller.

Laid over.

MESSAGES FROM THE GOVERNOR

February 2, 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 Child Abuse Prevention Fund Board:

Camille Ohri, 923 E. Tipperary, O'Neill, NE 68763

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

February 4, 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 reappointed to the Commission for the Deaf and Hard of Hearing:

Raymond Meester, 4300 Everett St., Lincoln, NE 68506

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

AMENDMENT - Print in Journal

Senator Langemeier filed the following amendment to LB912:
AM1748

1. Strike section 5.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of February 4, 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

Bromm, Curt
Good Samaritan Hospital
Byers, Thomas L.
Magellan Midstream Partners
Cook, Autumn Foster
Nebraska Friends of Midwives
Cutshall & Nowka
Shelton Wholesale, Inc.
Goc, John J.
Appraisers, Nebraska Coalition of
Harding, William A.
League of Nebraska Municipalities
Johnson, DeMaris
Good Samaritan Hospital
Kidman, Victoria
State Farm Insurance Companies
Kulesher Jarecke, Kate M.
Brain Injury Group of Nebraska (BIG-N)
Plucker, Julia
Brodersen, Roger
Ruth Mueller Robak LLC
Good Samaritan Hospital
Home Builders Association, Nebraska State
Stewart, Chandra
Nebraska Friends of Midwives
Winston, Ken
Wachiska Audubon Society

REPORTS

The following reports were received by the Legislature:

Coordinating Commission for Postsecondary Education

Total Number of Applicants for Public Benefits and the Number of Applicants Rejected Pursuant to Such Sections

Economic Development, Department of

Total Number of Applicants for Public Benefits and the Number of Applicants Rejected Pursuant to Such Sections

Health and Human Services, Department of

Total Number of Applicants for Public Benefits and the Number of Applicants Rejected Pursuant to Such Sections

Labor, Department of

Total Number of Applicants for Public Benefits and the Number of Applicants Rejected Pursuant to Such Sections

Motor Vehicles, Department of

Total Number of Applicants for Public Benefits and the Number of Applicants Rejected Pursuant to Such Sections

Real Estate Commission, Nebraska

Total Number of Applicants for Public Benefits and the Number of Applicants Rejected Pursuant to Such Sections

University of Nebraska

Total Number of Applicants for Public Benefits and the Number of Applicants Rejected Pursuant to Such Sections

MOTION - Withdraw LB946

Senator Hadley renewed his motion, MO79, found on page 451, to withdraw LB946.

The Hadley motion to withdraw the bill prevailed with 38 ayes, 0 nays, 6 present and not voting, and 5 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 682.

A BILL FOR AN ACT relating to the Department of Natural Resources; to eliminate a terminated fund; and to outright repeal section 61-217, 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, 45:

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

Voting in the negative, 0.

Excused and not voting, 4:

Council Krist Lautenbaugh Pahls

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

LEGISLATIVE BILL 683.

A BILL FOR AN ACT relating to the Department of Natural Resources; to eliminate an obsolete intent provision; and to outright repeal section 61-219, 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, 44:

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

Voting in the negative, 0.

Present and not voting, 1:

Mello

Excused and not voting, 4:

Council Krist Lautenbaugh Pahls

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

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB684 with 44 ayes, 0 nays, 1 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 684.

A BILL FOR AN ACT relating to social security; to amend sections 68-601, 68-602, 68-603, 68-604, 68-605, 68-608, 68-610, 68-620, 68-621, 68-622, and 68-631, Reissue Revised Statutes of Nebraska; to eliminate two terminated funds; to harmonize provisions; to repeal the original sections; and to outright repeal sections 68-612 and 68-613, 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, 43:

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

Voting in the negative, 0.

Present and not voting, 2:

Cornett Howard

Excused and not voting, 4:

Council Krist Lautenbaugh Pahls

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

ANNOUNCEMENTS

The Chair announced today is Senator Dubas' birthday.

The Chair announced February 6 is Senator Wallman's birthday.

BILLS ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 183.

A BILL FOR AN ACT relating to the Nebraska Telecommunications Regulation Act; to amend section 86-101, Reissue Revised Statutes of Nebraska; to provide requirements for the sale of an exchange by a telecommunications company; to provide powers and duties for the Public Service Commission; to harmonize provisions; 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, 45:

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

Voting in the negative, 0.

Excused and not voting, 4:

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

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB254 with 42 ayes, 0 nays, 3 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 254. With Emergency Clause.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-2622 and 2-2626, Reissue Revised Statutes of Nebraska, and section 2-2646, Revised

Statutes Supplement, 2009; to require Nebraska aerial pesticide business licenses for aerial pesticide application; to harmonize provisions; 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, 44:

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

Voting in the negative, 0.

Present and not voting, 1:

Janssen

Excused and not voting, 4:

Council Krist Lautenbaugh Pahls

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

The following bills were read and put upon final passage:

LEGISLATIVE BILL 261.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend section 60-4,111.01, Reissue Revised Statutes of Nebraska; to provide for use of machine-readable information encoded on an operator's license or a state identification card; to provide penalties; 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, 34:

Adams	Cook	Gloor	McCoy	Rogert
Avery	Cornett	Hadley	McGill	Schilz
Campbell	Dubas	Heidemann	Mello	Sullivan
Carlson	Fischer	Janssen	Nelson	Utter
Christensen	Flood	Karpisek	Nordquist	Wallman
Coash	Gay	Langemeier	Pirsch	Wightman
Conrad	Giese	Lathrop	Price	

Voting in the negative, 10:

Ashford	Fulton	Hansen	Louden	Stuthman
Dierks	Haar	Howard	Pankonin	White

Present and not voting, 1:

Harms

Excused and not voting, 4:

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

LEGISLATIVE BILL 325.

A BILL FOR AN ACT relating to elections; to amend sections 32-328, 32-329, 32-914.02, 32-915, 32-930, and 32-1002, Reissue Revised Statutes of Nebraska, and section 32-607, Revised Statutes Supplement, 2009; to change provisions relating to clerical errors on the precinct list of registered voters, updates of registration records due to change of address, candidate filing forms, provisional ballots, and challenges to voters; 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, 45:

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

Voting in the negative, 0.

Excused and not voting, 4:

Council Krist Lautenbaugh Pahls

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

LEGISLATIVE BILL 522.

A BILL FOR AN ACT relating to volunteer fire and rescue departments; to amend section 35-901, Reissue Revised Statutes of Nebraska; to change provisions relating to the use of funds, fees, and charges; 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, 45:

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

Voting in the negative, 0.

Excused and not voting, 4:

Council Krist Lautenbaugh Pahls

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

LEGISLATIVE BILL 139.

A BILL FOR AN ACT relating to the Commission on Mexican-Americans; to amend sections 81-8,262, 81-8,265, 81-8,270, and 81-8,271.01, Reissue Revised Statutes of Nebraska; to rename the commission and a fund; 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, 38:

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

Voting in the negative, 5:

Hansen	Karpisek	Louden	Stuthman	Wallman
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Present and not voting, 2:

Cook	Utter
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Excused and not voting, 4:

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

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB197 with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 197. With Emergency Clause.

A BILL FOR AN ACT relating to the Nebraska educational savings plan trust; to amend sections 77-2716, 85-1801, 85-1802, 85-1804, 85-1807, 85-1808, and 85-1813, Reissue Revised Statutes of Nebraska, and Laws 2009, First Special Session, LB 1, section 228; to redefine terms; to create and eliminate funds; to change and eliminate provisions relating to the use of funds; to provide for and change transfers of funds; to harmonize provisions; to provide an operative date; to repeal the original sections; to outright repeal section 85-1803, Reissue Revised Statutes of Nebraska, as amended by section 95, Legislative Bill 3, One Hundred First Legislature, First Special Session, 2009; 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, 44:

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

Voting in the negative, 0.

Present and not voting, 1:

Utter

Excused and not voting, 4:

Council Krist Lautenbaugh Pahls

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

The following bills were read and put upon final passage:

LEGISLATIVE BILL 210. With Emergency Clause.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-27,137.02, Reissue Revised Statutes of Nebraska; to change provisions relating to aid to natural resources districts; to provide an operative date; 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, 44:

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

Voting in the negative, 0.

Present and not voting, 1:

Louden

Excused and not voting, 4:

Council Krist Lautenbaugh Pahls

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 279.

A BILL FOR AN ACT relating to land-use planning; to amend sections 14-407, 15-1103, and 19-923, Reissue Revised Statutes of Nebraska; to require notification of military installations regarding development of real property; 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, 44:

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

Voting in the negative, 0.

Present and not voting, 1:

Schilz

Excused and not voting, 4:

Council Krist Lautenbaugh Pahls

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

LEGISLATIVE BILL 475.

A BILL FOR AN ACT relating to county government; to amend section 23-1401, Reissue Revised Statutes of Nebraska; to change a provision relating to duties of the county comptroller; to create the office of auditor; to provide an operative date; 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, 45:

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

Voting in the negative, 0.

Excused and not voting, 4:

Council Krist Lautenbaugh Pahls

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

LEGISLATIVE BILL 550.

A BILL FOR AN ACT relating to the Military Code; to amend sections 55-101, 55-120, 55-121, 55-125, 55-126, and 55-135, Reissue Revised Statutes of Nebraska; to change provisions relating to Military Department personnel; to provide peace officer powers and duties to National Guard members; 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, 45:

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

Voting in the negative, 0.

Excused and not voting, 4:

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

LEGISLATIVE BILL 147.

A BILL FOR AN ACT relating to change of name; to amend sections 25-21,271 and 28-376, Reissue Revised Statutes of Nebraska, and sections 28-718 and 29-4004, Revised Statutes Supplement, 2009; to change petition requirements for a change of name; to require delivery of court orders regarding name changes; to require inclusion and notification of name changes for the Adult Protective Services Central Registry, the central register of child protection cases, and the central registry of sex offenders; to provide an operative date; and to repeal the original sections.

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

Voting in the affirmative, 45:

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

Voting in the negative, 0.

Excused and not voting, 4:

Council Krist Lautenbaugh Pahls

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

LEGISLATIVE BILL 181.

A BILL FOR AN ACT relating to the Nebraska Telecommunications Regulation Act; to amend section 86-101, Reissue Revised Statutes of Nebraska; to provide requirements for wire-crossing agreements between railroad carriers and telecommunications carriers as prescribed; to harmonize provisions; 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, 45:

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

Voting in the negative, 0.

Excused and not voting, 4:

Council Krist Lautenbaugh Pahls

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

LEGISLATIVE BILL 216.

A BILL FOR AN ACT relating to civil liability; to eliminate motor vehicle and aircraft guest statutes; to harmonize provisions; and to outright repeal sections 3-129.01, 25-21,237, and 25-21,238, 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, 36:

Adams	Cornett	Haar	McCoy	Stuthman
Ashford	Dierks	Hadley	McGill	Sullivan
Campbell	Dubas	Harms	Mello	Wallman
Carlson	Fischer	Heidemann	Nordquist	White
Christensen	Flood	Howard	Pankonin	
Coash	Gay	Karpisek	Pirsch	
Conrad	Giese	Lathrop	Price	
Cook	Gloor	Louden	Reger	

Voting in the negative, 8:

Fulton	Janssen	Nelson	Utter
Hansen	Langemeier	Schilz	Wightman

Present and not voting, 1:

Avery

Excused and not voting, 4:

Council Krist Lautenbaugh Pahls

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

LEGISLATIVE BILL 235. With Emergency Clause.

A BILL FOR AN ACT relating to school lands; to provide for leases involving the production of solar energy or wind energy; 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, 45:

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

Voting in the negative, 0.

Excused and not voting, 4:

Council Krist Lautenbaugh Pahls

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 552.

A BILL FOR AN ACT relating to construction; to amend section 81-2402, Reissue Revised Statutes of Nebraska; to adopt the Nebraska Construction Prompt Pay Act; to harmonize provisions; to provide an operative date; 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, 45:

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

Voting in the negative, 0.

Excused and not voting, 4:

Council Krist Lautenbaugh Pahls

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

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 682, 683, 684, 183, 254, 261, 325, 522, 139, 197, 210, 279, 475, 550, 147, 181, 216, 235, and 552.

NOTICE OF COMMITTEE HEARINGS

Natural Resources

Room 1525

Wednesday, February 17, 2010 1:30 p.m.

LB755
LB964

Thursday, February 18, 2010 1:30 p.m.

LB785
LB1016
LB1025

Wednesday, February 24, 2010 1:30 p.m.

Jerrold Burke - Game and Parks Commission

LB1048

(Signed) Chris Langemeier, Chairperson

REFERENCE COMMITTEE REPORT

The Executive Board submits the following report:

Meester, Raymond - Commission for the Deaf and Hard of Hearing - Health and Human Services

Ohri, Camille - Child Abuse Prevention Fund Board - Health and Human Services

(Signed) John Wightman, Chairperson
Executive Board

AMENDMENTS - Print in Journal

Senator Christensen filed the following amendment to LB650:
AM1682

(Amendments to Standing Committee amendments, AM1582)

- 1 1. Strike section 10 and insert the following new
- 2 section:
- 3 Sec. 10. If a minitruck does not have a manufacturer's
- 4 vehicle identification number, the owner of the minitruck may apply
- 5 for a certificate of title by presenting (1)(a) a manufacturer's
- 6 statement of origin for the minitruck or (b)(i) a bill of sale
- 7 or a manufacturer's or importer's certificate for a minitruck
- 8 purchased before January 1, 2011, or a manufacturer's or importer's
- 9 certificate for a minitruck purchased on or after January 1, 2011,
- 10 and (ii) an affidavit by the owner affirming ownership for the
- 11 minitruck, (2) a statement that an inspection has been conducted on
- 12 the minitruck, and (3) a vehicle identification number as described
- 13 in section 60-148. The certificate of title shall indicate the
- 14 make and model year of the minitruck. If the model year cannot
- 15 be determined, the model year of the minitruck shall be the year
- 16 application for title was made.

Senator Avery filed the following amendment to LB722:
AM1771

- 1 1. On page 6, strike beginning with "use" in line 4
- 2 through line 5 and all amendments thereto and insert "maintain the
- 3 historic and cultural integrity of the building or land.".

GENERAL FILE

LEGISLATIVE BILL 867. Committee AM1638, found on page 399 and considered on page 451, was renewed.

The committee amendment was adopted with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 848. Title read. Considered.

Committee AM1646, found on page 401, was adopted with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 746. Title read. Considered.

Committee AM1669, found on page 401, was considered.

SENATOR ROBERT PRESIDING

The committee amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

COMMITTEE REPORTS

Natural Resources

LEGISLATIVE BILL 689. Placed on General File.

LEGISLATIVE BILL 764. Placed on General File with amendment.
AM1751

- 1 1. On page 2, line 20, strike "on or before October
- 2 1"; and strike beginning with "maintain" in line 24 through
- 3 "appropriated" in line 25 and insert "manage such river basin,
- 4 subbasin, or reach to achieve and sustain a balance between water
- 5 uses and water supplies for the long term".

LEGISLATIVE BILL 885. Indefinitely postponed.

(Signed) Chris Langemeier, Chairperson

AMENDMENTS - Print in Journal

Senator Avery filed the following amendment to LB190A:

AM1769

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. The State Treasurer shall transfer \$176,000
- 4 from the State Settlement Cash Fund to the State DNA Sample and
- 5 Data Base Fund on or before August 1, 2010.
- 6 Sec. 2. There is hereby appropriated \$72,800 from the
- 7 State DNA Sample and Data Base Fund for FY2010-11 to the Department
- 8 of Correctional Services, for Program 200, to aid in carrying
- 9 out the provisions of Legislative Bill 190, One Hundred First
- 10 Legislature, Second Session, 2010.
- 11 No expenditures for permanent and temporary salaries and
- 12 per diems for state employees shall be made from funds appropriated
- 13 in this section.
- 14 Sec. 3. There is hereby appropriated \$103,200 from
- 15 the State DNA Sample and Data Base Fund for FY2010-11 to the
- 16 Nebraska State Patrol, for Program 100, to aid in carrying out the

17 provisions of Legislative Bill 190, One Hundred First Legislature,
 18 Second Session, 2010.

19 No expenditures for permanent and temporary salaries and
 20 per diems for state employees shall be made from funds appropriated
 21 in this section.

22 Sec. 4. There is hereby appropriated (1) \$50,000 from
 23 the Department of Correctional Services Facility Cash Fund for
 1 FY2010-11 and (2) \$50,000 from the Department of Correctional
 2 Services Facility Cash Fund for FY2011-12 to the Department of
 3 Correctional Services, for Program 200, to aid in carrying out the
 4 provisions of Legislative Bill 190, One Hundred First Legislature,
 5 Second Session, 2010.

6 No expenditures for permanent and temporary salaries and
 7 per diems for state employees shall be made from funds appropriated
 8 in this section.

9 Sec. 5. There is hereby appropriated (1) \$34,500 from
 10 the Nebraska State Patrol Cash Fund for FY2010-11 and (2) \$34,500
 11 from the Nebraska State Patrol Cash Fund for FY2011-12 to the
 12 Nebraska State Patrol, for Program 100, to aid in carrying out the
 13 provisions of Legislative Bill 190, One Hundred First Legislature,
 14 Second Session, 2010.

15 No expenditures for permanent and temporary salaries and
 16 per diems for state employees shall be made from funds appropriated
 17 in this section.

Senator Dubas filed the following amendment to LB297:
 AM1782

(Amendments to E & R amendments, ER8144)

1 1. On page 4, line 9, strike "two million dollars in
 2 FY2010-11,"; in line 10, after the second comma insert "and";
 3 and strike beginning with the first comma in line 11 through
 4 "FY2019-20" in line 14.

5 2. On page 6, line 20, after the period insert "Such
 6 interest rate shall not fall below zero percent.".

7 3. On page 8, line 10, strike "2020" and insert "2014";
 8 and in line 11 strike "January" and insert "July".

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 5, 2010, at 11:32 a.m. were the following: LBs 682, 683, 684, 183, 254e, 261, 325, 522, 139, 197e, 210e, 279, 475, 550, 147, 181, 216, 235e, and 552.

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

UNANIMOUS CONSENT - Add Cointroducers

Senator Dubas asked unanimous consent to add her name as cointroducer to LB650 and LB1103. No objections. So ordered.

Senators Stuthman, Sullivan, and Wallman asked unanimous consent to add their names as cointroducers to LB1103. No objections. So ordered.

ADJOURNMENT

At 11:46 a.m., on a motion by Speaker Flood, the Legislature adjourned until 10:00 a.m., Monday, February 8, 2010.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-SECOND DAY - FEBRUARY 8, 2010**LEGISLATIVE JOURNAL****ONE HUNDRED FIRST LEGISLATURE
SECOND SESSION****TWENTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska
Monday, February 8, 2010

PRAYER

The prayer was offered by Senator Carlson.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Sheehy presiding.

The roll was called and all members were present except Senators Council, Pahls, and Schilz who were excused; and Senator Giese who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-first day was approved.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 867. Placed on Select File with amendment.
ER8159

- 1 1. In the Standing Committee amendments, AM1638, renumber
- 2 section 2 as section 1.
- 3 2. On page 1, line 1, after "amend" insert "section
- 4 53-123.15, Revised Statutes Cumulative Supplement, 2008, and"; in
- 5 line 2 after the semicolon insert "to provide for placement of
- 6 certain shipping license fees in the General Fund;"; and in line 3
- 7 strike "section" and insert "sections".
- 8 3. Renumber original section 1 as section 2.

LEGISLATIVE BILL 848. Placed on Select File.

LEGISLATIVE BILL 746. Placed on Select File with amendment.
ER8160

- 1 1. In the Standing Committee amendments, AM1669, on page
- 2 1, line 13, strike "executive".

- 3 2. On page 1, line 3, after the semicolon insert "to
 4 change the membership of the Racial Profiling Advisory Committee;
 5 to change and provide powers and duties;"

(Signed) Jeremy Nordquist, Chairperson

ANNOUNCEMENT

Senator Janssen designates LB200 as his priority bill.

RESOLUTION

LEGISLATIVE RESOLUTION 315. Introduced by Lautenbaugh, 18; Ashford, 20; Council, 11; White, 8.

WHEREAS, Cornelius "Neal" John Mosser passed away February 1, 2010, at the age of ninety; and

WHEREAS, Neal Mosser faithfully served his country as a technical sergeant in the United States Marine Corps during World War II; and

WHEREAS, Neal Mosser amassed numerous athletic accomplishments in his career, including setting state college basketball scoring records in two seasons at St. Joseph College, as well as playing for the University of Nebraska-Lincoln from 1946 to 1948, serving as team captain in 1947; and

WHEREAS, Neal Mosser served as coach to the now-closed Omaha Technical High School from 1949 to 1967; and

WHEREAS, Neal Mosser, as coach of Omaha Technical High School, made the team a dominant force in Nebraska high school basketball, amassing a 230-120 overall record and finishing in the Omaha World-Herald Top 10 in all but two seasons and finishing eight times in the top three; and

WHEREAS, Coach Mosser's 1963 team, one of the best ever in the state, went 22-2 for the season and beat Omaha Creighton Prep 91-73 to win a Nebraska State High School Boys Basketball Championship in a tournament in which the team averaged eighty-three points per game; and

WHEREAS, during his tenure as coach of Omaha Technical High School, Coach Mosser was an instrumental force in helping to integrate high school basketball, coaching on fairness and merit, as well as standing up to injustices he observed on the court; and

WHEREAS, Coach Mosser has been inducted into the Omaha Technical High School, St. Joseph College, and Nebraska High School Sports halls of fame; and

WHEREAS, upon his retirement from his position as counselor at Omaha South High School in 1982, Coach Mosser had given thirty-four years of service to the Omaha public school system; and

WHEREAS, Coach Mosser is survived by four sons, Joe, Tom, Jerry, and Tim, as well as twelve grandchildren and seventeen great-grandchildren.

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

1. That the Legislature posthumously honors Coach Cornelius "Neal" John Mosser for his personal accomplishments as well as for his service to his country, the city of Omaha, and the State of Nebraska.

2. That the Legislature extends its sympathy and condolences to the family of Coach Cornelius "Neal" John Mosser.

3. That a copy of this resolution be sent to the family of Coach Cornelius "Neal" John Mosser.

Laid over.

ATTORNEY GENERAL'S OPINION

Opinion 10006

DATE: February 4, 2010

SUBJECT: Article XVI, § 1 Of The Nebraska Constitution;
Authority Of The Nebraska Legislature To Submit
Constitutional Amendments To The Electors Of The
State At Special Elections After A General Election.

REQUESTED BY: John A. Gale
Nebraska Secretary of State

WRITTEN BY: Jon Bruning, Attorney General
Dale A. Comer, Assistant Attorney General

On May 30, 2007, the 100th Nebraska Legislature, First Session, passed LR 1CA by a four-fifths majority. LR 1CA proposed an amendment to the Nebraska Constitution which would raise the salaries of members of the Legislature to twenty-two thousand dollars per year, and it also called for that constitutional amendment to be presented to the electors of the state at a special election to be held in conjunction with the statewide primary election in 2010. Similarly, the 100th Nebraska Legislature, Second Session, passed LR 5CA by a four-fifths majority on February 1, 2008. LR 5CA proposed an amendment to the Nebraska Constitution which would allow the Legislature to authorize governmental subdivisions in Nebraska to own and finance real and personal property to be used by nonprofit enterprises through the issuance of revenue bonds. LR 5CA was also to be submitted to the electors of Nebraska "[a]t the primary election in May 2010."

On January 11, 2010, Michael J. Flood, Speaker of the Nebraska Legislature, wrote to you and indicated that members of the Legislature "feel that a pay increase for state senators, while important to our institution, is not appropriate at this time" because of the "difficult financial times" and the fact that Nebraska families are "struggling to make ends meet." Speaker Flood then indicated that, based upon a previous opinion of this office and the Legislature's own research, the Legislature's practice of directing that a proposed constitutional amendment be placed on a ballot in the future

instead of at the next election might be "constitutionally flawed." As a result, Speaker Flood requested that you seek our opinion "to determine the effect of the delayed submission." He also stated, "[w]e believe that a delayed submission date is constitutionally suspect and as such, LR 1 CA should not appear on the 2010 Primary Election Ballot."

Speaker Flood's correspondence caused you to review our opinion set out at 1969-70 Rep. Att'y Gen. 102 (Opinion No. 67, dated August 8, 1969). Your reading of that opinion suggested that "a special election [for a proposed constitutional amendment] requested by the Legislature should occur sometime prior to the next regular General Election to accommodate the 'unusual importance or urgency' of the proposed measure." On that basis, you asked us if the scheduling of elections for LR 1 CA and LR 5 CA was improper so that those measures should not be placed on the 2010 Primary Election ballot. For the reasons discussed at length below, we believe that neither of those proposed constitutional amendments should be placed on the ballot for the 2010 Primary Election in Nebraska.

Before we turn to an analysis of the question you posed to us, we will briefly discuss the Legislature's role in submitting constitutional amendments to the people for their approval. Under art. XVI, § 1 of the Nebraska Constitution, the Legislature may propose amendments to the constitution for submission to the electors of Nebraska. When such a proposal for amendment to a state constitution is submitted, a legislature is not exercising its legislative power, but is acting under a limited power conferred by the people, i.e., submission of a proposed constitutional amendment to the people is not a legislative act. *Morris v. Governor of Maryland*, 263 Md. 20, 281 A.2d 216 (1971); *Bourbon v. Governor of Maryland*, 258 Md. 252, 265 A.2d 477 (1970); *Hutcheson v. Gonzales*, 41 N.M. 474, 71 P.2d 140 (1937); *Weston v. Ryan*, 70 Neb. 211, 97 N.W. 347 (1903); *In re Senate File 31*, 25 Neb. 864, 41 N.W. 981 (1889); 16 Am. Jur.2d Constitutional Law § 26 (2008). As a result, the power of the legislature to initiate changes in a state constitution is a delegated power rather than a plenary one, and it must be strictly construed. *State of Alabama v. Manley*, 441 So.2d. 864 (Ala. 1983); *Bourbon v. Governor of Maryland*, 258 Md. 252, 265 A.2d 477 (1970); *Leach v. Brown*, 167 Ohio St. 1, 145 N.E.2d 525 (1957); 16 Am. Jur.2d Constitutional Law § 26 (2008). In proposing a constitutional amendment, a legislature acts in the character and capacity of a constitutional convention and not in the exercise of its normal legislative authority. *Chaney v. Bryant*; 259 Ark. 294, 532 S.W.2d 741 (1976). The adoption of a proposed constitutional amendment by the Legislature does not amend the constitution; it is a mere proposal which possesses no validity until ratified by a majority vote of the people. *Cunningham v. Exon*, 207 Neb. 513, 300 N.W.2d 6 (1980); *In re Senate File 31*, 25 Neb. 864, 41 N.W. 981 (1889).

Art. XVI, §1, the constitutional provision at issue in this instance, provides, as is pertinent:

The Legislature may propose amendments to this Constitution. If the same be agreed to by three-fifths of the members elected to the Legislature, such proposed amendments shall be entered on the journal, with yeas and nays, and published once each week for three consecutive weeks, in at least one newspaper in each county, where a newspaper is published, immediately preceding the next election of members of the Legislature or a special election called by the vote of four-fifths of the members elected to the Legislature for the purpose of submitting such proposed amendments to the electors. At such election said amendments shall be submitted to the electors for approval or rejection upon a ballot separate from that upon which the names of candidates appear.

The plain language of art. XVI, § 1 suggests that three-fifths of the members of the Legislature can propose a constitutional amendment which will be presented to the people at the next election of members of the Legislature (the next General Election), or at a special election called for that purpose, when four-fifths of the members of the Legislature vote for the special election process. It also seems to us that the language of that constitutional provision suggests some immediacy or urgency in connection with its special election provisions, based upon the four-fifths, super-majority requirement.

In determining the meaning of constitutional language, effect must be given to the intent of the framers of the organic law and of the people who adopted it. In re Applications A-16027, 243 Neb. 419, 499 N.W.2d 548 (1993). It is permissible to consider the facts of history and "historical or operative facts" in determining the meaning of language of the Constitution, including the historical and operative facts in connection with its adoption. *Pig Pro Nonstock Cooperative v. Moore*, 253 Neb. 72, 568 N.W.2d 217 (1997); *Omaha National Bank v. Spire*, 223 Neb. 209, 389 N.W.2d 269 (1986).

It is also appropriate and helpful to consider, in connection with the historical background, the evil and mischief attempted to be remedied, the objects sought to be accomplished, and scope of the remedy its terms imply.

State ex rel. Spire v. Beermann, 235 Neb. 384, 390, 455 N.W.2d 749, 752 (1990) (quoting *State Railway Commission v. Ramsey*, 151 Neb. 333, 340-41, 37 N.W.2d 502, 507 (1949)). Accordingly, we have reviewed the historical facts and background pertaining to the special election language in art. XVI, § 1 in order to ascertain its meaning.

The provisions in art. XVI, § 1 which allow the Legislature to present a constitutional amendment to the electors at a special election if four-fifths of the members of that body vote to do so were placed in the Nebraska Constitution in 1968 as a result of 1967 Neb. Laws LB 217. LB 217 was introduced by state Senator Terry Carpenter, and portions of the legislative

history of that bill offer some sense of the objects he sought to accomplish with the proposed constitutional change.

During the public hearing on LB 217, Senator Carpenter introduced the bill, and made the following comments:

We'll take up LB 217. . . . The amendment I have, (See Exhibit J) after I gave some consideration and thought to the matter goes further than that, in that it says that by three-fourths vote of the Legislature like any other Constitutional amendment the Legislature by that vote can call a special election to amend the Constitution. . . . So at least consider this amendment, to at least getting it out on the floor, in order to see in the judgment of the majority of the Legislature itself for the committee to feel this might be desirable and necessary. Otherwise there is no way in the world between general elections irrespective of the situation that this Legislature either in regular session or special session can submit an amendment to the Constitution, any sooner than every two years. It may be that the three-fifths might be too lacking -- I don't care what the number is -- I am only trying to visualize if and when this circumstance does arise, maybe it never will arise, but if it does we will not have the ability to do this. It is well . . . Submitting a question like this which can be decided within the area of three or four months.

Committee Records on LB 217, 77th Neb. Leg.,12-13 (February 10, 1967)(emphasis added). Subsequently, during floor debate on the bill, Senator Carpenter offered the following:

Now, what is the purpose of this bill? This legislature today is going through a great deal of mental anguish. . . . we are now confronted in an area in which I am sure none of us really knows what to do. I can foresee by the imaginative mind that I have in the future that this stage (sic) could be confronted with a problem in which we would not be willing to act until we got further advice and consent from the people of this state. . . . As the constitution now says, we cannot amend the constitution except at a general election, which means that every two years. What this bill says and the intent and the expects from it is this, that if a condition arises in which 4/5 of us want too (sic), based upon the number of 40 if none exists, can then submit by special election of the people of this state for further guidance or to amend and constitute the point which at that particular time we feel is not broad enough in order for us to take care of the emergency as might exist. I realize that this is only, so to speak, a law in inventory, so to speak. I realize that it may never exist and I hope that it doesn't. But, if it does you want to tie our hands for two years in order to muddle through and to go through in a state of anguish to a point that we can't do anything until the next general election and I think this bill has extreme importance

Floor Debate on LB 217, 77th Neb. Leg., 581 (February 24, 1967)(Statement of Sen. Carpenter)(emphasis added). Senator Carpenter also stated:

On this amendment [LB 217], because of the emergency nature of it, to be used on line 15, we say called by 4/5 of the Legislature. So the 4/5 notes only apply in the event that this Legislature – some Legislature would call a special session for the purposes of the bill.

Floor Debate on LB 217, 77th Neb. Leg., 622 (February 27, 1967)(Statement of Sen. Carpenter)(emphasis added). Finally, the following exchange occurred between Sen. Gerdes and Sen. Carpenter regarding LB 217 during floor debate on February 27, 1967:

Senator Gerdes: I would like to ask Senator Carpenter a question. As I understand it, and maybe I do not. If we had decided to have a special election, something came up so important, that we have to have a special election, then we would have to have a 4/5 vote of the Legislature to put this before the people.

Senator Carpenter: That is correct.

Floor Debate on LB 217, 77th Neb. Leg., 624 (February 27, 1967) (emphasis added).

From the legislative history discussed above, it is apparent that Senator Carpenter introduced LB 217 to deal with the fact that there was no way under the Nebraska Constitution as it existed in 1967 for the Legislature to quickly submit an amendment to the Nebraska Constitution to the people because, at that time, any amendment proposed by the Legislature could not be voted on until the next General Election. Moreover, LB 217 was designed to allow quick amendment of the Nebraska Constitution in situations where the circumstances involved important and urgent issues which required emergency action.

The opinion of this office which you and Speaker Flood cited is consistent with those conclusions. In 1969-70 Rep. Att’y Gen. 102 (Opinion No. 67, dated August 8, 1969), we considered whether the Legislature was permitted, under art. XVI, § 1, to determine which of several constitutional amendments proposed by the Legislature could be submitted at a particular special election. In the course of that opinion, which was written in 1969 shortly after LB 217 was submitted to the voters, we stated:

The amendment of 1968 [LB 217] permitted the Legislature to call a special election for the submission of proposed constitutional amendments, where before, such could be submitted only at general elections. . . .

* * *

The amendment of 1968, as we have noted, permits the calling of a special election at the discretion of the Legislature. The requirement of a four-fifths majority for the calling thereof suggests a constitutional anticipation that special elections should be held only for proposed amendments of unusual importance or urgency. It would be inconsistent with this concept to require the submission of relatively minor proposed amendments merely because a special election had been called for a truly significant measure.

* * *

On the basis of our analysis of Article XVI, Section 1, Constitution of Nebraska, it is our opinion that the Legislature may, by a four-fifths vote, call a special election and may provide which proposed constitutional amendments shall be submitted thereat. All such proposed amendments which are not specifically designated to be submitted at the special election shall be submitted at the next succeeding election of members of the Legislature.

1969-70 Rep. Att'y Gen. 102, 103-104 (Opinion No. 67, dated August 8, 1969).

The historical background of LB 217 discussed above indicates that the evil or mischief which LB 217 was designed to remedy was the fact that there was no way for the Legislature to quickly submit a proposed constitutional amendment to the electors in Nebraska when urgent or important situations required that action. The object of the bill was to create such a process using special elections, to be initiated when a four-fifths majority of the Legislature determined it was necessary. With those conclusions in mind, we will again consider the language of art XVI, § 1.

It is our view that the language of art. XVI, § 1 implicitly means that, in important or urgent situations, a four-fifths majority of the Legislature may submit a constitutional amendment to the electors of Nebraska more quickly than under the usual circumstances. Therefore, since the Legislature acts under a limited, delegated authority when it proposes constitutional amendments, and that authority must be strictly construed, we believe that art. XI, § 1 authorizes four-fifths of the members of the Legislature to submit a constitutional amendment to the people at a special election before the next General Election. We do not believe that it authorizes the Legislature to submit such an amendment to the people in the future, after the next General Election.¹ On that basis, we conclude that LR 1CA and LR 5CA are beyond the constitutional authority of the Legislature, and absent such authority, should not be placed on the ballot for the 2010 General Election.

¹We note that our conclusion regarding the Legislature's authority to submit constitutional amendments at special elections beyond the next General

Election is consistent with the notion that one legislature cannot bind a succeeding legislature or restrict or limit the power of its successors to enact legislation. *State ex rel. Stenberg v. Moore*, 249 Neb. 589, 544 N.W.2d 344 (1996).

Sincerely,
JON BRUNING
Attorney General
(Signed) Dale A. Comer
Assistant Attorney General

cc: Patrick J. O'Donnell
Clerk of the Legislature
05-172-20

COMMUNICATION

February 4, 2010

Speaker Mike Flood
Nebraska Legislature
Room 2103
State Capitol
Lincoln, NE 68509

Dear Speaker Flood:

On January 11th of this year, you wrote to me suggesting that I should ask for an Attorney General's Opinion regarding LR1CA (2007) and LR 5CA (2008). Both measures were passed by a 4/5ths majority and had been delivered to my office. Both measures called for a special election to be held in conjunction with the Primary Election to be held in May 2010. Your concern was that it might be improper to place the issues on a ballot for an election that would occur after the next election for members of the Legislature. As you are aware I made that request shortly after receiving your letter.

I have attached a copy of the Attorney General's response. To summarize, the opinion states that special elections for constitutional amendments were intended for situations when the Legislature needs or wants to submit a measure to the voters "more quickly than under the usual circumstances." (See. p. 7) The opinion concludes that LR 1CA (2007) and LR 5CA (2008) were improper and should not be placed on the 2010 Primary Election ballot.

This letter is to inform you, that in accordance with the Attorney General's Opinion, I will not certify LR 1CA and LR 5CA for the 2010 Primary

Election ballot. Should you have questions or comments regarding this decision, I would encourage you to contact my office.

Sincerely
 (Signed) John A. Gale
 Secretary of State

cc: Patrick O'Donnell, Clerk of the Legislature

NOTICE OF COMMITTEE HEARINGS
 Transportation and Telecommunications

Room 1113

Tuesday, February 16, 2010 1:30 p.m.

LB773
 LB820
 LB896
 LB933
 LB991

Monday, February 22, 2010 1:30 p.m.

LB1024
 LB1004
 LB1100

Tuesday, February 23, 2010 1:30 p.m.

LB1060
 LB1065
 LB1092
 LB998

(Signed) Deb Fischer, Chairperson

UNANIMOUS CONSENT - Room Change

Senator Lathrop asked unanimous consent that the Business and Labor Committee conduct its hearing on Monday, February 8, 2010, in Room 1524 instead of Room 2102. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 190A. Senator Avery withdrew his amendment, AM1674, found on page 390.

Senator Avery renewed his amendment, AM1769, found on page 475.

The Avery amendment was adopted with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 297. ER8144, found on page 262, was adopted.

Senator Dubas renewed her amendment, AM1782, found on page 476.

Pending.

COMMITTEE REPORTS

Government, Military and Veterans Affairs

LEGISLATIVE BILL 716. Placed on General File with amendment. AM1694

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

3 Section 1. Section 32-604, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 32-604 (1) Except as provided in subsection (2) or (4) of
6 this section, no person shall be precluded from being elected or
7 appointed to or holding an elective office for the reason that he
8 or she has been elected or appointed to or holds another elective
9 office.

10 (2) No person serving as a member of the Legislature or
11 in an elective office described in Article IV, section 1 or 20,
12 or Article VII, section 3 or 10, of the Constitution of Nebraska
13 shall simultaneously serve in any other elective office, except
14 that such a person may simultaneously serve in another elective
15 office which is filled at an election held in conjunction with the
16 annual meeting of a public body.

17 (3) Whenever an incumbent serving as a member of the
18 Legislature or in an elective office described in Article IV,
19 section 1 or 20, or Article VII, section 3 or 10, of the
20 Constitution of Nebraska assumes another elective office, except
21 an elective office filled at an election held in conjunction with
22 the annual meeting of a public body, the office first held by the
23 incumbent shall be deemed vacant.

1 (4) No person serving in a high elective office shall
2 simultaneously serve in any other high elective office, except that
3 a county attorney may serve as the county attorney for more than
4 one county if appointed under subsection (2) of section 23-1201.01.

5 (5) Notwithstanding ~~subsections (2) through subsection~~
6 (4) of this section, any person holding more than one high elective
7 office upon ~~September 13, 1997, the effective date of this act,~~
8 shall be entitled to serve the remainder of all terms for which he
9 or she was elected or appointed.

10 (6) For purposes of this section, (a) elective office has
 11 the meaning found in section 32-109 and includes an office which is
 12 filled at an election held in conjunction with the annual meeting
 13 of a public body created by an act of the Legislature but does
 14 not include a member of a learning community coordinating council
 15 appointed pursuant to subsection (5) or (7) of section 32-546.01
 16 and (b) high elective office means a member of the Legislature,
 17 an elective office described in Article IV, section 1 or 20, or
 18 Article VII, section 3 or 10, of the Constitution of Nebraska, or a
 19 county, city, community college area, learning community, or school
 20 district elective office.

21 Sec. 2. Section 85-1512, Reissue Revised Statutes of
 22 Nebraska, is amended to read:

23 85-1512 Each board shall divide the community college
 24 area into five election districts as nearly equal in population as
 25 may be practicable and shall transmit the appropriate information
 26 pertaining to such election districts to the Secretary of State
 27 and to the appropriate election officials within the area. Board
 1 members shall be nominated and elected as provided in section
 2 32-514. To be eligible for membership on the board, a person
 3 shall be a registered voter and shall have been a resident of
 4 the area for six months and, for members representing a district,
 5 a resident of the district for six months. ~~No person shall be~~
 6 ~~eligible to membership on a community college board of governors~~
 7 ~~who is an elected or appointed member of any other board relating~~
 8 ~~to education.~~ Each member elected to represent a district shall be
 9 a resident of the district.

10 Sec. 3. Original sections 32-604 and 85-1512, Reissue
 11 Revised Statutes of Nebraska, are repealed.

LEGISLATIVE BILL 987. Placed on General File with amendment.
 AM1778

1 1. On page 2, line 7, after the period insert "In
 2 consultation with the department, the institute may include any
 3 other postsecondary institution in Nebraska which has a college of
 4 medicine in the conduct of the study.".

(Signed) Bill Avery, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 316. Introduced by Ashford, 20.

WHEREAS, Mike Kemp has been inducted into the Omaha Hockey Hall of Fame; and

WHEREAS, Mike Kemp helped to start and build the hockey program at the University of Nebraska at Omaha, becoming the school's first head coach of hockey in 1997; and

WHEREAS, Mike Kemp, during his twelve-year tenure as head coach, built the University of Nebraska at Omaha hockey team into an established hockey program and earned a National Collegiate Athletic Association tournament berth in 2006; and

WHEREAS, Mike Kemp currently serves as an Associate Athletic Director at the University of Nebraska at Omaha.

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

1. That the Legislature congratulates Mike Kemp for being inducted into the Omaha Hockey Hall of Fame.

2. That a copy of this resolution be sent to Mike Kemp.

Laid over.

ANNOUNCEMENTS

Senator Gay designates LB735 as his priority bill.

Senator Krist designates LB987 as his priority bill.

The General Affairs Committee designates LR277CA as its priority resolution.

SELECT FILE

LEGISLATIVE BILL 297. The Dubas amendment, AM1782, found on page 476 and considered in this day's Journal, was renewed.

Senator Sullivan moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Dubas amendment was adopted with 25 ayes, 4 nays, 16 present and not voting, and 4 excused and not voting.

Senator Dubas moved for a call of the house. The motion prevailed with 40 ayes, 0 nays, and 9 not voting.

Senator Dubas requested a roll call vote, in reverse order, on the advancement of the bill.

Voting in the affirmative, 22:

Ashford	Dierks	Karpisek	Mello	Wallman
Avery	Dubas	Krist	Nordquist	White
Carlson	Flood	Lathrop	Pirsch	
Conrad	Giese	McCoy	Rogert	
Cook	Haar	McGill	Sullivan	

Voting in the negative, 12:

Adams	Gay	Heidemann	Stuthman
Fischer	Hadley	Louden	Utter
Fulton	Hansen	Nelson	Wightman

Present and not voting, 11:

Campbell	Gloor	Janssen	Pankonin
Christensen	Harms	Langemeier	Price
Cornett	Howard	Lautenbaugh	

Excused and not voting, 4:

Coash	Council	Pahls	Schilz
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Failed to advance to Enrollment and Review for Engrossment with 22 ayes, 12 nays, 11 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 373. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 690. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 691. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 736. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 751. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 650. ER8150, found on page 394, was adopted.

Senator Christensen renewed his amendment, AM1682, found on page 474.

The Christensen amendment was adopted with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 650A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 698. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 226. ER8151, found on page 395, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 798. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 731. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 738. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 814. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 721. ER8153, found on page 405, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 722. Senator Avery renewed his amendment, AM1771, found on page 474.

The Avery amendment was adopted with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

Senator Heidemann offered the following amendment:

AM1767

- 1 1. On page 5, strike beginning with "Priority" in line 17
- 2 through line 22 and show as stricken.

Senator Heidemann withdrew his amendment.

Advanced to Enrollment and Review for Engrossment.

COMMITTEE REPORTS

Revenue

LEGISLATIVE BILL 1078. Placed on General File.

(Signed) Abbie Cornett, Chairperson

Judiciary

LEGISLATIVE BILL 352. Placed on General File with amendment.
AM1799

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

3 Section 1. Section 25-505.01, Revised Statutes
4 Supplement, 2009, is amended to read:

5 25-505.01 (1) Unless otherwise limited by statute or by
6 the court, a plaintiff may elect to have service made by any of the
7 following methods:

8 (a) Personal service which shall be made by leaving the
9 summons with the individual to be served;

10 (b) Residence service which shall be made by leaving the
11 summons at the usual place of residence of the individual to be
12 served, with some person of suitable age and discretion residing
13 therein;

14 (c) Certified mail service which shall be made by (i)
15 within ten days of issuance, sending the summons to the ~~defendant~~
16 individual to be served by certified mail with a return receipt
17 requested showing to whom and where delivered and the date of
18 delivery, and (ii) filing with the court proof of service with the
19 signed receipt attached; or

20 ~~(d) By depositing with a designated delivery service~~
21 ~~authorized pursuant to 26 U.S.C. 7502(f)(2) a copy of the summons~~
22 ~~and complaint, addressed to the party to be served, delivering to~~
23 ~~the addressee, and obtaining a delivery receipt. As used in this~~
1 ~~subdivision, delivery receipt includes an electronic or facsimile~~
2 ~~receipt.~~

3 (d) Designated delivery service which shall be made
4 by (i) within ten days of issuance, sending the summons by
5 a designated delivery service to the individual or entity to
6 be served, (ii) obtaining a signed delivery receipt showing to
7 whom and where delivered and the date of delivery, and (iii)
8 filing with the court proof of service with a copy of the
9 signed delivery receipt attached. As used in this subdivision, a
10 designated delivery service means a delivery service designated as
11 such pursuant to 26 U.S.C. section 7502(f) and a signed delivery
12 receipt includes an electronic or facsimile receipt with an image
13 of the recipient's signature.

14 (2) Failure to make service by the method elected by the
15 plaintiff does not affect the validity of the service.

16 (3) The State Court Administrator shall maintain on the
17 web site of the Supreme Court a list of designated delivery
18 services.

19 Sec. 2. Section 25-506.01, Revised Statutes Supplement,
20 2009, is amended to read:

21 25-506.01 (1) Unless the plaintiff has elected certified
22 mail service or designated delivery service, the summons shall be

23 served by the sheriff of the county where service is made, by
 24 a person authorized by section 25-507 or otherwise authorized by
 25 law, or by a person, corporation, partnership, or limited liability
 26 company not a party to the action specially appointed by the court
 27 for that purpose.

1 (2) Certified mail service or designated delivery service
 2 shall be made by plaintiff or plaintiff's attorney.

3 Sec. 3. Section 25-507.01, Revised Statutes Supplement,
 4 2009, is amended to read:

5 25-507.01 (1) Within twenty days after the date of issue,
 6 the person serving the summons, other than by certified mail
 7 service or designated delivery service, shall make proof of service
 8 to the court stating the time, place, including the address if
 9 applicable, name of the person with whom the summons was left, and
 10 method of service, or return the unserved summons to the court with
 11 a statement of the reason for the failure to serve.

12 (2) When service is by certified mail service or
 13 designated delivery service, the plaintiff or plaintiff's attorney
 14 shall file proof of service within ten days after ~~return of~~
 15 the signed receipt is received or is available electronically,
 16 whichever occurs first.

17 (3) Failure to make proof of service or delay in doing so
 18 does not affect the validity of the service.

19 Sec. 4. Section 25-508.01, Reissue Revised Statutes of
 20 Nebraska, is amended to read:

21 25-508.01 (1) An individual party, other than a person
 22 under the age of fourteen years, may be served by personal,
 23 residence, ~~or~~ certified mail, or designated delivery service.

24 (2) A party under the age of fourteen years may be served
 25 by personal, residence, ~~or~~ certified mail, or designated delivery
 26 service upon an adult person with whom the minor resides and who is
 27 the minor's parent, guardian, or person having care of the minor.

1 If none of these can be found, a party under the age of fourteen
 2 years may be served by personal service.

3 (3) If the person to be served is an incapacitated
 4 person for whom a conservator or guardian has been appointed or is
 5 confined in any institution, notice of the service shall be given
 6 to the conservator, guardian, or superintendent or similar official
 7 of the institution. Failure to give such notice does not affect the
 8 validity of the service on the incapacitated person.

9 Sec. 5. Section 25-509.01, Reissue Revised Statutes of
 10 Nebraska, is amended to read:

11 25-509.01 A corporation may be served by personal,
 12 residence, ~~or~~ certified mail, or designated delivery service upon
 13 any officer, director, managing agent, or registered agent, or by
 14 leaving the process at the corporation's registered office with
 15 a person employed therein, or by certified mail or designated
 16 delivery service to the corporation's registered office.

17 Sec. 6. Section 25-510.02, Reissue Revised Statutes of

18 Nebraska, is amended to read:

19 25-510.02 (1) The State of Nebraska, any state agency
20 as defined in section 81-8,210, and any employee of the state as
21 defined in section 81-8,210 sued in an official capacity may be
22 served by leaving the summons at the office of the Attorney General
23 with the Attorney General, deputy attorney general, or someone
24 designated in writing by the Attorney General, or by certified
25 mail or designated delivery service addressed to the office of the
26 Attorney General.

27 (2) Any county, city, or village of this state may be
1 served by personal, residence, ~~or~~ certified mail, or designated
2 delivery service upon the chief executive officer, or clerk.

3 (3) Any political subdivision of this state, as defined
4 in subdivision (1) of section 13-903, other than a county, city, or
5 village, may be served by personal, residence, ~~or~~ certified mail,
6 or designated delivery service upon the chief executive officer,
7 clerk, secretary, or other official whose duty it is to maintain
8 the official records, or any member of the governing board or
9 body, or by certified mail or designated delivery service to the
10 principal office of the political subdivision.

11 Sec. 7. Section 25-511.02, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 25-511.02 A dissolved corporation may be served by
14 personal, residence, ~~or~~ certified mail, or designated delivery
15 service upon any appointed receiver. If there is no receiver, a
16 dissolved corporation may be served by personal, residence, ~~or~~
17 certified mail, or designated delivery service upon any person
18 who at the time of dissolution was an officer, director, managing
19 agent, or registered agent, or upon any officer or director
20 designated in the last annual report filed with the Secretary of
21 State.

22 Sec. 8. Section 25-512.01, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 25-512.01 A partnership or limited partnership may be
25 served by personal, residence, ~~or~~ certified mail, or designated
26 delivery service upon any partner except a limited partner, or by
27 certified mail or designated delivery service at its usual place of
1 business, or the process may be left at its usual place of business
2 with an employee of the partnership or limited partnership.

3 Sec. 9. Section 25-513.01, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 25-513.01 An unincorporated association may be served
6 by personal, residence, ~~or~~ certified mail, or designated delivery
7 service upon an officer or managing agent, or by certified mail
8 or designated delivery service to the association at its usual
9 place of business, or by leaving the process at its usual place of
10 business with an employee of the unincorporated association.

11 Sec. 10. Section 25-514.01, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 25-514.01 Any party may be served by personal, residence,
 14 ~~or certified mail, or designated delivery~~ service upon an agent
 15 authorized by appointment or by law to receive service of process.

16 Sec. 11. Original sections 25-508.01, 25-509.01,
 17 25-510.02, 25-511.02, 25-512.01, 25-513.01, and 25-514.01, Reissue
 18 Revised Statutes of Nebraska, and sections 25-505.01, 25-506.01,
 19 and 25-507.01, Revised Statutes Supplement, 2009, are repealed.

(Signed) Brad Ashford, Chairperson

AMENDMENTS - Print in Journal

Senator Fischer filed the following amendment to LB743:
 AM1797

1 1. Insert the following new sections:

2 Sec. 3. Section 37-201, Revised Statutes Supplement,
 3 2009, is amended to read:

4 37-201 Sections 37-201 to 37-811 and section 4 of this
 5 act shall be known and may be cited as the Game Law.

6 Sec. 4. Property conveyed by the commission pursuant to
 7 sections 1 and 2 of this act shall be operated and maintained as
 8 follows:

9 (1) The property shall be maintained so as to appear
 10 attractive and inviting to the public;

11 (2) Sanitation and sanitary facilities shall be
 12 maintained in accordance with applicable health standards;

13 (3) Properties shall be kept reasonably open, accessible,
 14 and safe for public use. Fire prevention and similar activities
 15 shall be maintained for proper public safety;

16 (4) Buildings, roads, trails, and other structures and
 17 improvements shall be kept in reasonable repair throughout their
 18 estimated lifetime to prevent undue deterioration and to encourage
 19 public use; and

20 (5) The facility shall be kept open for public use at
 21 reasonable hours and times of the year, according to the type of
 22 area or facility.

23 The commission shall be responsible for compliance and
 1 enforcement of the requirements set forth in this section.

2 Sec. 5. Original section 37-201, Revised Statutes
 3 Supplement, 2009, is repealed.

4 2. Renumber the remaining sections accordingly.

Senator Fulton filed the following amendment to LB873:
 AM1765

1 1. On page 2, line 3, strike "may", show as stricken, and
 2 insert "shall".

Senator Pankonin filed the following amendment to LB373:

FA64

Strike the enacting clause.

ANNOUNCEMENT

The Government, Military and Veterans Affairs Committee designates LB951 and LB686 as its priority bills.

UNANIMOUS CONSENT - Add Cointroducers

Senators Fischer, Janssen, and Price asked unanimous consent to add their names as cointroducers to LB1103. No objections. So ordered.

VISITOR

The Doctor of the Day was Dr. Joe Citta from Columbus.

ADJOURNMENT

At 11:59 a.m., on a motion by Speaker Flood, the Legislature adjourned until 10:00 a.m., Tuesday, February 9, 2010.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-THIRD DAY - FEBRUARY 9, 2010**LEGISLATIVE JOURNAL****ONE HUNDRED FIRST LEGISLATURE
SECOND SESSION****TWENTY-THIRD DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 9, 2010

PRAYER

The prayer was offered by Pastor Aaron Householder, Southview Baptist Church, Lincoln.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Sheehy presiding.

The roll was called and all members were present except Senators Cook and Pahls who were excused; and Senators Heidemann and Karpisek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-second day was approved.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 190A. Placed on Final Reading.
LEGISLATIVE BILL 373. Placed on Final Reading.
LEGISLATIVE BILL 690. Placed on Final Reading.
LEGISLATIVE BILL 691. Placed on Final Reading.
LEGISLATIVE BILL 736. Placed on Final Reading.
LEGISLATIVE BILL 751. Placed on Final Reading.

(Signed) Jeremy Nordquist, Chairperson

ANNOUNCEMENTS

Senator Heidemann designates LB771 as his priority bill.

Senator McCoy designates LB742 as his priority bill.

COMMITTEE REPORTS

Government, Military and Veterans Affairs

LEGISLATIVE BILL 737. Indefinitely postponed.**LEGISLATIVE BILL 826.** Indefinitely postponed.**LEGISLATIVE BILL 839.** Indefinitely postponed.**LEGISLATIVE BILL 1035.** Indefinitely postponed.

(Signed) Bill Avery, Chairperson

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 303, 304, 305, 306, and 307 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 303, 304, 305, 306, and 307.

SELECT FILE**LEGISLATIVE BILL 791.** ER8154, found on page 405, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 743. Senator Fischer renewed her amendment, AM1797, found on page 497.

The Fischer amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 871. Advanced to Enrollment and Review for Engrossment.**LEGISLATIVE BILL 749.** Advanced to Enrollment and Review for Engrossment.**LEGISLATIVE BILL 816.** ER8155, found on page 429, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 788. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 705. ER8156, found on page 443, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 725. ER8158, found on page 453, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 762. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 708. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 806. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 873. Senator Fulton renewed his amendment, AM1765, found on page 497.

The Fulton amendment was adopted with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 667. ER8157, found on page 454, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 711. Senator Dierks offered the following amendment:

AM1804

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

The Dierks amendment was adopted with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 797. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 832. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 911. Advanced to Enrollment and Review for

Engrossment.

GENERAL FILE

LEGISLATIVE BILL 890. Title read. Considered.

Advanced to Enrollment and Review Initial with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 891. Title read. Considered.

Advanced to Enrollment and Review Initial with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 892. Title read. Considered.

Advanced to Enrollment and Review Initial with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 643. Title read. Considered.

Committee AM1620, found on page 406, was adopted with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 723. Title read. Considered.

Advanced to Enrollment and Review Initial with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

COMMITTEE REPORTS

Judiciary

LEGISLATIVE BILL 703. Placed on General File.

LEGISLATIVE BILL 258. Placed on General File with amendment.
AM1803

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 53-101, Revised Statutes Cumulative
- 4 Supplement, 2008, is amended to read:
- 5 53-101 Sections 53-101 to 53-1,122 and section 3 of this
- 6 act shall be known and may be cited as the Nebraska Liquor Control
- 7 Act.
- 8 Sec. 2. Section 53-180.05, Reissue Revised Statutes of
- 9 Nebraska, is amended to read:
- 10 53-180.05 (1) Any person violating section 53-180 shall

11 be guilty of a Class I misdemeanor. Any person violating any of the
12 provisions of ~~sections 53-180.01 to~~ section 53-180.01 or 53-180.03
13 shall be guilty of a Class III misdemeanor. Any person older
14 than eighteen years of age and under the age of twenty-one years
15 violating section 53-180.02 is guilty of a Class III misdemeanor.
16 Any person eighteen years of age or younger violating section
17 53-180.02 is guilty of a misdemeanor as provided in section 3 of
18 this act and shall be punished as provided in such section.

19 (2) Any person who knowingly manufactures, creates, or
20 alters any form of identification for the purpose of sale or
21 delivery of such form of identification to a person under the age
22 of twenty-one years shall be guilty of a Class I misdemeanor. For
23 purposes of this subsection, form of identification means any card,
1 paper, or legal document that may be used to establish the age of
2 the person named thereon for the purpose of purchasing alcoholic
3 liquor.

4 (3) When a minor is arrested for a violation of sections
5 53-180 to 53-180.02 or subsection (2) of this section, the law
6 enforcement agency employing the arresting peace officer shall make
7 a reasonable attempt to notify such minor's parent or guardian of
8 the arrest.

9 Sec. 3. The penalty for violation of section 53-180.02 by
10 a person eighteen years of age or younger shall be as follows:

11 (1) If the person convicted or adjudicated of violating
12 such section has one or more licenses or permits issued under the
13 Motor Vehicle Operator's License Act:

14 (a) For the first offense, such person is guilty of
15 a Class III misdemeanor and the court shall, as a part of the
16 judgment of conviction or adjudication, impound any such licenses
17 or permits for thirty days and require such person to attend an
18 alcohol education class;

19 (b) For a second offense, such person is guilty of a
20 Class III misdemeanor and the court, as a part of the judgment of
21 conviction or adjudication, shall (i) impound any such licenses or
22 permits for ninety days and (ii) require such person to complete no
23 fewer than twenty and no more than forty hours of community service
24 and to attend an alcohol education class; and

25 (c) For a third or subsequent offense, such person is
26 guilty of a Class III misdemeanor and the court, as a part of
27 the judgment of conviction or adjudication, shall (i) impound any
1 such licenses or permits for twelve months and (ii) require such
2 person to complete no fewer than sixty hours of community service,
3 to attend an alcohol education class, and to submit to an alcohol
4 assessment by a licensed alcohol and drug counselor.

5 (2) If the person convicted or adjudicated of violating
6 such section does not have a permit or license issued under the
7 Motor Vehicle Operator's License Act:

8 (a) For the first offense, such person is guilty of a
9 Class III misdemeanor and the court, as part of the judgment of

10 conviction or adjudication, shall (i) prohibit such person from
 11 obtaining any permit or any license pursuant to the act for which
 12 such person would otherwise be eligible until thirty days after
 13 the date of such order and (ii) require such person to attend an
 14 alcohol education class;

15 (b) For a second offense, such person is guilty of a
 16 Class III misdemeanor and the court, as part of the judgment of
 17 conviction or adjudication, shall (i) prohibit such person from
 18 obtaining any permit or any license pursuant to the act for which
 19 such person would otherwise be eligible until ninety days after
 20 the date of such order and (ii) require such person to complete no
 21 fewer than twenty hours and no more than forty hours of community
 22 service and to attend an alcohol education class; and

23 (c) For a third or subsequent offense, such person is
 24 guilty of a Class III misdemeanor and the court, as part of the
 25 judgment of conviction or adjudication, shall (i) prohibit such
 26 person from obtaining any permit or any license pursuant to the
 27 act for which such person would otherwise be eligible until twelve
 1 months after the date of such order and (ii) require such person to
 2 complete no fewer than sixty hours of community service, to attend
 3 an alcohol education class, and to submit to an alcohol assessment
 4 by a licensed alcohol and drug counselor.

5 (3) A copy of an abstract of the court's conviction or
 6 adjudication shall be transmitted to the Director of Motor Vehicles
 7 pursuant to sections 60-497.01 to 60-497.04.

8 Sec. 4. Original section 53-180.05, Reissue Revised
 9 Statutes of Nebraska, and section 53-101, Revised Statutes
 10 Cumulative Supplement, 2008, are repealed.

(Signed) Brad Ashford, Chairperson

Revenue

LEGISLATIVE BILL 879. Placed on General File with amendment.
 AM1798

- 1 1. On page 31, line 13, after "under" insert "subsection
- 2 (3) of".
- 3 2. On page 52, line 16, after "to" insert ", but not
- 4 incorporated into,"; and strike beginning with "incorporated" in
- 5 line 22 through "to" in line 23 and insert "(A) incorporated into
- 6 real estate as a part of a project and (B) annexed to, but not
- 7 incorporated into,".

(Signed) Abbie Cornett, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 759. Placed on General File.

LEGISLATIVE BILL 760. Placed on General File.

(Signed) Pete Pirsch, Vice Chairperson

AMENDMENTS - Print in Journal

Senator Gloor filed the following amendment to LB713:

AM1792

(Amendments to Standing Committee amendments, AM1687)

- 1 1. On page 1, line 15, after "act" insert "or other
- 2 qualified provider as identified by the department in rules and
- 3 regulations adopted pursuant to section 79-249".

Senator Karpisek filed the following amendment to LB867:

AM1801

- 1 1. Insert the following new section:
- 2 Sec. 3. Section 53-138.01, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 53-138.01 The State Treasurer shall credit forty dollars
- 5 of each state registration fee to the General Fund and the
- 6 remaining five dollars to the Nebraska Liquor Control Commission
- 7 Rule and Regulation Cash Fund to be used for providing licensees
- 8 with materials pursuant to section 53-117.05. All retail license
- 9 fees received by the city or village treasurer, as the case may
- 10 be, shall inure to the school fund of the district lying wholly
- 11 or partially within the corporate limits of such city or village.
- 12 ~~The Except as otherwise provided in section 53-123.15, the State~~
- 13 Treasurer shall credit all license fees received by the commission
- 14 for licenses issued pertaining to alcoholic liquor, including beer,
- 15 to the temporary school fund to be used for the support of the
- 16 common schools as provided in Article VII, section 5, of the
- 17 Constitution of Nebraska. All retail license fees received by the
- 18 county treasurer, as provided in section 53-124, shall be credited
- 19 to the school fund of the county.
- 20 2. Renumber the remaining section and correct the
- 21 repealer accordingly.

Senator Giese filed the following amendment to LB746:

AM1795

(Amendments to Standing Committee amendments, AM1669)

- 1 1. On page 1, line 14, strike "Mexican-Americans" and
- 2 insert "Latino-Americans".
- 3 2. On page 2, strike beginning with "representative" in
- 4 line 12 through "and" in line 13 and insert "member of the".

GENERAL FILE

LEGISLATIVE BILL 787. Title read. Considered.

SENATOR ROBERT PRESIDING

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 914. Title read. Considered.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 12 present and not voting, and 8 excused and not voting.

COMMITTEE REPORTS

Judiciary

LEGISLATIVE BILL 732. Placed on General File with amendment.
AM1727

- 1 1. Insert the following new section:
- 2 Sec. 4. Section 76-1009, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 76-1009 On the date and at the time and place designated
- 5 in the notice of sale, the trustee shall sell the property at
- 6 public auction to the highest bidder. The attorney for the trustee
- 7 may conduct the sale. Any person, including the beneficiary, may
- 8 bid at the sale. Every bid shall be deemed an irrevocable offer.
- 9 If the purchaser refuses to pay the amount bid by him or her for
- 10 the property struck off to him or her at the sale, the trustee may
- 11 again sell the property at any time to the highest bidder, except
- 12 that notice of the sale shall be given again in the same manner
- 13 as the original notice of sale was required to be given. The party
- 14 refusing to pay shall be liable for any loss occasioned thereby,
- 15 and the trustee may also, in his or her discretion, thereafter
- 16 reject any other bid of such person.
- 17 The person conducting the sale may, for any cause he or
- 18 she deems expedient, postpone the sale of all or any portion of the
- 19 property from time to time until it is completed and, in every such
- 20 case, notice of postponement shall be given by public declaration
- 21 thereof by such person at the time and place last appointed for the
- 22 sale. The public declaration of the notice of postponement shall
- 23 include the new date, time, and place of sale. No other notice of
- 1 the postponed sale need be given unless the sale is postponed for
- 2 longer than forty-five days beyond the day designated in the notice
- 3 of sale in which event notice thereof shall be given in the same
- 4 manner as the original notice of sale is required to be given.
- 5 2. On page 2, line 15; page 3, line 17; and page 4, line
- 6 17, after the period insert "The public declaration of the notice
- 7 of postponement shall include the new date, time, and place of

- 8 sale".
9 3. On page 4, line 22, after the third comma insert
10 "76-1009".
11 4. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 1047. Placed on General File with amendment.
AM1812

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

(Signed) Brad Ashford, Chairperson

VISITORS

Visitors to the Chamber were Patrick Gray from Lincoln; Brian, Suzanne, Elizabeth, and Elliott Csipkes from Gretna; Vera and Gary Salmon from Lincoln and Carol Remmers from Beatrice; 40 twelfth-grade students and teachers from Benson High School, Omaha; and members of Scottsbluff Rotary Club from Scottsbluff.

The Doctor of the Day was Dr. Roger Meyer from Utica.

ADJOURNMENT

At 11:55 a.m., on a motion by Speaker Flood, the Legislature adjourned until 10:00 a.m., Wednesday, February 10, 2010.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-FOURTH DAY - FEBRUARY 10, 2010**LEGISLATIVE JOURNAL****ONE HUNDRED FIRST LEGISLATURE
SECOND SESSION****TWENTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 10, 2010

PRAYER

The prayer was offered by Senator Stuthman.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Sheehy presiding.

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

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-third day was approved.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 226. Placed on Final Reading.

LEGISLATIVE BILL 650. Placed on Final Reading.
ST9071

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

1. In the Standing Committee amendments, AM1582:

a. On page 44, line 27, "sections 60-501 to 60-569" has been struck, shown as stricken, and "the Motor Vehicle Safety Responsibility Act" inserted; and

b. On page 45, line 3, an underscored comma has been inserted after "death"; and in line 24 an underscored comma has been inserted after "use".

2. On page 1, line 7, "to provide an operative date;" has been inserted after the third semicolon.

LEGISLATIVE BILL 650A. Placed on Final Reading.

LEGISLATIVE BILL 698. Placed on Final Reading.

LEGISLATIVE BILL 721. Placed on Final Reading.

LEGISLATIVE BILL 722. Placed on Final Reading.
LEGISLATIVE BILL 731. Placed on Final Reading.
LEGISLATIVE BILL 738. Placed on Final Reading.
LEGISLATIVE BILL 798. Placed on Final Reading.
LEGISLATIVE BILL 814. Placed on Final Reading.

(Signed) Jeremy Nordquist, Chairperson

COMMITTEE REPORTS
 Revenue

LEGISLATIVE BILL 972. Placed on General File.

LEGISLATIVE BILL 893. Indefinitely postponed.

LEGISLATIVE RESOLUTION 271CA. Indefinitely postponed.
LEGISLATIVE RESOLUTION 276CA. Indefinitely postponed.

(Signed) Abbie Cornett, Chairperson

Health and Human Services

LEGISLATIVE BILL 706. Placed on General File.
LEGISLATIVE BILL 766. Placed on General File.

LEGISLATIVE BILL 726. Placed on General File with amendment.
 AM1763

1 1. On page 3, lines 1 through 5, strike the new matter
 2 and insert "which shall include, but not be limited to, four
 3 hours annually for direct care staff. Such training shall include
 4 topics pertaining to the form of care or treatment set forth in
 5 the disclosure described in this section. The requirement in this
 6 subdivision shall not be construed to increase the aggregate hourly
 7 training requirements of the Alzheimer's special care unit".

LEGISLATIVE BILL 828. Placed on General File with amendment.
 AM1732

1 1. Strike the original sections and insert the following
 2 new sections:
 3 Section 1. Section 38-1901, Reissue Revised Statutes of
 4 Nebraska, is amended to read:
 5 38-1901 Sections 38-1901 to 38-1920 and section 4 of this
 6 act shall be known and may be cited as the Medical Radiography
 7 Practice Act.
 8 Sec. 2. Section 38-1902, Reissue Revised Statutes of
 9 Nebraska, is amended to read:
 10 38-1902 For purposes of the Medical Radiography Practice
 11 Act and elsewhere in the Uniform Credentialing Act, unless the
 12 context otherwise requires, the definitions found in sections

13 38-1903 to 38-1913 and section 4 of this act apply.

14 Sec. 3. Section 38-1908, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 38-1908 Medical radiography means the application of
17 radiation to humans for diagnostic purposes, including, but not
18 limited to, ~~adjustment or manipulation of X ray systems and~~
19 ~~accessories including image receptors, positioning of patients,~~
20 ~~processing of films, and any other action that materially affects~~
21 ~~the radiation dose to patients, utilizing proper:~~

22 (1) Radiation protection for the patient, the
23 radiographer, and others;

1 (2) Radiation generating equipment operation and quality
2 control;

3 (3) Image production and evaluation;

4 (4) Radiographic procedures;

5 (5) Processing of films;

6 (6) Positioning of patients;

7 (7) Performance methods to achieve optimum radiographic
8 technique with a minimum of radiation exposure; and

9 (8) Patient care and management as it relates to the
10 practice of medical radiography.

11 Sec. 4. Patient care and management, as it relates to the
12 practice of medical radiography, includes, but is not limited to:

13 (1) Infection control;

14 (2) Patient transfer and movement;

15 (3) Assisting patients with medical equipment;

16 (4) Routine monitoring;

17 (5) Medical emergencies;

18 (6) Proper use of contrast media; and

19 (7) Patient safety and protection, including minimizing
20 and monitoring patient radiation exposure through utilizing proper
21 professional standards and protocols, including the principle of as
22 low as reasonably achievable.

23 Sec. 5. Section 38-1918, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 38-1918 ~~(4)~~ (1)(a) The educational program for medical
26 radiographers shall consist of twenty-four months of instruction
27 in radiography approved by the board which includes, but is not
1 limited to: ~~radiographic procedures, imaging equipment, image~~
2 ~~production and evaluation, film processing, radiation physics,~~
3 ~~radiation protection, radiation biology, radiographic pathology,~~
4 ~~and quality assurance activities.~~

5 (i) Radiation protection for the patient, the
6 radiographer, and others;

7 (ii) Radiation generating equipment operation and quality
8 control;

9 (iii) Image production and evaluation;

10 (iv) Radiographic procedures;

11 (v) Processing of films;

12 (vi) Positioning of patients;
13 (vii) Performance methods to achieve optimum radiographic
14 technique with a minimum of radiation exposure; and
15 (viii) Patient care and management as it relates to the
16 practice of medical radiography.

17 (b) The board shall recognize equivalent courses of
18 instruction successfully completed by individuals who are applying
19 for licensure as medical radiographers when determining if the
20 requirements of section 38-1915 have been met.

21 (2) The examination for limited radiographers shall
22 include, but not be limited to:

23 (a) Radiation protection, radiation generating equipment
24 maintenance and operation and quality control, image production
25 and evaluation, radiographic procedures, and patient care and
26 management; and

27 (b) The anatomy of, and positioning for, specific regions
1 of the human anatomy. The anatomical regions shall include at least
2 one of the following:

- 3 (i) Chest;
- 4 (ii) Extremities;
- 5 (iii) Skull and sinus;
- 6 (iv) Spine; or
- 7 (v) Ankle and foot.

8 (3) The examination for limited radiographers in bone
9 density shall include, but not be limited to, basic concepts
10 of bone densitometry, equipment operation and quality control,
11 radiation safety, and dual X-ray absorptiometry (DXA) scanning of
12 the finger, heel, forearm, lumbar spine, and proximal femur.

13 (4) The department, with the recommendation of the
14 board, shall adopt and promulgate rules and regulations regarding
15 the examinations required in sections 38-1915 and 38-1916. Such
16 rules and regulations shall provide for (a) the administration
17 of examinations based upon national standards, such as the
18 Examination in Radiography from the American Registry of Radiologic
19 Technologists for medical radiographers, the Examination for the
20 Limited Scope of Practice in Radiography or the Bone Densitometry
21 Equipment Operator Examination from the American Registry of
22 Radiologic Technologists for limited radiographers, or equivalent
23 examinations that, as determined by the board, meet the standards
24 for educational and psychological testing as recommended by
25 the American Psychological Association, the American Educational
26 Research Association, and the National Council on Measurement in
27 Education, (b) procedures to be followed for examinations, (c) the
1 method of grading and the passing grades for such examinations, (d)
2 security protection for questions and answers, and (e) for medical
3 radiographers, the contents of such examination based on the course
4 requirements for medical radiographers prescribed in subsection (1)
5 of this section. Any costs incurred in determining the extent to
6 which examinations meet the examining standards of this subsection

7 shall be paid by the individual or organization proposing the use
8 of such examination.

9 (5) No applicant for a license as a limited radiographer
10 may take the examination for licensure, or for licensure for any
11 specific anatomical region, more than three times without first
12 waiting a period of one year after the last unsuccessful attempt
13 of the examination and submitting proof to the department of
14 completion of continuing competency activities as required by the
15 board for each subsequent attempt.

16 Sec. 6. Original sections 38-1901, 38-1902, 38-1908, and
17 38-1918, Reissue Revised Statutes of Nebraska, are repealed.

(Signed) Tim Gay, Chairperson

Natural Resources

LEGISLATIVE BILL 696. Placed on General File with amendment.
AM1676

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

3 Section 1. Section 13-2042, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 13-2042 (1) A disposal fee of one dollar and twenty-five
6 cents is imposed for each six cubic yards of uncompacted solid
7 waste, one dollar and twenty-five cents for each three cubic yards
8 of compacted solid waste, or one dollar and twenty-five cents
9 per ton of solid waste (a) disposed of at landfills regulated
10 by the department or (b) transported for disposal out of state
11 from a solid waste processing facility holding a permit under
12 the Integrated Solid Waste Management Act. Each operator of a
13 landfill or solid waste processing ~~disposal~~ facility shall make
14 the fee payment quarterly. The fee shall be paid quarterly to the
15 department on or before the forty-fifth day following the end of
16 each quarter. For purposes of this section, landfill has the same
17 definition as municipal solid waste landfill unit in 40 C.F.R. ~~part~~
18 ~~258, subpart A, section 258.2.~~

19 (2) Each fee payment shall be accompanied by a form
20 prepared and furnished by the department and completed by the
21 permitholder. The form shall state the total volume of solid waste
22 disposed of at ~~that the landfill or transported for disposal out of~~
23 state from the solid waste processing facility during the payment
1 period and shall provide any other information deemed necessary by
2 the department. The form shall be signed by the permitholder.

3 (3) If a permitholder fails to make a timely payment of
4 the fee, he or she shall pay interest on the unpaid amount at the
5 rate specified in section 45-104.02, as such rate may from time to
6 time be adjusted.

7 (4) This section shall not apply to a site used solely
8 for the reclamation of land through the introduction of landscaping
9 rubble or inert material.

10 (5) Fifty percent of the total of such fees collected in
11 each quarter shall be remitted to the State Treasurer for credit
12 to the Integrated Solid Waste Management Cash Fund and shall be
13 used by the department to cover the direct and indirect costs
14 of responding to spills or other environmental emergencies, of
15 regulating, investigating, remediating, and monitoring facilities
16 during and after operation of facilities, or of performance of
17 regulated activities under the Integrated Solid Waste Management
18 Act, the Livestock Waste Management Act, the Nebraska Litter
19 Reduction and Recycling Act, and the Waste Reduction and Recycling
20 Incentive Act. The department may seek recovery of expenses paid
21 from the fund for responding to spills or other environmental
22 emergencies or for investigation, remediation, and monitoring of
23 a facility from any person who owned, operated, or used the
24 facility in violation of the Integrated Solid Waste Management
25 Act, the Livestock Waste Management Act, the Nebraska Litter
26 Reduction and Recycling Act, and the Waste Reduction and Recycling
27 Incentive Act in a civil action filed in the district court of
1 Lancaster County. Of the amount credited to the Integrated Solid
2 Waste Management Cash Fund, the department may disburse amounts
3 to political subdivisions for costs incurred in response to and
4 remediation of any solid waste disposed of or abandoned at dump
5 sites or discrete locations along public roadways or ditches and on
6 any contiguous area affected by such disposal or abandonment. Such
7 reimbursement shall be by application to the department on forms
8 prescribed by the department. The department shall prepare and make
9 available a schedule of eligible costs and application procedures
10 which may include a requirement of a demonstration of preventive
11 measures to be taken to discourage future dumping. The department
12 may not disburse to political subdivisions an amount which in the
13 aggregate exceeds five percent of total revenue from the disposal
14 fees collected pursuant to this section in the preceding fiscal
15 year. These disbursements shall be made on a fiscal-year basis,
16 and applications received after funds for this purpose have been
17 exhausted may be eligible during the next fiscal year but are
18 not an obligation of the state. Any eligible costs incurred by a
19 political subdivision which are not funded due to a lack of funds
20 shall not be considered an obligation of the state. In disbursing
21 funds under this section, the director shall make efforts to ensure
22 equal geographic distribution throughout the state and may deny
23 reimbursements in order to accomplish this goal.

24 (6) The remaining fifty percent of the total of such fees
25 collected per quarter shall be remitted to the State Treasurer for
26 credit to the Waste Reduction and Recycling Incentive Fund. For
27 purposes of determining the total fees collected, any amount of
1 fees rebated pursuant to section 13-2042.01 shall be included as if

2 the fees had not been rebated, and the amount of the fees rebated
3 pursuant to such section shall be deducted from the amount to be
4 credited to the Waste Reduction and Recycling Incentive Fund.

5 (7) The council shall adopt and promulgate rules and
6 regulations for the distribution of grants under subsection (6)
7 of this section from the proceeds of the fees imposed by
8 this section to counties, municipalities, and agencies for the
9 purposes of planning and implementing facilities and systems to
10 further the goals of the Integrated Solid Waste Management Act.
11 The fees collected pursuant to this section shall not be used
12 as grant proceeds to fund landfill closure site assessments,
13 closure, monitoring, or investigative or corrective action costs
14 for existing landfills or landfills already closed prior to July
15 15, 1992. The rules and regulations shall base the awarding of
16 grants on a project's reflection of the integrated solid waste
17 management policy and hierarchy established in section 13-1818, the
18 proposed amount of local matching funds, and community need.

19 Sec. 2. Section 13-2042.01, Revised Statutes Supplement,
20 2009, is amended to read:

21 13-2042.01 (1) The Department of Environmental Quality
22 shall rebate to the municipality or county of origin ten cents
23 of the disposal fee required by section 13-2042 for ~~each six~~
24 ~~cubic yards of uncompacted solid waste, for each three cubic~~
25 ~~yards of compacted solid waste, or for each ton of solid~~
26 waste disposed of at landfills regulated by the department ~~and~~
27 ~~originating or transported for disposal out of state from a solid~~
1 waste processing facility holding a permit under the Integrated
2 Solid Waste Management Act when such solid waste originated in a
3 municipality or county with a purchasing policy approved by the
4 department. The fee shall be rebated on a schedule agreed upon
5 between the municipality or county and the department. The schedule
6 shall be no more often than quarterly and no less often than
7 annually.

8 (2) Any municipality or county may apply to the
9 department for the rebate authorized in subsection (1) of this
10 section if the municipality or county has a written purchasing
11 policy in effect requiring a preference for purchasing products,
12 materials, or supplies which are manufactured or produced from
13 recycled material. The policy shall provide that the preference
14 shall not operate when it would result in the purchase of
15 products, materials, or supplies which are of inadequate quality
16 as determined by the municipality or county. Upon receipt of an
17 application, the Department of Environmental Quality shall submit
18 the application to the materiel division of the Department of
19 Administrative Services for review. The materiel division shall
20 review the application for compliance with this section and any
21 rules and regulations adopted pursuant to this section and to
22 determine the probable effectiveness in assuring that a preference
23 is given to products, materials, or supplies which are manufactured

24 or produced from recycled material. The materiel division shall
25 provide a report of its findings to the Department of Environmental
26 Quality within thirty days after receiving the review request. The
27 Department of Environmental Quality shall approve the application
1 or suggest modifications to the application within sixty days after
2 receiving the application based on the materiel division's report,
3 any analysis by the Department of Environmental Quality, and any
4 factors affecting compliance with this section or the rules and
5 regulations adopted pursuant to this section.

6 (3) A municipality or county shall file a report
7 complying with the rules and regulations adopted pursuant to
8 this section with the Department of Environmental Quality before
9 April 1 of each year documenting purchasing practices for the
10 past calendar year in order to continue receiving the rebate.
11 The report shall include, but not be limited to, quantities of
12 products, materials, or supplies purchased which were manufactured
13 or produced from recycled material. The department shall provide
14 copies of each report to the materiel division in a timely manner.
15 If the department determines that a municipality or county is
16 not following the purchasing policy presented in the approved
17 application or that the purchasing policy presented in the approved
18 application is not effective in assuring that a preference is
19 given to products, materials, or supplies which are manufactured
20 or produced from recycled material, the department shall suspend
21 the rebate until it determines that the municipality or county
22 is giving a preference to products, materials, or supplies which
23 are manufactured or produced from recycled material pursuant to
24 a written purchasing policy approved by the department subsequent
25 to the suspension. The materiel division may make recommendations
26 to the department regarding suspensions and reinstatements of
27 rebates. The Department of Administrative Services may adopt
1 and promulgate rules and regulations establishing procedures for
2 reviewing applications and for annual reports.

3 (4) Any suspension of the rebate or denial of an
4 application made under this section may be appealed. The appeal
5 shall be in accordance with the Administrative Procedure Act.

6 (5) The council shall adopt and promulgate rules and
7 regulations establishing criteria for application procedures, for
8 accepting and denying applications, for required reports, and
9 for suspending and reinstating the rebate. The materiel division
10 shall recommend to the council criteria for accepting and denying
11 applications and for suspending and reinstating the rebate. The
12 materiel division may make other recommendations to the council
13 regarding rules and regulations authorized under this section.

14 Sec. 3. Original section 13-2042, Reissue Revised
15 Statutes of Nebraska, and section 13-2042.01, Revised Statutes
16 Supplement, 2009, are repealed.

(Signed) Chris Langemeier, Chairperson

Transportation and Telecommunications

LEGISLATIVE BILL 841. Placed on General File.

LEGISLATIVE RESOLUTION 286CA. Placed on General File.

(Signed) Deb Fischer, Chairperson

NOTICE OF COMMITTEE HEARINGS
Health and Human Services

Room 1510

Wednesday, February 17, 2010 1:30 p.m.

LB1038
LB941
LB1005

Thursday, February 18, 2010 1:30 p.m.

LB1093
LB778
LB1027

(Signed) Tim Gay, Chairperson

COMMITTEE REPORT
Health and Human Services

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

Acela Turco - Foster Care Review Board

Aye: 6 Senators Campbell, Gay, Howard, Pankonin, Stuthman, Wallman.
Nay: 0. Absent: 0. Present and not voting: 1 Senator Gloor.

(Signed) Tim Gay, Chairperson

GENERAL FILE

LEGISLATIVE BILL 200. Senator Coash withdrew his amendment FA60, found on page 421 and considered on page 434.

Senator Janssen asked unanimous consent to withdraw his amendment, AM1720, found on page 417, and replace it with his substitute amendment, AM1796. No objections. So ordered.

AM1796

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 60-6,279, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 60-6,279 (1) A person shall not operate or be a passenger
- 6 on a motorcycle or moped on any highway in this state unless such
- 7 person is wearing eye protection.
- 8 (2) A person under twenty-one years of age shall not
- 9 operate or be a passenger on a motorcycle or moped on any highway
- 10 in this state unless such person is wearing a protective helmet
- 11 of the type and design manufactured for use by operators of such
- 12 vehicles and unless such helmet is secured properly on his or her
- 13 head with a chin strap while the vehicle is in motion. All such
- 14 protective helmets shall be designed to reduce injuries to the user
- 15 resulting from head impacts and shall be designed to protect the
- 16 user by remaining on the user's head, deflecting blows, resisting
- 17 penetration, and spreading the force of impact. Each such helmet
- 18 shall consist of lining, padding, and chin strap and shall meet or
- 19 exceed the standards established in the United States Department of
- 20 Transportation's Federal Motor Vehicle Safety Standard No. 218, 49
- 21 C.F.R. 571.218, for motorcycle helmets.
- 22 (3) A person twenty-one years of age or older who is
- 23 not wearing a helmet meeting the requirements of subsection (2) of
- 1 this section while operating or while a passenger on a motorcycle
- 2 or moped on any highway of this state shall have current and
- 3 effective medical reimbursement insurance coverage of not less than
- 4 one million dollars and shall carry proof of such insurance with
- 5 him or her while operating or while a passenger on the motorcycle
- 6 or moped.
- 7 (4) Except for the eye protection requirements of this
- 8 section, enforcement of this section by state or local law
- 9 enforcement agencies shall be accomplished only as a secondary
- 10 action when an operator or passenger has been cited or charged with
- 11 another violation of the Nebraska Rules of the Road.
- 12 (5) For purposes of this section, eye protection means
- 13 glasses that cover the orbital region of a person's face, a
- 14 protective face shield attached to a protective helmet, goggles,
- 15 or a windshield on the motorcycle that protects the operator's and
- 16 passenger's horizontal line of vision in all operating positions.
- 17 (6) Subsections (1) through (5) of this section terminate
- 18 on January 1, 2016.
- 19 (7) Beginning January 1, 2016, a person shall not operate
- 20 or be a passenger on a motorcycle or moped on any highway in this
- 21 state unless such person is wearing a protective helmet of the type
- 22 and design manufactured for use by an operator of a motorcycle or

- 23 moped and unless such helmet is secured properly on his or her
 24 head with a chin strap while the motorcycle or moped is in motion.
 25 Such protective helmets shall be designed to reduce injuries to
 26 the user resulting from head impacts and shall be designed to
 27 protect the user by remaining on the user's head, deflecting blows,
 1 resisting penetration, and spreading the force of impact. Such
 2 helmets shall consist of lining, padding, and a chin strap and
 3 shall meet or exceed the standards for helmets established in the
 4 United States Department of Transportation's Federal Motor Vehicle
 5 Safety Standard No. 218, 49 C.F.R. 571.218.
 6 Sec. 2. Original section 60-6,279, Reissue Revised
 7 Statutes of Nebraska, is repealed.

Senator Lathrop offered the following amendment to the Janssen amendment:

AM1832

(Amendments to AM1796)

- 1 1. On page 2, strike lines 7 through 11; in lines 12
- 2 and 17 strike "(5)" and insert "(4)"; in line 17 strike "(6)" and
- 3 insert "(5)"; and in line 19 strike "(7)" and insert "(6)".

SPEAKER FLOOD PRESIDING

PRESIDENT SHEEHY PRESIDING

Senator Lautenbaugh offered the following motion:

MO80

Bracket until April 14, 2010.

Pending.

COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 890. Placed on Select File with amendment.

ER8161

- 1 1. On page 8, line 10, strike "and" and insert "or".
- 2 2. On page 14, line 21, strike the third comma.
- 3 3. On page 25, line 5, strike "certified" and show as
- 4 stricken.

(Signed) Jeremy Nordquist, Chairperson

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 743. Placed on Final Reading.

ST9072

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

1. On page 1, the matter beginning with "authorize" in line 1 through line 5 has been struck and "amend section 37-201, Revised Statutes Supplement, 2009; to authorize the commission to convey certain real estate for park purposes; to prescribe conditions relating to the conveyance, operation, and maintenance of the real estate; to provide duties for the commission; to eliminate conveyance provisions; to harmonize provisions; to repeal the original section; to outright repeal section 90-215, Reissue Revised Statutes of Nebraska; and to declare an emergency." inserted.

LEGISLATIVE BILL 749. Placed on Final Reading.

LEGISLATIVE BILL 791. Placed on Final Reading.

LEGISLATIVE BILL 871. Placed on Final Reading.

(Signed) Jeremy Nordquist, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 317. Introduced by Sullivan, 41; Price, 3; Stuthman, 22.

WHEREAS, Scott Shanle attended school in St. Edward, Nebraska, and played on St. Edward's eight-man football team in high school; and

WHEREAS, Scott Shanle walked on with the Nebraska Cornhusker football team in 1999 and became an award-winning starting linebacker; and

WHEREAS, Scott Shanle was instrumental in leading the New Orleans Saints to their first Super Bowl victory in the team's history; and

WHEREAS, the New Orleans Saints won Super Bowl XLIV against the Indianapolis Colts by a score of 31-17; and

WHEREAS, Scott Shanle's consistent hard work has made him an example to others as well as a key addition to the New Orleans Saints; and

WHEREAS, the Legislature recognizes outstanding athletic achievements made by Nebraskans.

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

1. That the Legislature recognizes and congratulates the excellence, selflessness, dedication, and athletic ability of Nebraska native Scott Shanle, along with his team.

2. That a copy of this resolution be sent to Scott Shanle.

Laid over.

NOTICE OF COMMITTEE HEARING

Judiciary

Room 1113

Wednesday, February 17, 2010 1:30 p.m.

LB699
LB996
LB801
LB907
LB1029
LB1085

(Signed) Brad Ashford, Chairperson

AMENDMENTS - Print in Journal

Senator Avery filed the following amendment to LB200:
AM1836

(Amendments to AM1796)

- 1 1. On page 2, line 6, after "moped" insert "and shall be
- 2 an organ donor, a tissue donor, or both".

Senator Avery filed the following amendment to LB200:
AM1834

(Amendments to AM1796)

- 1 1. On page 1, strike beginning with "A" in line 5 through
- 2 "(2)" in line 8; in line 22 strike "(3)" and insert "(2)"; and in
- 3 line 23 strike "(2)" and insert "(1)".
- 4 2. On page 2, strike beginning with "(4)" in line 7
- 5 through "enforcement" in line 8 and insert "(3) Enforcement"; in
- 6 lines 12 and 17 strike "(5)" and insert "(4)"; in line 17 strike
- 7 "(6)" and insert "(5)"; and in line 19 strike "(7)" and insert
- 8 "(6)".

Senator Lathrop filed the following amendment to LB200:
AM1838

(Amendments to AM1796)

- 1 1. On page 1, line 8, strike "under twenty-one years of
- 2 age"; and strike lines 22 and 23.
- 3 2. On page 2, strike lines 1 through 6; in line 7 strike
- 4 "(4)" and insert "(3)"; in line 12 strike "(5)" and insert "(4)";
- 5 and strike lines 17 through 27.
- 6 3. On page 3, strike lines 1 through 5.

Senator Heidemann filed the following amendment to LB987:
AM1831

- 1 1. On page 4, line 20, strike "The State Treasurer shall
- 2 transfer" and insert "It is the intent of the Legislature to
- 3 appropriate"; and in line 21 strike "no later than August 1, 2010,"
- 4 and insert "in fiscal year 2010-11".

UNANIMOUS CONSENT - Add Cointroducer

Senator Harms asked unanimous consent to add his name as cointroducer to LB1103. No objections. So ordered.

VISITORS

Visitors to the Chamber were 60 eleventh- and twelfth-grade students and teachers from Elkhorn; Nathan Lore from Lincoln; Brenda Johnson from Norfolk and Laurel Johnson, Liz Samuelsen, and Joanne Jensen from Bloomfield; and Craig, Lisa, Jarid, Jerica, Noah, Isaiah, Lydia, Nathanael, and Rebekah Hamre from Oxford.

The Doctor of the Day was Dr. Kip Anderson from Columbus.

ADJOURNMENT

At 12:01 p.m., on a motion by Speaker Flood, the Legislature adjourned until 10:00 a.m., Thursday, February 11, 2010.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-FIFTH DAY - FEBRUARY 11, 2010**LEGISLATIVE JOURNAL****ONE HUNDRED FIRST LEGISLATURE
SECOND SESSION****TWENTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, February 11, 2010

PRAYER

The prayer was offered by Pastor Randy Fett, St. Paul's Lutheran Church, Grand Island.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Speaker Flood presiding.

The roll was called and all members were present except Senator Pahls who was excused; and Senators Adams and Ashford who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-fourth day was approved.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 891. Placed on Select File with amendment.
ER8163

- 1 1. On page 3, line 3, strike the comma.
- 2 2. On page 4, lines 13 and 14, strike the underscored
- 3 semicolon and insert an underscored comma.
- 4 3. On page 5, line 19, strike "(i)" and insert "(a)"; in
- 5 line 21 strike ";(ii)" and insert ";(b)"; and in line 22 strike
- 6 ";or (iii)" and insert ";or (c)".

LEGISLATIVE BILL 892. Placed on Select File.

LEGISLATIVE BILL 643. Placed on Select File with amendment.
ER8162

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 70-311, Reissue Revised Statutes of

4 Nebraska, is amended to read:

5 70-311 (1) Whenever any county or township road
6 construction, widening, repair, or grading project or any road
7 ditch improvement project requires, or can reasonably be expected
8 to require, the performance of any work within ~~six-ten~~ feet of
9 any electric transmission or electric distribution line, poles,
10 or anchors, notice to the owner of such line, poles, or anchors
11 shall be given by the respective county or township officers in
12 charge of such projects. Such notice shall be given at least
13 ~~thirty-ninety~~ days prior to the start of any work when, because
14 of road construction, widening, repair, or grading or a road ditch
15 improvement project, or for any other reason, it is necessary
16 to relocate such line, poles, or anchors or if such work will
17 compromise the structural integrity of the line, poles, or anchors.

18 (2) If a natural resources district will be altering a
19 road structure or grading or moving earth for a flood control,
20 recreation, or other project that requires, or can reasonably be
21 expected to require, the performance of any work within ten feet of
22 any electric transmission or electric distribution line, poles, or
23 anchors, notice to the owner of such line, poles, or anchors shall
1 be given by the respective natural resources district in charge
2 of such projects. Such notice shall be given at least ninety days
3 prior to the start of any work when, because of such road structure
4 alteration or grading or moving earth, or for any other reason, it
5 is necessary to relocate such line, poles, or anchors or if such
6 work will compromise the structural integrity of the line, poles,
7 or anchors.

8 Sec. 2. Original section 70-311, Reissue Revised Statutes
9 of Nebraska, is repealed.

10 2. On page 1, line 5, strike "resource" and insert
11 "resources".

LEGISLATIVE BILL 723. Placed on Select File.

LEGISLATIVE BILL 787. Placed on Select File.

LEGISLATIVE BILL 914. Placed on Select File.

(Signed) Jeremy Nordquist, Chairperson

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 667. Placed on Final Reading.

LEGISLATIVE BILL 705. Placed on Final Reading.

LEGISLATIVE BILL 708. Placed on Final Reading.

LEGISLATIVE BILL 711. Placed on Final Reading.

LEGISLATIVE BILL 725. Placed on Final Reading.

LEGISLATIVE BILL 762. Placed on Final Reading.

LEGISLATIVE BILL 788. Placed on Final Reading.

LEGISLATIVE BILL 797. Placed on Final Reading.

LEGISLATIVE BILL 806. Placed on Final Reading.
LEGISLATIVE BILL 816. Placed on Final Reading.
LEGISLATIVE BILL 832. Placed on Final Reading.

LEGISLATIVE BILL 873. Placed on Final Reading.
 ST9073

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

1. In the Fulton amendment, AM1765, on page 1, line 1, a comma has been inserted after "may"; and in line 2 an underscored comma has been inserted after "shall".

2. On page 1, line 2, "to require notice of taxes owed on certain property;" has been inserted after the semicolon.

LEGISLATIVE BILL 911. Placed on Final Reading.

(Signed) Jeremy Nordquist, Chairperson

COMMITTEE REPORT
 Urban Affairs

LEGISLATIVE RESOLUTION 295CA. Placed on General File.

(Signed) Amanda McGill, Chairperson

NOTICE OF COMMITTEE HEARINGS
 Natural Resources

Room 1525

Friday, February 19, 2010 1:30 p.m.

LB1048 - (Wind Briefing) Special briefing

(Signed) Chris Langemeier, Chairperson

Judiciary

Room 1113

Thursday, February 18, 2010 1:30 p.m.

LB894
 LB955
 LB1050
 LB989
 LB1062
 LB1084

Friday, February 19, 2010 1:30 p.m.

LB939
LB971
LB1037
LB1045
LB1046
LB973

(Signed) Brad Ashford, Chairperson

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of February 10, 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

Micek, Cora
Peetz & Company
Sokol, Lawrence J.
National Popular Vote

REPORT

The following report was received by the Legislature:

Educational Lands and Funds, Board of
Annual Report

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 308, 309, 310, and 311 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 308, 309, 310, and 311.

MOTION - Approve Appointment

Senator Gay moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 517:

Foster Care Review Board
Acela Turco

Voting in the affirmative, 41:

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

Voting in the negative, 0.

Present and not voting, 5:

Carlson	Heidemann	Karpisek	Langemeier	White
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Excused and not voting, 3:

Adams	Ashford	Pahls
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The appointment was confirmed with 41 ayes, 0 nays, 5 present and not voting, and 3 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 200. Senator Lautenbaugh renewed his motion, MO80, found on page 519, to bracket until April 14, 2010.

Senator Lautenbaugh withdrew his motion to bracket.

Senator Lathrop renewed his amendment, AM1832, found on page 519.

Senator Janssen offered the following motion:
MO82

Recommit to the Transportation and Telecommunications Committee.

Senator Janssen withdrew his motion to recommit to committee.

Senator Janssen offered the following motion:

MO81

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Janssen moved for a call of the house. The motion prevailed with 42 ayes, 0 nays, and 7 not voting.

Senator Janssen requested a roll call vote, in reverse order, on his motion to invoke cloture.

Voting in the affirmative, 27:

Ashford	Fulton	Karpisek	Mello	Stuthman
Carlson	Giese	Krist	Nelson	Sullivan
Christensen	Hadley	Langemeier	Pirsch	White
Coash	Hansen	Lautenbaugh	Price	
Fischer	Heidemann	Louden	Rogert	
Flood	Janssen	McCoy	Schilz	

Voting in the negative, 20:

Adams	Cornett	Gay	Howard	Pankonin
Avery	Council	Gloor	Lathrop	Utter
Campbell	Dierks	Haar	McGill	Wallman
Cook	Dubas	Harms	Nordquist	Wightman

Present and not voting, 1:

Conrad

Excused and not voting, 1:

Pahls

The Janssen motion to invoke cloture failed with 27 ayes, 20 nays, 1 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

COMMITTEE REPORTS

General Affairs

LEGISLATIVE BILL 786. Placed on General File.

LEGISLATIVE BILL 869. Placed on General File.

LEGISLATIVE BILL 1000. Placed on General File.

LEGISLATIVE BILL 883. Placed on General File with amendment.
 AM1684

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

3 Sec. 2. Section 53-164.01, Revised Statutes Cumulative
 4 Supplement, 2008, is amended to read:

5 53-164.01 Payment of the tax provided for in section
 6 53-160 on alcoholic liquor shall be paid by the manufacturer or
 7 wholesaler as follows:

8 (1)(a) All manufacturers or wholesalers, except farm
 9 winery producers, whether inside or outside this state shall, on
 10 or before the twenty-fifth day of each calendar month following
 11 the month in which shipments were made, submit a report to the
 12 commission upon forms furnished by the commission showing the total
 13 amount of alcoholic liquor in gallons or fractional parts thereof
 14 shipped by such manufacturer or wholesaler, whether inside or
 15 outside this state, during the preceding calendar month;

16 (b) All beer wholesalers shall, on or before the
 17 twenty-fifth day of each calendar month following the month in
 18 which shipments were made, submit a report to the commission
 19 upon forms furnished by the commission showing the total amount
 20 of beer in gallons or fractional parts thereof shipped by all
 21 manufacturers, whether inside or outside this state, during the
 22 preceding calendar month to such wholesaler;

23 (c)(i) Except as provided in subdivision (ii) of this
 1 subdivision, farm winery producers which paid less than one
 2 thousand dollars of excise taxes pursuant to section 53-160 for the
 3 previous calendar year and which will pay less than one thousand
 4 dollars of excise taxes pursuant to section 53-160 for the current
 5 calendar year shall, on or before the twenty-fifth day of the
 6 calendar month following the end of the year in which wine was
 7 packaged or bottled for sale, submit a report to the commission
 8 upon forms furnished by the commission showing the total amount of
 9 wine in gallons or fractional parts thereof packaged or bottled by
 10 such producer during the preceding calendar year; and

11 (e)-(ii) Farm winery producers which paid one thousand
 12 dollars or more of excise taxes pursuant to section 53-160 for
 13 the previous calendar year or which become liable for one thousand
 14 dollars or more of excise taxes pursuant to section 53-160 during
 15 the current calendar year shall, on or before the twenty-fifth
 16 day of each calendar month following the month in which wine was
 17 packaged or bottled for sale, submit a report to the commission
 18 upon forms furnished by the commission showing the total amount of
 19 wine in gallons or fractional parts thereof packaged or bottled by
 20 such producer during the preceding calendar month. A farm winery
 21 producer which becomes liable for one thousand dollars or more of
 22 excise taxes pursuant to section 53-160 during the current calendar
 23 year shall also pay such excise taxes immediately;

24 (d) A craft brewery shall, on or before the twenty-fifth
25 day of each calendar month following the month in which the beer
26 was produced for sale, submit a report to the commission on forms
27 furnished by the commission showing the total amount of beer in
1 gallons or fractional parts thereof produced for sale by the craft
2 brewery during the preceding calendar month;

3 (e) A microdistillery shall, on or before the
4 twenty-fifth day of each calendar month following the month in
5 which the distilled liquor was produced for sale, submit a report
6 to the commission on forms furnished by the commission showing
7 the total amount of distilled liquor in gallons or fractional
8 parts thereof produced for sale by the microdistillery during the
9 preceding calendar month; and

10 (f) Reports submitted pursuant to subdivision (a), (b),
11 or (c) of this subdivision shall also contain a statement of
12 the total amount of alcoholic liquor, except beer, in gallons or
13 fractional parts thereof shipped to licensed retailers inside this
14 state and such other information as the commission may require;

15 (2) The wholesaler or farm winery producer shall at the
16 time of the filing of the report pay to the commission the tax
17 due on alcoholic liquor, except beer, shipped to licensed retailers
18 inside this state at the rate fixed in accordance with section
19 53-160. The tax due on beer shall be paid by the wholesaler on beer
20 shipped from all manufacturers;

21 (3) The tax imposed pursuant to section 53-160 shall be
22 due on the date the report is due less a discount of one percent
23 of the tax on alcoholic liquor for submitting the report and paying
24 the tax in a timely manner. The discount shall be deducted from the
25 payment of the tax before remittance to the commission and shall be
26 shown in the report to the commission as required in this section.
27 If the tax is not paid within the time provided in this section,
1 the discount shall not be allowed and shall not be deducted from
2 the tax;

3 (4) If the report is not submitted by the twenty-fifth
4 day of the calendar month or if the tax is not paid to the
5 commission by the twenty-fifth day of the calendar month, the
6 following penalties shall be assessed on the amount of the tax:
7 One to five days late, three percent; six to ten days late, six
8 percent; and over ten days late, ten percent. In addition, interest
9 on the tax shall be collected at the rate of one percent per month,
10 or fraction of a month, from the date the tax became due until
11 paid;

12 (5) No tax shall be levied or collected on alcoholic
13 liquor manufactured inside this state and shipped or transported
14 outside this state for sale and consumption outside this state;

15 (6) In order to insure the payment of all state taxes
16 on alcoholic liquor, together with interest and penalties, persons
17 required to submit reports and payment of the tax shall, at the
18 time of application for a license under section 53-124, enter

19 into a surety bond with corporate surety, both the bond form and
20 surety to be approved by the commission. Subject to the limitations
21 specified in this subdivision, the amount of the bond required of
22 any taxpayer shall be fixed by the commission and may be increased
23 or decreased by the commission at any time. In fixing the amount of
24 the bond, the commission shall require a bond equal to the amount
25 of the taxpayer's estimated maximum monthly excise tax ascertained
26 in a manner as determined by the commission. Nothing in this
27 section shall prevent or prohibit the commission from accepting
1 and approving bonds which run for a term longer than the license
2 period. The amount of a bond required of any one taxpayer shall
3 not be less than one thousand dollars. The bonds required by this
4 section shall be filed with the commission; and
5 (7) When a manufacturer or wholesaler sells and delivers
6 alcoholic liquor upon which the tax has been paid to any
7 instrumentality of the armed forces of the United States engaged
8 in resale activities as provided in section 53-160.01, the
9 manufacturer or wholesaler shall be entitled to a credit in
10 the amount of the tax paid in the event no tax is due on such
11 alcoholic liquor as provided in such section. The amount of the
12 credit, if any, shall be deducted from the tax due on the following
13 monthly report and subsequent reports until liquidated.

(Signed) Russ Karpisek, Chairperson

NOTICE OF COMMITTEE HEARING
Business and Labor

Room 1524

Monday, February 22, 2010 1:30 p.m.

LB700
LB995
LB1040
LB1041
LB1042
LB1090
LB1091

(Signed) Steve Lathrop, Chairperson

ANNOUNCEMENTS

Senator Dubas designates LB689 as her priority bill.

The Banking, Commerce and Insurance Committee designates LB888 as its priority bill.

GENERAL FILE

LEGISLATIVE BILL 735. Title read. Considered.

SENATOR STUTHMAN PRESIDING

Committee AM1747, found on page 439, was adopted with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 258. Title read. Considered.

Committee AM1803, found on page 502, was considered.

Pending.

ANNOUNCEMENT

Pursuant to Rule 8, Sec. 3, the Appropriations Committee presented its preliminary report on February 11, 2010, summarizing the recommended appropriations for the following biennium.

COMMITTEE REPORTS

Urban Affairs

LEGISLATIVE BILL 799. Placed on General File with amendment. AM1556

- 1 1. On page 2, strike lines 19 through 21.

(Signed) Amanda McGill, Chairperson

Education

LEGISLATIVE BILL 1006. Placed on General File with amendment. AM1816

- 1 1. Strike sections 3, 4, and 5.
- 2 2. On page 2, line 18; and page 5, line 7, strike "or
- 3 beginner grade".
- 4 3. On page 4, line 14, strike "or beginner grade" and
- 5 show as stricken.
- 6 4. On page 5, line 2, strike "or the beginner grade.",
- 7 show as stricken, and insert an underscored period; in lines 20 and
- 8 24 strike "or the beginner grade"; and strike beginning with "The"
- 9 in line 24 through line 25.
- 10 5. On page 6, strike line 1.
- 11 6. Amend the repealer and renumber the remaining section
- 12 accordingly.

LEGISLATIVE BILL 257. Indefinitely postponed.

LEGISLATIVE BILL 391. Indefinitely postponed.

LEGISLATIVE BILL 546. Indefinitely postponed.

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

Martin Demuth - Board of Educational Lands and Funds

Aye: 8 Senators Adams, Ashford, Avery, Cornett, Giese, Haar, Howard, Sullivan. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Greg Adams, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 318. Introduced by Pankonin, 2; Carlson, 38.

WHEREAS, Ann Toner Gottwald passed away on February 6, 2010, at the age of sixty; and

WHEREAS, Ann Toner Gottwald served the agricultural community for nearly forty years in the Midwest as an excellent journalist; and

WHEREAS, Ann Toner Gottwald received her degree in science journalism from Iowa State University; and

WHEREAS, Ann Toner Gottwald was an agricultural journalist for the Lincoln Journal Star in Lincoln, Nebraska, the Omaha World-Herald in Omaha, Nebraska, the Kansas City Star in Kansas City, Missouri, the Cape Coral Daily Breeze in Cape Coral, Florida, the Muscatine Journal in Muscatine, Iowa, the Dubuque Telegraph Herald in Dubuque, Iowa, Agribusiness Newspapers in New Ulm, Minnesota, and the Nebraska Farmer magazine; and

WHEREAS, Ann Toner Gottwald served as president of the North American Agricultural Journalists; and

WHEREAS, Ann Toner Gottwald received recognition by the American Agricultural Editors Association and the Nebraska Press Women and was awarded the Farm Editor of the Year by the North American Agricultural Journalists and Media Person of the Year by the Nebraska Agri-Business Association; and

WHEREAS, Ann Toner Gottwald is survived by her husband, Allen Gottwald, her son, Alex Gottwald, her brother, Michael Toner, and several nieces and nephews.

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

1. That the Legislature posthumously honors Ann Toner Gottwald for her personal accomplishments and service to agriculture.

2. That the Legislature extends its sympathy and condolences to the family of Ann Toner Gottwald.

3. That a copy of this resolution be sent to the family of Ann Toner Gottwald.

Laid over.

UNANIMOUS CONSENT - Add Cointroducers

Senator Ashford asked unanimous consent to add his name as cointroducer to LB381. No objections. So ordered.

Senator Fischer asked unanimous consent to add her name as cointroducer to LB705 and LB735. No objections. So ordered.

Senator Coash asked unanimous consent to add his name as cointroducer to LB754. No objections. So ordered.

VISITORS

Visitors to the Chamber were Karen Rathke from Grand Island; Aaron Davis from Lincoln; and Shanna, Abigaill, Alexis, and Rebecca Wright from Norfolk.

The Doctor of the Day was Dr. Charging Thunder from Omaha.

ADJOURNMENT

At 11:55 a.m., on a motion by Speaker Flood, the Legislature adjourned until 10:00 a.m., Tuesday, February 16, 2010.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-SIXTH DAY - FEBRUARY 16, 2010**LEGISLATIVE JOURNAL****ONE HUNDRED FIRST LEGISLATURE
SECOND SESSION****TWENTY-SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 16, 2010

PRAYER

The prayer was offered by Pastor Rod Lyon, Conestoga Parish United Methodist Churches, Denton, Pleasant Dale, and Raymond.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Sheehy presiding.

The roll was called and all members were present except Senators Giese and Pahls who were excused; and Senators Ashford, Cornett, Dierks, and McGill who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-fifth day was approved.

COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 735. Placed on Select File.

(Signed) Jeremy Nordquist, Chairperson

COMMITTEE REPORTS

Government, Military and Veterans Affairs

LEGISLATIVE BILL 951. Placed on General File.

LEGISLATIVE BILL 978. Placed on General File.

LEGISLATIVE RESOLUTION 278CA. Indefinitely postponed.

(Signed) Bill Avery, Chairperson

MESSAGE FROM THE GOVERNOR

February 11, 2010

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 139, 147, 181, 183, 197e, 210e, 216, 235e, 254e, 261, 279, 325, 475, 522, 550, 552, 682, 683, and 684 were received in my office on February 5, 2010.

These bills were signed and delivered to the Secretary of State on February 11, 2010.

Sincerely,
 (Signed) Dave Heineman
 Governor

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 312, 313, 314, 315, and 316 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 312, 313, 314, 315, and 316.

MOTION - Approve Appointment

Senator Adams moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 533:

Board of Educational Lands and Funds
 Martin Demuth

Voting in the affirmative, 39:

Adams	Fischer	Harms	Louden	Rogert
Avery	Flood	Howard	McCoy	Schilz
Carlson	Fulton	Janssen	Mello	Stuthman
Christensen	Gay	Karpisek	Nelson	Sullivan
Coash	Gloor	Krist	Nordquist	Utter
Conrad	Haar	Langemeier	Pankonin	White
Cook	Hadley	Lathrop	Pirsch	Wightman
Council	Hansen	Lautenbaugh	Price	

Voting in the negative, 0.

Present and not voting, 4:

Campbell Dubas Heidemann Wallman

Excused and not voting, 6:

Ashford Dierks McGill
 Cornett Giese Pahls

The appointment was confirmed with 39 ayes, 0 nays, 4 present and not voting, and 6 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 258. Committee AM1803, found on page 502 and considered on page 532, was renewed.

Senator Karpisek offered the following amendment to the committee amendment:

AM1888

(Amendments to Standing Committee amendments, AM1803)

- 1 On page 2, lines 15, 21, and 27; and page 3, lines 10,
- 2 17, and 25, strike "shall" and insert "may".

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

Senator Ashford moved for a call of the house. The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

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

Voting in the affirmative, 19:

Adams	Cook	Fulton	Howard	Nordquist
Ashford	Dierks	Gloor	Lathrop	Stuthman
Avery	Dubas	Hadley	Louden	Wightman
Coash	Flood	Harms	McCoy	

Voting in the negative, 28:

Campbell	Fischer	Karpisek	Nelson	Sullivan
Carlson	Gay	Krist	Pankonin	Utter
Christensen	Haar	Langemeier	Pirsch	Wallman
Conrad	Hansen	Lautenbaugh	Price	White
Cornett	Heidemann	McGill	Rogert	
Council	Janssen	Mello	Schilz	

Excused and not voting, 2:

Giese Pahls

The motion to cease debate failed with 19 ayes, 28 nays, and 2 excused and not voting.

The Chair declared the call raised.

Pending.

NOTICE OF COMMITTEE HEARING
Nebraska Retirement Systems

Room 1525

Thursday, February 25, 2010 08:45 a.m.

Randall Rehmeier - Public Employees Retirement Board

(Signed) Dave Pankonin, Chairperson

COMMITTEE REPORTS
Revenue

LEGISLATIVE BILL 878. Placed on General File with amendment.
AM1872

- 1 1. On page 2, line 22, strike "hundred" and insert
- 2 "thousand".
- 3 2. On page 3, line 3, strike "Any", show as stricken,
- 4 and insert "Except for individual income tax payments required
- 5 under section 77-2715 and estimated payments for individuals under
- 6 section 77-2769, any".
- 7 3. On page 9, lines 9 and 10, strike the new matter.
- 8 4. On page 10, strike beginning with "any" in line 3
- 9 through "and" in line 9.

(Signed) Abbie Cornett, Chairperson

Health and Human Services

LEGISLATIVE BILL 702. Placed on General File with amendment.
AM1730

- 1 1. On page 2, line 13, after the stricken period insert
- 2 "If an authorization does not contain an expiration date or specify
- 3 an event the occurrence of which causes the authorization to
- 4 expire, the authorization shall expire twelve months after the date
- 5 the authorization was executed by the patient.".

(Signed) Tim Gay, Chairperson

Judiciary

LEGISLATIVE BILL 687. Placed on General File.

LEGISLATIVE BILL 727. Placed on General File.

LEGISLATIVE BILL 792. Placed on General File.

LEGISLATIVE BILL 695. Placed on General File with amendment.
AM1849

- 1 1. On page 2, line 23, strike "five thousand" and insert
- 2 "three thousand five hundred".

(Signed) Brad Ashford, Chairperson

Agriculture

LEGISLATIVE BILL 910. Placed on General File with amendment.
AM1789

- 1 1. Strike sections 4 and 8 and insert the following new
- 2 section:
- 3 Sec. 3. Section 54-603, Revised Statutes Cumulative
- 4 Supplement, 2008, is amended to read:
- 5 54-603 (1) Any county, city, or village shall have
- 6 authority by ordinance or resolution, to impose a license tax in an
- 7 amount which shall be determined by the appropriate governing body,
- 8 on the owner or harbinger of any dog or dogs, to be paid under such
- 9 regulations as shall be provided by such ordinance or resolutions.
- 10 (2) Every service animal shall be licensed as required
- 11 by local ordinances or resolutions, but no license tax shall be
- 12 charged. Upon the retirement or discontinuance of the animal as
- 13 a service animal, the owner of the animal shall be liable for
- 14 the payment of a license tax as prescribed by local ordinances or
- 15 resolutions.
- 16 (3) Any county, city, or village that imposes a license
- 17 tax on the owner or harbinger of any cat or cats or upon any dog
- 18 or dogs under this section shall, in addition to the license tax
- 19 imposed by the licensing jurisdiction, collect from the licensee
- 20 a fee of one dollar. The person designated by the licensing
- 21 jurisdiction to collect and administer the license tax shall act as
- 22 agent for the State of Nebraska in the collection of the fee. From
- 23 each one dollar fee collected, such person shall retain three cents
- 1 to be placed in the general fund of the licensing jurisdiction and
- 2 shall remit the balance to the State Treasurer for credit to the
- 3 Commercial Dog and Cat Operator Inspection Program Cash Fund. Such
- 4 remittance shall be made at least annually at the conclusion of
- 5 the licensing jurisdiction's fiscal year, except that any licensing
- 6 jurisdiction that collects fifty dollars or less of such fees

7 during the fiscal year may remit the fees when the cumulative
 8 amount of fees collected reaches fifty dollars.

9 2. On page 10, strike line 15, show as stricken, and
 10 insert

11 "(iii) Fifty-one to one hundred dogs or cats, two hundred
 12 fifty dollars;

13 (iv) One hundred one to one hundred fifty dogs or cats,
 14 three hundred dollars;

15 (v) One hundred fifty-one to two hundred dogs or cats,
 16 three hundred fifty dollars;

17 (vi) Two hundred one to two hundred fifty dogs or cats,
 18 four hundred dollars;

19 (vii) Two hundred fifty-one to three hundred dogs or
 20 cats, four hundred fifty dollars;

21 (viii) Three hundred one to three hundred fifty dogs or
 22 cats, five hundred dollars;

23 (ix) Three hundred fifty-one to four hundred dogs or
 24 cats, five hundred fifty dollars;

25 (x) Four hundred one to four hundred fifty dogs or cats,
 26 six hundred dollars;

27 (xi) Four hundred fifty-one to five hundred dogs or
 1 cats, six hundred fifty dollars; and"; and in line 16 strike

2 "(iii)", show as stricken, and insert "(xii)", strike "fifty", show
 3 as stricken, and insert "five hundred", and strike "two hundred
 4 fifty", show as stricken, and insert "two thousand".

5 3. On page 11, strike beginning with "The" in line 2
 6 through the period in line 3, show as stricken, and insert: "The
 7 maximum fee that may be charged shall not result in a fee for any
 8 license category that exceeds the license fee set forth in this
 9 subsection by more than one hundred dollars.".

10 4. Renumber the remaining sections and correct the
 11 repealer accordingly.

(Signed) Tom Carlson, Chairperson

Judiciary

LEGISLATIVE BILL 1026. Placed on General File with amendment.
 AM1802

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

3 Section 1. Section 25-410, Reissue Revised Statutes of
 4 Nebraska, is amended to read:

5 25-410 (1) For the convenience of the parties and
 6 witnesses or in the interest of justice, a district court of
 7 any county, the transferor court, may transfer any civil action
 8 to the district court of any other county in this state, the
 9 transferee court. The transfer may occur before or after the entry

10 of judgment, and there shall be no additional fees required for the
 11 transfer.

12 (2) To transfer a civil action, the transferor court
 13 shall order transfer of the action to the specific transferee court
 14 requested. The clerk of the transferor court shall file with the
 15 transferee court within ten days after the entry of the transfer
 16 order: Certification of the proceedings; all original documents of
 17 the action; certification of the transcript of docket entries; and
 18 certification of the payment records of any judgment in the action
 19 maintained by the transferor court.

20 (3) Upon the filing of such documents by the clerk of the
 21 transferor court, the clerk of the transferee court shall enter any
 22 judgment in the action on the judgment record of the transferee
 23 court. The judgment, once filed and entered on the judgment record
 1 of the transferee court, shall be a lien on the property of the
 2 debtor in any county in which such judgment is filed. Transfer of
 3 the action shall not change the obligations of the parties under
 4 any judgment entered in the action regardless of the status of the
 5 transfer.

6 (4) If the transferred civil action involves a support
 7 order that has payment records maintained by the Title IV-D
 8 division, as defined in section 43-3341, the transferor court order
 9 shall notify the division to make the necessary changes in the
 10 support payment records. Support payments shall commence in the
 11 transferee court on the first day of the month following the
 12 order of transfer and payments made prior to such date shall be
 13 considered payment on a judgment entered by the transferor court
 14 and payments made on and after such date shall be considered
 15 payment on a judgment entered by the transferee court.

16 Sec. 2. Original section 25-410, Reissue Revised Statutes
 17 of Nebraska, is repealed.

(Signed) Brad Ashford, Chairperson

Natural Resources

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

Norris Marshall - Game and Parks Commission

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

(Signed) Chris Langemeier, Chairperson

AMENDMENT - Print in Journal

Senator Heidemann filed the following amendment to LB987:
AM1854

- 1 1. Insert the following new sections:
- 2 Sec. 3. It is the intent of the Legislature to reduce
- 3 the cash fund appropriation from the Nebraska Health Care Cash
- 4 Fund by eighty-five thousand dollars in fiscal year 2009-10 and by
- 5 thirty thousand dollars in fiscal year 2010-11 to Agency No. 3 -
- 6 Legislative Council, Program No. 122 - Legislative Services.
- 7 Sec. 5. Since an emergency exists, this act takes effect
- 8 when passed and approved according to law.
- 9 2. On page 4, line 12, after "(6)" insert "The State
- 10 Treasurer shall transfer two million six hundred fifty thousand
- 11 dollars no later than July 15, 2010, from the Nebraska Health Care
- 12 Cash Fund to the Tobacco Prevention and Control Cash Fund." and
- 13 strike "2010," show as stricken, and insert "2011,".
- 14 3. Renumber the remaining section accordingly.

MOTION - Print in Journal

Senator Campbell filed the following motion:
Suspend Rule 5, Section 4(c) to permit introduction of a bill (Req. 04451)
after the tenth legislative day.

VISITORS

Visitors to the Chamber were members of Leadership Lincoln County from Lincoln County; Mike Hilgers from Lincoln; and members of Leadership Grand Island from Grand Island.

The Doctor of the Day was Dr. Derrick Anderson from Lincoln.

ADJOURNMENT

At 11:58 a.m., on a motion by Speaker Flood, the Legislature adjourned
until 9:00 a.m., Wednesday, February 17, 2010.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-SEVENTH DAY - FEBRUARY 17, 2010**LEGISLATIVE JOURNAL****ONE HUNDRED FIRST LEGISLATURE
SECOND SESSION****TWENTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 17, 2010

PRAYER

The prayer was offered by Pastor Bob Lawrence, South Auburn Church of Christ, Auburn.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Rogert presiding.

The roll was called and all members were present except Senators Pahls and Pankonin who were excused; and Senators Adams, Dubas, Gloor, Langemeier, Lathrop, and White who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-sixth day was approved.

ANNOUNCEMENTS

Senator Hadley designates LB918 as his priority bill.

The Urban Affairs Committee designates LB381 as its priority bill.

The Nebraska Retirement Systems Committee designates LB950 and LB979 as its priority bills.

NOTICE OF COMMITTEE HEARINGS

Judiciary

Room 1113

Wednesday, February 24, 2010 1:30 p.m.

LB1075

LB765

LB1105

LB988

LB990

Thursday, February 25, 2010 1:30 p.m.

LB1089

LB1103

LB1043

LB847

(Signed) Brad Ashford, Chairperson

AMENDMENT - Print in Journal

Senator Rogert filed the following amendment to LB226:
AM1894

(Amendments to Final Reading copy)

- 1 1. Strike section 3 and insert the following section:
- 2 Sec. 4. Since an emergency exists, this act takes effect
- 3 when passed and approved according to law.
- 4 2. Renumber the remaining section accordingly.
- 5 3. On page 1, strike beginning with "to" in line 5
- 6 through the semicolon in line 6; and in line 6 after "sections"
- 7 insert "; and to declare an emergency".

RESOLUTION

LEGISLATIVE RESOLUTION 319. Introduced by Louden, 49; Harms, 48.

WHEREAS, Sydney Swanson, an esteemed resident of Alliance, Nebraska, and a student at Alliance High School, has achieved national recognition for exemplary volunteer service by receiving a 2010 Prudential Spirit of Community Award; and

WHEREAS, this prestigious award, presented by Prudential Financial in partnership with the National Association of Secondary School Principals, honors young volunteers across America who have demonstrated an extraordinary commitment to serving their communities; and

WHEREAS, Ms. Swanson earned this award by giving generously of her time and energy to organize the first "Coats for Kids" drive in her town and expanded it to three additional cities the following year, collecting a total of eight hundred seventy-five coats for children in need. Ms. Swanson also created a web site with instructions for teens to start "Coats for Kids" drives in their own communities; and

WHEREAS, the success of the State of Nebraska, the strength of our communities, and the overall vitality of American society depend in great measure upon the dedication of young people like Ms. Swanson who use their considerable talents and resources to serve others.

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

1. That the Legislature congratulates and honors Sydney Swanson as a recipient of a 2010 Prudential Spirit of Community Award, recognizes her outstanding record of volunteer service, peer leadership, and community spirit, and extends best wishes for her continued success and happiness.

2. That a copy of this resolution be sent to Sydney Swanson.

Laid over.

MOTION - Suspend Rules

Senator Campbell renewed her motion, found on page 542, to suspend Rule 5, Section 4(c) to permit introduction of a bill (Req. 04451) after the tenth legislative day.

Senator Price moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

The Campbell motion to suspend the rules prevailed with 36 ayes, 0 nays, 6 present and not voting, and 7 excused and not voting.

BILL ON FIRST READING

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

LEGISLATIVE BILL 1110. Introduced by Campbell, 25.

A BILL FOR AN ACT relating to the medical assistance program; to amend sections 68-901 and 68-915, Reissue Revised Statutes of Nebraska, and section 4-110, Revised Statutes Supplement, 2009; to provide for coverage for certain children as prescribed; to repeal the original sections; and to declare an emergency.

RESOLUTION

LEGISLATIVE RESOLUTION 320. Introduced by Mello, 5; Ashford, 20; Nordquist, 7.

WHEREAS, Omaha Police Officer Rich Gonzalez has admirably served as captain of the Southeast Precinct; and

WHEREAS, throughout his time of service, Captain Rich Gonzalez has strived to improve relations between the Omaha Police Department and the South Omaha community; and

WHEREAS, prior to being named captain of the Southeast Precinct, Rich Gonzalez served as head of the Omaha Gang Unit and worked to build partnerships between the Omaha Police Department, businesses, community organizations, neighborhood associations, and community members; and

WHEREAS, Captain Rich Gonzalez has also served as the Midwest Vice President for the National Latino Peace Officers Association; and

WHEREAS, it was recently announced that Captain Rich Gonzalez will be leaving the Southeast Precinct to join the Criminal Investigations Bureau; and

WHEREAS, the Legislature recognizes outstanding individual achievements of people in public service.

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

1. That the Legislature congratulates Captain Rich Gonzalez and thanks him for his service to the residents of South Omaha.

2. That a copy of this resolution be sent to Captain Rich Gonzalez.

Laid over.

ANNOUNCEMENT

Senator Haar designates LB1014 as his priority bill.

GENERAL FILE

LEGISLATIVE BILL 258. Senator Karpisek renewed his amendment, AM1888, found on page 537, to the committee amendment.

Senator Karpisek moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Senator Karpisek moved for a call of the house. The motion prevailed with 32 ayes, 0 nays, and 17 not voting.

The Karpisek amendment was adopted with 34 ayes, 9 nays, 3 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Committee AM1803, found on page 502 and considered on pages 532 and 537, as amended, was renewed.

The committee amendment, as amended, was adopted with 36 ayes, 1 nay, 8 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 3 present and not voting, and 5 excused and not voting.

ANNOUNCEMENTS

Senator Ashford designates LB1070 as his priority bill.

The Urban Affairs Committee designates LR295CA as its priority resolution.

The Banking, Commerce and Insurance Committee designates LB931 as its priority bill.

NOTICE OF COMMITTEE HEARING

Health and Human Services

Room 1510

Wednesday, February 24, 2010 1:30 p.m.

Bernard Kanger Jr. - Board of Emergency Medical Services

LB953

LB999

(Signed) Tim Gay, Chairperson

REFERENCE COMMITTEE REPORT

The Executive Board submits the following report:

LB/LR **Committee**
LB1110 Health and Human Services

(Signed) John Wightman, Chairperson
Executive Board

RESOLUTION

LEGISLATIVE RESOLUTION 321. Introduced by Pirsch, 4; Campbell, 25.

WHEREAS, Saint Elizabeth Regional Medical Center of Lincoln has received the Silver Plus Performance Award presented by the American Stroke Association and the American Heart Association; and

WHEREAS, the Silver Plus Performance Award is based on a medical center's commitment and success in implementing a higher standard of stroke care by ensuring that stroke patients receive treatment according to nationally accepted standards and recommendations; and

WHEREAS, by receiving the Silver Plus Performance Award, Saint Elizabeth Regional Medical Center has demonstrated its commitment to excellence in stroke care.

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

1. That the Legislature congratulates Saint Elizabeth Regional Medical Center for receiving the Silver Plus Performance Award.

2. That a copy of this resolution be sent to Saint Elizabeth Regional Medical Center.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 987. Title read. Considered.

SENATOR CARLSON PRESIDING

Committee AM1778, found on page 490, was considered.

Pending.

COMMITTEE REPORT

Transportation and Telecommunications

LEGISLATIVE BILL 924. Placed on General File.

(Signed) Deb Fischer, Chairperson

ANNOUNCEMENTS

The Transportation and Telecommunications Committee designates LB805 as its priority bill.

Senator Fischer designates LB764 as her priority bill.

ANNOUNCEMENT

Senator Karpisek announced the General Affairs Committee will hold an executive session Thursday, February 18, 2010, at 10:30 a.m., in Room 2022.

VISITORS

Visitors to the Chamber were members of Leadership Group from Keith and Cheyenne County; members of Leadership Beatrice from Beatrice; Senator Carlson's wife, Margo, from Holdrege and Patty Price from Hildreth, Denise Smith from Holdrege, Suzi Peterson from Oxford, Jan Hibbs from Smithfield, Sue Young from Bertrand, and Lana Bennett from Elwood; and Mr. and Mrs. Brown and children from Bellevue.

The Doctor of the Day was Dr. Megan Willet from Beatrice.

ADJOURNMENT

At 11:56 a.m., on a motion by Speaker Flood, the Legislature adjourned until 9:00 a.m., Thursday, February 18, 2010.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-EIGHTH DAY - FEBRUARY 18, 2010

LEGISLATIVE JOURNAL

**ONE HUNDRED FIRST LEGISLATURE
SECOND SESSION**

TWENTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 18, 2010

PRAYER

The prayer was offered by Reverend Dr. Selwyn Bachus, Salem Baptist Church, Omaha.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Rogert presiding.

The roll was called and all members were present except Senators Conrad and Pahls who were excused; and Senators Ashford, Cornett, Dubas, Fischer, Giese, and Haar who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-seventh day was approved.

COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 258. Placed on Select File with amendment.
ER8164

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 53-101, Revised Statutes Supplement,
- 4 2009, is amended to read:
- 5 53-101 Sections 53-101 to 53-1,122 and section 3 of this
- 6 act shall be known and may be cited as the Nebraska Liquor Control
- 7 Act.
- 8 Sec. 2. Section 53-180.05, Reissue Revised Statutes of
- 9 Nebraska, is amended to read:
- 10 53-180.05 (1) Any person violating section 53-180 shall
- 11 be guilty of a Class I misdemeanor. Any person violating any of the
- 12 provisions of ~~sections 53-180.01 to section 53-180.01~~ or 53-180.03
- 13 shall be guilty of a Class III misdemeanor. Any person older
- 14 than eighteen years of age and under the age of twenty-one years

15 violating section 53-180.02 is guilty of a Class III misdemeanor.
16 Any person eighteen years of age or younger violating section
17 53-180.02 is guilty of a misdemeanor as provided in section 3 of
18 this act and shall be punished as provided in such section.

19 (2) Any person who knowingly manufactures, creates, or
20 alters any form of identification for the purpose of sale or
21 delivery of such form of identification to a person under the age
22 of twenty-one years shall be guilty of a Class I misdemeanor. For
23 purposes of this subsection, form of identification means any card,
1 paper, or legal document that may be used to establish the age of
2 the person named thereon for the purpose of purchasing alcoholic
3 liquor.

4 (3) When a minor is arrested for a violation of sections
5 53-180 to 53-180.02 or subsection (2) of this section, the law
6 enforcement agency employing the arresting peace officer shall make
7 a reasonable attempt to notify such minor's parent or guardian of
8 the arrest.

9 Sec. 3. The penalty for violation of section 53-180.02 by
10 a person eighteen years of age or younger shall be as follows:

11 (1) If the person convicted or adjudicated of violating
12 such section has one or more licenses or permits issued under the
13 Motor Vehicle Operator's License Act:

14 (a) For the first offense, such person is guilty of a
15 Class III misdemeanor and the court may, as a part of the judgment
16 of conviction or adjudication, impound any such licenses or permits
17 for thirty days and require such person to attend an alcohol
18 education class;

19 (b) For a second offense, such person is guilty of a
20 Class III misdemeanor and the court, as a part of the judgment of
21 conviction or adjudication, may (i) impound any such licenses or
22 permits for ninety days and (ii) require such person to complete no
23 fewer than twenty and no more than forty hours of community service
24 and to attend an alcohol education class; and

25 (c) For a third or subsequent offense, such person is
26 guilty of a Class III misdemeanor and the court, as a part of
27 the judgment of conviction or adjudication, may (i) impound any
1 such licenses or permits for twelve months and (ii) require such
2 person to complete no fewer than sixty hours of community service,
3 to attend an alcohol education class, and to submit to an alcohol
4 assessment by a licensed alcohol and drug counselor; and

5 (2) If the person convicted or adjudicated of violating
6 such section does not have a permit or license issued under the
7 Motor Vehicle Operator's License Act:

8 (a) For the first offense, such person is guilty of
9 a Class III misdemeanor and the court, as part of the judgment
10 of conviction or adjudication, may (i) prohibit such person from
11 obtaining any permit or any license pursuant to the act for which
12 such person would otherwise be eligible until thirty days after

13 the date of such order and (ii) require such person to attend an
 14 alcohol education class;
 15 (b) For a second offense, such person is guilty of a
 16 Class III misdemeanor and the court, as part of the judgment
 17 of conviction or adjudication, may (i) prohibit such person from
 18 obtaining any permit or any license pursuant to the act for which
 19 such person would otherwise be eligible until ninety days after
 20 the date of such order and (ii) require such person to complete no
 21 fewer than twenty hours and no more than forty hours of community
 22 service and to attend an alcohol education class; and
 23 (c) For a third or subsequent offense, such person is
 24 guilty of a Class III misdemeanor and the court, as part of
 25 the judgment of conviction or adjudication, may (i) prohibit such
 26 person from obtaining any permit or any license pursuant to the
 27 act for which such person would otherwise be eligible until twelve
 1 months after the date of such order and (ii) require such person to
 2 complete no fewer than sixty hours of community service, to attend
 3 an alcohol education class, and to submit to an alcohol assessment
 4 by a licensed alcohol and drug counselor.
 5 A copy of an abstract of the court's conviction or
 6 adjudication shall be transmitted to the Director of Motor Vehicles
 7 pursuant to sections 60-497.01 to 60-497.04.
 8 Sec. 4. Original section 53-180.05, Reissue Revised
 9 Statutes of Nebraska, and section 53-101, Revised Statutes
 10 Supplement, 2009, are repealed.
 11 2. On page 1, line 3, strike "Cumulative"; and in line 4
 12 strike "2008" and insert "2009".

(Signed) Jeremy Nordquist, Chairperson

NOTICE OF COMMITTEE HEARING
 Health and Human Services

Room 1510

Thursday, February 25, 2010 1:30 p.m.

LB1110

(Signed) Tim Gay, Chairperson

ANNOUNCEMENTS

Senator Conrad designates LB1109 as her priority bill.

The Agriculture Committee designates LB910 and LB865 as its priority bills.

Senator Louden designates LB1002 as his priority bill.

MOTIONS - Approve Appointments

Senator Avery moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 454:

State Emergency Response Commission
Reynold McMeen

Voting in the affirmative, 35:

Adams	Dierks	Karpisek	McGill	Rogert
Avery	Flood	Krist	Mello	Schilz
Campbell	Fulton	Langemeier	Nelson	Stuthman
Christensen	Gloor	Lathrop	Nordquist	Sullivan
Coash	Hadley	Lautenbaugh	Pankonin	Utter
Cook	Hansen	Louden	Pirsch	Wallman
Council	Howard	McCoy	Price	Wightman

Voting in the negative, 0.

Present and not voting, 6:

Carlson	Harms	Janssen
Gay	Heidemann	White

Excused and not voting, 8:

Ashford	Cornett	Fischer	Haar
Conrad	Dubas	Giese	Pahls

The appointment was confirmed with 35 ayes, 0 nays, 6 present and not voting, and 8 excused and not voting.

Senator Langemeier moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 541:

Game and Parks Commission
Norris Marshall

Voting in the affirmative, 31:

Adams	Fischer	Lathrop	Nordquist	Utter
Carlson	Gay	Lautenbaugh	Pankonin	Wallman
Christensen	Giese	Louden	Pirsch	Wightman
Coash	Hadley	McCoy	Price	
Cook	Hansen	McGill	Rogert	
Council	Howard	Mello	Schilz	
Dierks	Langemeier	Nelson	Stuthman	

Voting in the negative, 0.

Present and not voting, 11:

Avery	Gloor	Janssen	Sullivan
Campbell	Harms	Karpisek	White
Fulton	Heidemann	Krist	

Excused and not voting, 7:

Ashford	Cornett	Flood	Pahls
Conrad	Dubas	Haar	

The appointment was confirmed with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 686. Title read. Considered.

Committee AM1598, found on page 423, was considered.

PRESIDENT SHEEHY PRESIDING

The committee amendment was adopted with 27 ayes, 6 nays, 12 present and not voting, and 4 excused and not voting.

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

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

Voting in the affirmative, 19:

Adams	Carlson	Haar	Karpisek	Sullivan
Ashford	Dierks	Hadley	Louden	Utter
Avery	Gay	Hansen	Pankonin	Wightman
Campbell	Gloor	Harms	Price	

Voting in the negative, 17:

Council	Howard	Lathrop	Pirsch	White
Flood	Janssen	Lautenbaugh	Schilz	
Giese	Krist	McCoy	Stuthman	
Heidemann	Langemeier	McGill	Wallman	

Present and not voting, 10:

Christensen	Cook	Fischer	Mello	Nordquist
Coash	Dubas	Fulton	Nelson	Rogert

Excused and not voting, 3:

Conrad	Cornett	Pahls
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Failed to advance to Enrollment and Review Initial with 19 ayes, 17 nays, 10 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

COMMITTEE REPORT

Transportation and Telecommunications

LEGISLATIVE BILL 805. Placed on General File with amendment. AM1913 is available in the Bill Room.

(Signed) Deb Fischer, Chairperson

PROPOSED RULES CHANGE

Senator Avery offered the following proposed rules change:

To amend Rule 1, Sec. 19, to read as follows:

Sec. 19. Journal, Governor's Messages, Amendments. (a) The Clerk shall prepare a daily Journal of the proceedings of the Legislature, which shall be printed and placed each day upon the desks of the members, and the presiding officer shall call in the regular order of business for corrections thereof. After corrections, if any are made, the Journal shall stand approved without motion.

(b) The Clerk shall enter in the daily Journal messages of the Governor in full, titles of bills, every vote, including the yeas and nays, and a brief statement of the contents of each resolution, petition, memorial, communication, or other paper received from other states presented for the consideration of the Legislature.

(c) The hour at which the Legislature adjourns shall be entered in the daily Journal.

(d) All amendments for which a vote is taken shall be entered in the daily Journal.

(e) All amendments and motions filed with the Clerk prior to the day a bill or resolution is considered shall be recorded in the daily Journal with the name of the introducer or introducers. The text of any amendment whose length is no more than ten pages shall be printed in the daily Journal. All amendments which are approximately ten pages or more shall be noted in the daily Journal as on file in the bill room or the Clerk's office.

(f) Additional copies of the daily Journal, to be mailed at the Clerk's direction, shall be supplied for the use of each member in such manner as shall be provided by the Legislature.

(g) The bound Journal of the session shall be prepared from the corrected daily Journal.

(h) A verbatim record of all debate and questions on all bills and resolutions, and amendments offered thereto, shall be made, transcribed, and preserved under the direction of the Clerk.

(i) A list of lobbyists who are registered shall be set forth in the Journal.

(j) An acknowledgement shall be entered in the daily Journal that a member has filed a Potential Conflict of Interest Statement under the Nebraska Accountability and Disclosure Act, and that such statement is on file in the Clerk of the Legislature's Office.

Referred to the Rules Committee.

ANNOUNCEMENTS

The Executive Board designates LB685 and LB770 as its priority bills.

The Education Committee designates LB1071 and LB1006 as its priority bills.

The General Affairs Committee designates LB861 as its priority bill.

Senator Avery designates LB1021 as his priority bill.

Senator Pankonin designates LB1010 as his priority bill.

GENERAL FILE

LEGISLATIVE RESOLUTION 277CA. Read. Considered.

SENATOR LANGEMEIER PRESIDING

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

Senator Krist moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Senator Krist requested a roll call vote, in reverse order, on the motion to cease debate.

Voting in the affirmative, 32:

Ashford	Fischer	Janssen	McGill	Stuthman
Campbell	Flood	Karpisek	Mello	Sullivan
Carlson	Gay	Krist	Nelson	Wallman
Christensen	Giese	Lathrop	Nordquist	White
Coash	Hadley	Lautenbaugh	Pankonin	
Cornett	Hansen	Louden	Price	
Dierks	Harms	McCoy	Rogert	

Voting in the negative, 11:

Avery	Gloor	Langemeier	Utter
Cook	Haar	Pirsch	Wightman
Council	Howard	Schilz	

Present and not voting, 1:

Dubas

Excused and not voting, 5:

Adams	Conrad	Fulton	Heidemann	Pahls
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The motion to cease debate prevailed with 32 ayes, 11 nays, 1 present and not voting, and 5 excused and not voting.

Senator Karpisek requested a roll call vote on the advancement of the resolution.

Voting in the affirmative, 22:

Campbell	Giese	Krist	Nordquist	Wallman
Coash	Gloor	Langemeier	Rogert	White
Cornett	Haar	Louden	Schilz	
Council	Hadley	McGill	Stuthman	
Dierks	Karpisek	Mello	Utter	

Voting in the negative, 11:

Ashford	Gay	Janssen	Pankonin
Avery	Hansen	McCoy	Wightman
Christensen	Harms	Nelson	

Present and not voting, 11:

Carlson	Fischer	Lathrop	Price
Cook	Flood	Lautenbaugh	Sullivan
Dubas	Howard	Pirsch	

Excused and not voting, 5:

Adams Conrad Fulton Heidemann Pahls

Failed to advance to Enrollment and Review Initial with 22 ayes, 11 nays, 11 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

COMMITTEE REPORTS

Education

LEGISLATIVE BILL 916. Indefinitely postponed.

(Signed) Greg Adams, Chairperson

Revenue

LEGISLATIVE BILL 877. Placed on General File with amendment. AM1877 is available in the Bill Room.

LEGISLATIVE BILL 1002. Placed on General File with amendment. AM1841

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. For purposes of sections 1 to 8 of this act:
- 4 (1) Census-designated place means a concentration of
- 5 population identified by the United States Department of Commerce,
- 6 Bureau of the Census, that lacks a separate municipal government
- 7 but otherwise physically resembles an incorporated city or village,
- 8 that is associated with an Indian reservation, and that is in
- 9 a county with fewer than six thousand four hundred inhabitants
- 10 according to the most recent federal decennial census;
- 11 (2) Commission means the Commission on Indian Affairs;
- 12 (3) Indian reservation means a tract of land set apart by
- 13 the federal government for the use of the Native American people;
- 14 and
- 15 (4) Political subdivision means a city, village, or
- 16 county within a thirty-mile radius of a census-designated place or
- 17 a tribal government that owns land within such thirty-mile radius.
- 18 Sec. 2. Any political subdivision may annually apply
- 19 to the commission for state assistance under sections 1 to 8
- 20 of this act. The state assistance shall be used for economic
- 21 development, health care, and law enforcement needs in such
- 22 political subdivision. The state assistance shall be derived from
- 23 the state sales tax revenue collected from retailers within a
- 1 thirty-mile radius of the census-designated place.
- 2 Sec. 3. (1) All applications for state assistance under

3 sections 1 to 8 of this act shall be in writing, include a
4 certified copy of the approving action of the governing body of the
5 applicant describing the proposed use for the state assistance, and
6 be of such form and contain the content as the commission shall
7 prescribe.

8 (2) Upon receiving an application for state assistance,
9 the commission shall review the application and notify the
10 applicant of any additional information needed for a proper
11 evaluation of the application.

12 (3) Any state assistance received pursuant to sections 1
13 to 8 of this act shall be used only for public purposes.

14 Sec. 4. (1) After reviewing an application submitted
15 under section 3 of this act and upon reasonable notice to the
16 applicant, the commission shall hold a public hearing on the
17 application.

18 (2) The commission shall give notice of the time, place,
19 and purpose of the public hearing by publication three times in a
20 newspaper of statewide circulation. Such publication shall be not
21 less than ten days prior to the hearing. The notice shall describe
22 generally the use for which state assistance has been requested.
23 The applicant shall pay the cost of the notice.

24 (3) At the public hearing, representatives of the
25 applicant and any other interested persons may appear and present
26 evidence and argument in support of or in opposition to the
27 application or neutral testimony. The commission may seek expert
1 testimony and may require testimony of persons whom the commission
2 desires to comment on the application. The commission may provide
3 for the acceptance of additional evidence after conclusion of the
4 public hearing.

5 Sec. 5. (1) After consideration of the application and
6 the evidence, the commission shall issue a finding of whether the
7 use described in the application is eligible for state assistance.

8 (2) If the commission finds that the use described in the
9 application is a legitimate use and that state assistance is in the
10 best interest of the state, the application shall be approved.

11 (3) A majority of the commission members constitutes a
12 quorum for the purpose of conducting business. All actions of the
13 commission shall be made by a majority vote of the voting members.

14 Sec. 6. (1) If an application is approved, the Tax
15 Commissioner shall:

16 (a) Audit or review audits of any retailer within the
17 thirty-mile radius of the census-designated place to determine the
18 state sales tax revenue collected by such retailers; and

19 (b) Certify annually the amount of state sales tax
20 revenue collected by such retailers to the State Treasurer
21 beginning with state sales tax revenue collected on and after
22 July 1, 2010.

23 (2) State sales tax revenue collected by retailers as
24 described in sections 1 to 8 of this act shall be reported on

25 informational returns developed by the Department of Revenue. The
 26 informational returns shall be submitted to the department by the
 27 retailer by the twenty-fifth day of the month following the month
 1 the sales taxes are collected. The Tax Commissioner shall use the
 2 data from the informational returns to determine the appropriate
 3 amount of state sales tax revenue.

4 Sec. 7. (1) Upon the annual certification under section 6
 5 of this act, the State Treasurer shall transfer after the audit the
 6 amount certified to the Designated Sales Tax Collection Fund which
 7 is hereby created. Any money in the fund available for investment
 8 shall be invested by the state investment officer pursuant to
 9 the Nebraska Capital Expansion Act and the Nebraska State Funds
 10 Investment Act.

11 (2) It is the intent of the Legislature to appropriate
 12 from the fund to any political subdivision for which an application
 13 for state assistance under sections 1 to 8 of this act has
 14 been approved an amount not to exceed two hundred fifty thousand
 15 dollars annually from the state sales tax revenue collected by
 16 retailers within the thirty-mile radius of the census-designated
 17 place within which such political subdivision is located. If more
 18 than one applicant is approved and each applicant is eligible to
 19 receive assistance from state sales tax revenue derived from the
 20 same retailer, the commission shall determine the allocation of
 21 assistance to be distributed to each applicant.

22 Sec. 8. Sections 1 to 8 of this act terminate on June 30,
 23 2018.

24 Sec. 9. Section 81-2504, Reissue Revised Statutes of
 25 Nebraska, is amended to read:

26 81-2504 The functions of the commission shall be to:

27 (1) Promote state and federal legislation beneficial to
 1 the Indian community in Nebraska;

2 (2) Coordinate existing programs relating to the Indian
 3 community in such areas as housing, education, welfare, medical and
 4 dental care, employment, economic development, law and order, and
 5 related problems;

6 (3) Work with other state and federal government agencies
 7 and federal and state elected officials in the development of new
 8 programs in areas mentioned under subdivision (2) of this section;

9 (4) Keep the Governor's office apprised of the situation
 10 in the Indian community;

11 (5) Administer sections 1 to 8 of this act;

12 ~~(5)-(6)~~ Provide the public with information and education
 13 relevant to Indian affairs in the State of Nebraska; and

14 ~~(6)-(7)~~ Develop programs to encourage the total
 15 involvement of Indian people in activities for the common benefit
 16 of the Indian community.

17 Sec. 10. This act becomes operative on July 1, 2011.

18 Sec. 11. Original section 81-2504, Reissue Revised
 19 Statutes of Nebraska, is repealed.

(Signed) Abbie Cornett, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 322. Introduced by Council, 11; Mello, 5; Nordquist, 7.

WHEREAS, Mary Kay Begley was born January 22, 1937, in Omaha, Nebraska, to Harry and Madeline Watson; and

WHEREAS, Mary Kay Begley dedicated her life to assisting those who ran into tough economic times; and

WHEREAS, Mary Kay Begley earned her bachelor's degree in history from Clarke College in Dubuque, Iowa, and earned her master's degree in history from Loyola University Chicago; and

WHEREAS, Mary Kay Begley completed her master's thesis on the Republican Convention of 1860 that nominated President Abraham Lincoln; and

WHEREAS, Mary Kay Begley taught social studies for more than ten years, including teaching at the now-closed Omaha Technical High School; and

WHEREAS, Mary Kay Begley was the first woman elected to the board of directors of the Metropolitan Utilities District in Omaha, serving in that capacity for twenty-one years; and

WHEREAS, Mary Kay Begley was a proud public servant who committed herself to serving low-income people who had trouble paying their heating bills; and

WHEREAS, Mary Kay Begley was a proud member of St. Cecilia Cathedral in Omaha and the Nebraska Democratic Party; and

WHEREAS, Mary Kay Begley was devoted to family, politics, and Notre Dame Fighting Irish football; and

WHEREAS, Mary Kay Begley died on February 15, 2010.

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

1. That the Legislature expresses its deep and sincere appreciation of Mary Kay Begley for her dedication and service to the people of Nebraska.

2. That the Legislature extends its sympathy and condolences to the family of Mary Kay Begley.

3. That a copy of this resolution be sent to the family of Mary Kay Begley.

Laid over.

LEGISLATIVE RESOLUTION 323. Introduced by Gloor, 35; Carlson, 38; Christensen, 44; Dubas, 34; Fischer, 43; Hadley, 37; Sullivan, 41; Utter, 33; Wightman, 36.

WHEREAS, the staff of the Grand Island Veterans' Home, including administrator Alex Willford, are to be congratulated on the improvements made in service, member care, and business operations; and

WHEREAS, a January of 2010 survey administered by the Department of Health and Human Services showed high marks in all patient care categories and that the home was free of deficiencies in medical services, social work, dietary services, activities, laundry services, administration, rehabilitative services, and housekeeping; and

WHEREAS, the home experienced a reduction in members experiencing pressure ulcers. The occurrence of these ulcers dropped to an all-time low of three percent from the 2009 high of eleven percent; and

WHEREAS, the home experienced an improvement in quality measures, including weight loss, pain management, behavioral and emotional patterns, appropriate use of medications, physical functioning, range of motion, and a reduction in the prevalence of falls; and

WHEREAS, the home saw a reduction in mandatory overtime from a high of one thousand six hundred hours in a two-week time period during 2008 to the current low of three hundred sixty total facility overtime hours in a two-week time period; and

WHEREAS, there has been an increase in retention of employees to seventy-three and one-half percent from the previous year's percentage of fifty-two percent; and

WHEREAS, there has been an increase in training opportunities through collaboration with Central Community College, the Nebraska Health Care Association, and the University of Nebraska at Kearney to provide clinical training on site; and

WHEREAS, there has been an increase in donations from the community by seventeen percent through engagement with the community and local and state organizations.

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

1. That the Legislature congratulates administrator Alex Willford and the staff of the Grand Island Veterans' Home for their exemplary work.

2. That the Legislature thanks the residents of the Grand Island Veterans' Home for their years of service to our country and their support of the home's staff.

3. That a copy of this resolution be sent to the Grand Island Veterans' Home.

Laid over.

NOTICE OF COMMITTEE HEARINGS

Judiciary

Room 1113

Thursday, February 25, 2010 1:30 p.m.

LB1089 (cancel)
LB1043 (cancel)
LB847 (cancel)

Thursday, February 25, 2010 12:30 p.m.

LB1089 (reschedule)
LB1043 (reschedule)
LB847 (reschedule)

(Signed) Brad Ashford, Chairperson

ANNOUNCEMENTS

Senator Nordquist designates LB1106 as his priority bill.

Senator Schilz designates LB919 as his priority bill.

The Transportation and Telecommunications Committee designates LB821 as its priority bill.

Senator Cornett designates LB763 as her priority bill.

Senator Carlson designates LB1057 as his priority bill.

UNANIMOUS CONSENT - Add Cointroducers

Senator Stuthman asked unanimous consent to add his name as cointroducer to LB1036. No objections. So ordered.

Senators Coash and Nordquist asked unanimous consent to add their names as cointroducers to LB1110. No objections. So ordered.

ANNOUNCEMENT

Senator Wightman designates LB945 as his priority bill.

VISITORS

Visitors to the Chamber were members of Leadership Sarpy from Sarpy County; members of leadership groups from Hastings, Grand Island, and York; and John Dyson and Melissa Sorensen from Gig Harbor, Washington, and Sara Donaldson from Lincoln.

The Doctor of the Day was Dr. Mindy Lacey from Norfolk.

ADJOURNMENT

At 11:52 a.m., on a motion by Senator Cook, the Legislature adjourned until 9:00 a.m., Friday, February 19, 2010.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-NINTH DAY - FEBRUARY 19, 2010**LEGISLATIVE JOURNAL****ONE HUNDRED FIRST LEGISLATURE
SECOND SESSION****TWENTY-NINTH DAY**

Legislative Chamber, Lincoln, Nebraska
Friday, February 19, 2010

PRAYER

The prayer was offered by Pastor Tyler Hauptmeier, St. Peter's Lutheran Church, Wymore.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Flood presiding.

The roll was called and all members were present except Senators Conrad, Dierks, and Pahls who were excused; and Senators Ashford, Cook, Janssen, Karpisek, and Price who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-eighth day was approved.

COMMITTEE REPORTS

Urban Affairs

LEGISLATIVE BILL 381. Placed on General File with amendment.
AM1609 is available in the Bill Room.

(Signed) Amanda McGill, Chairperson

Revenue

LEGISLATIVE BILL 952. Placed on General File with amendment.
AM1945

- 1 1. On page 7, line 24, after "means" insert "the actual
- 2 cost of".

(Signed) Abbie Cornett, Chairperson

NOTICE OF COMMITTEE HEARING
Rules

Room 1510

Tuesday, February 23, 2010 1:00 p.m.

Senator Avery's proposed rules change
Legislative Journal page 556

(Signed) Scott Lautenbaugh, Chairperson

RESOLUTIONS**LEGISLATIVE RESOLUTION 324.** Introduced by Cook, 13; Coash, 27; Krist, 10; Lathrop, 12; McGill, 26; Rogert, 16; White, 8.

PURPOSE: The purpose of this interim study is to examine the need for public utility ratepayer assistance programs in the state. The statewide costs for operation, maintenance, and capital improvements to our water, wastewater, natural gas, and electrical utility infrastructure systems are increasing faster than the rate of inflation, and increasing numbers of utility customers are struggling to pay service charges. The study shall focus on the adequacy of existing assistance programs and evaluate alternatives to better meet the future needs of public utility customers in the state.

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

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 325. Introduced by Stuthman, 22.

WHEREAS, Alex Kurtenbach, of Troop 212, 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, Alex 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. Alex earned 26 merit badges and constructed a cabinet for the Columbus Rescue Mission in Columbus, Nebraska, for his Eagle Scout community service project; and

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

WHEREAS, Alex, 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 Alex Kurtenbach on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Alex Kurtenbach.

Laid over.

ANNOUNCEMENTS

Senator White designates LB952 as his priority bill.

Senator Adams designates LB1072 as his priority bill.

Senator McGill designates LB925 as her priority bill.

Senator Flood designates LB1103 as his priority bill.

Senator Cook designates LB975 as her priority bill.

Senator Mello designates LB1081 as his priority bill.

The Health and Human Services Committee designates LB849 and LB1110 as its priority bills.

The Revenue Committee designates LB879 and LB1079 as its priority bills.

The Natural Resources Committee designates LB1048 and LB862 as its priority bills.

Senator Campbell designates LB999 as her priority bill.

REPORTS

The following reports were received by the Legislature:

Criminal Justice, Commission on Law Enforcement and

Nebraska Coalition for Juvenile Justice Annual Report FY08-09

Energy Office, Nebraska

Nebraska Energy Office 2009 Annual Report

Nebraska Energy Statistics

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of February 18, 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

Amack, Angela K.

Criminal Defense Attorneys Association, Nebraska

Crepps, Janet

Center for Reproductive Rights

Goldberg, Jordan

Center for Reproductive Rights

Heyl, Dean A.

Direct Selling Association

Howell, Rachel

Nebraska Friends of Midwives

Larsen, Mary

March of Dimes Birth Defects Foundation

Loontjier, Pat

Gambling With the Good Life

MOTION - Return LB226 to Select File

Senator Rogert moved to return LB226 to Select File for his specific amendment, AM1894, found on page 544.

The Rogert motion to return prevailed with 31 ayes, 0 nays, 10 present and not voting, and 8 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 226. The Rogert specific amendment, AM1894, found on page 544, was adopted with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

LEGISLATIVE BILL 512. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 579. ER8152, found on page 393, was adopted.

Senator Cornett offered the following amendment:
AM1952 is available in the Bill Room.

SENATOR LANGEMEIER PRESIDING

The Cornett amendment was adopted with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 867. ER8159, found on page 479, was adopted.

Senator Karpisek renewed his amendment, AM1801, found on page 505.

The Karpisek amendment was adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 848. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 746. ER8160, found on page 479, was adopted.

Senator Giese withdrew his amendment, AM1795, found on page 505.

Senator Giese offered the following amendment:

AM1962

(Amendments to Standing Committee amendments, AM1669)

- 1 1. On page 1, line 14, strike "Mexican-Americans" and
- 2 insert "Latino-Americans".
- 3 2. On page 2, strike beginning with "Minority" in line 12
- 4 through "and" in line 13; and in line 13 after "Association" insert
- 5 "appointed by the Governor from a list of attorneys submitted by
- 6 the executive council of the Nebraska State Bar Association".

The Giese amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 890. ER8161, found on page 519, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 891. ER8163, found on page 523, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 892. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 643. ER8162, found on page 523, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 723. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 787. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 914. Advanced to Enrollment and Review for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 685. Title read. Considered.

SENATOR ROBERT PRESIDING

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

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

Voting in the affirmative, 20:

Carlson	Fulton	Hansen	Krist	Price
Christensen	Gay	Harms	Lautenbaugh	Stuthman
Fischer	Gloor	Heidemann	McCoy	Utter
Flood	Hadley	Karpisek	Nelson	Wightman

Voting in the negative, 22:

Adams	Council	Janssen	Nordquist	Wallman
Ashford	Dubas	Langemeier	Pirsch	White
Avery	Giese	Lathrop	Rogert	
Cook	Haar	Louden	Schilz	
Cornett	Howard	McGill	Sullivan	

Present and not voting, 3:

Coash	Mello	Pankonin
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Excused and not voting, 4:

Campbell	Conrad	Dierks	Pahls
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Failed to advance to Enrollment and Review Initial with 20 ayes, 22 nays, 3 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

COMMITTEE REPORTS

Agriculture

LEGISLATIVE BILL 986. Placed on General File.

LEGISLATIVE BILL 882. Placed on General File with amendment.
AM1853

- 1 1. On page 3, after line 25 insert the following new
- 2 subsection:
- 3 "(4) In addition to methods listed in subsections (1)
- 4 and (2) of this section, animal carcasses or carcass parts may
- 5 be disposed of by a veterinary clinic or veterinary diagnostic
- 6 laboratory by alkaline hydrolysis tissue digestion. For purposes
- 7 of this section, alkaline hydrolysis tissue digestion means a
- 8 process that utilizes an alkaline agent and heat to catalyze the
- 9 decomposition and reduction of biological tissues. This section
- 10 shall not exempt the products of alkaline hydrolysis tissue
- 11 digestion from any applicable law, rule, or regulation governing
- 12 disposal of wastes."
- 13 2. On page 4, line 1, strike "(4)", show as stricken, and
- 14 insert "(5)".

(Signed) Tom Carlson, Chairperson

Revenue

LEGISLATIVE BILL 704. Placed on General File.

(Signed) Abbie Cornett, Chairperson

Judiciary

LEGISLATIVE BILL 817. Placed on General File with amendment. AM1964

1 1. Strike the original sections and insert the following
 2 new sections:
 3 Section 1. Section 28-1212.04, Revised Statutes
 4 Supplement, 2009, is amended to read:
 5 28-1212.04 Any person, within the territorial boundaries
 6 of any city, ~~incorporated village~~, of the first class or county
 7 containing a city of the metropolitan class or primary class, who
 8 unlawfully, knowingly, and intentionally ~~or recklessly~~ discharges
 9 a firearm, while in any motor vehicle or in the proximity of
 10 any motor vehicle that such person has just exited, at or in the
 11 general direction of any person, dwelling, building, structure,
 12 occupied motor vehicle, occupied aircraft, inhabited motor home as
 13 defined in section 71-4603, or inhabited camper unit as defined in
 14 section 60-1801, is guilty of a Class IC felony.

15 Sec. 2. Section 69-2403, Reissue Revised Statutes of
 16 Nebraska, is amended to read:

17 69-2403 (1) Except as provided in this section and
 18 section 69-2409, a person shall not purchase, lease, rent, or
 19 receive transfer of a handgun until he or she has obtained a
 20 certificate in accordance with section 69-2404. Except as provided
 21 in this section and section 69-2409, a person shall not sell,
 22 lease, rent, or transfer a handgun to a person who has not obtained
 23 a certificate.

1 (2) The certificate shall not be required if:
 2 ~~(1)-(a)~~ The person acquiring the handgun is a licensed
 3 firearms dealer under federal law;
 4 ~~(2)-(b)~~ The handgun is an antique handgun;
 5 ~~(3)-(c)~~ The person acquiring the handgun is authorized to
 6 do so on behalf of a law enforcement agency;
 7 ~~(4)-(d)~~ The transfer is a temporary transfer of a handgun
 8 and the transferee remains ~~(a)-(i)~~ in the line of sight of the
 9 transferor or ~~(b)-(ii)~~ within the premises of an established
 10 shooting facility; ~~or~~
 11 ~~(5)-(e)~~ The transfer is between a person and his or
 12 her spouse, sibling, parent, child, aunt, uncle, niece, nephew, or
 13 grandparent; ~~or~~
 14 (f) The person acquiring the handgun is a holder of a
 15 valid permit under the Concealed Handgun Permit Act; or
 16 (g) The person acquiring the handgun is a peace officer
 17 as defined in section 69-2429.

18 Sec. 3. Original sections 69-2403, Reissue Revised
 19 Statutes of Nebraska, and section 28-1212.04, Revised Statutes
 20 Supplement, 2009, are repealed.

(Signed) Brad Ashford, Chairperson

Agriculture

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

Sallie Atkins - Nebraska State Fair Board

Aye: 8 Senators Carlson, Council, Dierks, Dubas, Karpisek, Price, Schilz, Wallman. Nay: 0. Absent: 0. Present and not voting: 0.

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

Linda Lovgren - Nebraska State Fair Board

Aye: 8 Senators Carlson, Council, Dierks, Dubas, Karpisek, Price, Schilz, Wallman. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Tom Carlson, Chairperson

NOTICE OF COMMITTEE HEARING Nebraska Retirement Systems

Room 1525

Tuesday, March 23, 2010 12:10 p.m.

Nebraska Investment Council Annual Report
Nebraska Public Employees Retirement Systems Annual Report

(Signed) Dave Pankonin, Chairperson

ANNOUNCEMENTS

Senator Gloor designates LB949 as his priority bill.

Senator Giese designates LB709 as his priority bill.

The Judiciary Committee designates LB800 and LB712 as its priority bills.

Senator Lathrop designates LB779 as his priority bill.

The Business and Labor Committee designates LB563 and LB961 as its priority bills.

Senator Stuthman designates LB1036 as his priority bill.

Senator Wallman designates LB780 as his priority bill.

Senator Utter designates LR284CA as his priority resolution.

Senator Rogert designates LB1087 as his priority bill.

Senator Howard designates LB507 as her priority bill.

Senator Coash designates LB1018 as his priority bill.

Senator Sullivan designates LB965 as her priority bill.

Senator Fulton designates LB817 as his priority bill.

Senator Lautenbaugh designates LB1102 as his priority bill.

Senator Dierks designates LB594 as his priority bill.

Senator Price designates LB948 as his priority bill.

Senator Nelson designates LR300CA as his priority resolution.

AMENDMENT - Print in Journal

Senator Adams filed the following amendment to LB711:
AM1951

(Amendments to Final Reading copy)

1 1. Strike section 2 and insert the following new
2 sections:
3 Sec. 2. Section 79-1022, Revised Statutes Supplement,
4 2009, is amended to read:
5 79-1022 (1) On ~~or before June 1, 2009,~~ on or before March
6 ~~4, 10,~~ 2010, and on or before February 1 of each year thereafter,
7 the department shall determine the amounts to be distributed to
8 each local system and each district pursuant to the Tax Equity
9 and Educational Opportunities Support Act and shall certify the
10 amounts to the Director of Administrative Services, the Auditor of
11 Public Accounts, each learning community, and each district. The
12 amount to be distributed to each district that is not a member
13 of a learning community from the amount certified for a local
14 system shall be proportional based on: (a) For school fiscal years
15 prior to school fiscal year 2008-09, the weighted formula students
16 attributed to each district in the local system; and (b) for school
17 fiscal year 2008-09 and each school fiscal year thereafter, the
18 formula students attributed to each district in the local system.
19 The amount to be distributed to each district that is a member of
20 a learning community from the amount certified for the local system
21 shall be proportional based on the formula needs calculated for

22 each district in the local system. On ~~or before June 1, 2009, on or~~
 1 before March ~~4, 10, 2010~~, and on or before February 1 of each year
 2 thereafter, the department shall report the necessary funding level
 3 to the Governor, the Appropriations Committee of the Legislature,
 4 and the Education Committee of the Legislature. Certified state
 5 aid amounts, including adjustments pursuant to section 79-1065.02,
 6 shall be shown as budgeted non-property-tax receipts and deducted
 7 prior to calculating the property tax request in the district's
 8 general fund budget statement as provided to the Auditor of Public
 9 Accounts pursuant to section 79-1024.

10 (2) Except as provided in subsection (8) of section
 11 79-1016 and sections 79-1033 and 79-1065.02, the amounts certified
 12 pursuant to subsection (1) of this section shall be distributed in
 13 ten as nearly as possible equal payments on the last business day
 14 of each month beginning in September of each ensuing school fiscal
 15 year and ending in June of the following year, except that when a
 16 school district is to receive a monthly payment of less than one
 17 thousand dollars, such payment shall be one lump-sum payment on
 18 the last business day of December during the ensuing school fiscal
 19 year.

20 Sec. 3. Section 79-1023, Revised Statutes Supplement,
 21 2009, as amended by section 11, Legislative Bill 5, One Hundred
 22 First Legislature, First Special Session, 2009, is amended to read:
 23 79-1023 (1) On ~~or before June 1, 2009, on or~~ before March
 24 ~~4, 10, 2010~~, and on or before February 1 of each year thereafter,
 25 the department shall determine and certify to each school district
 26 the maximum general fund budget of expenditures minus the special
 27 education budget of expenditures for the immediately following
 1 school fiscal year.

2 (2) Except as provided in section 79-1028.01, no
 3 school district shall have a general fund budget of expenditures
 4 minus special grant funds and the special education budget of
 5 expenditures more than the greater of (a) the product of the
 6 difference of the general fund budget of expenditures minus special
 7 grant funds and the special education budget of expenditures
 8 for the immediately preceding school fiscal year multiplied by
 9 (i) except as otherwise provided in subdivision (a)(ii) of this
 10 subsection, the sum of one plus the local system's applicable
 11 allowable growth rate or (ii) for school fiscal year 2010-11, the
 12 sum of one plus seventy-five hundredths of one percent plus the
 13 local system's applicable allowable growth rate or (b)(i) except as
 14 otherwise provided in subdivision (b)(ii) of this subsection, the
 15 difference of one hundred twenty percent of formula need for such
 16 school fiscal year minus the product of the sum of one plus the
 17 basic allowable growth rate for such school fiscal year multiplied
 18 by the special education budget of expenditures as filed on the
 19 school district budget statement on or before September 20 for
 20 the immediately preceding school fiscal year or (ii) for school
 21 fiscal years 2009-10 and 2010-11, the difference of one hundred

22 sixteen and fifteen-hundredths percent of formula need for such
 23 school fiscal year minus the product of the sum of one plus the
 24 basic allowable growth rate for such school fiscal year multiplied
 25 by the special education budget of expenditures as filed on the
 26 school district budget statement on or before September 20 for the
 27 immediately preceding school fiscal year.

1 Sec. 4. Section 79-1026.01, Revised Statutes Supplement,
 2 2009, is amended to read:

3 79-1026.01 For school fiscal year 2008-09 and each school
 4 fiscal year thereafter, ~~on or before June 1, 2009,~~ on or before
 5 March 4, 10, 2010, and on or before February 1 of each year
 6 thereafter, the department shall determine and certify to each
 7 Class II, III, IV, or V district an applicable allowable growth
 8 rate carried out at least four decimal places as follows:

9 (1) The department shall establish a target budget level
 10 range of general fund operating expenditure levels for each school
 11 fiscal year for each school district which shall begin at twenty
 12 percent less than the school district's formula need and end at the
 13 school district's formula need. The beginning point of the range
 14 shall be assigned a number equal to the maximum allowable growth
 15 rate established in section 79-1025, and the end point of the range
 16 shall be assigned a number equal to the basic allowable growth rate
 17 as prescribed in such section such that the lower end of the range
 18 shall be assigned the maximum allowable growth rate and the higher
 19 end of the range shall be assigned the basic allowable growth rate;
 20 and

21 (2) For each school fiscal year, each school district's
 22 general fund operating expenditures shall be compared to its target
 23 budget level along the range described in subdivision (1) of
 24 this section to arrive at an applicable allowable growth rate
 25 as follows: If each school district's general fund operating
 26 expenditures fall below the lower end of the range, such applicable
 27 allowable growth rate shall be the maximum growth rate identified
 1 in section 79-1025. If each school district's general fund
 2 operating expenditures are greater than the higher end of the
 3 range, the school district's allowable growth rate shall be the
 4 basic allowable growth rate identified in such section. If each
 5 school district's general fund operating expenditures fall between
 6 the lower end and the higher end of the range, the department shall
 7 use a linear interpolation calculation between the end points of
 8 the range to arrive at the applicable allowable growth rate for the
 9 school district.

10 Sec. 5. Section 79-1027, Revised Statutes Supplement,
 11 2009, is amended to read:

12 79-1027 No district shall adopt a budget, which includes
 13 total requirements of depreciation funds, necessary employee
 14 benefit fund cash reserves, and necessary general fund cash
 15 reserves, exceeding the applicable allowable reserve percentages

16 of total general fund budget of expenditures as specified in the
 17 schedule set forth in this section.

18 Average daily	Allowable
19 membership of	reserve
20 district	percentage
21 0 - 471	45
22 471.01 - 3,044	35
23 3,044.01 - 10,000	25
24 10,000.01 and over	20

25 On ~~or before June 1, 2009, on or before March 4, 10,~~
 26 2010, and on or before February 1 each year thereafter, the
 27 department shall determine and certify each district's applicable
 1 allowable reserve percentage.

2 Each district with combined necessary general fund cash
 3 reserves, total requirements of depreciation funds, and necessary
 4 employee benefit fund cash reserves less than the applicable
 5 allowable reserve percentage specified in this section may,
 6 notwithstanding the district's applicable allowable growth rate,
 7 increase its necessary general fund cash reserves such that the
 8 total necessary general fund cash reserves, total requirements
 9 of depreciation funds, and necessary employee benefit fund
 10 cash reserves do not exceed such applicable allowable reserve
 11 percentage.

12 Sec. 6. Section 79-1031.01, Revised Statutes Supplement,
 13 2009, is amended to read:

14 79-1031.01 The Appropriations Committee of the
 15 Legislature shall annually include the amount necessary to fund the
 16 state aid that will be certified to school districts ~~on or before~~
 17 ~~June 1, 2009,~~ on or before March 4, 10, 2010, and on or before
 18 February 1 for each school year thereafter in its recommendations
 19 to the Legislature to carry out the requirements of the Tax Equity
 20 and Educational Opportunities Support Act.

21 Sec. 7. Original section 79-4,108, Reissue Revised
 22 Statutes of Nebraska, sections 79-1022, 79-1026.01, 79-1027, and
 23 79-1031.01, Revised Statutes Supplement, 2009, and section 79-1023,
 24 Revised Statutes Supplement, 2009, as amended by section 11,
 25 Legislative Bill 5, One Hundred First Legislature, First Special
 26 Session, 2009, are repealed.

27 2. On page 1, strike beginning with "unified" in line
 1 1 through the semicolon in line 4 and insert "schools; to
 2 amend section 79-4,108, Reissue Revised Statutes of Nebraska,
 3 sections 79-1022, 79-1026.01, 79-1027, and 79-1031.01, Revised
 4 Statutes Supplement, 2009, and section 79-1023, Revised Statutes
 5 Supplement, 2009, as amended by section 11, Legislative Bill 5, One
 6 Hundred First Legislature, First Special Session, 2009; to change
 7 provisions relating to interlocal agreements for unified school
 8 systems; to change dates relating to certification of state aid
 9 under the Tax Equity and Educational Opportunities Support Act; to

10 repeal the original sections;"

11 3. Renumber the remaining section accordingly.

GENERAL FILE

LEGISLATIVE BILL 1006. Title read. Considered.

Committee AM1816, found on page 532, was considered.

SENATOR STUTHMAN PRESIDING

The committee amendment was adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 865. Title read. Considered.

Committee AM1739, found on page 451, was adopted with 30 ayes, 0 nays, 11 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 10 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 910. Title read. Considered.

Committee AM1789, found on page 539, was adopted with 31 ayes, 1 nay, 8 present and not voting, and 9 excused and not voting.

Senator Carlson offered the following amendment:

AM1934

1 1. Strike original section 13.

2 2. On page 9, line 8, strike "an animal rescue," strike

3 "or" and show as stricken, and after "shelter" insert ", or,

4 beginning October 1, 2010, as an animal rescue"; in line 9 after

5 each comma insert "a"; and in line 10 after the first comma insert

6 "an", strike "animal rescue," strike "or", show as stricken, and

7 insert "an", and after "shelter" insert ", or, beginning October 1,

8 2010, as an animal rescue".

The Carlson amendment was adopted with 31 ayes, 0 nays, 9 present and not voting, and 9 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 1 nay, 7 present and not voting, and 9 excused and not voting.

COMMITTEE REPORTS

Transportation and Telecommunications

LEGISLATIVE BILL 926. Placed on General File with amendment.
AM1942

- 1 1. Strike the original sections and insert the following
2 new sections:
- 3 Section 1. Section 39-204, Reissue Revised Statutes of
4 Nebraska, is amended to read:
- 5 39-204 (1) Signs, displays, and devices giving specific
6 information of interest to the traveling public shall be erected
7 by or at the direction of the Department of Roads and maintained
8 within the right-of-way at appropriate distances from interchanges
9 on the National System of Interstate and Defense Highways and from
10 roads of the state primary system as shall conform with the rules
11 and regulations adopted and promulgated by the department to carry
12 out this section and section 39-205. Such rules and regulations
13 shall be consistent with national standards promulgated from time
14 to time by the appropriate authority of the federal government
15 pursuant to 23 U.S.C. 131(f).
- 16 (2) For purposes of this section, specific information of
17 interest to the traveling public shall mean only information about
18 camping, lodging, food, attractions, and motor fuel and associated
19 services, including trade names.
- 20 (3) The minimum service that is required to be available
21 for each type of service shall include:
- 22 (a) Motor fuel services including:
- 23 (i) Vehicle services, which shall include fuel, oil, ~~tire~~
1 ~~repair~~, and water;
- 2 (ii) Restroom facilities and drinking water;
- 3 (iii) Continuous operation of such services for at least
4 sixteen hours per day, seven days per week, for freeways and
5 expressways and continuous operation of such services for at least
6 twelve hours per day, seven days per week, for conventional roads;
7 and
- 8 (iv) Telephone services;
- 9 (b) Attraction services including:
- 10 (i) An attraction of regional significance with the
11 primary purpose of providing amusement, historical, cultural, or
12 leisure activity to the public;
- 13 (ii) Restroom facilities and drinking water; and
14 (iii) Adequate parking accommodations;
- 15 ~~(b)~~ (c) Food services including:
- 16 (i) Licensing or approval of such services, when
17 required;
- 18 (ii) Continuous operation of such services to serve ~~three~~
19 at least two meals per day, seven-six days per week; and
- 20 (iii) Modern sanitary facilities; and
- 21 ~~(iii)~~ (iv) Telephone services;

22 ~~(e)~~(d) Lodging services including:

23 (i) Licensing or approval of such services, when
24 required;

25 (ii) Adequate sleeping accommodations; and

26 (iii) Telephone services; and

27 ~~(d)~~(e) Camping services including:

1 (i) Licensing or approval of such services, when
2 required;

3 (ii) Adequate parking accommodations; and

4 (iii) Modern sanitary facilities and drinking water.

5 Sec. 2. Section 39-205, Reissue Revised Statutes of

6 Nebraska, is amended to read:

7 39-205 (1) Applicants for business signs shall furnish
8 business signs to the Department of Roads and shall pay to the
9 department an annual fee for posting each business sign and the
10 actual cost of material for, fabrication of, and erecting the
11 specific information sign panels where specific information sign
12 panels have not been installed.

13 (2) Upon receipt of the business signs and the annual
14 fee, the department shall post or cause to be posted the business
15 signs where specific information sign panels have been installed.
16 The applicant shall not be required to remove any advertising
17 device to qualify for a business sign except any advertising device
18 which was unlawfully erected or in violation of section 39-202,
19 39-203, 39-204, 39-205, 39-206, 39-215, 39-216, or 39-220, any rule
20 or regulation of the department, or any federal rule or regulation
21 relating to informational signs. The specific information sign
22 panels and business signs shall conform to the requirements of
23 the Federal Beautification Act and the Manual on Uniform Traffic
24 Control Devices adopted pursuant to section 60-6,118.

25 (3) All revenue received for the posting or erecting
26 of business signs or specific information sign panels pursuant to
27 this section shall be deposited in the Highway Cash Fund, except
1 that any revenue received from the annual fee and for posting
2 or erecting such signs in excess of the state's costs shall be
3 deposited in the General Fund.

4 (4) For purposes of this section, unless the context
5 otherwise requires:

6 (a) Business sign ~~shall mean~~ means a sign displaying
7 a commercial brand, symbol, trademark, or name, or combination
8 thereof, designating a motorist service. Business signs shall be
9 mounted on a rectangular information panel; and

10 (b) Specific information sign panel ~~shall mean~~ means a
11 rectangular sign panel with:

12 (i) The word gas, food, attraction, lodging, or camping;

13 (ii) Directional information; and

14 (iii) One or more business signs.

15 (5) The department shall provide notice of space

16 available for business signs on any specific information sign panel

17 at least ninety days prior to accepting or approving the posting
 18 of any business sign.
 19 Sec. 3. Section 39-210, Reissue Revised Statutes of
 20 Nebraska, is amended to read:
 21 39-210 To qualify to appear on a tourist-oriented
 22 directional sign panel, an activity shall be licensed and approved
 23 by the state and local agencies if required by law and be open
 24 to the public at least eight hours per day, five days per week,
 25 including Saturdays or Sundays, during the normal season of the
 26 activity, except that if the activity is a winery, the winery
 27 shall be open at least twenty hours per week. The activity,
 1 before qualifying to appear on a sign panel, shall provide to
 2 the Department of Roads assurance of its conformity with all
 3 applicable laws relating to discrimination based on race, creed,
 4 color, sex, national origin, ancestry, political affiliation, or
 5 religion. If the activity violates any of such laws, it shall
 6 lose its eligibility to appear on a tourist-oriented directional
 7 sign panel. In addition, the qualifying activity shall be required
 8 to remove any advertising device which was unlawfully erected or
 9 which is in violation of section 39-202, 39-203, 39-204, 39-205,
 10 39-206, 39-215, 39-216, or 39-220, any rule or regulation of
 11 the department, or any federal rule or regulation relating to
 12 tourist-oriented directional sign panels. The tourist-oriented
 13 directional sign panels shall conform to the requirements of the
 14 Federal Beautification Act and the Manual on Uniform Traffic
 15 Control Devices as adopted pursuant to section 60-6,118.
 16 Sec. 4. Original sections 39-204, 39-205, and 39-210,
 17 Reissue Revised Statutes of Nebraska, are repealed.

(Signed) Deb Fischer, Chairperson

Appropriations

LEGISLATIVE BILL 1063. Placed on General File with amendment.
 AM1961

1 1. Insert the following new section:
 2 Sec. 3. Section 82-331, Revised Statutes Supplement,
 3 2009, is amended to read:
 4 82-331 (1) There is hereby established in the state
 5 treasury a trust fund to be known as the Nebraska Cultural
 6 Preservation Endowment Fund. The fund shall consist of funds
 7 appropriated or transferred by the Legislature, and only the
 8 earnings of the fund may be used as provided in this section.
 9 (2) On August 1, 1998, the State Treasurer shall transfer
 10 five million dollars from the General Fund to the Nebraska Cultural
 11 Preservation Endowment Fund.
 12 (3) Except as provided in subsection (4) of this section,
 13 it is the intent of the Legislature that the State Treasurer
 14 shall transfer (a) an amount not to exceed five hundred thousand

15 dollars from the General Fund to the Nebraska Cultural Preservation
 16 Endowment Fund on December 31 of 2009 and 2010 and (b) an amount
 17 not to exceed ~~one million~~ five hundred thousand dollars from the
 18 General Fund to the Nebraska Cultural Preservation Endowment Fund
 19 on December 31 of 2011, ~~and~~ 2012, 2013, 2014, 2015, and 2016.

20 (4) Prior to the transfer of funds from any state
 21 account into the Nebraska Cultural Preservation Endowment Fund,
 22 the Nebraska Arts Council shall provide documentation to the
 23 budget division of the Department of Administrative Services that
 1 qualified endowments have generated a dollar-for-dollar match
 2 of new money, up to the amount of state funds authorized
 3 by the Legislature to be transferred to the Nebraska Cultural
 4 Preservation Endowment Fund. The budget division of the Department
 5 of Administrative Services shall notify the State Treasurer to
 6 execute a transfer of state funds up to the amount specified by the
 7 Legislature, but only to the extent that the Nebraska Arts Council
 8 has provided documentation of a dollar-for-dollar match. Funds not
 9 transferred shall be carried forward to the succeeding year and be
 10 added to the funds authorized for a dollar-for-dollar match during
 11 that year.

12 (5) The Legislature shall not appropriate or transfer
 13 money from the Nebraska Cultural Preservation Endowment Fund for
 14 any purpose other than the purposes stated in sections 82-330 to
 15 82-333, except that the Legislature may appropriate or transfer
 16 money from the fund upon a finding that the purposes of such
 17 sections are not being accomplished by the fund.

18 (6) Any money in the Nebraska Cultural Preservation
 19 Endowment Fund available for investment shall be invested by the
 20 state investment officer pursuant to the Nebraska Capital Expansion
 21 Act and the Nebraska State Funds Investment Act.

22 (7) All investment earnings from the Nebraska Cultural
 23 Preservation Endowment Fund shall be credited to the Nebraska Arts
 24 and Humanities Cash Fund.

25 2. On page 2, line 24, after the comma insert "and
 26 section 82-331, Revised Statutes Supplement, 2009,".

27 3. Renumber the remaining section accordingly.

(Signed) Lavon Heidemann, Chairperson

Natural Resources

LEGISLATIVE BILL 836. Placed on General File with amendment.
 AM1864

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

3 Section 1. Section 37-448, Reissue Revised Statutes of
 4 Nebraska, is amended to read:

5 37-448 (1) Subject to rules and regulations adopted and
 6 promulgated by the commission, the secretary of the commission

7 may designate special deer depredation seasons or extensions of
 8 existing deer hunting seasons by executive order. The secretary
 9 may designate a depredation season or an extension of an existing
 10 deer hunting season whenever he or she determines that deer are
 11 causing excessive property damage. The secretary shall specify the
 12 number of permits to be issued, the species of deer allowed to be
 13 taken, the bag limit for such species, the beginning and ending
 14 dates for the depredation season or hunting season extension,
 15 shooting hours, the length of the depredation season or hunting
 16 season extension, and the geographic area in which hunting will be
 17 permitted. ~~Each such permit shall give the holder the right to take~~
 18 ~~one deer.~~ Hunting during a special depredation season or hunting
 19 season extension shall be limited to residents, and the rules and
 20 regulations shall be restricted to firearms which are allow use of
 21 any weapon permissible for use during the regular deer season.

22 (2) The depredation season may commence not less than
 23 five days after the first public announcement that the depredation
 1 season has been established. Permits shall be issued beginning
 2 ~~not less than three days after the first public announcement of~~
 3 ~~the depredation season and shall be issued in an impartial manner~~
 4 at a location determined by the secretary. The commission shall,
 5 pursuant to section 37-327, establish and charge a fee of not more
 6 than twenty-five dollars for a special depredation season permit.
 7 ~~Fifty percent of the fee shall be paid by the commission to a~~
 8 ~~landowner or operator within the designated area upon satisfactory~~
 9 ~~proof a deer was killed upon his or her farm or ranch during the~~
 10 ~~special depredation season.~~ The commission shall use the income
 11 from the sale of special depredation season permits for abatement
 12 of damage caused by deer. The commission shall also provide for
 13 an unlimited number of free permits for the taking of antlerless
 14 deer upon request to any person owning or operating at least twenty
 15 acres of farm or ranch land within the geographic area in which
 16 hunting will be permitted and to any member of the immediate family
 17 of any such person as defined in subdivision (2)(a) of section
 18 37-455. A free permit shall be valid only within such area and
 19 only during the designated deer depredation season. Receipt of a
 20 depredation season permit shall not in any way affect a person's
 21 eligibility for a regular season permit.

22 Sec. 2. Section 37-523, Revised Statutes Supplement,
 23 2009, is amended to read:

24 37-523 (1) It shall be unlawful to hunt or trap any
 25 form of wild mammal or wild bird within a ~~two hundred yard~~
 26 ~~one-hundred-yard~~ radius of an inhabited dwelling or livestock
 27 feedlot, or to trap within a two-hundred-yard radius of any passage
 1 used by livestock to pass under any highway, road, or bridge.

2 (2) This section shall not prohibit any owner, tenant, or
 3 operator or his or her guests from hunting or trapping any form of
 4 wild mammal or wild bird within such radius if the area is under
 5 his or her ownership or control. This section shall not prohibit

6 duly authorized personnel of any county, city, or village health or
 7 animal control department from trapping with a humane live box trap
 8 or pursuing any form of wild mammal or wild bird, when conducting
 9 such activities within the scope of the authorization, within such
 10 radius if the area is under the jurisdiction of the county, city,
 11 or village.

12 (3) Any person violating this section shall be guilty of
 13 a Class III misdemeanor and shall be fined at least one hundred
 14 dollars upon conviction.

15 Sec. 3. Original section 37-448, Reissue Revised Statutes
 16 of Nebraska, and section 37-523, Revised Statutes Supplement, 2009,
 17 are repealed.

(Signed) Chris Langemeier, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 326. Introduced by Harms, 48.

WHEREAS, Tanner Manley, of Troop 5, 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, Tanner has learned, been tested on, and been recognized for various scouting skills; and

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

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

WHEREAS, Tanner, 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 Tanner Manley on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Tanner Manley.

Laid over.

LEGISLATIVE RESOLUTION 327. Introduced by Harms, 48.

WHEREAS, Rogelio Munoz, of Troop 17, 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, Rogelio has learned, been tested on, and been recognized for various scouting skills; and

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

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

WHEREAS, Rogelio, 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 Rogelio Munoz on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Rogelio Munoz.

Laid over.

LEGISLATIVE RESOLUTION 328. Introduced by Harms, 48.

WHEREAS, Reynaldo Castro, of Troop 17, 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, Reynaldo has learned, been tested on, and been recognized for various scouting skills; and

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

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

WHEREAS, Reynaldo, 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 Reynaldo Castro on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Reynaldo Castro.

Laid over.

LEGISLATIVE RESOLUTION 329. Introduced by Harms, 48.

WHEREAS, Josh McBride, of Troop 17, 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, Josh has learned, been tested on, and been recognized for various scouting skills; and

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

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

WHEREAS, Josh, 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 Josh McBride on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Josh McBride.

Laid over.

LEGISLATIVE RESOLUTION 330. Introduced by Harms, 48.

WHEREAS, Jacob Douglas, of Troop 13, 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, Jacob has learned, been tested on, and been recognized for various scouting skills; and

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

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

WHEREAS, Jacob, 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 Jacob Douglas on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Jacob Douglas.

Laid over.

ANNOUNCEMENTS

Senator Pirsch designates LB510 as his priority bill.

Senator Langemeier designates LB728 as his priority bill.

Senator Council designates LB1105 as her priority bill.

Senator Hansen designates LB937 as his priority bill.

Senator Karpisek designates LR296CA as his priority resolution.

Senator Christensen designates LB443 as his priority bill.

UNANIMOUS CONSENT - Add Cointroducers

Senator Giese asked unanimous consent to add his name as cointroducer to LB709. No objections. So ordered.

Senator Council asked unanimous consent to add her name as cointroducer to LB992. No objections. So ordered.

Senator Karpisek asked unanimous consent to add his name as cointroducer to LB1002. No objections. So ordered.

Senator Price asked unanimous consent to add his name as cointroducer to LR292. No objections. So ordered.

VISITORS

Visitors to the Chamber were members of the Nebraska State Bar Association Leadership Academy; members of the Attorney General's Youth Advisory Council from across the state; and Representative Charles Key from Oklahoma City, Oklahoma.

The Doctor of the Day was Dr. Kathy Amyot from Hastings.

ADJOURNMENT

At 11:43 a.m., on a motion by Speaker Flood, the Legislature adjourned until 10:00 a.m., Monday, February 22, 2010.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTIETH DAY - FEBRUARY 22, 2010**LEGISLATIVE JOURNAL****ONE HUNDRED FIRST LEGISLATURE
SECOND SESSION****THIRTIETH DAY**

Legislative Chamber, Lincoln, Nebraska
Monday, February 22, 2010

PRAYER

The prayer was offered by Senator Wallman.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Senator Rogert presiding.

The roll was called and all members were present except Senators Ashford, Cornett, Gloor, and Pahls who were excused; and Senators Heidemann, Loudon, and Stuthman who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-ninth day was approved.

COMMITTEE REPORTS

Urban Affairs

LEGISLATIVE BILL 997. Placed on General File.

LEGISLATIVE BILL 919. Placed on General File with amendment.
AM1848

1 1. Strike the original sections and insert the following
2 new sections:
3 Section 1. Section 17-301, Reissue Revised Statutes of
4 Nebraska, is amended to read:
5 17-301 (1) Whenever any city of the first class decreases
6 in population until it has a population of less than five
7 thousand inhabitants but not less than four thousand ~~five hundred~~
8 inhabitants, as ascertained and officially promulgated by the most
9 recent federal decennial census, the mayor of any such city shall
10 certify such fact to the Secretary of State. If the mayor did not
11 have to provide such certification after the previous decennial
12 census, he or she shall include an explanation of the city's plan
13 to increase the city's population in the certification.

14 (2) Whenever any city of the first class decreases in
 15 population until it has a population of less than four thousand
 16 ~~five hundred~~ inhabitants but more than eight hundred inhabitants as
 17 ascertained and officially promulgated by the most recent federal
 18 decennial census, the mayor of any such city shall certify such
 19 fact to the Secretary of State.

20 (3) Whenever the Secretary of State receives a
 21 certification pursuant to subsection (1) of this section from the
 22 same city after two consecutive federal decennial censuses, he or
 23 she shall declare such city to have become a city of the second
 1 class as provided in section 17-305.

2 (4) Whenever the Secretary of State receives a
 3 certification pursuant to subsection (2) of this section, he or she
 4 shall declare such city to have become a city of the second class
 5 as provided in section 17-305.

6 (5) Beginning on the date upon which a city becomes a
 7 city of the second class pursuant to section 17-305, such city
 8 shall be governed by the ~~provisions of the statutes of the State~~
 9 ~~of Nebraska~~ laws of this state applicable to cities of the second
 10 class.

11 Sec. 2. Original section 17-301, Reissue Revised Statutes
 12 of Nebraska, is repealed.

13 Sec. 3. Since an emergency exists, this act takes effect
 14 when passed and approved according to law.

(Signed) Amanda McGill, Chairperson

Transportation and Telecommunications

LEGISLATIVE BILL 820. Placed on General File with amendment.
 AM1932

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

3 Section 1. Section 60-6,298, Revised Statutes Cumulative
 4 Supplement, 2008, is amended to read:

5 60-6,298 (1)(a) The Department of Roads or the Nebraska
 6 State Patrol, with respect to highways under its jurisdiction
 7 including the National System of Interstate and Defense Highways,
 8 and local authorities, with respect to highways under their
 9 jurisdiction, may in their discretion upon application and good
 10 cause being shown therefor issue a special, continuing, or
 11 continuous permit in writing authorizing the applicant or his
 12 or her designee:

13 (i) To operate or move a vehicle, a combination of
 14 vehicles, or objects of a size or weight of vehicle or load
 15 exceeding the maximum specified by law when such permit is
 16 necessary:

17 (A) To further the national defense or the general
 18 welfare;

19 (B) To permit movement of cost-saving equipment to be
20 used in highway or other public construction or in agricultural
21 land treatment; or

22 (C) Because of an emergency, an unusual circumstance, or
23 a very special situation;

1 (ii) To operate vehicles, for a distance up to one
2 hundred twenty miles, loaded up to fifteen percent greater than the
3 maximum weight specified by law, up to ten percent greater than the
4 maximum length specified by law, except that for a truck-tractor
5 semitrailer trailer combination utilized to transport sugar beets
6 which may be up to twenty-five percent greater than the maximum
7 length specified by law, or both, when carrying grain or other
8 seasonally harvested products from the field where such grain or
9 products are harvested to storage, market, or stockpile in the
10 field or from stockpile to market or factory when failure to
11 move such grain or products in abundant quantities would cause an
12 economic loss to the person or persons whose grain or products are
13 being transported or when failure to move such grain or products
14 in as large quantities as possible would not be in the best
15 interests of the national defense or general welfare. The distance
16 limitation may be waived for vehicles when carrying dry beans from
17 the field where harvested to storage or market when dry beans
18 are not normally stored, purchased, or used within the permittee's
19 local area and must be transported more than one hundred twenty
20 miles to an available marketing or storage destination. No permit
21 shall authorize a weight greater than twenty thousand pounds on any
22 single axle;

23 (iii) To transport an implement of husbandry which does
24 not exceed twelve and one-half feet in width during daylight hours,
25 except that the permit shall not allow transport on holidays;

26 (iv) To operate one or more recreational vehicles, as
27 defined in section 71-4603, exceeding the maximum width specified
1 by law if movement of the recreational vehicles is prior to retail
2 sale and the recreational vehicles comply with subdivision (2)(k)
3 of section 60-6,288; or

4 (v) To operate an emergency vehicle for purposes of sale,
5 demonstration, exhibit, or delivery, if the applicant or his or her
6 designee is a manufacturer or sales agent of the emergency vehicle.
7 No permit shall be issued for an emergency vehicle which weighs
8 over sixty thousand pounds on ~~a~~the tandem axle.

9 (b) No permit shall be issued under subdivision (a)(i)
10 of this subsection for a vehicle carrying a load unless such
11 vehicle is loaded with an object which exceeds the size or weight
12 limitations, which cannot be dismantled or reduced in size or
13 weight without great difficulty, and which of necessity must be
14 moved over the highways to reach its intended destination. No
15 permit shall be required for the temporary movement on highways
16 other than dustless-surfaced state highways and for necessary
17 access to points on such highways during daylight hours of

18 cost-saving equipment to be used in highway or other public
19 construction or in agricultural land treatment when such temporary
20 movement is necessary and for a reasonable distance.

21 (2) The application for any such permit shall
22 specifically describe the vehicle, the load to be operated or
23 moved, whenever possible the particular highways for which permit
24 to operate is requested, and whether such permit is requested for a
25 single trip or for continuous or continuing operation.

26 (3) The department or local authority is authorized to
27 issue or withhold such permit at its discretion or, if such permit
1 is issued, to limit the number of days during which the permit
2 is valid, to limit the number of trips, to establish seasonal or
3 other time limitations within which the vehicles described may be
4 operated on the highways indicated, or to issue a continuous or
5 continuing permit for use on all highways, including the National
6 System of Interstate and Defense Highways. The permits are subject
7 to reasonable conditions as to periodic renewal of such permit
8 and as to operation or movement of such vehicles. The department
9 or local authority may otherwise limit or prescribe conditions
10 of operation of such vehicle or vehicles, when necessary to
11 assure against undue damage to the road foundations, surfaces, or
12 structures or undue danger to the public safety. The department or
13 local authority may require such undertaking or other security as
14 may be deemed necessary to compensate for any injury to any roadway
15 or road structure.

16 (4) Every such permit shall be carried in the vehicle
17 to which it refers and shall be open to inspection by any peace
18 officer, carrier enforcement officer, or authorized agent of any
19 authority granting such permit. Each such permit shall state the
20 maximum weight permissible on a single axle or combination of axles
21 and the total gross weight allowed. No person shall violate any
22 of the terms or conditions of such special permit. In case of any
23 violation, the permit shall be deemed automatically revoked and the
24 penalty of the original limitations shall be applied unless:

25 (a) The violation consists solely of exceeding the size
26 or weight specified by the permit, in which case only the penalty
27 of the original size or weight limitation exceeded shall be
1 applied; or

2 (b) The total gross load is within the maximum authorized
3 by the permit, no axle is more than ten percent in excess of the
4 maximum load for such axle or group of axles authorized by the
5 permit, and such load can be shifted to meet the weight limitations
6 of wheel and axle loads authorized by such permit. Such shift may
7 be made without penalty if it is made at the state or commercial
8 scale designated in the permit. The vehicle may travel from its
9 point of origin to such designated scale without penalty, and a
10 scale ticket from such scale, showing the vehicle to be properly
11 loaded and within the gross and axle weights authorized by the

12 permit, shall be reasonable evidence of compliance with the terms
13 of the permit.

14 (5) The department or local authority issuing a permit
15 as provided in this section may adopt and promulgate rules and
16 regulations with respect to the issuance of permits provided for in
17 this section.

18 (6) The department shall make available applications
19 for permits authorized pursuant to subdivisions (1)(a)(ii) and
20 (1)(a)(iii) of this section in the office of each county treasurer.
21 The department may make available applications for all other
22 permits authorized by this section to the office of the county
23 treasurer and may make available applications for all permits
24 authorized by this section to any other location chosen by the
25 department.

26 (7) The department or local authority issuing a permit
27 may require a permit fee of not to exceed twenty-five dollars,
1 except that:

2 (a) The fee for a continuous or continuing permit may not
3 exceed twenty-five dollars for a ninety-day period, fifty dollars
4 for a one-hundred-eighty-day period, or one hundred dollars for a
5 one-year period; and

6 (b) The fee for permits issued pursuant to subdivision
7 (1)(a)(ii) of this section shall be twenty-five dollars for a
8 thirty-day permit and fifty dollars for a sixty-day permit. Permits
9 issued pursuant to such subdivision shall be valid for thirty days
10 or sixty days and shall be renewable for a total number of days not
11 to exceed one hundred and twenty days per year.

12 A vehicle or combination of vehicles for which an
13 application for a permit is requested pursuant to this section
14 shall be registered under section 60-3,147 or 60-3,198 for the
15 maximum gross vehicle weight that is permitted pursuant to section
16 60-6,294 before a permit shall be issued.

17 Sec. 2. Original section 60-6,298, Revised Statutes
18 Cumulative Supplement, 2008, is repealed.

(Signed) Deb Fischer, Chairperson

Education

LEGISLATIVE BILL 956. Placed on General File.

LEGISLATIVE BILL 937. Placed on General File with amendment.
AM1949

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

2 Section 1. Section 32-546.01, Revised Statutes
3 Supplement, 2009, is amended to read:

4 32-546.01 (1) Each learning community shall be governed
5 by a learning community coordinating council consisting of eighteen
6 voting members, with twelve members elected on a nonpartisan ballot

7 from six numbered subcouncil districts created pursuant to section
8 32-555.01 and with six members appointed from such subcouncil
9 districts pursuant to this section. Each voter shall be allowed
10 to cast votes for one candidate at both the primary and general
11 elections to represent the subcouncil district in which the voter
12 resides. The four candidates receiving the most votes at the
13 primary election shall advance to the general election. The two
14 candidates receiving the most votes at the general election shall
15 be elected. A candidate shall reside in the subcouncil district for
16 which he or she is a candidate. Coordinating council members shall
17 be elected on the nonpartisan ballot.

18 (2) The initial elected members shall be nominated at
19 the statewide primary election and elected at the statewide
20 general election immediately following the certification of the
21 establishment of the learning community, and subsequent members
22 shall be nominated at subsequent statewide primary elections
23 and elected at subsequent statewide general elections. Except
1 as provided in this section, such elections shall be conducted
2 pursuant to the Election Act.

3 (3) Vacancies in office for elected members shall occur
4 as set forth in section 32-560. Whenever any such vacancy occurs,
5 the remaining elected members of such council shall appoint an
6 individual residing within the geographical boundaries of the
7 subcouncil district for the balance of the unexpired term.

8 (4) Members elected to represent odd-numbered districts
9 in the first election for the learning community coordinating
10 council shall be elected for two-year terms. Members elected
11 to represent even-numbered districts in the first election for
12 the learning community coordinating council shall be elected for
13 four-year terms. Members elected in subsequent elections shall be
14 elected for four-year terms and until their successors are elected
15 and qualified.

16 (5) The appointed members shall be appointed in November
17 of each even-numbered year after the general election. Appointed
18 members shall be school board members of school districts in the
19 learning community either elected to take office the following
20 January or continuing their current term of office for the
21 following two years. For learning communities to be established
22 the following January pursuant to orders issued pursuant to section
23 79-2102, the Secretary of State shall hold a meeting of the school
24 board members of the school districts in such learning community to
25 appoint one member from such school boards to represent each of the
26 subcouncil districts on the coordinating council of such learning
27 community. For subsequent appointments, the current appointed
1 members of the coordinating council shall hold a meeting of
2 the school board members of such school districts to appoint one
3 member from such school boards to represent each of the subcouncil
4 districts on the coordinating council of the learning community.
5 The appointed members shall be selected by the school board members

6 of the school districts in the learning community who reside in the
7 subcouncil district to be represented pursuant to a secret ballot,
8 shall reside in the subcouncil district to be represented, and
9 shall be appointed for two-year terms and until their successors
are appointed and qualified.

11 (6) Vacancies in office for appointed members shall occur
12 upon the resignation, death, or disqualification from office of
13 an appointed member. Disqualification from office shall include
14 ceasing membership on the school board for which membership
15 qualified the member for the appointment to the learning community
16 coordinating council or ceasing to reside in the subcouncil
17 district represented by such member of the learning community
18 coordinating council. Whenever such vacancy occurs, the remaining
19 appointed members shall hold a meeting of the school board members
20 of the school districts in such learning community to appoint a
21 member from such school boards who lives in the subcouncil district
22 to be represented to serve for the balance of the unexpired term.

23 (7) Each learning community coordinating council shall
24 also have a nonvoting member from each member school district which
25 does not have either an elected or an appointed member who resides
26 in the school district on the council. Such nonvoting members
27 shall be appointed by the school board of the school district
1 to be represented to serve for two-year terms, and notice of the
2 nonvoting member selected shall be submitted to the Secretary of
3 State by such board prior to December 31 of each even-numbered
4 year. Each such nonvoting member shall be a resident of the
5 appointing school district and shall not be a school administrator
6 employed by such school district. Whenever a vacancy occurs, the
7 school board of such school district shall appoint a new nonvoting
8 member and submit notice to the Secretary of State and to the
9 learning community coordinating council.

10 (8) Members of a learning community coordinating council
11 shall take office on the first Thursday after the first Tuesday
12 in January following their election or appointment, except that
13 members appointed to fill vacancies shall take office immediately
14 following administration of the oath of office. Each voting member
15 elected or appointed prior to January 1, 2011, shall be paid
16 a per diem in an amount determined by such council up to two
17 hundred dollars per day for official meetings of the council
18 and the achievement subcouncil for which he or she is a member,
19 for meetings that occur during the term of office for which the
20 election or appointment of the member took place prior to January
21 1, 2011, up to a maximum of twelve thousand dollars per fiscal
22 year. Each voting member ~~and~~ shall be eligible for reimbursement
23 of reasonable expenses related to service on the learning community
24 coordinating council.

(Signed) Greg Adams, Chairperson

Transportation and Telecommunications

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

James Daws - Board of Public Roads Classifications and Standards
 Barbara Keegan - Board of Public Roads Classifications and Standards
 James Litchfield - Board of Public Roads Classifications and Standards
 Randall Peters - Board of Public Roads Classifications and Standards

Aye: 6 Senators Fischer, Gay, Hadley, Janssen, Lautenbaugh, Louden. Nay: 0. Absent: 2 Senators Campbell, Stuthman. Present and not voting: 0.

(Signed) Deb Fischer, Chairperson

ANNOUNCEMENT

Speaker Flood designates LBs 571, 701, 702, 707, 727, 768, 799, 801, 820, 836, 842, 864, 877, 880, 882, 901, 924, 926, 943, 956, 970, 1051, 1063, 1094, and LR297CA as Speaker priority bills and resolution.

MOTIONS - Approve Appointments

Senator Carlson moved the adoption of the Agriculture Committee report for the confirmation of the following appointment(s) found on page 575:

Nebraska State Fair Board
 Sallie Atkins

Voting in the affirmative, 34:

Adams	Dubas	Hansen	McCoy	Rogert
Campbell	Fischer	Harms	McGill	Sullivan
Carlson	Fulton	Howard	Mello	Utter
Coash	Gay	Karpisek	Nordquist	Wallman
Conrad	Giese	Krist	Pankonin	White
Cook	Haar	Langemeier	Pirsch	Wightman
Council	Hadley	Lathrop	Price	

Voting in the negative, 0.

Present and not voting, 8:

Avery	Dierks	Janssen	Nelson
Christensen	Flood	Lautenbaugh	Schilz

Excused and not voting, 7:

Ashford	Gloor	Louden	Stuthman
Cornett	Heidemann	Pahls	

The appointment was confirmed with 34 ayes, 0 nays, 8 present and not voting, and 7 excused and not voting.

Senator Carlson moved the adoption of the Agriculture Committee report for the confirmation of the following appointment(s) found on page 575:

Nebraska State Fair Board
Linda Lovgren

Voting in the affirmative, 35:

Adams	Council	Haar	Langemeier	Price
Campbell	Dierks	Hansen	Lathrop	Rogert
Carlson	Dubas	Harms	McCoy	Sullivan
Christensen	Fischer	Howard	Mello	Utter
Coash	Flood	Janssen	Nordquist	Wallman
Conrad	Fulton	Karpisek	Pankonin	White
Cook	Giese	Krist	Pirsch	Wightman

Voting in the negative, 0.

Present and not voting, 7:

Avery	Hadley	McGill	Schilz
Gay	Lautenbaugh	Nelson	

Excused and not voting, 7:

Ashford	Gloor	Louden	Stuthman
Cornett	Heidemann	Pahls	

The appointment was confirmed with 35 ayes, 0 nays, 7 present and not voting, and 7 excused and not voting.

MOTION - Return LB711 to Select File

Senator Adams moved to return LB711 to Select File for his specific amendment, AM1951, found on page 576.

The Adams motion to return prevailed with 35 ayes, 0 nays, 7 present and not voting, and 7 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 711. The Adams specific amendment, AM1951, found on page 576, was adopted with 36 ayes, 0 nays, 6 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

GENERAL FILE

LEGISLATIVE BILL 770. Title read. Considered.

Committee AM1714, found on page 432, was adopted with 37 ayes, 0 nays, 5 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 5 present and not voting, and 7 excused and not voting.

COMMITTEE REPORTS

Health and Human Services

LEGISLATIVE BILL 701. Placed on General File with amendment.
AM1912

- 1 1. On page 3, line 3, strike "FY2009-10" and insert
- 2 "FY2010-11"; and strike lines 16 through 25 and insert the
- 3 following new subsection:
- 4 "(4) For FY2011-12 and each fiscal year thereafter,
- 5 proceeds from the tax imposed pursuant to section 68-1803 shall
- 6 be remitted to the State Treasurer for credit to the ICF/MR
- 7 Reimbursement Protection Fund for allocation as follows:
- 8 (a) First, fifty-five thousand dollars for administration
- 9 of the fund;
- 10 (b) Second, the amount needed to reimburse intermediate
- 11 care facilities for the mentally retarded for the cost of the tax;
- 12 (c) Third, three hundred twelve thousand dollars
- 13 for community-based services for persons with developmental
- 14 disabilities;
- 15 (d) Fourth, six hundred thousand dollars or such lesser
- 16 amount as may be available in the fund for non-state-operated
- 17 intermediate care facilities for the mentally retarded, in addition
- 18 to any continuation appropriations percentage increase provided by
- 19 the Legislature to nongovernmental intermediate care facilities for
- 20 the mentally retarded under the medical assistance program; and
- 21 (e) Fifth, the remainder of the proceeds to the General
- 22 Fund."
- 23 2. On page 4, strike lines 1 through 5.

LEGISLATIVE BILL 1036. Placed on General File with amendment.
AM1839

- 1 1. On page 7, line 23, strike "because" and insert "and"
- 2 and strike "thirteen" and insert "sixteen".
- 3 2. On page 14, line 10, after "decedent" insert "other
- 4 than any medical personnel caring for the decedent at the time of
- 5 or immediately leading up to the decedent's death".

- 6 3. On page 15, line 24, after the semicolon insert "the
7 State Anatomical Board";.
- 8 4. On page 16, line 25, strike "and".
- 9 5. On page 17, line 3, strike the period and insert ";
10 and"; after line 3 insert the following new subdivision:
11 "(5) If the gift is any part other than an organ, an
12 eye, or tissue, or the gift is all parts, and the gift is for
13 the purpose of research or education, the gift passes to the State
14 Anatomical Board."; and in line 19 strike "or therapy" and insert
15 ", therapy, research, or education".
- 16 6. On page 18, line 1, strike "and"; in line 4 strike the
17 period and insert "; and"; and after line 4 insert the following
18 new subdivision:
19 "(4) If the gift is for research or education, the gift
20 passes to the State Anatomical Board in accordance with section
21 71-1002.".
- 22 7. On page 21, line 25, after "make" insert "or object to
23 the making of".
- 1 8. On page 23, line 4, strike "or therapy" and insert ";
2 therapy, research, or education".
- 3 9. On page 24, line 20, after "care" insert "as
4 provided for in sections 30-3401 to 30-3432"; in line 24 strike
5 "a life-support"; and in line 25 strike "system" and insert
6 "life-sustaining treatment".
- 7 10. On page 33, line 19, strike beginning with "Organ"
8 through the last comma, show as stricken, and insert "federally
9 designated organ procurement organization for Nebraska and the
10 State Anatomical Board".

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

Nancy Oltman - Commission for the Blind and Visually Impaired
Darrell Walla - Commission for the Blind and Visually Impaired

Aye: 7 Senators Campbell, Gay, Gloor, Howard, Pankonin, Stuthman, Wallman. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Tim Gay, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 331. Introduced by Fulton, 29.

WHEREAS, Nebraskans celebrate the life and legacy of Mrs. Eunice Kennedy Shriver, who passed away on August 11, 2009, at the age of eighty-eight; and

WHEREAS, Mrs. Eunice Kennedy Shriver embodied the American spirit of service through her life's work to empower the intellectually disabled; and

WHEREAS, Mrs. Eunice Kennedy Shriver's leadership of the Joseph P. Kennedy, Jr. Foundation led to the establishment of the Special Olympics in 1968; and

WHEREAS, Mrs. Eunice Kennedy Shriver's vision of equality and opportunity has fundamentally transformed the lives of many Nebraskans; and

WHEREAS, the State of Nebraska and the city of Lincoln possess the profound honor of hosting the 2010 Special Olympics.

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

1. That the Legislature expresses its deepest sympathy and sincere condolences to the Kennedy and Shriver families.

2. That a copy of this resolution be sent to the Joseph P. Kennedy, Jr. Foundation.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 888. Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 8 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 821. Title read. Considered.

Committee AM1741, found on page 439, was adopted with 34 ayes, 0 nays, 7 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 6 present and not voting, and 7 excused and not voting.

LEGISLATIVE RESOLUTION 295CA. Read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 10 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 689. Title read. Considered.

SENATOR CARLSON PRESIDING

Pending.

COMMITTEE REPORTS

Revenue

LEGISLATIVE BILL 918. Placed on General File with amendment. AM1905 is available in the Bill Room.

LEGISLATIVE BILL 1018. Placed on General File with amendment. AM1910

- 1 1. Strike original section 35.
- 2 2. On page 2, line 1, strike "36" and insert "35".
- 3 3. On page 4, strike beginning with "Food" in line
- 4 5 through the period in line 7; and strike beginning with
- 5 "Entertainment" in line 23 through the period in line 25 and
- 6 insert "Entertainment, food, and drink options and adjacent lodging
- 7 shall occupy a minimum of sixty percent of the total gross area.".
- 8 4. On page 5, line 2, strike "available for lease".
- 9 5. On page 18, line 21, strike "A" and insert "Except as
- 10 provided in subdivision (c) of this subsection for redevelopment
- 11 projects, a"; and strike beginning with "the" in line 22 through
- 12 line 23 and insert "all types of purchases on which the local
- 13 option sales tax is levied".
- 14 6. On page 19, line 4, after the comma insert "a refund
- 15 of"; and strike beginning with "shall" in line 6 through "project"
- 16 in line 7.
- 17 7. On page 20, after line 17 insert the following new
- 18 subsection:
- 19 "(6) The Nebraska Advantage Transformational Tourism and
- 20 Redevelopment Act Cash Fund is created. The fund shall be used
- 21 by the department to carry out its duties under this section. Any
- 22 money in the fund available for investment shall be invested by the
- 23 state investment officer pursuant to the Nebraska Capital Expansion
- 1 Act and the Nebraska State Funds Investment Act.".
- 2 8. Renumber the remaining section accordingly.

LEGISLATIVE BILL 1081. Placed on General File with amendment. AM1930

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Sections 1 to 11 of this act shall be known
- 4 and may be cited as the Teleworker Job Creation Act.
- 5 Sec. 2. The Legislature hereby finds and declares that:
- 6 (1) Current economic conditions in the state have
- 7 resulted in unemployment, loss of jobs, and difficulty in
- 8 attracting new jobs; and
- 9 (2) It is the policy of the state to make revisions
- 10 in Nebraska's job training structure to encourage businesses to
- 11 promote the creation of and training for new jobs which can be
- 12 performed in the home within the state.
- 13 Sec. 3. For purposes of the Teleworker Job Creation Act:

14 (1) Application filing date means the date that the
15 employer files an application for an agreement with the director
16 under the act;

17 (2) Base year means the year immediately preceding the
18 year during which the application was submitted;

19 (3) Base-year employee means any individual who was
20 employed in Nebraska and subject to the Nebraska income tax on
21 compensation received from the employer or its predecessors during
22 the base year and who is employed at the project;

23 (4) Director means the Director of Economic Development;

1 (5) Employer means a corporation, partnership, limited
2 liability company, cooperative, limited cooperative association, or
3 joint venture, together with such other entities that are, or would
4 be if incorporated, members of the same unitary group as defined in
5 section 77-2734.04, that employs the teleworkers for which the job
6 training reimbursements are applied for under the act;

7 (6) Qualifying employee means a teleworker who has
8 the following characteristics: (a) The teleworker constitutes
9 an employee of the employer under section 77-2753; (b) the
10 teleworker resides in Nebraska at the time of his or her employment
11 application according to his or her statement on his or her
12 employment application; (c) the teleworker completes a qualified
13 training program; (d) the teleworker is not a base-year employee;
14 (e) the teleworker is not required to purchase a computer from
15 the employer; (f) the teleworker has passed such job-related tests
16 required under the qualified training program; (g) the teleworker
17 has passed a criminal background check as required by the employer;
18 and (h) the teleworker has been allowed to complete the hiring
19 process paperwork from his or her residence, except for any drug
20 testing and notarized proof of identity, which can be performed at
21 such location directed by the employer;

22 (7) Qualified training program means a training program
23 which has the following features: (a) The program has at least
24 fifteen hours of instruction per trainee, all of which will occur
25 in the trainee's residence; (b) trainees are each paid at least
26 the federal minimum hourly wage per hour of training performed;
27 (c) trainees are being trained as teleworkers; and (d) the program
1 requires the trainees to pass job-related tests established by the
2 employer;

3 (8) Teleworker means a person who works for the employer
4 from his or her residence through the use of telecommunication
5 systems, such as the telephone and the Internet, for inbound only
6 service and order taking sales calls, which calls may also include
7 the upselling of related products or services; and

8 (9) Year means the taxable year of the employer.

9 Sec. 4. (1) To earn the job training reimbursements set
10 forth in the Teleworker Job Creation Act, an employer shall file an
11 application for an agreement with the director.

12 (2) The application shall contain:

13 (a) A written statement describing the expected
14 employment of qualifying employees in this state;

15 (b) Sufficient documents, plans, and specifications as
16 required by the director to support the plan and to define a
17 project;

18 (c) A copy of the approval letter for the employer's
19 qualified training program from the director; and

20 (d) An application fee of five hundred dollars. The fee
21 shall be remitted to the State Treasurer for credit to the Nebraska
22 Incentives Fund. The application and all supporting information
23 shall be confidential except for the name of the employer and the
24 amounts of increased employment.

25 (3)(a) The director shall approve the application and
26 authorize the total amount of job training reimbursements expected
27 to be earned as a result of the project if he or she is satisfied

1 that the plan in the application defines a project that (i)
2 meets the eligibility requirements established within this act
3 and (ii) such requirements will be reached within three hundred
4 sixty-five calendar days after the application filing date. The
5 director shall, in addition to such uses for the Job Training
6 Cash Fund previously authorized, use such fund to provide the
7 reimbursements allowed by the act. The director may also use the
8 subaccount created under subsection (3) of section 81-1201.21 to
9 provide reimbursements allowed by the act for the training of such
10 telearners who reside in rural areas of Nebraska or who reside in
11 areas of high concentration of poverty within the corporate limits
12 of a city or village consisting of one or more contiguous census
13 tracts, as determined by the most recent federal decennial census,
14 which contain a percentage of persons below the poverty line of
15 greater than thirty percent, and all census tracts contiguous to
16 such tract or tracts, as determined by the most recent federal
17 decennial census.

18 (b) The director shall not approve further applications
19 once the director has approved seven project applications
20 filed during fiscal year 2010-11 and the expected job training
21 reimbursements from the approved projects total one million and
22 fifty thousand dollars in fiscal year 2010-11. Applications for
23 reimbursements shall for purposes of this limit be approved in the
24 order in which they are received by the director. The application
25 fee shall be refunded to the applicant if the application is not
26 approved because the expected reimbursements from approved projects
27 exceed such amounts.

1 (c) An employer and the director may enter into
2 agreements for more than one project, up to a total of five
3 approved project applications filed in fiscal year 2010-11.
4 The projects may be either sequential or concurrent. No new
5 qualifying employees shall be included in more than one project
6 for meeting the project requirements or the creation of job
7 training reimbursements. When projects overlap and the plans do not

8 clearly specify, the employer shall specify to which project the
9 employment belongs. The employer has until its income or franchise
10 tax return filing date for the applicable year to designate to
11 which project a qualifying employee belongs. The employer may not
12 receive job training reimbursements for a qualifying employee until
13 the employer designates to which project that qualifying employee
14 belongs. Such designation shall be made on such form to be filed
15 with the director as the director shall direct.

16 (d) The director shall approve or deny an application
17 for reimbursements under this section within thirty days after the
18 application was filed or it shall be deemed to be approved, unless
19 the employer and director agree to extend the thirty-day period.

20 (4) After approval, the employer and the director
21 shall enter into a written agreement. The employer shall agree
22 to complete the project, and the director, on behalf of the
23 State of Nebraska, shall designate the approved plans of the
24 employer as a project and, in consideration of the employer's
25 agreement, agree to allow the employer to receive the job training
26 reimbursements contained in the act up to the total amount of
27 job training reimbursements that were authorized by the director.

1 The application and all supporting documentation, to the extent
2 approved, shall be considered a part of the agreement. The
3 agreement shall state:

4 (a) The number of qualifying employees required by the
5 act for the project;

6 (b) The time period under the act in which the required
7 level must be met;

8 (c) The documentation the employer will need to supply
9 when requesting the job training reimbursements under the act;

10 (d) The date the application was filed; and

11 (e) The maximum amount of job training reimbursements
12 authorized.

13 Sec. 5. (1) To be eligible to file an application for an
14 agreement with the director under the Teleworker Job Creation Act,
15 the employer shall submit a description of its training program to
16 the director for review.

17 (2) If the employer's training program meets the
18 requirements to constitute a qualified training program under the
19 act, the director shall approve such program and provide the
20 employer with an approval letter. A copy of this approval letter
21 shall be attached with the employer's application for an agreement
22 with the director under the act.

23 (3) The director shall approve or refuse to approve
24 a training program, and such decision shall be received by the
25 employer within thirty days after the employer submits the training
26 program for review or the training program shall be deemed to
27 be approved, unless the employer and director agree to extend
1 the thirty-day period. If the thirty-day period, or such extended
2 period, lapses without receipt of the approval or denial by the

3 director, the employer may file its application for an agreement
4 with the director under the act with a statement signed by a
5 corporate officer, partner, member, or owner of the employer,
6 stating that the director failed to issue an approval of or refusal
7 to approve the employer's training program within the time period
8 established by this section. This statement shall be accepted by
9 the director in lieu of an approval letter.

10 Sec. 6. (1) Job training reimbursements shall be made
11 to any employer who has an approved application pursuant to the
12 Teleworker Job Creation Act and who:

13 (a) Trains at least four hundred qualifying employees
14 in a qualified training program within three hundred sixty-five
15 calendar days from the application filing date and offers
16 employment to those qualifying employees to work for the employer
17 as a teleworker. The employer shall, to the extent of available job
18 positions, give a hiring priority preference, over other similarly
19 qualified applicants, to those applicants who: (i) Reside in
20 Nebraska counties of less than one hundred thousand inhabitants,
21 as determined by the most recent federal decennial census, with
22 such residence as determined by the statement of the qualifying
23 employee on his or her employment application; or (ii) reside in
24 areas of high concentration of poverty within the corporate limits
25 of a city or village consisting of one or more contiguous census
26 tracts, as determined by the most recent federal decennial census,
27 which contain a percentage of persons below the poverty line of
1 greater than thirty percent, and all census tracts contiguous to
2 such tract or tracts, as determined by the most recent federal
3 decennial census; and

4 (b) Such job positions pay a wage of at least the then
5 required minimum hourly wage required by federal law.

6 (2) The amount of the job training reimbursements allowed
7 under subsection (1) of this section shall be three hundred dollars
8 for each new qualifying employee hired by the employer after the
9 application filing date, up to a total of five hundred qualifying
10 employees per project, resulting in a maximum credit per project of
11 one hundred fifty thousand dollars.

12 Sec. 7. A request for job training reimbursements may
13 be filed annually or quarterly by the employer on such form
14 required by the director. Each request shall contain verification
15 of the number of qualifying employees, designated by project, for
16 which the employer has met the requirements of the Teleworker Job
17 Creation Act, and such amounts shall be paid to the employer upon
18 approval by the director.

19 Sec. 8. The director may audit for compliance with the
20 provisions of the Teleworker Job Creation Act within the statute of
21 limitations applicable to the income or franchise tax returns filed
22 by the employer under the income or franchise tax provisions of the
23 Nebraska Revenue Act of 1967.

24 Sec. 9. The right to job training reimbursements and

25 the agreement under the Teleworker Job Creation Act shall not be
 26 transferable except in the following situations:

27 (1) The job training reimbursements and the future
 1 allowance of reimbursements may be transferred when a project
 2 covered by an agreement is transferred by sale or lease to another
 3 employer or in an acquisition of assets qualifying under section
 4 381 of the Internal Revenue Code of 1986;

5 (2) The acquiring employer, as of the date of
 6 notification of the director of the completed transfer, shall be
 7 entitled to any unused job training reimbursements and to any
 8 future job training reimbursements allowable under the act; and

9 (3) The acquiring employer shall be liable for any
 10 repayment that becomes due after the date of the transfer for
 11 the repayment of any benefits received either before or after the
 12 transfer.

13 Sec. 10. Interest shall not be allowable on any job
 14 training reimbursements earned under the Teleworker Job Creation
 15 Act.

16 Sec. 11. Participation in the Teleworker Job Creation
 17 Act shall not preclude an employer from receiving tax incentives
 18 or other benefits under other federal, state, or local incentive
 19 programs.

20 Sec. 12. Since an emergency exists, this act takes effect
 21 when passed and approved according to law.

(Signed) M. L. Dierks, Vice Chairperson

PROPOSED RULES CHANGE

Senator Nelson offered the following proposed rules change:

Amend Rule 5, Section 5 by inserting a new subsection (h) and renumbering the remaining subsections:

Sec. 5. Scheduling of Bills, Priority Bills. (a) Each senator may designate one bill as a priority bill. Such priority bill need not be the designator's bill, but the principal introducer must concur with the designation as a priority bill and with the withdrawal of the designation once made.

(b) Each chairperson of those committees which are authorized to hold public hearings on bills may designate as priority bills two of the bills referenced to that committee and on which the committee has held a public hearing, but the principal introducer must concur with the designation as a priority bill and with the withdrawal of the designation once made.

(c) The Legislative Performance Audit Committee may designate as priority bills two bills resulting from a performance audit or involving the performance audit process, but the principal introducer must concur with the designation as a priority bill and with the withdrawal of the designation once made.

(d) The Speaker may designate up to 25 additional priority bills.

(e) Priority bill designations may be made at any time prior to the annual designation deadline which shall be set each year by the Speaker. The

designation deadline shall be prior to the 45th legislative day in the ninety-day session and prior to the 30th legislative day in the sixty-day session.

(f) A senator or committee may withdraw a priority designation at any time, but will not be allowed to designate another bill as a priority bill in its place. The Speaker may withdraw a priority designation made by the Speaker.

(g) All committees shall schedule priority bills for public hearing ahead of all unscheduled, nonpriority bills unless the person or committee making the priority designation shall otherwise agree.

(h) All bills designated as individual senator priority bills shall be heard on General File. The committee report with the committee recommendation shall be considered ahead of all other motions and amendments. Committees shall report all designated individual senator priority bills to General File with a recommendation no later than 10 legislative days after the priority bill designation deadline.

(i) All bills not designated as priority bills shall be heard on General File in the order in which they are reported to the floor by the committees, unless the introducer of the bill and the Speaker agree to delay the hearing of a particular bill. This provision shall not be construed to prevent the Speaker from placing bills reported out of committee with no dissenting votes on a consent calendar.

(j) Priority bills shall generally be considered ahead of all other bills at each stage of debate, except as provided for in Rule 1, Section 17. Priority bills requiring the expenditure of appropriated funds shall be held on Final Reading until such time as the annual appropriations bills have been passed. A priority bill which fails to advance after two votes on General File, or after one vote on Select File, shall return to nonpriority status.

(k) No priority bill designated under this rule shall have priority over appropriations bills.

Referred to the Rules Committee.

UNANIMOUS CONSENT - Add Cointroducers

Senator Sullivan asked unanimous consent to add her name as cointroducer to LB689. No objections. So ordered.

Senator Council asked unanimous consent to add her name as cointroducer to LB938. No objections. So ordered.

VISITORS

Visitors to the Chamber were Daniel Heupel from Lincoln; and Dr. Lyle and Mary Nilson from Omaha.

The Doctor of the Day was Dr. Megan Faltys from Schuyler.

ADJOURNMENT

At 11:59 a.m., on a motion by Senator Dubas, the Legislature adjourned until 9:00 a.m., Tuesday, February 23, 2010.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-FIRST DAY - FEBRUARY 23, 2010**LEGISLATIVE JOURNAL****ONE HUNDRED FIRST LEGISLATURE
SECOND SESSION****THIRTY-FIRST DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 23, 2010

PRAYER

The prayer was offered by Pastor Perry Gauthier, Capitol Ministries, Lincoln.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Stuthman presiding.

The roll was called and all members were present except Senator Pahls who was excused; and Senators Cornett, Haar, and Louden who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirtieth day was approved.

COMMITTEE REPORTS

Urban Affairs

LEGISLATIVE BILL 969. Placed on General File.

LEGISLATIVE RESOLUTION 297CA. Placed on General File.

LEGISLATIVE BILL 943. Placed on General File with amendment.
AM1922

- 1 1. Insert the following new section:
- 2 Sec. 5. Since an emergency exists, this act takes effect
- 3 when passed and approved according to law.

(Signed) Amanda McGill, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 1051. Placed on General File.

(Signed) Pete Pirsch, Vice Chairperson

AMENDMENT - Print in Journal

Senator Ashford filed the following amendment to LB817:
AM1976

1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:
3 Section 1. Section 2-32,101, Reissue Revised Statutes of
4 Nebraska, is amended to read:
5 2-32,101 (1) Any law enforcement officer, including, but
6 not limited to, any Game and Parks Commission conservation officer,
7 local police officer, member of the Nebraska State Patrol, or
8 sheriff or deputy sheriff, is authorized to enforce ~~the provisions~~
9 ~~of sections 2-3292 to 2-32,100 and any rules and regulations~~
10 ~~adopted and promulgated pursuant to such sections. A district~~
11 ~~shall not employ law enforcement personnel and shall be prohibited~~
12 ~~from expending any funds for such purpose, except as provided in~~
13 ~~subsection (2) of this section.~~ Each district shall provide a copy
14 of its rules and regulations to the appropriate law enforcement
15 officer. Any law enforcement officer may arrest and detain any
16 person committing a violation of the rules and regulations in a
17 recreation area or committing any misdemeanor or felony as provided
18 by the laws of this state.

19 (2) A natural resources district may expend funds to
20 enter into agreements pursuant to the Interlocal Cooperation Act
21 for the services of certified law enforcement personnel or to
22 contract for the services of private security services to patrol
23 and protect district-owned recreation areas and to assist law
1 enforcement officers in enforcing sections 2-3292 to 2-32,100 and
2 any rules and regulations adopted and promulgated pursuant to such
3 sections.

4 Sec. 2. Section 28-1212.04, Revised Statutes Supplement,
5 2009, is amended to read:

6 28-1212.04 Any person, within the territorial boundaries
7 of any city, ~~incorporated village,~~ of the first class or county
8 containing a city of the metropolitan class or primary class, who
9 unlawfully, knowingly, and intentionally ~~or recklessly~~ discharges
10 a firearm, while in any motor vehicle or in the proximity of
11 any motor vehicle that such person has just exited, at or in the
12 general direction of any person, dwelling, building, structure,
13 occupied motor vehicle, occupied aircraft, inhabited motor home as
14 defined in section 71-4603, or inhabited camper unit as defined in
15 section 60-1801; is guilty of a Class IC felony.

16 Sec. 3. Section 69-2403, Reissue Revised Statutes of

17 Nebraska, is amended to read:

18 69-2403 ~~(1)~~ Except as provided in this section and
 19 section 69-2409, a person shall not purchase, lease, rent, or
 20 receive transfer of a handgun until he or she has obtained a
 21 certificate in accordance with section 69-2404. Except as provided
 22 in this section and section 69-2409, a person shall not sell,
 23 lease, rent, or transfer a handgun to a person who has not obtained
 24 a certificate.

25 ~~(2)~~ The certificate shall not be required if:

26 ~~(1)-(a)~~ The person acquiring the handgun is a licensed
 27 firearms dealer under federal law;

1 ~~(2)-(b)~~ The handgun is an antique handgun;

2 ~~(3)-(c)~~ The person acquiring the handgun is authorized to
 3 do so on behalf of a law enforcement agency;

4 ~~(4)-(d)~~ The transfer is a temporary transfer of a handgun
 5 and the transferee remains ~~(a)-(i)~~ in the line of sight of the
 6 transferor or ~~(b)-(ii)~~ within the premises of an established
 7 shooting facility; ~~or~~

8 ~~(5)-(e)~~ The transfer is between a person and his or
 9 her spouse, sibling, parent, child, aunt, uncle, niece, nephew, or
 10 grandparent; ~~or~~

11 (f) The person acquiring the handgun is a holder of a
 12 valid permit under the Concealed Handgun Permit Act; or

13 (g) The person acquiring the handgun is a peace officer
 14 as defined in section 69-2429.

15 Sec. 4. Original sections 2-32,101 and 69-2403, Reissue
 16 Revised Statutes of Nebraska, and section 28-1212.04, Revised
 17 Statutes Supplement, 2009, are repealed.

NOTICE OF COMMITTEE HEARING

Education

Room 1525

Wednesday, March 31, 2010 12:30 p.m.

Progress Report on Attainment of Higher Education Priorities -
 Coordinating Commission for Postsecondary Education

(Signed) Greg Adams, Chairperson

MOTIONS - Approve Appointments

Senator Gay moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 601:

Commission for the Blind and Visually Impaired
 Nancy Oltman
 Darrell Walla

Voting in the affirmative, 37:

Adams	Cook	Hadley	Lautenbaugh	Schilz
Ashford	Council	Hansen	McCoy	Stuthman
Avery	Dierks	Heidemann	McGill	Utter
Campbell	Dubas	Howard	Nordquist	Wallman
Carlson	Fischer	Janssen	Pankonin	Wightman
Christensen	Flood	Karpisek	Pirsch	
Coash	Gay	Krist	Price	
Conrad	Giese	Langemeier	Rogert	

Voting in the negative, 0.

Present and not voting, 7:

Fulton	Lathrop	Nelson	White
Gloor	Mello	Sullivan	

Excused and not voting, 5:

Cornett	Haar	Harms	Louden	Pahls
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The appointments were confirmed with 37 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

Senator Fischer moved the adoption of the Transportation and Telecommunications Committee report for the confirmation of the following appointment(s) found on page 598:

Board of Public Roads Classifications and Standards
 James Daws
 Barbara Keegan
 James Litchfield
 Randall Peters

Voting in the affirmative, 37:

Adams	Dierks	Hansen	McCoy	Schilz
Avery	Dubas	Heidemann	McGill	Stuthman
Campbell	Fischer	Howard	Nelson	Sullivan
Carlson	Flood	Janssen	Nordquist	Utter
Christensen	Gay	Karpisek	Pankonin	Wallman
Conrad	Giese	Langemeier	Pirsch	
Cook	Gloor	Lautenbaugh	Price	
Council	Hadley	Louden	Rogert	

Voting in the negative, 0.

Present and not voting, 8:

Ashford	Fulton	Lathrop	White
Coash	Krist	Mello	Wightman

Excused and not voting, 4:

Cornett	Haar	Harms	Pahls
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The appointments were confirmed with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 689. Considered.

Advanced to Enrollment and Review Initial with 44 ayes, 1 nay, 3 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 764. Title read. Considered.

Committee AM1751, found on page 475, was adopted with 37 ayes, 0 nays, 11 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 8 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 805. Title read. Considered.

Committee AM1913, found on page 556, was adopted with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 951. Title read. Considered.

SENATOR FISCHER PRESIDING

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 7 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 879. Title read. Considered.

Committee AM1798, found on page 504, was adopted with 31 ayes, 0 nays, 17 present and not voting, and 1 excused and not voting.

Senator White offered the following amendment:

AM1998

- 1 1. On page 16, line 12, after "Act" insert ", except that
- 2 no such list of delinquent taxpayers shall include any taxpayer
- 3 that has not exhausted or waived all rights of appeal from a final
- 4 balance of tax liability".

SENATOR CARLSON PRESIDING

The White amendment was adopted with 36 ayes, 0 nays, 11 present and not voting, and 2 excused and not voting.

Senator Cornett offered the following amendment:

AM1992

- 1 1. Strike original section 19 and insert the following
- 2 new sections:
- 3 Sec. 2. Section 49-801.01, Revised Statutes Supplement,
- 4 2009, is amended to read:
- 5 49-801.01 Except as provided by Article VIII, section 1B,
- 6 of the Constitution of Nebraska and in sections 77-2701.01, 77-2714
- 7 to 77-27,123, 77-27,191, 77-4103, 77-4104, 77-4108, 77-5509,
- 8 77-5515, 77-5527 to 77-5529, 77-5539, 77-5717 to 77-5719, 77-5728,
- 9 77-5802, 77-5803, 77-5806, and 77-5903, any reference to the
- 10 Internal Revenue Code refers to the Internal Revenue Code of 1986
- 11 as it exists on ~~February 27, 2009.~~ the operative date of this
- 12 section.
- 13 Sec. 7. Section 77-1784, Reissue Revised Statutes of
- 14 Nebraska, is amended to read:
- 15 77-1784 (1) The Tax Commissioner may accept electronic
- 16 filing of applications, returns, and any other document required to
- 17 be filed with the Tax Commissioner.
- 18 (2) The Tax Commissioner may use electronic fund
- 19 transfers to collect any taxes, fees, or other amounts required
- 20 to be paid to or collected by the Tax Commissioner or to pay any
- 21 refunds of such amounts.
- 22 (3) The Tax Commissioner may adopt rules and regulations
- 23 to establish the criteria for acceptability of filing documents

1 and making payments electronically. The criteria may include
2 requirements for electronic signatures, the type of tax for
3 which electronic filings or payments will be accepted, the method
4 of transfer, or minimum amounts which may be transferred. The
5 Tax Commissioner may refuse to accept any electronic filings or
6 payments that do not meet the criteria established.

7 (4) ~~For payments due after January 1, 2006, the~~ The Tax
8 Commissioner may require the use of electronic fund transfers for
9 any taxes, fees, or amounts required to be paid to or collected by
10 the Tax Commissioner for any taxpayer who made payments exceeding
11 ~~twenty thousand and five thousand~~ twenty thousand and five thousand dollars for a tax program in ~~the any~~
12 prior year for that tax program. The requirement to make electronic
13 fund transfers may be phased in as deemed necessary by the Tax
14 Commissioner. Notice of the requirement to make electronic fund
15 transfers shall be provided at least three months prior to the date
16 the first electronic payment is required to be made.

17 (5) ~~Any~~ Except for individual income tax payments
18 required under section 77-2715 and estimated payments for
19 individuals under section 77-2769, any person who fails to make a
20 required payment by electronic fund transfer shall be subject to a
21 penalty of one hundred dollars for each required payment that was
22 not made by electronic fund transfer. The penalty provided by this
23 section shall be in addition to all other penalties and applies
24 even if payment by some other method is timely made. The Tax
25 Commissioner may waive the penalty provided in this section upon a
26 showing of good cause.

27 (6) The use of electronic filing of documents and
1 electronic fund transfers shall not change the rights of any
2 party from the rights such party would have if a different method
3 of filing or payment were used. Until criteria for electronic
4 signatures are adopted under subsection (3) of this section, the
5 document produced during the electronic filing of a taxpayer's
6 information with the state shall be prima facie evidence for all
7 purposes that the taxpayer's signature accompanied the taxpayer's
8 information in the electronic transmission.

9 (7) For tax returns due on or after January 1, 2010,
10 the Tax Commissioner may require any person that aids, procures,
11 advises, or assists in the preparation of and files any tax return
12 on behalf of any taxpayer for profit to file an electronic return
13 if the person filed twenty-five or more tax returns in the prior
14 calendar year. The requirement to require electronic filing may be
15 phased in as deemed necessary by the Tax Commissioner.

16 Any person that files a tax return on behalf of a
17 taxpayer must disclose in writing to the taxpayer that the return
18 will be filed in an electronic format and in accordance with rules
19 and regulations prescribed by the Tax Commissioner.

20 (8) Any person who fails to file an electronic return
21 as required under subsection (7) of this section shall be subject
22 to a penalty of one hundred dollars for each return that was not

23 properly filed in addition to other penalties provided by law. The
24 Tax Commissioner may waive the penalty provided in this section
25 upon a showing of good cause.

26 (9) The Legislature hereby finds and determines that the
27 development of a comprehensive electronic filing and payment system
1 for all state tax programs and fees administered by the Department
2 of Revenue is of critical importance to the State of Nebraska.
3 It is the intent of the Legislature that the department implement
4 a mandatory electronic filing system for all state tax programs
5 and fees administered by the department as deemed practicable and
6 necessary for the proper administration of the Nebraska Revenue Act
7 of 1967. It is the intent of the Legislature that the department
8 require the use of electronic fund transfers for any taxes, fees,
9 or amounts required to be paid to or collected by the department as
10 deemed practicable and necessary for the proper administration of
11 the Nebraska Revenue Act of 1967.

12 Sec. 11. Section 77-2756, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 77-2756 (1) Except as provided in subsection (2) of this
15 section, every employer or payor required to deduct and withhold
16 income tax under the Nebraska Revenue Act of 1967 shall, for each
17 calendar quarter, on or before the last day of the month following
18 the close of such calendar quarter, file a withholding return
19 as prescribed by the Tax Commissioner and pay over to the Tax
20 Commissioner or to a depository designated by the Tax Commissioner
21 the taxes so required to be deducted and withheld in such form
22 and content as the Tax Commissioner may prescribe and containing
23 such information as the Tax Commissioner deems necessary for the
24 proper administration of the Nebraska Revenue Act of 1967. When
25 the aggregate amount required to be deducted and withheld by any
26 employer or payor for either the first or second month of a
27 calendar quarter exceeds five hundred dollars, the employer or
1 payor shall, by the fifteenth day of the succeeding month, pay over
2 such aggregate amount to the Tax Commissioner or to a depository
3 designated by the Tax Commissioner. The amount so paid shall be
4 allowed as a credit against the liability shown on the employer's
5 or payor's quarterly withholding return required by this section.
6 The Tax Commissioner may, by rule and regulation, provide for the
7 filing of returns and the payment of the tax deducted and withheld
8 on other than a quarterly basis.

9 (2) When the aggregate amount required to be deducted
10 and withheld by any employer or payor for the entire calendar year
11 is less than five hundred dollars or the employer or payor is
12 allowed to file federal withholding returns annually, the employer
13 or payor shall, for each calendar year, on or before the last day
14 of the month following the close of such calendar year, file a
15 withholding return as prescribed by the Tax Commissioner and pay
16 over to the Tax Commissioner or to a depository designated by the
17 Tax Commissioner the taxes so required to be deducted and withheld

18 in such form and content as the Tax Commissioner may prescribe and
19 containing such information as the Tax Commissioner deems necessary
20 for the proper administration of the Nebraska Revenue Act of 1967.
21 The employer or payor may elect or the Tax Commissioner may require
22 the filing of returns and the payment of taxes on a quarterly
23 basis.

24 (3) Whenever any employer or payor fails to collect,
25 truthfully account for, pay over, or make returns of the income
26 tax as required by this section, the Tax Commissioner may serve a
27 notice requiring such employer or payor to collect the taxes which
1 become collectible after service of such notice, to deposit such
2 taxes in a bank approved by the Tax Commissioner in a separate
3 account in trust for and payable to the Tax Commissioner, and to
4 keep the amount of such tax in such account until paid over to the
5 Tax Commissioner. Such notice shall remain in effect until a notice
6 of cancellation is served by the Tax Commissioner.

7 (4) Any employer or payor may appoint an agent in
8 accordance with section 3504 of the Internal Revenue Code of 1986,
9 as amended, for the purpose of withholding, reporting, or making
10 payment of amounts withheld on behalf of the employer or payor.
11 The agent shall be considered an employer or payor for purposes
12 of the Nebraska Revenue Act of 1967 and, with the actual employer
13 or payor, shall be jointly and severally liable for any amount
14 required to be withheld and paid over to the Tax Commissioner and
15 any additions to tax, penalties, and interest with respect thereto.

16 (5) The employer or payor shall also file on or before
17 ~~March 15~~ February 1 of the succeeding year a copy of each statement
18 furnished by such employer or payor to each employee or payee
19 with respect to taxes withheld on wages or payments subject to
20 withholding. Any employer, payor, or agent who furnished more than
21 ~~two hundred~~ fifty statements for a year shall file the required
22 copies electronically in a manner approved by the Tax Commissioner
23 that is compatible with federal electronic filing requirements or
24 methods.

25 Sec. 14. Section 77-2794, Reissue Revised Statutes of
26 Nebraska, is amended to read:

27 77-2794 (1) Under regulations prescribed by the Tax
1 Commissioner interest shall be allowed and paid at the rate
2 specified in section 45-104.02, as such rate may from time to time
3 be adjusted, upon any overpayment in respect to the income tax
4 imposed by the Nebraska Revenue Act of 1967.

5 (2) For purposes of this section:

6 (a) The date of overpayment shall be the last day
7 prescribed for filing the original return of such tax;

8 (b) Any return filed before the last day prescribed for
9 the filing thereof, determined without regard to any extension of
10 time to file the return, shall be considered as filed on such last
11 day;

12 (c) Any tax paid by the taxpayer before the last day
 13 prescribed for its payment, any income tax withheld from the
 14 taxpayer during any calendar year, and any amount paid by the
 15 taxpayer as estimated income tax for a taxable year shall be deemed
 16 to have been paid on the last day prescribed for filing the return
 17 for the taxable year to which such amount constitutes a credit or
 18 payment, determined without regard to any extension of time granted
 19 the taxpayer;

20 (d) If at the time an overpayment is to be refunded,
 21 the taxpayer also has a reported underpayment of the same tax
 22 in another year: (i) If the overpayment is for a taxable year
 23 ending before the year of underpayment, the overpayment shall be
 24 applied to reduce such underpayment as of the last day prescribed
 25 for filing the original return of such tax for the year of
 26 underpayment; (ii) if the overpayment is for a taxable year ending
 27 after the year of underpayment, the overpayment shall be applied to
 1 reduce such underpayment as of the last day prescribed for filing
 2 the original return of such tax for the year of overpayment; or
 3 (iii) if the overpayment is one for which interest is not allowed
 4 under this section, the overpayment shall be applied as of the
 5 date of the filing of the claim for refund; and interest shall be
 6 allowed for any remaining overpayment as provided in subdivision
 7 (a) of this subsection;

8 (e) The period of overpayment during which interest
 9 shall be allowed shall not include any period during which the
 10 overpayment continued due to the unreasonable delay by the taxpayer
 11 in filing the claim for refund. For this purpose, the burden of
 12 proof shall be on the taxpayer to show that a delay of more than
 13 ninety days after all of the facts required to prepare a correct
 14 claim for refund are available is not unreasonable; and

15 (f) The period of overpayment during which interest shall
 16 be allowed shall not include any period during which an agreement
 17 between the taxpayer and the Internal Revenue Service was not filed
 18 as required by subsection (6) of section 77-2786 and the first
 19 ninety days after such agreement is filed.

20 ~~(3) If (3)(a) Except as provided in subdivision (b) of~~
 21 ~~this subsection, if~~ any overpayment of income tax imposed by the
 22 Nebraska Revenue Act of 1967 is refunded within ninety days after
 23 the last date prescribed, or permitted by extension of time, for
 24 filing the return of such tax or within ninety days after any
 25 original return, and any amended return filed to carry back a loss,
 26 was filed, whichever is later, no interest shall be allowed under
 27 this section on overpayment.

1 (b) If the Tax Commissioner approves and implements an
 2 electronic form or method for filing the return and the return is
 3 not filed electronically, no interest shall be allowed under this
 4 section on overpayment.

5 (c) In the case of amended returns filed for any reason
 6 other than to carry back a loss, interest shall be allowed as

- 7 provided in subsection (1) of this section.
- 8 Sec. 23. Sections 2, 22, 23, 28, and 30 of this act
9 become operative on their effective date. Sections 1, 21, and 27 of
10 this act become operative on July 1, 2010. Sections 8, 10, 15, 16,
11 and 26 of this act become operative on October 1, 2010. Sections 7,
12 11, 12, 13, 14, 24, and 29 of this act become operative on January
13 1, 2011. The other sections of this act become operative three
14 calendar months after the adjournment of this legislative session.
- 15 Sec. 28. Original section 49-801.01, Revised Statutes
16 Supplement, 2009, is repealed.
- 17 Sec. 29. The following section is outright repealed:
18 Section 77-2769.02, Reissue Revised Statutes of Nebraska.
- 19 2. On page 11, line 19, strike "4" and insert "5".
20 3. On page 66, line 17, strike "4" and insert "5"; and in
21 line 25 strike "77-2789 and 77-2790," and insert "77-1784, 77-2756,
22 77-2789, 77-2790, and 77-2794,".
- 23 4. Renumber the remaining sections accordingly.

The Cornett amendment was adopted with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 768. Title read. Considered.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 799. Title read. Considered.

Committee AM1556, found on page 532, was adopted with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

SPEAKER FLOOD PRESIDING

Pending.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 317 and 318 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 317 and 318.

GENERAL FILE

LEGISLATIVE BILL 799. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

AMENDMENT - Print in Journal

Senator Conrad filed the following amendment to LB888:
AM1847

- 1 1. On page 7, line 23, strike "regardless of whether
- 2 for profit"; and after line 24 insert the following new subsection:
- 3 "(d) A limited liability company shall be classified for
- 4 state income tax purposes in the same manner as it is classified
- 5 for federal income tax purposes.".
- 6 2. On page 69, line 3, after "(b)" insert "A foreign
- 7 limited liability company may not transact business in this state
- 8 until it qualifies with the Secretary of State as provided in
- 9 sections 56 and 58 of this act."; and in line 12 strike "may" and
- 10 insert "must".
- 11 3. On page 80, line 5, strike "regardless of whether
- 12 organized for profit".

NOTICE OF COMMITTEE HEARING

Rules

Room 1510

Tuesday, February 23, 2010 1:00 p.m.

Senator Nelson's proposed rules change
Legislative Journal page 608

(Signed) Scott Lautenbaugh, Chairperson

COMMITTEE REPORTS

Government, Military and Veterans Affairs

LEGISLATIVE BILL 742. Placed on General File with amendment.
AM1967

- 1 1. Strike the original section and insert the following
- 2 new section:
- 3 Section 1. (1) A public entity or a private insurance
- 4 company or public agency providing coverage to a public entity,
- 5 public official, or public employee shall maintain a public written
- 6 or electronic record of all settled claims. The record for all
- 7 such claims settled in the amount of fifty thousand dollars or
- 8 more, or one percent of the total annual budget of the public

9 entity, whichever is less, shall include a written executed
10 settlement agreement. The settlement agreement shall contain a
11 brief description of the claim, the party or parties released under
12 the settlement, and the amount of the financial compensation, if
13 any, paid by or to the public entity or on its behalf.

14 (2) Any claim or settlement agreement involving a public
15 entity shall be a public record but, to the extent permitted
16 by sections 84-712.04 and 84-712.05 and as otherwise provided by
17 statute, specific portions of the claim or settlement agreement
18 may be withheld from the public. A private insurance company
19 or public agency providing coverage to the public entity shall,
20 without delay, provide to the public entity a copy of any claim or
21 settlement agreement to be maintained as a public record.

22 (3) Except for settlement agreements involving the state,
23 any state agency, or any employee of the state or pursuant to
1 claims filed under the State Tort Claims Act, any settlement
2 agreement with an amount of financial consideration greater than
3 fifty thousand dollars or more, or one percent of the total
4 annual budget of the public entity, whichever is less, shall be
5 included as an agenda item at the next meeting of a public agency
6 providing coverage to a public entity and as an agenda item on
7 the next regularly scheduled public meeting of the public body for
8 informational purposes or for approval if required.

9 (4) For purposes of this section, a confidentiality
10 or nondisclosure clause or provision contained in or relating
11 to a settlement agreement shall neither cause nor permit a
12 settlement agreement or the claim or any other public record
13 to be withheld from the public. Nothing in this section shall
14 require a public official or public employee or any party to the
15 settlement agreement to comment on the settlement agreement.

16 (5) For purposes of this section:

17 (a) Confidentiality or nondisclosure clause or provision
18 means any covenant or stipulation adopted by parties to a
19 settlement agreement that designates the settlement agreement,
20 the claim, or any other public record as confidential, or in any
21 other way restricts public access to information concerning the
22 settlement agreement or claim;

23 (b) Public body means public body as defined in
24 subdivision (1) of section 84-1409;

25 (c) Public entity means a public entity listed in
26 subdivision (1) of section 84-712.01; and

27 (d) Settlement agreement means any contractual agreement
1 to settle or resolve a claim involving a public entity or on behalf
2 of the public entity, a public official, or a public employee by
3 (i) the public entity, (ii) a private insurance company, or (iii) a
4 public agency providing coverage.

LEGISLATIVE BILL 948. Placed on General File with amendment.
AM1921

- 1 1. On page 2, lines 12 and 13, strike "but not limited
- 2 to"; and in line 15 after "costs" insert "and the materiel
- 3 division shall consider such data" and after "81-161" insert "to
- 4 ensure a responsible purchase is made by the state".
- 5 2. On page 3, line 19, strike "and resale value".

LEGISLATIVE RESOLUTION 284CA. Placed on General File with amendment.
AM1906

- 1 1. On page 3, line 6, strike "January 1, 2013" and insert
- 2 "January 8, 2015"; and in line 12 strike "January 1, 2013" and
- 3 insert "January 8, 2015".

LEGISLATIVE RESOLUTION 300CA. Placed on General File with amendment.
AM1971

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. At the general election in November 2010 the
- 4 following proposed amendment to the Constitution of Nebraska shall
- 5 be submitted to the electors of the State of Nebraska for approval
- 6 or rejection:
- 7 To amend Article III, section 2:
- 8 III-2 The first power reserved by the people is
- 9 the initiative whereby laws may be enacted and constitutional
- 10 amendments adopted by the people independently of the Legislature.
- 11 This power may be invoked by petition wherein the proposed measure
- 12 shall be set forth at length. If the petition be for the enactment
- 13 of a law, it shall be signed by ~~seven-four~~ percent of the
- 14 registered voters of the state, and if the petition be for the
- 15 amendment of the Constitution, the petition therefor shall be
- 16 signed by ten percent of such registered voters. In all cases the
- 17 registered voters signing such petition shall be so distributed
- 18 as to include five percent of the registered voters of each of
- 19 two-fifths of the counties of the state. ~~When, and when~~ thus
- 20 signed, the petition shall be filed with the Secretary of State who
- 21 shall submit the measure thus proposed to the electors of the state
- 22 at the first general election held not less than four months after
- 23 such petition ~~shall have been~~ is filed. The same measure, either
- 1 in form or in essential substance, shall not be submitted to the
- 2 people by initiative petition, either affirmatively or negatively,
- 3 more often than once in three years. If conflicting measures
- 4 submitted to the people at the same election be approved, the one
- 5 receiving the highest number of affirmative votes shall thereby
- 6 become law as to all conflicting provisions. The constitutional
- 7 limitations as to the scope and subject matter of statutes enacted
- 8 by the Legislature shall apply to those enacted by the initiative.

9 Initiative measures shall contain only one subject. The Legislature
 10 shall not amend, repeal, modify, or impair a law enacted by the
 11 people by initiative, contemporaneously with the adoption of this
 12 initiative measure or at any time thereafter, except upon a vote of
 13 at least two-thirds of all the members of the Legislature.

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

17 A constitutional amendment to change the number of
 18 signatures required for an initiative petition for the enactment of
 19 a law.

20 For

21 Against.

LEGISLATIVE BILL 980. Indefinitely postponed.

LEGISLATIVE RESOLUTION 279CA. Indefinitely postponed.

(Signed) Bill Avery, Chairperson

Education

LEGISLATIVE BILL 1021. Placed on General File with amendment.
 AM1969 is available in the Bill Room.

(Signed) Greg Adams, Chairperson

AMENDMENT - Print in Journal

Senator Louden filed the following amendment to LB1002:
 AM1991

(Amendments to Standing Committee amendments, AM1841)

1 1. Strike the original sections and all amendments
 2 thereto and insert the following new sections:

3 Section 1. For purposes of sections 1 to 7 of this act:

4 (1) Census-designated place means a concentration of
 5 population identified by the United States Department of Commerce,
 6 Bureau of the Census, that lacks a separate municipal government
 7 but otherwise physically resembles an incorporated city or village,
 8 that is associated with an Indian reservation, and that is in
 9 a county with fewer than six thousand four hundred inhabitants
 10 according to the most recent federal decennial census;

11 (2) Commission means the Commission on Indian Affairs;

12 (3) Indian reservation means a tract of land set apart by
 13 the federal government for the use of the Native American people;
 14 and

15 (4) Political subdivision means a city, village, or
 16 county within a thirty-mile radius of a census-designated place or
 17 a tribal government that owns land within such thirty-mile radius.

18 Sec. 2. Any political subdivision may annually apply
19 to the commission for state assistance under sections 1 to 7
20 of this act. The state assistance shall be used for economic
21 development, health care, and law enforcement needs in such
22 political subdivision.

1 Sec. 3. (1) All applications for state assistance under
2 sections 1 to 7 of this act shall be in writing, include a
3 certified copy of the approving action of the governing body of the
4 applicant describing the proposed use for the state assistance, and
5 be of such form and contain the content as the commission shall
6 prescribe and publish for distribution to a political subdivision
7 upon request.

8 (2) Upon receiving an application for state assistance,
9 the commission shall review the application and notify the
10 applicant of any additional information needed for a proper
11 evaluation of the application.

12 (3) Any state assistance received pursuant to sections 1
13 to 7 of this act shall be used only for public purposes.

14 Sec. 4. (1) After reviewing an application submitted
15 under section 3 of this act and upon reasonable notice to the
16 applicant, the commission shall hold a public hearing on the
17 application.

18 (2) The commission shall give notice of the time, place,
19 and purpose of the public hearing by publication three times in a
20 newspaper of statewide circulation. Such publication shall be not
21 less than ten days prior to the hearing. The notice shall describe
22 generally the use for which state assistance has been requested.
23 The applicant shall pay the cost of the notice.

24 (3) At the public hearing, representatives of the
25 applicant and any other interested persons may appear and present
26 evidence and argument in support of or in opposition to the
27 application or neutral testimony. The commission may seek expert
1 testimony and may require testimony of persons whom the commission
2 desires to comment on the application. The commission may provide
3 for the acceptance of additional evidence after conclusion of the
4 public hearing.

5 Sec. 5. (1) After consideration of the application and
6 the evidence, the commission shall issue a finding of whether the
7 use described in the application is eligible for state assistance.

8 (2) If the commission finds that the use described in the
9 application is a legitimate use and that state assistance is in the
10 best interest of the state, the application shall be approved.

11 (3) A majority of the commission members constitutes a
12 quorum for the purpose of conducting business. All actions of the
13 commission shall be made by a majority vote of the voting members.

14 Sec. 6. (1) The State Treasurer shall annually transfer
15 on or after July 1 of each year two hundred fifty thousand dollars
16 from the General Fund to the Designated Collection Fund which is
17 hereby created. Any money in the fund available for investment

18 shall be invested by the state investment officer pursuant to
 19 the Nebraska Capital Expansion Act and the Nebraska State Funds
 20 Investment Act.

21 (2) The commission may accept and shall actively seek,
 22 for the needs listed in section 2 of this act, any and all
 23 grants, donations, gifts, or contributions from public or private
 24 sources. Any such grants, donations, gifts, or contributions shall
 25 be deposited in the Designated Collection Fund and shall only be
 26 expended as provided in sections 1 to 7 of this act.

27 Sec. 7. Sections 1 to 7 of this act terminate on June 30,
 1 2018.

2 Sec. 8. Section 81-2504, Reissue Revised Statutes of
 3 Nebraska, is amended to read:

4 81-2504 The functions of the commission shall be to:

5 (1) Promote state and federal legislation beneficial to
 6 the Indian community in Nebraska;

7 (2) Coordinate existing programs relating to the Indian
 8 community in such areas as housing, education, welfare, medical and
 9 dental care, employment, economic development, law and order, and
 10 related problems;

11 (3) Work with other state and federal government agencies
 12 and federal and state elected officials in the development of new
 13 programs in areas mentioned under subdivision (2) of this section;

14 (4) Keep the Governor's office apprised of the situation
 15 in the Indian community;

16 (5) Administer sections 1 to 7 of this act;

17 ~~(5)-(6)~~ Provide the public with information and education
 18 relevant to Indian affairs in the State of Nebraska; and

19 ~~(6)-(7)~~ Develop programs to encourage the total
 20 involvement of Indian people in activities for the common benefit
 21 of the Indian community.

22 Sec. 9. This act becomes operative on July 1, 2011.

23 Sec. 10. Original section 81-2504, Reissue Revised
 24 Statutes of Nebraska, is repealed.

BILL ON FIRST READING

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

LEGISLATIVE BILL 951A. Introduced by Avery, 28.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 951, One Hundred First Legislature, Second Session, 2010.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 226. Placed on Final Reading Second.**LEGISLATIVE BILL 512.** Placed on Final Reading.**LEGISLATIVE BILL 579.** Placed on Final Reading.

ST9074

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

1. In the Cornett amendment, AM1952:

a. On page 2, line 15, an underscored semicolon has been inserted before "and";

b. On page 5, line 17, "and" has been inserted after the semicolon;

c. On page 10, lines 17, 19, 22, and 24, "act" has been struck and "section" inserted; and

d. On page 29, line 15, "sections 4, 5, 10, and 11" has been struck and "this section and sections 4, 5, and 10" inserted.

2. On page 1, the matter beginning with "48-602" in line 1 through line 6 and all amendments thereto have been struck and "44-7515, 48-151, and 48-443, Reissue Revised Statutes of Nebraska, sections 44-7504, 48-115, 48-145, 48-146, and 48-602, Revised Statutes Cumulative Supplement, 2008, and section 48-144.03, Revised Statutes Supplement, 2009; to adopt the Professional Employer Organization Registration Act; to create a fund; to provide penalties; to harmonize insurance, workers' compensation, safety committee, and unemployment benefit provisions; to provide operative dates; to provide severability; and to repeal the original sections." inserted.

LEGISLATIVE BILL 643. Placed on Final Reading.**LEGISLATIVE BILL 711.** Placed on Final Reading Second.**LEGISLATIVE BILL 723.** Placed on Final Reading.**LEGISLATIVE BILL 746.** Placed on Final Reading.**LEGISLATIVE BILL 787.** Placed on Final Reading.**LEGISLATIVE BILL 848.** Placed on Final Reading.**LEGISLATIVE BILL 867.** Placed on Final Reading.

ST9075

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

1. In the Standing Committee amendments, AM1638, section 3 has been struck and the following new section inserted:

Sec. 4. Original section 53-138.01, Reissue Revised Statutes of Nebraska, section 53-123.15, Revised Statutes Cumulative Supplement, 2008, and section 53-124, Revised Statutes Supplement, 2009, are repealed.

2. On page 1, the matter beginning with "53-124" in line 1 through line 3 and all amendments thereto have been struck and "53-138.01, Reissue

Revised Statutes of Nebraska, section 53-123.15, Revised Statutes Cumulative Supplement, 2008, and section 53-124, Revised Statutes Supplement, 2009; to provide for placement of certain shipping license fees in the General Fund; to change fees for shipping licenses; to harmonize provisions; and to repeal the original sections." inserted.

LEGISLATIVE BILL 890. Placed on Final Reading.

LEGISLATIVE BILL 891. Placed on Final Reading.

LEGISLATIVE BILL 892. Placed on Final Reading.

LEGISLATIVE BILL 914. Placed on Final Reading.

(Signed) Jeremy Nordquist, Chairperson

UNANIMOUS CONSENT - Add Cointroducers

Senator Cook asked unanimous consent to add her name as cointroducer to LB951. No objections. So ordered.

Senators Giese, McGill, and Mello asked unanimous consent to add their names as cointroducers to LB1014. No objections. So ordered.

VISITORS

Visitors to the Chamber were Lance Johnson from Bellevue; students from York College, York; and 46 fourth-grade students and teachers from Bryan Elementary, Lexington.

The Doctor of the Day was Dr. Hans Dethlefs from Omaha.

ADJOURNMENT

At 11:57 a.m., on a motion by Senator Lautenbaugh, the Legislature adjourned until 9:00 a.m., Wednesday, February 24, 2010.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-SECOND DAY - FEBRUARY 24, 2010**LEGISLATIVE JOURNAL****ONE HUNDRED FIRST LEGISLATURE
SECOND SESSION****THIRTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 24, 2010

PRAYER

The prayer was offered by Pastor Bob Chitwood, Brownville Christian Church, Brownville.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Langemeier presiding.

The roll was called and all members were present except Senators Christensen, Pahls, and White who were excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-first day was approved.

COMMITTEE REPORT

General Affairs

LEGISLATIVE BILL 870. Placed on General File with amendment.
AM1938

1 1. On page 2, line 19, after the period insert "Prior to
2 the issuance of a temporary operating permit, the purchaser shall
3 supply the commission with documentation from the seller that the
4 seller is current on all accounts with any wholesaler under section
5 53-123.02. A seller who provides false information regarding such
6 accounts is guilty of a Class IV misdemeanor for each offense.";
7 and in line 23 after the period insert "If the application is
8 withdrawn by the applicant or is denied by the commission, the
9 previous license may be reinstated at the discretion of the
10 commission upon request by the previous licensee.".

(Signed) Russ Karpisek, Chairperson

GENERAL FILE

LEGISLATIVE BILL 926. Title read. Considered.

Committee AM1942, found on page 581, was considered.

SENATOR CARLSON PRESIDING

SPEAKER FLOOD PRESIDING

The committee amendment was adopted with 41 ayes, 0 nays, 5 present and not voting, and 3 excused and not voting.

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

COMMITTEE REPORTS

Transportation and Telecommunications

LEGISLATIVE BILL 772. Placed on General File.

LEGISLATIVE BILL 933. Placed on General File.

LEGISLATIVE BILL 719. Indefinitely postponed.

(Signed) Deb Fischer, Chairperson

Judiciary

LEGISLATIVE BILL 728. Placed on General File.

LEGISLATIVE BILL 763. Placed on General File.

LEGISLATIVE BILL 915. Placed on General File.

(Signed) Brad Ashford, Chairperson

GENERAL FILE

LEGISLATIVE BILL 1063. Title read. Considered.

Committee AM1961, found on page 583, was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 381. Title read. Considered.

Committee AM1609, found on page 567, was considered.

Senator Cornett offered the following motion:

MO83

Bracket until April 14, 2010.

SENATOR HEIDEMANN PRESIDING

SENATOR CARLSON PRESIDING

SPEAKER FLOOD PRESIDING

Senator Hadley moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 13 nays, and 10 not voting.

Senator Cornett moved for a call of the house. The motion prevailed with 41 ayes, 0 nays, and 8 not voting.

Senator Cornett requested a roll call vote, in reverse order, on her motion to bracket.

Voting in the affirmative, 21:

Adams	Fischer	Hansen	Louden	Wightman
Campbell	Flood	Harms	Pankonin	
Carlson	Fulton	Heidemann	Pirsch	
Cornett	Gay	Howard	Price	
Dubas	Hadley	Langemeier	Utter	

Voting in the negative, 22:

Ashford	Council	Krist	Nelson	Sullivan
Avery	Giese	Lathrop	Nordquist	Wallman
Coash	Haar	Lautenbaugh	Rogert	
Conrad	Janssen	McGill	Schilz	
Cook	Karpisek	Mello	Stuthman	

Present and not voting, 1:

Gloor

Excused and not voting, 5:

Christensen	Dierks	McCoy	Pahls	White
-------------	--------	-------	-------	-------

The Cornet motion to bracket failed with 21 ayes, 22 nays, 1 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Pending.

COMMITTEE REPORTS

Health and Human Services

LEGISLATIVE BILL 1106. Placed on General File with amendment. AM1948

1 1. Insert the following new section:

2 Sec. 4. (1) To ensure that the interests of the school
 3 district, community, and health care provider are reflected
 4 within the policies, procedures, and scope of services of
 5 school-based health centers, each school or school district hosting
 6 a school-based health center shall establish a School Health Center
 7 Advisory Council.

8 (2) The School Health Center Advisory Council shall
 9 include:

10 (a) At least one representative of the school
 11 administration or school district administration;

12 (b) At least one representative of the sponsoring
 13 facility; and

14 (c) At least one parent recommended by a school
 15 administrator or school district administrator and approved by
 16 a majority vote of the school board. Any parent serving on the
 17 School Health Center Advisory Council shall have at least one
 18 child enrolled in the school or school district through which the
 19 school-based health center is organized.

20 (3) If another institution or organization sponsors the
 21 school-based health center, at least one representative of each
 22 sponsoring institution or organization shall be included on the
 23 School Health Center Advisory Council.

1 (4) The School Health Center Advisory Council may also
 2 include students enrolled in the school or school district through
 3 which the school-based health center is organized. Any such
 4 students must be appointed by a school administrator or school
 5 district administrator.

6 2. On page 2, line 3, strike "section 4" and insert
 7 "sections 4 and 5".

8 3. On page 3, strike lines 8 and 9 and insert the
 9 following new subdivision:

10 "(e) Does not perform abortion services or refer or
 11 counsel for abortion services and does not dispense, prescribe, or
 12 counsel for contraceptive drugs or devices; and"; and in lines 10
 13 and 11 after "medical" insert "or dental".

14 4. On page 4, line 5, strike beginning with the first
 15 comma through "community" and insert "or school district".

16 5. On page 6, line 13, after "Insurance" insert
 17 "Program"; and in line 15 after "2010" insert ", and for treatment
 18 for pregnant women who are lawfully residing in the United States
 19 and who are otherwise eligible for medicaid pursuant to the federal

- 20 Children's Health Insurance Program Reauthorization Act of 2009,
 21 Public Law 111-3, as such law existed on January 1, 2010".
 22 6. Renumber the remaining sections accordingly.

(Signed) Tim Gay, Chairperson

General Affairs

LEGISLATIVE BILL 887. Indefinitely postponed.

(Signed) Russ Karpisek, Chairperson

Natural Resources

LEGISLATIVE BILL 1057. Placed on General File with amendment.
 AM1895

1 1. On page 2, strike beginning with "(1)" in line
 2 1 through line 25 and insert "(1) The Republican River Basin
 3 Water Sustainability Task Force is created. The task force
 4 shall consist of twenty-one voting members and, except for the
 5 state agency representatives, shall be residents representing a
 6 cross-section of the Republican River basin. The Governor shall
 7 appoint two representatives from each natural resource district in
 8 the basin; four representatives from the irrigation districts in
 9 the basin; one representative each from the University of Nebraska
 10 Institute of Agriculture and Natural Resources, the Game and Parks
 11 Commission, the Department of Agriculture, and the Department of
 12 Natural Resources; one representative each from a school district,
 13 a city, a county, and a public power district in the basin;
 14 and two representatives from agriculture-related businesses in
 15 the Republican basin. The chairperson of the Executive Board of
 16 the Legislative Council shall appoint three ex officio, nonvoting
 17 members from the Legislature, two of whom are residents of the
 18 basin and one who is the chairperson of the Natural Resources
 19 Committee of the Legislature. For administrative and budgetary
 20 purposes only, the task force shall be housed within the Department
 21 of Natural Resources. Additional advisory support may be requested
 22 from appropriate federal and state agencies. Members of the task
 23 force who are not state employees shall be reimbursed for their
 1 actual and necessary expenses incurred in carrying out their duties
 2 as members as provided in sections 81-1174 to 81-1177.

3 (2) The task force shall meet no less than quarterly
 4 and shall hire a trained facilitator to conduct its meetings. The
 5 purposes of the task force are to define water sustainability for
 6 the Republican River basin, develop and recommend a plan to help
 7 reach water sustainability in the basin, and develop and recommend
 8 a plan to help avoid a water-short year in the basin."
 9 2. On page 3, strike beginning with "ensure" in line 1
 10 through the period in line 3; and in line 12 strike "shall".

(Signed) Chris Langemeier, Chairperson

General Affairs

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

Steve Homan - Nebraska Arts Council

Aye: 8 Senators Coash, Cook, Dierks, Dubas, Karpisek, Krist, Price, Rogert.
Nay: 0. Absent: 0. Present and not voting: 0.

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

Michael Hiatt - State Electrical Board

Aye: 8 Senators Coash, Cook, Dierks, Dubas, Karpisek, Krist, Price, Rogert.
Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Russ Karpisek, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 332. Introduced by Wallman, 30.

WHEREAS, Jesse Hinz won the 2010 Class B State Wrestling Championship in the heavyweight division; and

WHEREAS, Jesse Hinz, a senior at Beatrice High School, defeated Jacob Griess of Grand Island Northwest High School 9-4 to win the state championship; and

WHEREAS, the state championship gave Jesse Hinz his second state medal, as he finished fourth in the heavyweight division in 2009; and

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

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

1. That the Legislature congratulates Jesse Hinz on winning the 2010 Class B State Wrestling Championship in the heavyweight division.
2. That a copy of this resolution be sent to Jesse Hinz.

Laid over.

AMENDMENTS - Print in Journal

Senator Fischer filed the following amendment to LB937:
AM1987

(Amendments to Standing Committee amendments, AM1949)

- 1 1. Insert the following new section:
- 2 Sec. 3. Since an emergency exists, this act takes effect
- 3 when passed and approved according to law.
- 4 2. On page 4, lines 15 and 20 and 21, strike "January 1,
- 5 2011," and insert "the effective date of this act".

Senator Langemeier filed the following amendment to LB1048:
AM2010 is available in the Bill Room.

Senator Cornett filed the following amendment to LB579:
AM2024

(Amendments to Final Reading copy)

- 1 1. On page 8, strike beginning with "For" in line 8
- 2 through the period in line 10; and in line 12 strike "two" and
- 3 insert "ten".
- 4 2. On page 16, line 19, strike "this".
- 5 3. On page 17, line 15, after "shall" insert "knowingly".
- 6 4. On page 20, strike lines 22 through 25.
- 7 5. On page 21, strike line 1 and insert the following new
- 8 subdivision:
- 9 "(b) A client shall be solely responsible for (i)
- 10 directing, supervising, training, and controlling the work of
- 11 the covered employees with respect to the business activities of
- 12 the client or when such employees are otherwise acting under the
- 13 express direction and control of the client and (ii) the acts,
- 14 errors, or omissions of the covered employees with regard to such
- 15 activities or when such employees are otherwise acting under the
- 16 express direction and control of the client;" and in line 23
- 17 strike "sale" and insert "provision".
- 18 6. On page 22, strike lines 2 through 5; and in line 6
- 19 strike "(8)" and insert "(7)".
- 20 7. On page 23, line 15, strike "(9)" and insert "(8)".
- 21 8. On page 25, line 12, strike "separate" and insert
- 22 "itemized"; and strike beginning with "the" in line 13 through
- 1 "signed" in line 14 and insert "enrollment".
- 2 9. On page 26, line 25, after "provided" insert "for any
- 3 such professional employer agreement in effect on the operative
- 4 date of this section and".
- 5 10. On page 27, line 1, strike "the" and insert "any new"
- 6 and strike "and prior to" and insert "or"; and in line 2 after
- 7 "provision" insert "after the operative date of this section".
- 8 11. On page 29, lines 10 and 15, strike "a specified" and
- 9 insert "an itemized".
- 10 12. On page 52, line 8, after the period insert

11 "Subsections (5), (6), and (7) of this section apply beginning
 12 on January 1, 2012."; and strike beginning with "pursuant" in line
 13 11 through "2012" in line 13.
 14 13. On page 53, strike beginning with "pursuant" in line
 15 17 through "2012" in line 18.
 16 14. On page 54, after line 16, insert the following new
 17 subdivision:
 18 "(e) Notice of the cancellation or nonrenewal of a master
 19 policy or the termination of coverage for a client or the employees
 20 of a client under such a policy shall be given by the professional
 21 employer organization to the client within fifteen days after
 22 the cancellation, nonrenewal, or termination unless replacement
 23 coverage has been obtained."; and strike beginning with "pursuant"
 24 in line 19 through "2012" in line 20.

MOTION - Print in Journal

Senator Cornett filed the following motion to LB381:
 MO84
 Indefinitely postpone.

ANNOUNCEMENT

Senator Wightman announced the Executive Board will hold an executive session Thursday, February 25, 2010, at 8:45 a.m., in Room 2102.

UNANIMOUS CONSENT - Add Cointroducers

Senator Fischer asked unanimous consent to add her name as cointroducer to LB926. No objections. So ordered.

Senators Sullivan and Utter asked unanimous consent to add their names as cointroducers to LB931. No objections. So ordered.

WITHDRAW - Cointroducer

Senator Langemeier withdrew his name as cointroducer to LB931.

VISITORS

Visitors to the Chamber were James, Cassandra, and Abigail Lowery from Burwell; Chris, Brooke, Ashley, and Bradley Conrad from Omaha; members of Nebraska Christian Home Educators from across the state; 18 students and sponsors from Madison High School, Madison; a group from Battle Creek, Madison, Meadow Grove, Norfolk, and Tilden; and members of Project Extra Mile from across the state.

ADJOURNMENT

At 12:01 p.m., on a motion by Senator Sullivan, the Legislature adjourned until 9:00 a.m., Thursday, February 25, 2010.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-THIRD DAY - FEBRUARY 25, 2010**LEGISLATIVE JOURNAL****ONE HUNDRED FIRST LEGISLATURE
SECOND SESSION****THIRTY-THIRD DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, February 25, 2010

PRAYER

The prayer was offered by Pastor Tim Lawson, Divine Shepherd Lutheran Church, Omaha.

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 Senators Giese and Pahls who were excused; and Senator Ashford who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-second day was approved.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 1006. Placed on Select File with amendment.
ER8166

- 1 1. On page 1, strike beginning with the last comma in
- 2 line 2 through "2009" in line 4.

LEGISLATIVE BILL 865. Placed on Select File with amendment.
ER8165 is available in the Bill Room.

LEGISLATIVE BILL 910. Placed on Select File with amendment.
ER8168 is available in the Bill Room.

LEGISLATIVE BILL 770. Placed on Select File with amendment.
ER8167

- 1 1. On page 1, line 3, after "Nebraska" insert ", and
- 2 section 49-617, Revised Statutes Cumulative Supplement, 2008"; and
- 3 in line 5 after "Legislature" insert "and copies of the statutes".

(Signed) Jeremy Nordquist, Chairperson

COMMITTEE REPORT

Banking, Commerce and Insurance

LEGISLATIVE BILL 813. Placed on General File.

(Signed) Pete Pirsch, Vice Chairperson

MESSAGES FROM THE GOVERNOR

February 23, 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:

Marcia Anderson, 1300 South 80th Street, Omaha, NE 68124

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

February 23, 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 Commission for the Deaf and Hard of Hearing:

Susan Petersen, 8534 Pinkney, Omaha, NE 68134

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

RESOLUTION

LEGISLATIVE RESOLUTION 333. Introduced by Nordquist, 7.

WHEREAS, Robert "Bobby" Orsi of Omaha, Nebraska, and a graduate of Omaha South High School, died February 2, 2010, at the age of sixty-eight; and

WHEREAS, Bobby Orsi grew up working in his grandfather's bakery, Orsi's Italian Bakery on Seventh and Pacific Streets in South Omaha, where he worked for more than six decades; and

WHEREAS, Bobby Orsi became owner of Orsi's Italian Bakery and earned a reputation for generosity by routinely donating bread for funerals, fundraisers, and church and community events; and

WHEREAS, Bobby Orsi coached youth sports for St. Frances Cabrini Church and Sons of Italy teams and volunteered in the Santa Lucia organization; and

WHEREAS, Bobby Orsi earned his place as a legend in the South Omaha and Little Italy communities; and

WHEREAS, Bobby Orsi is survived by his wife, Bonnie, his sons, Bob and Nick, his daughters, Shirley Robinson and Andrea Rettele, and his sister, Frances Kinney.

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

1. That the Legislature honors the memory of Bobby Orsi and his many contributions and achievements.
2. That the Legislature expresses and extends its sympathy and condolences to the family of Bobby Orsi.
3. That a copy of this resolution be sent to the family of Bobby Orsi.

Laid over.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of February 24, 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

Goc, John J.
Real Property Appraiser Board, Nebraska
Radcliffe, Walter H. of Radcliffe & Associates
City of Omaha

MOTIONS - Approve Appointments

Senator Karpisek moved the adoption of the General Affairs Committee report for the confirmation of the following appointment(s) found on page 636:

Nebraska Arts Council
Steve Homan

Voting in the affirmative, 42:

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

Voting in the negative, 0.

Present and not voting, 3:

Avery Heidemann Lautenbaugh

Excused and not voting, 4:

Ashford Coash Giese Pahls

The appointment was confirmed with 42 ayes, 0 nays, 3 present and not voting, and 4 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 636:

State Electrical Board
Michael Hiatt

Voting in the affirmative, 43:

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

Voting in the negative, 0.

Present and not voting, 3:

Avery Haar Lautenbaugh

Excused and not voting, 3:

Ashford Giese Pahls

The appointment was confirmed with 43 ayes, 0 nays, 3 present and not voting, and 3 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 190.

A BILL FOR AN ACT relating to the DNA Identification Information Act; to amend sections 29-2262, 29-4101, 29-4102, 29-4103, and 29-4106, Reissue Revised Statutes of Nebraska, and section 59-1608.04, Revised Statutes Cumulative Supplement, 2008, as amended by section 34, Legislative Bill 3, One Hundred First Legislature, First Special Session, 2009; to change and eliminate definitions; to provide for the collection of DNA samples from individuals convicted of felony offenses and individuals released on probation; to require such individuals to pay the costs of such collection; to provide for applicability; to create a fund; to provide for transfers from the State Settlement Cash Fund; 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, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Giese Pahls

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

LEGISLATIVE BILL 190A.

A BILL FOR AN ACT relating to appropriations; to provide for a transfer; and to appropriate funds to aid in carrying out the provisions of Legislative Bill 190, 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, 46:

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

Voting in the negative, 0.

Present and not voting, 1:

Sullivan

Excused and not voting, 2:

Giese Pahls

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

LEGISLATIVE BILL 690.

A BILL FOR AN ACT relating to trade names; to amend sections 87-214 and 87-219, Reissue Revised Statutes of Nebraska; to change deadline provisions relating to trade name publication filings; 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, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Giese Pahls

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

LEGISLATIVE BILL 691.

A BILL FOR AN ACT relating to the Nebraska Real Estate License Act; to amend section 81-885.03, Reissue Revised Statutes of Nebraska, and sections 81-885.10, 81-885.25, and 81-885.29, Revised Statutes Supplement, 2009; to provide for jurisdiction and the issuance of cease and

desist orders as prescribed; to provide for fines; 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, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Giese Pahls

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

LEGISLATIVE BILL 736. With Emergency Clause.

A BILL FOR AN ACT relating to real property; to provide for liens for assessments and fines by homeowners' associations as prescribed; and to declare an emergency.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Giese Pahls

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 751. With Emergency Clause.

A BILL FOR AN ACT relating to secured transactions; to amend section 9-506, Uniform Commercial Code, Revised Statutes Supplement, 2009; to change provisions relating to the effects of errors and omissions in financing statements; 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, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Giese Pahls

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 LB650 with 45 ayes, 0 nays, 2 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 650.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-471, 60-501, 60-520, 60-547, 60-6,357, 60-6,358, 60-6,359, 60-6,360, and 60-6,361, Reissue Revised Statutes of Nebraska, sections 60-102, 60-123, 60-136, 60-137, 60-148, 60-149, 60-153, 60-154, 60-154.01, 60-171, 60-302, 60-339, 60-3,100, 60-3,187, 60-3,190, 60-4,126, 60-605, 60-6,355, and 60-6,356, Revised Statutes Cumulative Supplement, 2008, and sections 23-186, 30-24,125, 60-101, 60-144, 60-164, 60-165, 60-301, 60-3,104, 60-601, and 60-1901, Revised Statutes Supplement, 2009; to authorize the operation of minitrucks and utility-type vehicles as prescribed; to define terms; to harmonize provisions; to provide an operative date; and to repeal the original sections.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Giese Pahls

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 650A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 650, 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, 43:

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

Voting in the negative, 0.

Present and not voting, 3:

Lathrop	Sullivan	Utter
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Excused and not voting, 3:

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

LEGISLATIVE BILL 698. With Emergency Clause.

A BILL FOR AN ACT relating revenue and taxation; to amend sections 77-908 and 77-912, Reissue Revised Statutes of Nebraska, and sections 44-32,180 and 44-4726, Revised Statutes Cumulative Supplement, 2008; to eliminate certain insurance premium tax provisions; to harmonize provisions; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Excused and not voting, 3:

Dierks	Giese	Pahls
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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 721.

A BILL FOR AN ACT relating to the State Building Administrator; to amend section 81-1108.12, Reissue Revised Statutes of Nebraska; to change qualification provisions as prescribed; and to repeal the original section.

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

Voting in the affirmative, 45:

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

Voting in the negative, 1:

Janssen

Excused and not voting, 3:

Dierks Giese Pahls

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

LEGISLATIVE BILL 722.

A BILL FOR AN ACT relating to state government; to amend sections 11-201, 72-815, and 81-1017, Reissue Revised Statutes of Nebraska; to change a bonding requirement; to change a provision relating to sale of state real property; to eliminate an exception relating to state-owned motor 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, 46:

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

Voting in the negative, 0.

Excused and not voting, 3:

Dierks Giese Pahls

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

LEGISLATIVE BILL 731.

A BILL FOR AN ACT relating to the Noxious Weed Control Act; to amend sections 2-954, 2-955, and 2-959, Reissue Revised Statutes of Nebraska; to change provisions relating to noxious weed control funds; 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, 46:

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

Voting in the negative, 0.

Excused and not voting, 3:

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

LEGISLATIVE BILL 738. With Emergency Clause.

A BILL FOR AN ACT relating to the Nebraska Trust Deeds Act; to amend section 76-1004, Reissue Revised Statutes of Nebraska; to change provisions relating to the substitution of trustee; 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, 46:

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

Voting in the negative, 0.

Excused and not voting, 3:

Dierks Giese Pahls

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 743. With Emergency Clause.

A BILL FOR AN ACT relating to the Game and Parks Commission; to amend section 37-201, Revised Statutes Supplement, 2009; to authorize the commission to convey certain real estate for park purposes; to prescribe conditions relating to the conveyance, operation, and maintenance of the real estate; to provide duties for the commission; to eliminate conveyance provisions; to harmonize provisions; to repeal the original section; to outright repeal section 90-215, Reissue Revised Statutes of Nebraska; and to declare an emergency.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Giese Pahls

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 749.

A BILL FOR AN ACT relating to roads; to amend section 39-1390, Reissue Revised Statutes of Nebraska, as amended by section 20, Legislative Bill 3, One Hundred First Legislature, First Special Session, 2009; to designate certain roads as state recreation roads; 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	Council	Hansen	Louden	Schilz
Ashford	Dierks	Harms	McCoy	Stuthman
Avery	Dubas	Heidemann	McGill	Sullivan
Campbell	Fischer	Howard	Mello	Utter
Carlson	Flood	Janssen	Nelson	Wallman
Christensen	Fulton	Karpisek	Nordquist	White
Coash	Gay	Krist	Pankonin	Wightman
Conrad	Gloor	Langemeier	Pirsch	
Cook	Haar	Lathrop	Price	
Cornett	Hadley	Lautenbaugh	Rogert	

Voting in the negative, 0.

Excused and not voting, 2:

Giese Pahls

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

LEGISLATIVE BILL 791.

A BILL FOR AN ACT relating to the Secretary of State; to amend section 21-2003, Revised Statutes Supplement, 2009; to provide for the electronic filing of documents as prescribed; to harmonize provisions; 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	Council	Hansen	Louden	Schilz
Ashford	Dierks	Harms	McCoy	Stuthman
Avery	Dubas	Heidemann	McGill	Sullivan
Campbell	Fischer	Howard	Mello	Utter
Carlson	Flood	Janssen	Nelson	Wallman
Christensen	Fulton	Karpisek	Nordquist	White
Coash	Gay	Krist	Pankonin	Wightman
Conrad	Gloor	Langemeier	Pirsch	
Cook	Haar	Lathrop	Price	
Cornett	Hadley	Lautenbaugh	Rogert	

Voting in the negative, 0.

Excused and not voting, 2:

Giese Pahls

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

LEGISLATIVE BILL 798.

A BILL FOR AN ACT relating to the Nebraska Litter Reduction and Recycling Act; to amend section 81-1566, Reissue Revised Statutes of Nebraska; to change a termination date; 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	Council	Hansen	Louden	Stuthman
Ashford	Dierks	Harms	McCoy	Sullivan
Avery	Dubas	Heidemann	McGill	Utter
Campbell	Fischer	Howard	Mello	Wallman
Carlson	Flood	Janssen	Nelson	White
Christensen	Fulton	Karpisek	Nordquist	Wightman
Coash	Gay	Krist	Pankonin	
Conrad	Gloor	Langemeier	Pirsch	
Cook	Haar	Lathrop	Price	
Cornett	Hadley	Lautenbaugh	Rogert	

Voting in the negative, 0.

Present and not voting, 1:

Schilz

Excused and not voting, 2:

Giese Pahls

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

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB814 with 46 ayes, 0 nays, 1 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 814.

A BILL FOR AN ACT relating to the Securities Act of Nebraska; to amend section 8-1111, Reissue Revised Statutes of Nebraska; to change provisions relating to transactions exempt from registration; 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	Council	Hansen	Louden	Schilz
Ashford	Dierks	Harms	McCoy	Stuthman
Avery	Dubas	Heidemann	McGill	Sullivan
Campbell	Fischer	Howard	Mello	Utter
Carlson	Flood	Janssen	Nelson	Wallman
Christensen	Fulton	Karpisek	Nordquist	White
Coash	Gay	Krist	Pankonin	Wightman
Conrad	Gloor	Langemeier	Pirsch	
Cook	Haar	Lathrop	Price	
Cornett	Hadley	Lautenbaugh	Rogert	

Voting in the negative, 0.

Excused and not voting, 2:

Giese Pahls

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 871.

A BILL FOR AN ACT relating to the Game Law; to amend section 37-413, Revised Statutes Supplement, 2009; to change provisions relating to persons accompanying apprentice hunters; 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	Council	Hansen	Louden	Schilz
Ashford	Dierks	Harms	McCoy	Stuthman
Avery	Dubas	Heidemann	McGill	Sullivan
Campbell	Fischer	Howard	Mello	Utter
Carlson	Flood	Janssen	Nelson	Wallman
Christensen	Fulton	Karpisek	Nordquist	White
Coash	Gay	Krist	Pankonin	Wightman
Conrad	Gloor	Langemeier	Pirsch	
Cook	Haar	Lathrop	Price	
Cornett	Hadley	Lautenbaugh	Rogert	

Voting in the negative, 0.

Excused and not voting, 2:

Giese Pahls

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

LEGISLATIVE BILL 667.

A BILL FOR AN ACT relating to fences; to amend section 34-102, Reissue Revised Statutes of Nebraska; to state intent; to change provisions relating to division fences; 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	Council	Harms	McCoy	Stuthman
Ashford	Dierks	Heidemann	McGill	Sullivan
Avery	Dubas	Howard	Mello	Utter
Campbell	Fischer	Janssen	Nelson	Wallman
Carlson	Flood	Karpisek	Nordquist	White
Christensen	Fulton	Krist	Pankonin	Wightman
Coash	Gloor	Langemeier	Pirsch	
Conrad	Haar	Lathrop	Price	
Cook	Hadley	Lautenbaugh	Rogert	
Cornett	Hansen	Louden	Schilz	

Voting in the negative, 0.

Present and not voting, 1:

Gay

Excused and not voting, 2:

Giese Pahls

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

LEGISLATIVE BILL 705.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-3,122, 60-3,123, and 60-3,124, Revised Statutes Supplement, 2009; to remove a limitation on issuance of Pearl Harbor, prisoner-of-war, and disabled veteran license plates as prescribed; 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, 46:

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

Voting in the negative, 0.

Present and not voting, 1:

Flood

Excused and not voting, 2:

Giese Pahls

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

LEGISLATIVE BILL 708.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-202.03 and 77-202.09, Reissue Revised Statutes of Nebraska; to change certain date provisions relating to property tax exemptions as prescribed; to provide an operative date; and to repeal the original sections.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Giese Pahls

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

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB725 with 41 ayes, 1 nay, 5 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 725.

A BILL FOR AN ACT relating to agricultural vehicles; to amend sections 75-362 and 75-363, Reissue Revised Statutes of Nebraska, and section 60-363, Revised Statutes Cumulative Supplement, 2008; to change provisions relating to fertilizer trailer registration certificates; to define fertilizer and agricultural chemical application and distribution equipment and to change the applicability of certain adopted federal rules; 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, 46:

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

Voting in the negative, 0.

Present and not voting, 1:

Dierks

Excused and not voting, 2:

Giese Pahls

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 762. With Emergency Clause.

A BILL FOR AN ACT relating to banks and banking; to amend section 8-113, Revised Statutes Supplement, 2009; to change provisions relating to the unauthorized use of the word bank; 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, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Giese Pahls

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 788.

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 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, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Giese Pahls

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

LEGISLATIVE BILL 797.

A BILL FOR AN ACT relating to the Nebraska Power Review Board; to amend section 70-1003, Reissue Revised Statutes of Nebraska; to change duties of the board relating to hearings and a report as prescribed; to eliminate obsolete requirements; to harmonize provisions; 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	Council	Hansen	Louden	Schilz
Ashford	Dierks	Harms	McCoy	Stuthman
Avery	Dubas	Heidemann	McGill	Sullivan
Campbell	Fischer	Howard	Mello	Utter
Carlson	Flood	Janssen	Nelson	Wallman
Christensen	Fulton	Karpisek	Nordquist	White
Coash	Gay	Krist	Pankonin	Wightman
Conrad	Gloor	Langemeier	Pirsch	
Cook	Haar	Lathrop	Price	
Cornett	Hadley	Lautenbaugh	Rogert	

Voting in the negative, 0.

Excused and not voting, 2:

Giese Pahls

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

LEGISLATIVE BILL 806.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1347, Reissue Revised Statutes of Nebraska; to change a provision relating to valuation of agricultural or horticultural land; 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	Council	Hansen	Louden	Stuthman
Ashford	Dierks	Harms	McGill	Sullivan
Avery	Dubas	Heidemann	Mello	Utter
Campbell	Fischer	Howard	Nelson	Wallman
Carlson	Flood	Janssen	Nordquist	White
Christensen	Fulton	Karpisek	Pankonin	Wightman
Coash	Gay	Krist	Pirsch	
Conrad	Gloor	Langemeier	Price	
Cook	Haar	Lathrop	Rogert	
Cornett	Hadley	Lautenbaugh	Schilz	

Voting in the negative, 0.

Present and not voting, 1:

McCoy

Excused and not voting, 2:

Giese Pahls

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

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB816 with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 816. With Emergency Clause.

A BILL FOR AN ACT relating to motor vehicle industry regulation; to amend sections 25-2602.01, 28-1316, 44-3526, 60-1401.01, 60-1402, 60-1403, 60-1403.01, 60-1404, 60-1405, 60-1406, 60-1407, 60-1407.01, 60-1407.02, 60-1407.03, 60-1407.04, 60-1411.03, 60-1415, 60-1415.01, 60-1417.02, 60-1420, 60-1421, 60-1422, 60-1427, 60-1428, 60-1430, 60-1430.01, 60-1430.02, 60-1432, 60-1436, 60-1437, 60-1438, 60-1438.01, 60-1440, 60-2602, 60-2603, 60-2604, and 71-4603, Reissue Revised Statutes of Nebraska, sections 60-194, 60-373, 60-375, 60-380, 60-381, 60-3,116, 60-1411.01, 60-1411.02, and 60-2701, Revised Statutes Cumulative Supplement, 2008, sections 60-144, 60-164, and 60-1401.02, Revised Statutes Supplement, 2009, and section 60-1409, Reissue Revised Statutes of Nebraska, as amended by section 36, Legislative Bill 3, One Hundred First Legislature, First Special Session, 2009; to name an act; to transfer definitions; to define and redefine terms; to change provisions relating to licenses and franchises; to delete obsolete provisions; to prohibit certain acts; to harmonize provisions; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Giese Pahls

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

The following bills were read and put upon final passage:

LEGISLATIVE BILL 832.

A BILL FOR AN ACT relating to petroleum release remedial action; to amend section 66-1501, Reissue Revised Statutes of Nebraska; to eliminate a private insurance requirement; to harmonize provisions; to repeal the original section; and to outright repeal section 66-1532, 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, 45:

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

Voting in the negative, 0.

Present and not voting, 2:

Lautenbaugh McGill

Excused and not voting, 2:

Giese Pahls

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

LEGISLATIVE BILL 873.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1716, Reissue Revised Statutes of Nebraska; to require notice of taxes owed on certain property; to eliminate provisions relating to notification of delinquent property taxes; 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	Council	Hansen	Louden	Schilz
Ashford	Dierks	Harms	McCoy	Stuthman
Avery	Dubas	Heidemann	McGill	Sullivan
Campbell	Fischer	Howard	Mello	Utter
Carlson	Flood	Janssen	Nelson	Wallman
Christensen	Fulton	Karpisek	Nordquist	White
Coash	Gay	Krist	Pankonin	Wightman
Conrad	Gloor	Langemeier	Pirsch	
Cook	Haar	Lathrop	Price	
Cornett	Hadley	Lautenbaugh	Rogert	

Voting in the negative, 0.

Excused and not voting, 2:

Giese Pahls

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

LEGISLATIVE BILL 911. With Emergency Clause.

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

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, 46:

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

Voting in the negative, 0.

Present and not voting, 1:

McGill

Excused and not voting, 2:

Giese Pahls

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 226. With Emergency Clause.

A BILL FOR AN ACT relating to minors; to amend sections 30-2604 and 43-2101, Reissue Revised Statutes of Nebraska; to provide for authority for certain persons who are eighteen years of age to consent to health care and medical treatment and enter into contracts and leases; 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, 46:

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

Voting in the negative, 0.

Present and not voting, 1:

Council

Excused and not voting, 2:

Giese Pahls

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 512.

A BILL FOR AN ACT relating to airport zoning; to amend sections 3-303 and 3-304, Reissue Revised Statutes of Nebraska; to change provisions relating to the regulation of airport hazards; to prescribe duties; 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, 44:

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

Voting in the negative, 1:

Stuthman

Present and not voting, 2:

Council White

Excused and not voting, 2:

Giese Pahls

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

LEGISLATIVE BILL 643.

A BILL FOR AN ACT relating to electric lines; to amend section 70-311, Reissue Revised Statutes of Nebraska; to extend the distance and time requirements relating to notice of certain road construction; to provide notice requirements for natural resources districts for certain road construction; 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	Council	Hansen	Louden	Schilz
Ashford	Dierks	Harms	McCoy	Stuthman
Avery	Dubas	Heidemann	McGill	Sullivan
Campbell	Fischer	Howard	Mello	Utter
Carlson	Flood	Janssen	Nelson	Wallman
Christensen	Fulton	Karpisek	Nordquist	White
Coash	Gay	Krist	Pankonin	Wightman
Conrad	Gloor	Langemeier	Pirsch	
Cook	Haar	Lathrop	Price	
Cornett	Hadley	Lautenbaugh	Rogert	

Voting in the negative, 0.

Excused and not voting, 2:

Giese Pahls

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

LEGISLATIVE BILL 711. With Emergency Clause.

A BILL FOR AN ACT relating to schools; to amend section 79-4,108, Reissue Revised Statutes of Nebraska, sections 79-1022, 79-1026.01, 79-1027, and 79-1031.01, Revised Statutes Supplement, 2009, and section 79-1023, Revised Statutes Supplement, 2009, as amended by section 11, Legislative Bill 5, One Hundred First Legislature, First Special Session, 2009; to change provisions relating to interlocal agreements for unified school systems; to change dates relating to certification of state aid under the Tax Equity and Educational Opportunities Support Act; 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, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Giese Pahls

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 723.

A BILL FOR AN ACT relating to the Telecommunications Relay System Act; to amend section 86-313, Reissue Revised Statutes of Nebraska; to change surcharge remittance requirements; 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	Council	Hansen	Louden	Schilz
Ashford	Dierks	Harms	McCoy	Stuthman
Avery	Dubas	Heidemann	McGill	Sullivan
Campbell	Fischer	Howard	Mello	Utter
Carlson	Flood	Janssen	Nelson	Wallman
Christensen	Fulton	Karpisek	Nordquist	White
Coash	Gay	Krist	Pankonin	Wightman
Conrad	Gloor	Langemeier	Pirsch	
Cook	Haar	Lathrop	Price	
Cornett	Hadley	Lautenbaugh	Rogert	

Voting in the negative, 0.

Excused and not voting, 2:

Giese Pahls

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

LEGISLATIVE BILL 746.

A BILL FOR AN ACT relating to civil rights; to amend sections 20-504 and 20-506, Reissue Revised Statutes of Nebraska; to change provisions relating to racial profiling; to change the membership of the Racial Profiling Advisory Committee; to change and provide powers and duties; 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, 46:

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

Voting in the negative, 0.

Present and not voting, 1:

Karpisek

Excused and not voting, 2:

Giese Pahls

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

LEGISLATIVE BILL 787.

A BILL FOR AN ACT relating to the Nebraska Information Technology Commission; to amend section 86-515, Reissue Revised Statutes of Nebraska; to provide for an additional member to serve on the commission as appointed by the Legislature as prescribed; and to repeal the original section.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Giese Pahls

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

LEGISLATIVE BILL 848.

A BILL FOR AN ACT relating to cities of the first class; to amend section 16-707, Reissue Revised Statutes of Nebraska; to change provisions relating to board of equalization meetings; 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	Council	Hansen	Louden	Schilz
Ashford	Dierks	Harms	McCoy	Stuthman
Avery	Dubas	Heidemann	McGill	Sullivan
Campbell	Fischer	Howard	Mello	Utter
Carlson	Flood	Janssen	Nelson	Wallman
Christensen	Fulton	Karpisek	Nordquist	White
Coash	Gay	Krist	Pankonin	Wightman
Conrad	Gloor	Langemeier	Pirsch	
Cook	Haar	Lathrop	Price	
Cornett	Hadley	Lautenbaugh	Rogert	

Voting in the negative, 0.

Excused and not voting, 2:

Giese Pahls

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

LEGISLATIVE BILL 867.

A BILL FOR AN ACT relating to alcoholic liquors; to amend section 53-138.01, Reissue Revised Statutes of Nebraska, section 53-123.15, Revised Statutes Cumulative Supplement, 2008, and section 53-124, Revised Statutes Supplement, 2009; to provide for placement of certain shipping license fees in the General Fund; to change fees for shipping licenses; 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, 46:

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

Voting in the negative, 1:

Lathrop

Excused and not voting, 2:

Giese Pahls

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

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB890 with 43 ayes, 0 nays, 4 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 890. With Emergency Clause.

A BILL FOR AN ACT relating to banking and finance; to amend sections 8-142, 8-143, 8-183.04, 8-908, 8-1502, and 21-1725.01, Reissue Revised Statutes of Nebraska, sections 8-115.01, 8-157, 8-234, and 8-374, Revised Statutes Cumulative Supplement, 2008, and sections 8-1,140, 8-355, and 21-17,115, Revised Statutes Supplement, 2009; to change provisions relating to the delivery of certain notices; to change and provide powers and duties for the Department of Banking and Finance and Director of Banking and Finance; to change capital requirements for converted savings associations; to change and provide criminal penalties and civil liability relating to violations of loan limit provisions; to revise powers of state-chartered banks, building and loan associations, and credit unions; to change provisions relating to bank holding company management; to change notice provisions relating to acquisitions; to harmonize provisions; to provide operative dates; 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, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Giese Pahls

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

The following bill was read and put upon final passage:

LEGISLATIVE BILL 891. With Emergency Clause.

A BILL FOR AN ACT relating to banks and banking; to amend sections 8-101.01 and 8-602, Revised Statutes Supplement, 2009; to provide for conditional bank charters, powers and duties for the Department of Banking and Finance and the Director of Banking and Finance, and for fees; to harmonize provisions; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Giese Pahls

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 LB892 with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 892. With Emergency Clause.

A BILL FOR AN ACT relating to banking and finance; to amend sections 45-101.04 and 45-1068, Reissue Revised Statutes of Nebraska, section 45-1005, Revised Statutes Cumulative Supplement, 2008, and sections 8-702, 45-701, 45-702, 45-704, 45-705, 45-724, 45-725, 45-726, 45-728, 45-730, 45-733, 45-737, 45-741, 45-742, 45-748, 45-749, 45-1002, 45-1018, 45-1033.01, and 45-1033.02, Revised Statutes Supplement, 2009; to change provisions relating to federal deposit insurance requirements, the Residential Mortgage Licensing Act, the Nebraska Installment Loan Act, and reverse-mortgage loans; to harmonize provisions; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Giese Pahls

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

The following bill was read and put upon final passage:

LEGISLATIVE BILL 914.

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

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

Voting in the negative, 0.

Excused and not voting, 2:

Giese Pahls

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

MOTION - Return LB579 to Select File

Senator Cornett moved to return LB579 to Select File for her specific amendment, AM2024, found on page 637.

The Cornett motion to return prevailed with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 579. The Cornett specific amendment, AM2024, found on page 637, was adopted with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 190, 190A, 690, 691, 736, 751, 650, 650A, 698, 721, 722, 731, 738, 743, 749, 791, 798, 814, 871, 667, 705, 708, 725, 762, 788, 797, 806, 816, 832, 873, 911, 226, 512, 643, 711, 723, 746, 787, 848, 867, 890, 891, 892, and 914.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 319, 320, and 321 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 319, 320, and 321.

MOTION - Refer Bill Back to Reference Committee

Senators Cornett and Rogert offered the following motion to LB381:
MO85

Raise objection to the referencing of the bill, pursuant to Rule 6, Section 2, and refer the bill back to the Reference Committee for rereferencing.

The Cornett-Rogert objection and motion to refer the bill back to the Reference Committee prevailed with 31 ayes, 3 nays, 12 present and not voting, and 3 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 817. Title read. Considered.

Committee AM1964, found on page 574, was considered.

Pending.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 888. Placed on Select File with amendment.
ER8170

- 1 1. On page 1, line 3, after "Nebraska" insert ", and
- 2 section 21-2601, Revised Statutes Supplement, 2009".
- 3 2. On page 9, line 5, strike "(a)" and insert "(b)".
- 4 3. On page 10, line 7; page 12, line 22; and page 102,
- 5 line 7, strike "act" and insert "Nebraska Uniform Limited Liability
- 6 Company Act".
- 7 4. On page 11, line 2, strike "(b)(1)(a)" and insert
- 8 "(b)(1)(A)".
- 9 5. On page 13, line 4, strike "member" and insert
- 10 "member's".
- 11 6. On page 21, line 3, after "12" insert "of this act".
- 12 7. On page 22, line 22, after "court" insert "to order".
- 13 8. On page 55, line 25, strike the comma.
- 14 9. On page 62, line 4, strike "(c)" and insert "(d)".
- 15 10. On page 76, line 12, after "of" insert "the".
- 16 11. On page 98, line 11, strike "regulating" and insert
- 17 "regulatory".
- 18 12. On page 101, line 12, after "the" insert "Nebraska
- 19 Uniform".
- 20 13. On page 102, line 15, strike "Nebraska".
- 21 14. On page 105, line 21, strike "(10)" and insert
- 22 "(11)".

LEGISLATIVE BILL 821. Placed on Select File.

LEGISLATIVE RESOLUTION 295CA. Placed on Select File.

LEGISLATIVE BILL 689. Placed on Select File with amendment.
ER8169

- 1 1. On page 1, line 7, strike "remittance of" and insert
- 2 "the collection and remittance of the".

LEGISLATIVE BILL 764. Placed on Select File.

(Signed) Jeremy Nordquist, Chairperson

COMMITTEE REPORTS
Education

LEGISLATIVE BILL 1014. Placed on General File with amendment.
AM1979

1 1. Strike the original sections and insert the following
2 new sections:
3 Section 1. The Teacher Performance Pay Fund is created.
4 The Board of Educational Lands and Funds shall remit the income
5 from solar and wind energy leases on school lands to the State
6 Treasurer for credit to the fund. The Board of Educational Lands
7 and Funds shall also remit the portion of the income from other
8 leases of school lands which relates to carbon sequestration
9 rights, as such portion is determined by the board, to the State
10 Treasurer for credit to the fund. The fund shall be exclusively
11 used for the support and maintenance of the common schools in each
12 public school district in the state by increasing public school
13 teacher salaries to provide for a higher quality of education.
14 The costs of administration shall be deducted from the fund in
15 the manner provided in section 72-232.02. 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 For purposes of this section, lease means any lease,
20 easement, covenant, or other such contractual arrangement.

21 Sec. 2. (1) Beginning January 15, 2016, and on or before
22 the third Monday in January of each year thereafter, the State
23 Treasurer shall make a complete exhibit of all money belonging
1 to the Teacher Performance Pay Fund and deliver such exhibit duly
2 certified to the Commissioner of Education. On or before February
3 25, the Commissioner of Education shall make the apportionment
4 of such funds to each school district according to the pro rata
5 enumeration of children who are five through eighteen years of
6 age in each district last returned from the school district.
7 The calculation of apportionment for each school fiscal year
8 shall include any corrections to the prior school fiscal year's
9 apportionment.

10 (2) The Commissioner of Education shall certify the
11 amount of the apportionment of the Teacher Performance Pay Fund
12 as provided in subsection (1) of this section to the Director of
13 Administrative Services. The Director of Administrative Services
14 shall draw a warrant on the State Treasurer in favor of the
15 various districts for the respective amounts so certified by the
16 Commissioner of Education.

17 (3) Each school district shall use the funds received
18 under subsection (2) of this section for teacher performance
19 pay. For purposes of this section, teacher performance pay is
20 a systematic process for measuring teachers' performance and
21 linking the measurements to changes in teacher pay. Indicators

22 of teacher performance may include, but are not limited to,
 23 improving professional skills and knowledge, classroom performance
 24 or instructional behavior, and instructional outcomes. Teacher
 25 performance pay may include predetermined bonus amounts and payout
 26 criteria. Additional pay may be provided in addition to the salary
 27 schedule for new skills and knowledge acquired through graduate
 1 education programs, with demonstrated performance mastery. The
 2 salary schedule provided in local collective bargaining agreements
 3 shall remain intact in teacher performance pay systems. The
 4 Legislature finds that teacher performance pay measurements,
 5 criteria, and payout amounts define economic terms and conditions
 6 of employment and, therefore, are subjects of collective bargaining.

7 Sec. 3. Section 79-1007.13, Reissue Revised Statutes of
 8 Nebraska, is amended to read:

9 79-1007.13 The department shall calculate a special
 10 receipts allowance for each district equal to the amount of
 11 special education, state ward, and accelerated or differentiated
 12 curriculum program receipts and the receipts from the Teacher
 13 Performance Pay Fund included in local system formula resources
 14 under subdivisions (7), (8), (16), ~~and (17)~~, and (18) of section
 15 79-1018.01 attributable to the school district.

16 Sec. 4. Section 79-1018.01, Reissue Revised Statutes of
 17 Nebraska, is amended to read:

18 79-1018.01 Except as otherwise provided in this section,
 19 local system formula resources include other actual receipts
 20 available for the funding of general fund operating expenditures
 21 as determined by the department for the second school fiscal
 22 year immediately preceding the school fiscal year in which aid
 23 is to be paid. Receipts from the Community Improvements Cash Fund
 24 and receipts acquired pursuant to the Low-Level Radioactive Waste
 25 Disposal Act shall not be included. Other actual receipts include:

- 26 (1) Public power district sales tax revenue;
 27 (2) Fines and license fees;
 1 (3) Tuition receipts from individuals, other districts,
 2 or any other source except receipts derived from adult education,
 3 receipts derived from summer school tuition, receipts derived from
 4 early childhood education tuition, and receipts from educational
 5 entities as defined in section 79-1201.01 for providing distance
 6 education courses through the Distance Education Council until July
 7 1, 2008, and the Educational Service Unit Coordinating Council on
 8 and after July 1, 2008, to such educational entities;
 9 (4) Transportation receipts;
 10 (5) Interest on investments;
 11 (6) Other miscellaneous noncategorical local receipts,
 12 not including receipts from private foundations, individuals,
 13 associations, or charitable organizations;
 14 (7) Special education receipts;

15 (8) Special education receipts and non-special education
 16 receipts from the state for wards of the court and wards of the
 17 state;

18 (9) All receipts from the temporary school fund.

19 Beginning with the calculation of aid for school fiscal year
 20 2002-03 and each school fiscal year thereafter, receipts from
 21 the temporary school fund shall only include receipts pursuant
 22 to section 79-1035 and the receipt of funds pursuant to section
 23 79-1036 for property leased for a public purpose as set forth in
 24 subdivision (1)(a) of section 77-202;

25 (10) Motor vehicle tax receipts received on or after
 26 January 1, 1998;

27 (11) Pro rata motor vehicle license fee receipts;

1 (12) Other miscellaneous state receipts excluding revenue
 2 from the textbook loan program authorized by section 79-734;

3 (13) Impact aid entitlements for the school fiscal year
 4 which have actually been received by the district to the extent
 5 allowed by federal law;

6 (14) All other noncategorical federal receipts;

7 (15) All receipts pursuant to the enrollment option
 8 program under sections 79-232 to 79-246;

9 (16) Receipts under the federal Medicare Catastrophic
 10 Coverage Act of 1988, as such act existed on May 8, 2001, as
 11 authorized pursuant to sections 43-2510 and 43-2511 but only to the
 12 extent of the amount the local system would have otherwise received
 13 pursuant to the Special Education Act; ~~and~~

14 (17) Receipts for accelerated or differentiated
 15 curriculum programs pursuant to sections 79-1106 to 79-1108.03;
 16 ~~and-~~

17 (18) Receipts from the Teacher Performance Pay Fund
 18 pursuant to section 2 of this act.

19 Sec. 5. Section 79-1028.01, Revised Statutes Supplement,
 20 2009, is amended to read:

21 ~~79-1028.01 (1) For school fiscal year 2008-09 and each~~
 22 ~~school fiscal year, thereafter,~~ a school district may exceed its
 23 maximum general fund budget of expenditures minus the special
 24 education budget of expenditures by a specific dollar amount for:

25 (a) Expenditures for repairs to infrastructure damaged by
 26 a natural disaster which is declared a disaster emergency pursuant
 27 to the Emergency Management Act;

1 (b) Expenditures for judgments, except judgments or
 2 orders from the Commission of Industrial Relations, obtained
 3 against a school district which require or obligate a school
 4 district to pay such judgment, to the extent such judgment is not
 5 paid by liability insurance coverage of a school district;

6 (c) Expenditures pursuant to the Retirement Incentive
 7 Plan authorized in section 79-855 or the Staff Development
 8 Assistance authorized in section 79-856;

9 (d) Expenditures of incentive payments or base fiscal
10 year incentive payments to be received in such school fiscal year
11 pursuant to section 79-1011;

12 (e) Expenditures of amounts received from educational
13 entities as defined in section 79-1201.01 for providing distance
14 education courses through the Educational Service Unit Coordinating
15 Council to such educational entities;

16 (f) Either (i) the first and second school fiscal years
17 the district will be participating in Network Nebraska for the
18 full school fiscal year or (ii) school fiscal year 2008-09, if
19 the school district participated in Network Nebraska for all of
20 school fiscal year 2007-08, for the difference of the estimated
21 expenditures for such school fiscal year for telecommunications
22 services, access to data transmission networks that transmit data
23 to and from the school district, and the transmission of data on
24 such networks as such expenditures are defined by the department
25 for purposes of the distance education and telecommunications
26 allowance minus the dollar amount of such expenditures for the
27 second school fiscal year preceding the first full school fiscal
1 year the district participates in Network Nebraska;

2 (g) Expenditures to pay another school district for the
3 transfer of land from such other school district;

4 (h) Expenditures in school fiscal years 2009-10 through
5 2013-14 to pay for employer contributions pursuant to subsection
6 (2) of section 79-958 to the School Retirement System of the
7 State of Nebraska to the extent that such expenditures exceed the
8 employer contributions under such subsection that would have been
9 made at a contribution rate of seven and thirty-five hundredths
10 percent; ~~and~~

11 (i) Expenditures in school fiscal years 2009-10 through
12 2013-14 to pay for school district contributions pursuant to
13 subdivision (1)(c)(i) of section 79-9,113 to the Class V School
14 Employees Retirement System to the extent that such expenditures
15 exceed the school district contributions under such subdivision
16 that would have been made at a contribution rate of seven and
17 thirty-seven hundredths percent; ~~-~~

18 ~~(2) For school fiscal year 2009-10 and each school fiscal~~
19 ~~year thereafter, a school district may exceed its maximum general~~
20 ~~fund budget of expenditures minus the special education budget of~~
21 ~~expenditures by a specific dollar amount for (a) expenditures~~

22 ~~(j) Expenditures for sums agreed to be paid by a school~~
23 ~~district to certificated employees in exchange for a voluntary~~
24 ~~termination occurring prior to July 1, 2009; ~~-~~ and (b) expenditures~~

25 ~~(k) Expenditures for new elementary attendance sites in~~
26 ~~the first year of operation or the first year of operation after~~
27 ~~being closed for at least one school year if such elementary~~
1 ~~attendance site will most likely qualify for the elementary site~~
2 ~~allowance in the immediately following school fiscal year as~~
3 ~~determined by the state board; ~~and~~-~~

4 (1) Expenditures in school fiscal years 2016-17 and
 5 2017-18 of amounts received from the Teacher Performance Pay Fund
 6 pursuant to section 2 of this act.

7 ~~(3)-(2)~~ The state board shall approve, deny, or modify
 8 the amount allowed for any exception to the maximum general fund
 9 budget of expenditures minus the special education budget of
 10 expenditures pursuant to this section.

11 Sec. 6. Section 79-1035.02, Reissue Revised Statutes of
 12 Nebraska, is amended to read:

13 79-1035.02 The temporary school fund is the holding fund
 14 to which (1) the net income from the school lands, except for
 15 the income less costs of administration derived from solar and
 16 wind energy leases on school lands and from carbon sequestration
 17 rights related to other leases of school lands which is credited
 18 to the Teacher Performance Pay Fund under section 1 of this
 19 act, (2) the interest, dividends, and any other income from the
 20 permanent school fund, ~~the net income from the school lands,~~
 21 and (3) the money from all other sources required or provided
 22 by law are credited as described in Article VII, section 9, of
 23 the Constitution of Nebraska. The entire balance of the temporary
 24 school fund, including all interest and any other income therefrom,
 25 shall be exclusively used for the support and maintenance of the
 26 common schools in each public school district in the state as the
 27 Legislature provides, in accordance with Article VII, section 9,
 1 of the Constitution of Nebraska, and shall be distributed to each
 2 public school district annually.

3 Sec. 7. Original sections 79-1007.13, 79-1018.01, and
 4 79-1035.02, Reissue Revised Statutes of Nebraska, and section
 5 79-1028.01, Revised Statutes Supplement, 2009, are repealed.

LEGISLATIVE BILL 1087. Placed on General File with amendment.
 AM2034 is available in the Bill Room.

(Signed) Greg Adams, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 910A. Introduced by Carlson, 38.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 910, One Hundred First Legislature, Second Session, 2010.

RESOLUTIONS

LEGISLATIVE RESOLUTION 334. Introduced by Cornett, 45.

PURPOSE: The purpose of this resolution is to study whether Nebraska's insurance laws should be amended to provide specific requirements and restrictions relating to health benefit plan prescription drug coverage, especially higher cost specialty prescription drugs. The study should include an examination of issues raised during consideration of LB 1017 (Cornett), which was introduced in 2010 and referenced to the Banking, Commerce and Insurance Committee. In order to carry out the purpose of this resolution, the study committee should seek the assistance of the Department of Insurance and should consider the input of interested persons as the committee deems necessary and beneficial.

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

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 335. Introduced by Mello, 5; Ashford, 20; Avery, 28; Cook, 13; Council, 11; Dierks, 40; Dubas, 34; Fulton, 29; Gay, 14; Gloor, 35; Haar, 21; Harms, 48; Janssen, 15; Krist, 10; Lathrop, 12; McCoy, 39; McGill, 26; Nordquist, 7; Pirsch, 4; Schilz, 47; White, 8; Wightman, 36.

WHEREAS, a statewide action plan to optimize the growth of the clean energy economy would benefit the State of Nebraska by optimizing the growth of the energy, environmental, and agricultural sectors of the state's economy by incorporating environmentally and energy conscious design, policy, and technology that improves conservation and sustainability; and

WHEREAS, such statewide action plan should be based on several factors, including (1) an analysis of the business opportunities and needs of such an economy in the local, state, national, and international markets, (2) an analysis of the labor force needs related to such business opportunities, including educational, training, and retraining needs, and (3) an inventory of the current labor and business assets available to respond to such business opportunities and such labor force needs; and

WHEREAS, a committee made up of members of the Legislature could develop a statewide action plan to advise and assist the Legislature as a whole regarding activities to advance the state's clean energy economy.

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

1. That the Legislature hereby calls for the Executive Board of the Legislative Council to meet forthwith and appoint a special committee of the Legislature to be known as the Clean Energy Economic Committee. The committee shall consist of seven members of the Legislature appointed by the Executive Board no later than April 1, 2010. The committee members shall select a chairperson and vice-chairperson from the membership of the committee. The Clerk of the Legislature, in cooperation with the Executive Board, shall provide staff and support to the committee. The committee may accept outside resources to help support its efforts. Such outside resources may be used to contract for the analyses described in this resolution.

2. That the Clean Energy Economic Committee is hereby authorized to develop and submit to the Legislature on or before June 30, 2011, a statewide action plan as described in this resolution. The statewide action plan shall include recommended legislation and budget requests and may include recommendations for administrative actions of governmental entities, collaborative actions, and actions of individuals and individual organizations. The statewide action plan shall be based upon the analyses described in this resolution.

3. That the Clean Energy Economic Committee created by this resolution shall terminate on June 30, 2011.

Laid over.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Section 8, LR335 was referred to the Reference Committee.

AMENDMENTS - Print in Journal

Senator Langemeier filed the following amendment to LB1048:

FA65

Strike the enacting clause.

Senator Council filed the following amendment to LB817:

AM2048

(Amendments to AM1976)

1. On page 2, line 9, reinstate the stricken matter.

COMMITTEE REPORT
Nebraska Retirement Systems

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

Randall Rehmeier - Public Employees Retirement Board

Aye: 6 Senators Heidemann, Karpisek, Loudon, Mello, Nordquist, Pankonin. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Dave Pankonin, Chairperson

ANNOUNCEMENT

Senator Karpisek announced the General Affairs Committee will hold an executive session Monday, March 1, 2010, at 9:00 a.m., in Room 1015.

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 25, 2010, at 11:40 a.m. were the following: LBs 190, 190A, 690, 691, 736e, 751e, 650, 650A, 698e, 721, 722, 731, 738e, 743e, 749, 791, 798, 814, 871, 667, 705, 708, 725, 762e, 788, 797, 806, 816e, 832, 873, 911e, 226e, 512, 643, 711e, 723, 746, 787, 848, 867, 890e, 891e, 892e, and 914.

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

REFERENCE COMMITTEE REPORT

The Executive Board submits the following report:

Anderson, Marcia - Foster Care Review Board - Health and Human Services
Petersen, Susan - Commission for the Deaf and Hard of Hearing - Health and Human Services

(Signed) John Wightman, Chairperson
Executive Board

UNANIMOUS CONSENT - Add Cointroducers

Senator Gay asked unanimous consent to add his name as cointroducer to LB880 and LB926. No objections. So ordered.

Senator Haar asked unanimous consent to add his name as cointroducer to LB1010. No objections. So ordered.

Senators Cornett, Gay, Lautenbaugh, Mello, and Nordquist asked unanimous consent to add their names as cointroducers to LB1103. No objections. So ordered.

Senators Cornett and Haar asked unanimous consent to add their names as cointroducers to LB1110. No objections. So ordered.

VISITORS

Visitors to the Chamber were members of Bellevue Chamber Leadership Class from Bellevue.

The Doctor of the Day was Dr. Ronald Craig from Lincoln.

ADJOURNMENT

At 12:02 p.m., on a motion by Senator Hadley, the Legislature adjourned until 10:00 a.m., Monday, March 1, 2010.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-FOURTH DAY - MARCH 1, 2010**LEGISLATIVE JOURNAL****ONE HUNDRED FIRST LEGISLATURE
SECOND SESSION****THIRTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska
Monday, March 1, 2010

PRAYER

The prayer was offered by Pastor Matthew Mortenson, Christ Lutheran Church, Falls City.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Speaker Flood presiding.

The roll was called and all members were present except Senators Giese and Pahls who were excused; and Senators Adams, Gay, and Stuthman who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-third day was approved.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 805. Placed on Select File with amendment.
ER8173

- 1 1. In the Standing Committee amendments, AM1913, on page
- 2 6, lines 15 and 16, strike "such sections", show as stricken, and
- 3 insert "section 43-3318, 60-498.02, 60-4,183, or 60-4,186".
- 4 2. On page 1, strike beginning with "75-363" in line
- 5 1 through line 10 and insert "60-4,129, 60-4,169, 60-6,123,
- 6 60-6,190, 75-362, 75-363, and 75-364, Reissue Revised Statutes of
- 7 Nebraska, sections 60-465 and 60-4,150, Revised Statutes Cumulative
- 8 Supplement, 2008, and sections 18-1739, 60-3,193.01, 60-462.01,
- 9 60-484.02, and 60-4,147.02, Revised Statutes Supplement, 2009;
- 10 to adopt by reference updates to the International Registration
- 11 Plan and certain federal laws and regulations relating to parking
- 12 permits for persons with disabilities, operators' licenses,
- 13 transporting hazardous materials, and motor carrier safety and
- 14 procedure; to allow the release of digital image or signature

15 information to local law enforcement officers; to change provisions
 16 relating to commercial motor vehicles, employment driving permits,
 17 commercial drivers' licenses, traffic control signals, and speed
 18 limits; to harmonize provisions; and to repeal the original
 19 sections."

LEGISLATIVE BILL 951. Placed on Select File with amendment.
 ER8171

- 1 1. On page 1, line 3, after the semicolon insert "to
- 2 harmonize provisions;"

LEGISLATIVE BILL 879. Placed on Select File with amendment.
 ER8174 is available in the Bill Room.

LEGISLATIVE BILL 768. Placed on Select File.

LEGISLATIVE BILL 799. Placed on Select File.

LEGISLATIVE BILL 926. Placed on Select File with amendment.
 ER8175

- 1 1. On page 1, line 3, after "redefine" insert "terms; to
- 2 change requirements for a"

LEGISLATIVE BILL 1063. Placed on Select File with amendment.
 ER8172

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 82-326, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 82-326 The amount of money made available from any
- 6 appropriations under the provisions of sections 82-317 to 82-329,
- 7 85-106 to 85-106.03, and 85-304 to 85-304.03 shall be used, in
- 8 addition to the cost of the works of art, to provide for the
- 9 administration by the contracting agency, the architect, and the
- 10 Nebraska Arts Council, and for all costs of installation of the
- 11 works of art. The Nebraska Arts Council may set aside up to ten
- 12 percent of the amount appropriated for administration for an art
- 13 maintenance fund which shall be used to repair or restore all works
- 14 of art acquired under such sections.
- 15 Sec. 2. Section 82-329, Reissue Revised Statutes of
- 16 Nebraska, is amended to read:
- 17 82-329 The Nebraska Arts Council shall maintain an
- 18 inventory of all works of art purchased under sections 82-317
- 19 to 82-329, 85-106 to 85-106.03, and 85-304 to 85-304.03 and
- 20 shall inspect each work of art ~~at least once each calendar year~~
- 21 on a regular schedule to determine its condition. The Nebraska
- 22 Arts Council may recommend procedures for regular maintenance,
- 23 preservation, and security and for the repair of any damaged work
- 1 of art.

2 Sec. 3. Section 82-331, Revised Statutes Supplement,
3 2009, is amended to read:

4 82-331 (1) There is hereby established in the state
5 treasury a trust fund to be known as the Nebraska Cultural
6 Preservation Endowment Fund. The fund shall consist of funds
7 appropriated or transferred by the Legislature, and only the
8 earnings of the fund may be used as provided in this section.

9 (2) On August 1, 1998, the State Treasurer shall transfer
10 five million dollars from the General Fund to the Nebraska Cultural
11 Preservation Endowment Fund.

12 (3) Except as provided in subsection (4) of this section,
13 it is the intent of the Legislature that the State Treasurer
14 shall transfer (a) an amount not to exceed five hundred thousand
15 dollars from the General Fund to the Nebraska Cultural Preservation
16 Endowment Fund on December 31 of 2009 and 2010 and (b) an amount
17 not to exceed ~~one million~~ five hundred thousand dollars from the
18 General Fund to the Nebraska Cultural Preservation Endowment Fund
19 on December 31 of 2011, ~~and 2012, 2013, 2014, 2015, and 2016.~~

20 (4) Prior to the transfer of funds from any state
21 account into the Nebraska Cultural Preservation Endowment Fund,
22 the Nebraska Arts Council shall provide documentation to the
23 budget division of the Department of Administrative Services that
24 qualified endowments have generated a dollar-for-dollar match
25 of new money, up to the amount of state funds authorized
26 by the Legislature to be transferred to the Nebraska Cultural
27 Preservation Endowment Fund. The budget division of the Department
1 of Administrative Services shall notify the State Treasurer to
2 execute a transfer of state funds up to the amount specified by the
3 Legislature, but only to the extent that the Nebraska Arts Council
4 has provided documentation of a dollar-for-dollar match. Funds not
5 transferred shall be carried forward to the succeeding year and be
6 added to the funds authorized for a dollar-for-dollar match during
7 that year.

8 (5) The Legislature shall not appropriate or transfer
9 money from the Nebraska Cultural Preservation Endowment Fund for
10 any purpose other than the purposes stated in sections 82-330 to
11 82-333, except that the Legislature may appropriate or transfer
12 money from the fund upon a finding that the purposes of such
13 sections are not being accomplished by the fund.

14 (6) Any money in the Nebraska Cultural Preservation
15 Endowment Fund available for investment shall be invested by the
16 state investment officer pursuant to the Nebraska Capital Expansion
17 Act and the Nebraska State Funds Investment Act.

18 (7) All investment earnings from the Nebraska Cultural
19 Preservation Endowment Fund shall be credited to the Nebraska Arts
20 and Humanities Cash Fund.

21 Sec. 4. Original sections 82-326 and 82-329, Reissue
22 Revised Statutes of Nebraska, and section 82-331, Revised Statutes
23 Supplement, 2009, are repealed.

24 2. On page 1, strike lines 2 through 4 and insert "82-326
 25 and 82-329, Reissue Revised Statutes of Nebraska, and section
 26 82-331, Revised Statutes Supplement, 2009; to authorize an art
 27 maintenance fund and change inspection provisions for works of art;
 1 to change intent relating to transfers to the Nebraska Cultural
 2 Preservation Endowment Fund; and to repeal the original sections.".

(Signed) Jeremy Nordquist, Chairperson

COMMITTEE REPORTS

Education

LEGISLATIVE BILL 965. Placed on General File with amendment.
 AM1999

- 1 1. Strike the original sections and insert the following
 2 new sections:
 3 Section 1. Section 32-570, Reissue Revised Statutes of
 4 Nebraska, is amended to read:
 5 32-570 (1) A vacancy in the membership of a school board
 6 shall occur as set forth in section 32-560 or in the case of
 7 absences, unless excused by a majority of the remaining members
 8 of the board, when a member is absent from the district for a
 9 continuous period of sixty days at one time or from more than
 10 two consecutive regular meetings of the board. ~~unless excused by a~~
 11 ~~majority of the remaining members of the board.~~
 12 (2) A person appointed to fill a vacancy on the school
 13 board of a Class I school district by the remaining members of
 14 the board shall hold office until the beginning of the next school
 15 year. A board member of a Class I school district elected to fill a
 16 vacancy at a regular or special school district meeting shall serve
 17 for the remainder of the unexpired term or until a successor is
 18 elected and qualified.
 19 (3) Except as provided in subsection (4) of this section,
 20 a vacancy in the membership of a school board of a Class II, III,
 21 IV, V, or VI school district resulting from any cause other than
 22 the expiration of a term shall be ~~temporarily~~ filled by appointment
 23 of a qualified registered voter by the remaining members of the
 1 board. A-If the vacancy occurs prior to the filing deadline
 2 for nonincumbents for the primary election preceding the general
 3 election in the middle of the vacated term, a registered voter
 4 shall be nominated at the next primary election and elected at the
 5 following general election for the remainder of the unexpired term.
 6 If the vacancy occurs on or after such deadline, the appointment
 7 shall be for the balance of the unexpired term. A registered voter
 8 appointed or elected pursuant to this subsection shall meet the
 9 same requirements as the member whose office is vacant.
 10 (4) Any vacancy in the membership of a school board of
 11 a school district which does not nominate candidates at a primary
 12 election and elect members at the following general election shall

13 be ~~temporarily~~ filled by appointment of a qualified registered
 14 voter by the remaining members of the board. ~~A~~ If the vacancy
 15 occurs prior to a caucus preceding the general election in the
 16 middle of the vacated term, a registered voter shall be nominated
 17 and elected to fill the vacancy for the remainder of the term in
 18 the manner provided for nomination and election of board members in
 19 the district. If the vacancy occurs on or after such deadline, the
 20 appointment shall be for the balance of the unexpired term.

21 (5) If any school board fails to fill a vacancy on the
 22 board, the vacancy may be filled by election at a special election
 23 or school district meeting called for that purpose. Such election
 24 or meeting shall be called in the same manner and subject to
 25 the same procedures as other special elections or school district
 26 meetings.

27 (6) If there are vacancies in the offices of a majority
 1 of the members of a school board, the Secretary of State shall
 2 conduct a special school district election to fill such vacancies.

3 Sec. 2. Section 79-1217, Reissue Revised Statutes of
 4 Nebraska, is amended to read:

5 79-1217 (1) All educational service units shall be
 6 governed by a board to be known as the Board of Educational
 7 Service Unit No. Until the first Thursday after the first
 8 Tuesday in January 2009, the educational service unit board, except
 9 the board of an educational service unit with only one member
 10 school district, shall be composed of one member from each county
 11 and four members at large, all of whom shall reside within the
 12 geographical boundaries of the educational service unit, but no
 13 more than two of the members at large shall be appointed or
 14 elected from the same county unless any one county within the
 15 educational service unit has a population in excess of one hundred
 16 fifty thousand inhabitants or the educational service unit consists
 17 of only one county. Beginning on the first Thursday after the
 18 first Tuesday in January 2009, the educational service unit board,
 19 except the board of an educational service unit with only one
 20 member school district, shall be composed of one member elected to
 21 represent each election district established pursuant to section
 22 79-1217.01. Successors to the members initially appointed pursuant
 23 to section 79-1212 shall be elected pursuant to section 32-515.

24 (2) Vacancies in office shall occur as set forth in
 25 section 32-560, except as otherwise provided in section 79-1212
 26 regarding the requirement to live in the district represented, or
 27 in the case of absences, unless excused by a majority of the
 1 remaining members of the board, when a member is absent from
 2 the geographical boundaries of the educational service unit for a
 3 continuous period of sixty days at one time or from more than two
 4 consecutive regular meetings of the board. Whenever any vacancy
 5 occurs on the board, the remaining members of such board shall
 6 appoint an individual residing within the election district of the
 7 educational service unit for which the vacancy exists and meeting

8 the qualifications for the office to fill such vacancy for the
9 balance of the unexpired term.

10 (3) Members of the board shall receive no compensation
11 for their services but shall be reimbursed for the actual and
12 necessary expenses incurred in the performance of their duties
13 under the Educational Service Units Act as provided in sections
14 81-1174 to 81-1177.

15 (4) Except as provided in subsection (5) of this section,
16 any joint school district located in two or more counties shall
17 be considered a part of the educational service unit in which the
18 greater number of school-age children of such joint school district
19 reside.

20 (5) Any Class I district which is part of a Class VI
21 district shall be considered a part of the educational service
22 unit of which the Class VI district is a member. If the Class
23 VI district has removed itself from an educational service unit,
24 each Class I district which is part of such Class VI district may
25 continue its existing membership in an educational service unit
26 or may change its status relative to membership in an educational
27 service unit in accordance with section 79-1209. The patrons of a
1 Class I district maintaining membership in an educational service
2 unit pursuant to this subsection shall have the same rights and
3 privileges as other patrons of the educational service unit, and
4 the taxable valuation of the taxable property within the geographic
5 boundaries of such Class I district shall be subject to the
6 educational service unit's tax levy established pursuant to section
7 79-1225.

8 (6) The administrator of each educational service unit,
9 prior to July 1 of each year in which a statewide primary election
10 is to be held, shall certify to the election commissioner or county
11 clerk of each county located within the unit the corporate name
12 of each school district, as described in section 79-405, located
13 within the county. If a school district is a joint school district
14 located in two or more counties, the administrator shall certify to
15 each election commissioner or county clerk the educational service
16 unit of which the school district is considered to be a part.

17 (7) Educational service units with only one member school
18 district shall be governed by the school board of such school
19 district.

20 Sec. 3. Original sections 32-570 and 79-1217, Reissue
21 Revised Statutes of Nebraska, are repealed.

(Signed) Greg Adams, Chairperson

Revenue

LEGISLATIVE BILL 975. Placed on General File.

LEGISLATIVE BILL 1031. Placed on General File with amendment.
AM2040

- 1 1. On page 3, line 6; and page 8, line 13, before the
- 2 underscored period insert "through fiscal year 2016-17".

LEGISLATIVE BILL 1032. Placed on General File with amendment.
AM2039

- 1 1. On page 3, line 9; and page 8, line 18, strike
- 2 "2011-12", show as stricken, and insert "2016-17".

(Signed) Abbie Cornett, Chairperson

MESSAGE FROM THE GOVERNOR

February 25, 2010

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

Dear Mr. O'Donnell:

Engrossed Legislative Bill 711e was received, signed, and delivered to the Secretary of State earlier today.

Sincerely,
(Signed) Dave Heineman
Governor

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 322, 323, 325, 326, 327, 328, 329, 330, and 331 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 322, 323, 325, 326, 327, 328, 329, 330, and 331.

ANNOUNCEMENT

The Chair announced today is Senator Fischer's and Senator Sullivan's birthdays.

GENERAL FILE

LEGISLATIVE BILL 951A. Title read. Considered.

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

LEGISLATIVE BILL 910A. Title read. Considered.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 6 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 817. Committee AM1964, found on page 574 and considered on page 679, was renewed.

The committee amendment was adopted with 41 ayes, 1 nay, 3 present and not voting, and 4 excused and not voting.

Senator Ashford withdrew his amendment, AM1976, found on page 612.

Senator Council withdrew her amendment, AM2048, found on page 687.

Advanced to Enrollment and Review Initial with 44 ayes, 1 nay, 1 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 1002. Title read. Considered.

SENATOR LANGEMEIER PRESIDING

Committee AM1841, found on page 559, was considered.

Senator Loudon renewed his amendment, AM1991, found on page 625, to the committee amendment.

SENATOR CARLSON PRESIDING

Pending.

RESOLUTIONS

LEGISLATIVE RESOLUTION 336. Introduced by Flood, 19.

WHEREAS, the Madison High School wrestling team won a share of the 2010 Class C State Wrestling Championship, the school's second team championship in three years; and

WHEREAS, Madison High School finished the state tournament in a first-place tie with Mitchell High School at 122 points, with both schools named co-champions of Class C, the first co-championship since 1947; and

WHEREAS, individual championships by Kurt Ruh and Kyle Ruh helped to lead Madison High School to the state championship; and

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

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

1. That the Legislature congratulates the Madison High School wrestling team on winning the 2010 Class C State Wrestling Championship.

2. That a copy of this resolution be sent to the Madison High School wrestling team and their coach, Kenny Loosvelt.

Laid over.

LEGISLATIVE RESOLUTION 337. Introduced by Flood, 19.

WHEREAS, Jaden Moore, an esteemed resident of Norfolk, Nebraska, and a student at Norfolk Middle School, has achieved national recognition for exemplary volunteer service by receiving a 2010 Prudential Spirit of Community Award; and

WHEREAS, this prestigious award, presented by Prudential Financial in partnership with the National Association of Secondary School Principals, honors young volunteers across America who have demonstrated an extraordinary commitment to serving their communities; and

WHEREAS, Jaden Moore earned this award by giving generously of her time and energy to a project which made hundreds of colorful pillow cases for sick and abused children. Jaden helped to collect fabric and monetary donations for the project, spent countless hours creating the pillowcases, and delivered the pillowcases to a hospital pediatric ward and a child advocacy center; and

WHEREAS, the success of the State of Nebraska, the strength of our communities, and the overall vitality of American society depend, in great measure, upon the dedication of young people like Jaden Moore who use their considerable talents and resources to serve others.

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

1. That the Legislature congratulates and honors Jaden Moore as a recipient of a Prudential Spirit of Community Award, recognizes her outstanding record of volunteer service, peer leadership, and community spirit, and extends best wishes for her continued success and happiness.

2. That a copy of this resolution be sent to Jaden Moore.

Laid over.

LEGISLATIVE RESOLUTION 338. Introduced by Harms, 48.

WHEREAS, Willie Schwartzkopf of Mitchell High School won the 2010 Class C State Wrestling Championship in the 171-pound division; and

WHEREAS, Willie Schwartzkopf defeated Nyle Bartling of Syracuse High School 10-3 to win the state championship; and

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

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

1. That the Legislature congratulates Willie Schwartzkopf on winning the 2010 Class C State Wrestling Championship in the 171-pound division.
2. That a copy of this resolution be sent to Willie Schwartzkopf.

Laid over.

LEGISLATIVE RESOLUTION 339. Introduced by Harms, 48.

WHEREAS, Jordan Debus of Mitchell High School won the 2010 Class C State Wrestling Championship in the 189-pound division; and

WHEREAS, Jordan Debus defeated Lucas Kastl of David City High School 12-2 to win the state championship; and

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

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

1. That the Legislature congratulates Jordan Debus on winning the 2010 Class C State Wrestling Championship in the 189-pound division.
2. That a copy of this resolution be sent to Jordan Debus.

Laid over.

LEGISLATIVE RESOLUTION 340. Introduced by Harms, 48.

WHEREAS, Tyler Nation of Scottsbluff High School won the 2010 Class B State Wrestling Championship in the 125-pound division; and

WHEREAS, Tyler Nation defeated Zane Sackett of Skutt Catholic High School 5-3 to win the state championship; and

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

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

1. That the Legislature congratulates Tyler Nation on winning the 2010 Class B State Wrestling Championship in the 125-pound division.
2. That a copy of this resolution be sent to Tyler Nation.

Laid over.

LEGISLATIVE RESOLUTION 341. Introduced by Harms, 48.

WHEREAS, the Mitchell High School wrestling team won a share of the 2010 Class C State Wrestling Championship, the school's first-ever team championship; and

WHEREAS, Mitchell High School finished the state tournament in a first-place tie with Madison High School at 122 points, with both schools named co-champions of Class C, the first co-championship since 1947; and

WHEREAS, Mitchell High School rallied on the final day of the tournament to tie Madison High School through individual championships by Willie Schwartzkopf and Jordan Debus; and

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

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

1. That the Legislature congratulates the Mitchell High School wrestling team on winning the 2010 Class C State Wrestling Championship.

2. That a copy of this resolution be sent to the Mitchell High School wrestling team and their coach, Joe Yauney.

Laid over.

AMENDMENTS - Print in Journal

Senator Christensen filed the following amendment to LB817:
AM2035

(Amendments to Standing Committee amendments, AM1964)

- 1 1. Insert the following new section:
- 2 Sec. 2. Section 28-1416, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 28-1416 (1) In any prosecution based on conduct which is
- 5 justifiable under sections 28-1406 to 28-1416, justification is an
- 6 affirmative defense.
- 7 (2) The fact that conduct is justifiable under sections
- 8 28-1406 to 28-1416 ~~does not abolish or impair~~ abolishes any remedy
- 9 for such conduct which is available in any civil action.
- 10 2. On page 2, line 18, after "sections" insert "28-1416
- 11 and".
- 12 3. Renumber the remaining sections accordingly.

Senator Adams filed the following amendment to LB1006:
AM2055

- 1 1. On page 5, line 9, strike "immediately preceding"
- 2 and insert "of the calendar year in which"; and in line 10 after
- 3 "admission" insert "begins".

Senator Lathrop filed the following amendment to LB1090:
AM2050

- 1 1. On page 2, after line 16 insert "\$1,450,000 for Tort
- 2 Claim Number 2008-02412 against the Department of Roads, pay to

- 3 James Schafer, in trust for Tom Wolfe, out of the Roads Operations
 4 Cash Fund.".
 5 2. On page 3, line 1, strike "\$32,973.56" and insert
 6 "\$1,482,973.56"; and in line 3 strike "\$403,842.80" and insert
 7 "\$1,853,842.80".

NOTICE OF COMMITTEE HEARING

Business and Labor

Room 2102

Tuesday, March 9, 2010 1:00 p.m.

AM2050 to LB1090

(Signed) Steve Lathrop, Chairperson

VISITORS

Visitors to the Chamber were members of Nebraska Fraternal Congress and Special Olympians from across the state; and Senator Wightman's daughter-in-law and granddaughter, Gail and Kate Wightman, from Lexington.

RECESS

At 11:53 a.m., on a motion by Speaker Flood, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Flood presiding.

ROLL CALL

The roll was called and all members were present except Senators Giese and Pahls who were excused; and Senators Ashford, Cornett, Dierks, and Heidemann who were excused until they arrive.

REFERENCE COMMITTEE REPORT

The Executive Board submits the following report:

LB/LR	Committee
LB381	Revenue (rereferred)
LR335	Executive Board

(Signed) John Wightman, Chairperson
 Executive Board

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 951A. Placed on Select File.

LEGISLATIVE BILL 910A. Placed on Select File.

(Signed) Jeremy Nordquist, Chairperson

GENERAL FILE

LEGISLATIVE BILL 1002. Senator Louden renewed his amendment, AM1991, found on page 625 and considered in this day's Journal, to the committee amendment.

SENATOR ROBERT PRESIDING

The Louden amendment was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Committee AM1841, found on page 559 and considered in this day's Journal, as amended, was renewed.

The committee amendment, as amended, was adopted with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 27 ayes, 13 nays, 6 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 952. Title read. Considered.

PRESIDENT SHEEHY PRESIDING

Committee AM1945, found on page 567, was considered.

Pending.

COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 579. Placed on Final Reading Second.
ST9077

(Final Reading copy)

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

1. On page 5, line 4, "(11)" has been struck and "(11)(a)" inserted; in line 11 "(b)" has been inserted before "The"; in line 13 "(a)" has been struck and "(i)" inserted; in line 19 "(b)" has been struck and "(ii)" inserted; and in line 25 "(c)" has been struck and "(iii)" inserted.

2. On page 11, line 24, "financials" has been struck and "financial statements" inserted.

3. On page 12, line 17, "organization" has been inserted after "employer".

4. On page 22, line 11, "act" has been struck and "Professional Employer Organization Registration Act" inserted.

(Signed) Jeremy Nordquist, Chairperson

COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 817. Placed on Select File with amendment.
ER8176

- 1 1. In the Standing Committee amendments, AM1964:
 - 2 a. On page 1, line 14, reinstate the stricken comma; and
 - 3 b. On page 2, line 18, strike "sections" and insert
 - 4 "section".
- 5 2. On page 1, strike beginning with "handguns" in line
- 6 1 through line 5 and insert "firearms; to amend section 69-2403,
- 7 Reissue Revised Statutes of Nebraska, and section 28-1212.04,
- 8 Revised Statutes Supplement, 2009; to change prohibitions regarding
- 9 the discharge of firearms in certain cities, villages, and
- 10 counties; to exempt permitholders under the Concealed Handgun
- 11 Permit Act and peace officers from the requirement to obtain a
- 12 certificate to purchase a handgun; and to repeal the original
- 13 sections."

(Signed) Jeremy Nordquist, Chairperson

COMMITTEE REPORTS

Government, Military and Veterans Affairs

LEGISLATIVE BILL 410. Placed on General File.

LEGISLATIVE BILL 852. Placed on General File.

LEGISLATIVE BILL 947. Placed on General File.

LEGISLATIVE BILL 767. Placed on General File with amendment.
AM1820

- 1 1. Strike the original sections and insert the following
- 2 new sections:
 - 3 Section 1. Section 23-192, Revised Statutes Supplement,
 - 4 2009, is amended to read:
 - 5 23-192 (1) No ordinance adopted pursuant to sections
 - 6 23-187 to 23-193 shall be effective within the corporate boundaries
 - 7 of any incorporated city or village located in whole or in part
 - 8 within the county. No ordinance adopted pursuant to sections 23-187
 - 9 to 23-193 shall be effective within the area outside of the
 - 10 corporate boundaries of any city or village in which such city or
 - 11 village has been granted and is exercising powers by ordinance on

12 a similar subject matter. Every county ordinance adopted pursuant
13 to sections 23-187 to 23-193 shall include one section defining the
14 area of the county within which the county ordinance is effective.
15 The ordinance shall be amended to reflect any changes in the area
16 of the county's jurisdiction resulting from (a) annexation by a
17 city or village, (b) action by a city or village to adopt an
18 ordinance regarding similar subject matter to that of the county
19 ordinance if the city or village ordinance is to be effective in
20 areas beyond its corporate boundary, or (c) any changes in the
21 area of jurisdiction of the city or village regarding such city or
22 village ordinance.

23 (2) Before a county adopts an ordinance under sections
1 23-187 to 23-193, the county clerk shall provide a copy of the
2 text of the ordinance to the clerk of each city and village within
3 the county no later than seven days after the first reading of
4 the ordinance or the public hearing on the ordinance, whichever
5 occurs first. Within seven days after receiving a copy of the
6 ordinance, the city or village shall respond to the county and
7 provide a copy of any ordinance specifying where the city or
8 village is enforcing an ordinance on similar subject matter outside
9 its corporate boundaries. Any ordinance adopted by the county
10 shall not be effective in the area in which the city or village
11 is exercising jurisdiction. Prior to the adoption of the county
12 ordinance, the section of the ordinance that defines the area of
13 county jurisdiction shall be amended to show the removal of the
14 area of the jurisdiction of such city or village as indicated
15 in the city or village ordinance provided to the county from the
16 description of the area within which the county ordinance will be
17 effective. An ordinance adopted under sections 23-187 to 23-193
18 shall not be effective until fifteen days after its adoption.

19 (3) Any city or village located in whole or in part
20 within a county that has adopted an ordinance pursuant to sections
21 23-187 to 23-193 which (a) annexes any territory, (b) adopts
22 an ordinance on similar subject matter to that of the county
23 ordinance and extends the jurisdiction of the city or village under
24 such ordinance to areas beyond its corporate boundaries, or (c)
25 changes the area beyond the corporate boundaries of the city or
26 village within which the city or village exercises jurisdiction
27 by ordinance on similar subject matter to that of the county
1 ordinance shall provide to the county clerk a copy of the ordinance
2 establishing and delineating its jurisdiction or any change to
3 that jurisdiction within seven days after the adoption of the
4 relevant city or village ordinance. Upon the effective date of the
5 city or village ordinance, the county ordinance shall cease to be
6 effective within the area in which the city or village has assumed
7 jurisdiction. The county board shall promptly amend its ordinance
8 to reflect the change in the area within which the county ordinance
9 is effective.

10 (4) The provisions of section 60-1903 shall apply to any

- 11 county having custody of an abandoned motor vehicle pursuant to a
 12 county abandoned motor vehicle ordinance.
 13 Sec. 2. Original section 23-192, Revised Statutes
 14 Supplement, 2009, is repealed.

LEGISLATIVE BILL 970. Placed on General File with amendment.
 AM2023

- 1 1. On page 6, lines 17 through 19, strike the new matter;
 2 in line 19 strike "An", show as stricken, and insert "In any
 3 county other than a county in which is located a city of the
 4 primary class, an"; in line 20 reinstate the stricken matter; and
 5 in line 22 after the period insert "In any county in which is
 6 located a city of the primary class, an appeal of a decision by the
 7 county planning commission regarding a conditional use or special
 8 exception shall be made to the county board of commissioners or
 9 supervisors, and an appeal of a decision by the county board of
 10 commissioners or supervisors regarding a conditional use or special
 11 exception shall be made to the district court.".

LEGISLATIVE RESOLUTION 301CA. Placed on General File with
 amendment.

AM2022

- 1 1. On page 1, line 15; page 2, lines 3 and 4 and 7 and
 2 8; page 3, lines 8 and 9; and page 4, lines 2 and 3, strike "in
 3 which the petition signatures are filed" and insert "following the
 4 general election next preceding the general election at which the
 5 measure would be on the ballot".

LEGISLATIVE RESOLUTION 273. Reported to the Legislature for
 further consideration.

LEGISLATIVE RESOLUTION 292. Reported to the Legislature for
 further consideration.

LEGISLATIVE BILL 777. Indefinitely postponed.

LEGISLATIVE BILL 1009. Indefinitely postponed.

LEGISLATIVE BILL 1015. Indefinitely postponed.

LEGISLATIVE BILL 1039. Indefinitely postponed.

LEGISLATIVE BILL 1059. Indefinitely postponed.

(Signed) Bill Avery, Chairperson

Executive Board

LEGISLATIVE BILL 1109. Placed on General File with amendment.
 AM1755

- 1 1. Insert the following new sections:
 2 Sec. 6. Section 81-12,105.01, Reissue Revised Statutes of
 3 Nebraska, is amended to read:

4 81-12,105.01 (1) The Microenterprise Development Cash
 5 Fund is created. The fund shall be administered by the Department
 6 of Economic Development. Any money in the fund available for
 7 investment shall be invested by the state investment officer
 8 pursuant to the Nebraska Capital Expansion Act and the Nebraska
 9 State Funds Investment Act.

10 (2) The State Treasurer shall credit to the fund money
 11 as is (a) transferred to the fund by the Legislature, (b) paid
 12 to the state as fees, deposits, payments, and repayments relating
 13 to the fund, both principal and interest, (c) donated as gifts,
 14 bequests, or other contributions to such fund from public or
 15 private entities, and (d) made available by any department or
 16 agency of the United States if so directed by such department or
 17 agency.

18 (3) The fund shall be used by the Department of Economic
 19 Development for the purpose of carrying out the Microenterprise
 20 Development Act.

21 (4) The unexpended balance in the fund on the effective
 22 date of this act shall lapse to the General Fund on such date.

23 Sec. 7. Original section 81-12,105.01, Reissue Revised
 1 Statutes of Nebraska, is repealed.

2 2. On page 2, strike beginning with "at" in line 8
 3 through "ten" in line 9 and insert "six"; and in line 9 after
 4 the period insert "The executive board shall appoint one of such
 5 members as chairperson and one as vice-chairperson.".

6 3. On page 3, strike beginning with "It" in line 6
 7 through line 11 and insert "It is the intent of the Legislature
 8 that \$48,000 of General Funds be appropriated to the Legislative
 9 Council to provide funding for the Nebraska Innovation and High
 10 Wage Employment Act.".

11 4. Renumber the remaining section accordingly.

(Signed) John Wightman, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 342. Introduced by Utter, 33.

WHEREAS, Austin Wilson of St. Cecilia High School in Hastings, Nebraska, won the 2010 Class C State Wrestling Championship in the 145-pound division; and

WHEREAS, Austin Wilson defeated Tanner Wemhoff of David City High School 16-0 to win the state championship; and

WHEREAS, Austin Wilson finished the season as an undefeated state champion for the second year in a row; and

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

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

1. That the Legislature congratulates Austin Wilson on winning the 2010 Class C State Wrestling Championship in the 145-pound division.

2. That a copy of this resolution be sent to Austin Wilson.

Laid over.

MESSAGE FROM THE GOVERNOR

February 26, 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 reappointed to the State Racing Commission:

Dennis Lee, 46105 South 133rd St., Suite 103, Omaha, NE 68137

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

AMENDMENTS - Print in Journal

Senator Cornett filed the following amendment to LB1081:
AM2026

(Amendments to Standing Committee amendments, AM1930)

- 1 1. On page 7, line 12, strike the underscored colon
- 2 and insert "trains"; in line 13 strike the paragraphing and "(a)
- 3 Trains"; in line 19 strike "(i)" and insert "(a)"; and in line 23
- 4 strike "(ii)" and insert "(b)".
- 5 2. On page 8, line 3, strike "; and" and insert an
- 6 underscored period; in line 4 strike the paragraphing and "(b)" and
- 7 after "positions" insert "shall"; in line 10 strike "credit" and
- 8 insert "reimbursement"; in line 24 before "The" insert "(1)"; and
- 9 strike beginning with "in" in line 26 through line 27.
- 10 3. On page 9, line 1, strike "allowance" through

11 "transferred"; in line 4 strike the underscored semicolon and
 12 insert an underscored period; in line 8 strike "; and" and insert
 13 an underscored period.

Senator Gay filed the following amendment to LB1036:
 AM2066

(Amendments to Standing Committee amendments, AM1839)

- 1 1. Strike amendment 6 and insert the following new
- 2 amendments:
- 3 6. On page 20, line 25, after "may" insert "not".
- 4 10. On page 25, line 22, after "may" insert "not" and
- 5 strike "unless" and insert "if".
- 6 11. On page 32, line 1, after "cardholder" insert "is at
- 7 least sixteen years of age and".
- 8 2. On page 1, strike beginning with the semicolon in line
- 9 14 through the last quotation mark in line 15; and in line 22 after
- 10 the first comma insert "line 1, strike 'unless' and insert 'if;
- 11 and in" and strike the second comma.
- 12 3. On page 2, strike beginning with "line" in line 3
- 13 through the semicolon in line 4 and insert "after line 17 insert
- 14 the following new subsection:
- 15 '(d) The age restrictions of the Revised Uniform
- 16 Anatomical Gift Act do not nullify any designation of gift made
- 17 on a driver's license or state identification card prior to the
- 18 operative date of this act by a person younger than sixteen years
- 19 of age which was valid when made. Such person shall be considered a
- 20 donor under the act, and if such a donor who is an unemancipated
- 21 minor dies, a parent of the donor who is reasonably available may
- 22 revoke or amend an anatomical gift of the donor's body or part.';
- 1 4. Renumber the remaining amendments accordingly.

Senator Lautenbaugh filed the following amendment to LB888:
 AM2041

- 1 1. Insert the following new section:
- 2 Sec. 100. Section 21-2654, Revised Statutes Supplement,
- 3 2009, is amended to read:
- 4 21-2654 (1) On application to a court of competent
- 5 jurisdiction by any judgment creditor of a member or transferee,
- 6 the court may charge the transferable interest of the judgment
- 7 debtor in the limited liability company with payment of the
- 8 unsatisfied amount of the judgment with interest. To the extent of
- 9 the amounts so charged, the judgment creditor has only the rights
- 10 of the transferee to receive any distribution to which the judgment
- 11 debtor would otherwise have been entitled with respect to the
- 12 interest of the judgment debtor in the limited liability company.
- 13 (2) A charging order entered pursuant to this section
- 14 constitutes a lien on the judgment debtor's transferable interest
- 15 in the limited liability company.
- 16 (3) To the extent necessary to effectuate the collection

17 of distributions pursuant to a charging order in effect under
 18 subsection (1) of this section, the court may (a) appoint a
 19 receiver of the distribution subject to the charging order, and the
 20 receiver shall have the power to make all inquiries the judgment
 21 debtor might have made, and (b) make all other orders necessary to
 22 give effect to the charging order.

23 (4) Upon a showing that distributions under a charging
 1 order will not pay the judgment debt within a reasonable time, the
 2 court may foreclose the lien and order the sale of the transferable
 3 interest. The purchaser at the foreclosure sale only obtains the
 4 transferable interest and does not become a member of the limited
 5 liability company.

6 (5) At any time before completion of the foreclosure sale
 7 under subsection (4) of this section, the member or transferee
 8 whose transferable interest is subject to a charging order under
 9 subsection (1) of this section may extinguish the charging order
 10 by satisfying the judgment and filing a certified copy of the
 11 satisfaction with the court that issued the charging order.

12 (6) At any time before completion of the foreclosure sale
 13 under subsection (4) of this section, a limited liability company
 14 or one or more members whose transferable interests are not subject
 15 to the charging order may pay to the judgment creditor the full
 16 amount due under the judgment and thereby succeed to the rights of
 17 the judgment creditor, including the charging order.

18 ~~(3)-(7)~~ This section does not deprive any member or
 19 transferee of the benefit of any exemption laws applicable to the
 20 member's or transferee's interest in the limited liability company.

21 (8) This section provides the exclusive remedy by which a
 22 person seeking to enforce a judgment against a member or transferee
 23 may, in the capacity of judgment creditor, satisfy the judgment
 24 from the judgment debtor's transferable interest.

25 ~~(4)~~ The entry of a charging order pursuant to this
 26 section is the exclusive remedy by which a judgment creditor of a
 27 member or transferee may satisfy a judgment out of the judgment
 1 debtor's interest in the limited liability company.

2 ~~(5)~~ No creditor of a member of a limited liability
 3 company shall have any right to obtain possession of, or otherwise
 4 exercise legal or equitable remedies with respect to, the property
 5 of the limited liability company.

6 ~~(6)~~ A third party shall not be liable to a judgment
 7 creditor for distributions made by such third party directly to the
 8 judgment debtor that were made in good faith at the direction of
 9 the limited liability company.

10 ~~(7)~~ This section applies to all limited liability
 11 companies authorized under the Limited Liability Company Act.

12 2. On page 52, line 25; and page 53, line 6, strike
 13 "foreclosure" and insert "completion of the foreclosure sale".

14 3. On page 129, line 25, strike "section" and insert

- 15 "sections" and after "21-2601" insert "and 21-2654".
16 4. Renumber the remaining sections accordingly.

VISITORS

Visitors to the Chamber were Dolores Mather from Lincoln, Lonnie Hilliard, Artur Ghazinyan from Armenia, Igor Tabak from Croatia, Jasper Barenberg from Germany, Krisztina Nora Kovacs from Hungary, Sandis Sraders from Latvia, and Dr. John Bonello from Malta.

The Doctor of the Day was Dr. Kelly Collins from Bellevue.

ADJOURNMENT

At 4:03 p.m., on a motion by Speaker Flood, the Legislature adjourned until 9:00 a.m., Tuesday, March 2, 2010.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-FIFTH DAY - MARCH 2, 2010**LEGISLATIVE JOURNAL****ONE HUNDRED FIRST LEGISLATURE
SECOND SESSION****THIRTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 2, 2010

PRAYER

The prayer was offered by Reverend Ryan Lewis, St. Thomas More Church, Omaha.

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 Senators Pahls and White who were excused; and Senator Ashford who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-fourth day was approved.

COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 1002. Placed on Select File with amendment.
ER8177

- 1 1. On page 1, strike beginning with "revenue" in line
- 2 1 through line 7 and insert "political subdivisions; to amend
- 3 section 81-2504, Reissue Revised Statutes of Nebraska; to define
- 4 terms; to provide for applications for state assistance; to provide
- 5 for notice and a hearing; to provide powers and duties for the
- 6 Commission on Indian Affairs; to create a fund; to provide a
- 7 termination date; to harmonize provisions; to provide an operative
- 8 date; and to repeal the original section."

(Signed) Jeremy Nordquist, Chairperson

NOTICE OF COMMITTEE HEARING

Revenue

Room 1524

Wednesday, March 10, 2010 4:00 p.m.

LB381

(Signed) Abbie Cornett, Chairperson

MOTION - Approve Appointment

Senator Pankonin moved the adoption of the Nebraska Retirement Systems Committee report for the confirmation of the following appointment(s) found on page 688:

Public Employees Retirement Board
Randall Rehmeier

Voting in the affirmative, 36:

Avery	Fischer	Howard	McGill	Stuthman
Campbell	Flood	Janssen	Mello	Sullivan
Christensen	Gay	Karpisek	Nordquist	Wallman
Coash	Giese	Krist	Pankonin	Wightman
Cook	Gloor	Langemeier	Pirsch	
Cornett	Haar	Lautenbaugh	Price	
Dierks	Hadley	Louden	Rogert	
Dubas	Hansen	McCoy	Schilz	

Voting in the negative, 0.

Present and not voting, 9:

Adams	Conrad	Fulton	Heidemann	Utter
Carlson	Council	Harms	Lathrop	

Excused and not voting, 4:

Ashford	Nelson	Pahls	White
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The appointment was confirmed with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 1036. Title read. Considered.

Committee AM1839, found on page 600, was considered.

Senator Gay renewed his amendment, AM2066, found on page 709, to the committee amendment.

Due to computer network problems, all subsequent votes were taken by voice vote, unless a request for a roll call vote was made by a member.

The Gay amendment was adopted.

The committee amendment, as amended, was adopted.

Senator Council offered the following amendment:

AM2083

- 1 1. On page 23, line 14, after "acts" insert "with
- 2 reasonable care".

The Council amendment was adopted.

Advanced to Enrollment and Review Initial.

LEGISLATIVE BILL 919. Title read. Considered.

Committee AM1848, found on page 591, was adopted with 40 ayes, 0 nays, 5 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 4 present and not voting, and 4 excused and not voting.

NOTICE OF COMMITTEE HEARING

Executive Board

Room 2102

Monday, March 15, 2010 12:00 p.m.

LR335

(Signed) John Wightman, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 888A. Introduced by Conrad, 46.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 888, One Hundred First Legislature, Second Session, 2010.

REFERENCE COMMITTEE REPORT

The Executive Board submits the following report:

Lee, Dennis - State Racing Commission - General Affairs

(Signed) John Wightman, Chairperson
Executive Board

GENERAL FILE

LEGISLATIVE BILL 937. Title read. Considered.

SENATOR LANGEMEIER PRESIDING

Committee AM1949, found on page 595, was considered.

Senator Fischer renewed her amendment, AM1987, found on page 637, to the committee amendment.

PRESIDENT SHEEHY PRESIDING

Senator Fischer moved for a call of the house. The motion prevailed with 32 ayes, 0 nays, and 17 not voting.

Senator Fischer requested a roll call vote, in reverse order, on her amendment.

Voting in the affirmative, 27:

Avery	Fischer	Heidemann	Louden	Utter
Campbell	Fulton	Howard	McCoy	Wallman
Carlson	Gay	Janssen	Pirsch	Wightman
Christensen	Gloor	Karpisek	Price	
Coash	Hadley	Krist	Schilz	
Dierks	Hansen	Lautenbaugh	Stuthman	

Voting in the negative, 14:

Adams	Cook	Flood	Lathrop	Nordquist
Ashford	Cornett	Giese	McGill	Sullivan
Conrad	Council	Haar	Mello	

Present and not voting, 4:

Harms	Langemeier	Pankonin	Rogert
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Excused and not voting, 4:

Dubas	Nelson	Pahls	White
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The Fischer amendment was adopted with 27 ayes, 14 nays, 4 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

The committee amendment, as amended, was adopted with 30 ayes, 11 nays, 4 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 10 nays, and 4 excused and not voting.

COMMITTEE REPORT

Banking, Commerce and Insurance

LEGISLATIVE BILL 931. Placed on General File with amendment. AM2047 is available in the Bill Room.

(Signed) Pete Pirsch, Vice Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 343. Introduced by Hadley, 37.

WHEREAS, Matthew Stubbs of Minden, Nebraska, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

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

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

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

WHEREAS, Matthew, 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 Matthew Stubbs on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Matthew Stubbs.

Laid over.

AMENDMENT - Print in Journal

Senator Avery filed the following amendment to LB1021:
AM2033

(Amendments to Standing Committee amendments, AM1969)

- 1 1. On page 5, strike beginning with "High" in line 4
- 2 through "Act" in line 5 and insert "requirements of sections 4 to
- 3 7 of this act"; and in line 9 strike "The act does" and insert
- 4 "Sections 4 to 7 of this act do".
- 5 2. On page 6, lines 23 and 24; page 8, lines 3 through 5
- 6 and 26 and 27; page 9, lines 24 and 25; page 11, lines 13 and 14
- 7 and 19 and 20; and page 12, lines 3 and 4, 9 and 10, and 18 and 19,
- 8 strike "the High School Activities Association Meetings and Records
- 9 Availability Act" and insert "sections 4 to 7 of this act".
- 10 3. On page 6, line 25; and page 7, line 1, strike "board"
- 11 and insert "body".
- 12 4. On page 7, line 24, strike "board's" and insert
- 13 "body's".
- 14 5. On page 12, line 12, strike "public" and insert
- 15 "association governing".

ANNOUNCEMENT

Senator Karpisek announced the General Affairs Committee will hold an executive session Wednesday, March 3, 2010, at 4:00 p.m., in Room 1015.

VISITORS

Visitors to the Chamber were Senator Sullivan's husband, Mike Sullivan, from Cedar Rapids; Marie and Jacob Baumgartner from Lincoln; members of Change to Win Coalition-Teamsters, Laborers, Brotherhood of Locomotive Engineers, and UFCW from across the state; and Phil Shaw from Auburn and Bob Sieck from Lincoln.

RECESS

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

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Sheehy presiding.

ROLL CALL

The roll was called and all members were present except Senators Pahls and White who were excused; and Senators Ashford, Campbell, Cornett, Council, Dierks, Nelson, and Utter who were excused until they arrive.

SELECT FILE

LEGISLATIVE BILL 1006. ER8166, found on page 641, was adopted.

Senator Adams renewed his amendment, AM2055, found on page 701.

The Adams amendment was adopted with 34 ayes, 0 nays, 6 present and not voting, and 9 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 865. ER8165, found on page 641, was adopted.

Senator Fischer offered the following amendment:
AM2078

(Amendments to E & R amendments, ER8165)

1. On page 2, line 16, strike "used for food or fiber".

The Fischer amendment was adopted with 30 ayes, 0 nays, 10 present and not voting, and 9 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 910. ER8168, found on page 641, was adopted.

Senator Carlson offered the following amendment:
AM2075

(Amendments to E & R amendments, ER8168)

1. On page 4, strike beginning with "to" in line 5 through "shall" in line 6 and insert "and"; in line 7 strike "Such" and insert "If the person collecting the fee is the licensing jurisdiction, the three cents shall be credited to the licensing jurisdiction's general fund. If the person collecting the fee is a private contractor, the three cents shall be credited to

an account of the private contractor. The"; in line 8 after "remittance" insert "to the State Treasurer"; and in line 10 after "jurisdiction" insert "or private contractor".

The Carlson amendment was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 910A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 770. ER8167, found on page 641, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 888. ER8170, found on page 680, was adopted.

Senator Conrad renewed her amendment, AM1847, found on page 622.

The Conrad amendment was adopted with 28 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

Senator Lautenbaugh renewed his amendment, AM2041, found on page 709.

The Lautenbaugh amendment was adopted with 29 ayes, 0 nays, 11 present and not voting, and 9 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 821. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE RESOLUTION 295CA. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 689. ER8169, found on page 680, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 764. Considered.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 805. ER8173, found on page 691, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 951. ER8171, found on page 692, was adopted.

Senator Avery offered the following amendment:

AM2061

1 1. Insert the following new sections:

2 Sec. 2. Section 32-604, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 32-604 (1) Except as provided in subsection (2) or (4) of
5 this section, no person shall be precluded from being elected or
6 appointed to or holding an elective office for the reason that he
7 or she has been elected or appointed to or holds another elective
8 office.

9 (2) No person serving as a member of the Legislature or
10 in an elective office described in Article IV, section 1 or 20,
11 or Article VII, section 3 or 10, of the Constitution of Nebraska
12 shall simultaneously serve in any other elective office, except
13 that such a person may simultaneously serve in another elective
14 office which is filled at an election held in conjunction with the
15 annual meeting of a public body.

16 (3) Whenever an incumbent serving as a member of the
17 Legislature or in an elective office described in Article IV,
18 section 1 or 20, or Article VII, section 3 or 10, of the
19 Constitution of Nebraska assumes another elective office, except
20 an elective office filled at an election held in conjunction with
21 the annual meeting of a public body, the office first held by the
22 incumbent shall be deemed vacant.

23 (4) No person serving in a high elective office shall
1 simultaneously serve in any other high elective office, except that
2 a county attorney may serve as the county attorney for more than
3 one county if appointed under subsection (2) of section 23-1201.01.

4 (5) Notwithstanding ~~subsections (2) through subsection~~
5 (4) of this section, any person holding more than one high elective
6 office upon ~~September 13, 1997, the effective date of this act,~~
7 shall be entitled to serve the remainder of all terms for which he
8 or she was elected or appointed.

9 (6) For purposes of this section, (a) elective office has
10 the meaning found in section 32-109 and includes an office which is
11 filled at an election held in conjunction with the annual meeting
12 of a public body created by an act of the Legislature but does
13 not include a member of a learning community coordinating council
14 appointed pursuant to subsection (5) or (7) of section 32-546.01
15 and (b) high elective office means a member of the Legislature,
16 an elective office described in Article IV, section 1 or 20, or
17 Article VII, section 3 or 10, of the Constitution of Nebraska, or a
18 county, city, community college area, learning community, or school
19 district elective office.

20 Sec. 4. Section 32-915, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 32-915 (1) A person whose name does not appear on the

23 precinct list of registered voters at the polling place for the
 24 precinct in which he or she resides or whose name appears with a
 25 notation that he or she received a ballot for early voting may vote
 26 a provisional ballot if he or she:

27 (a) Claims that he or she is a registered voter who has
 1 continuously resided in the county in which the precinct is located
 2 since registering to vote;

3 (b) Is not entitled to vote under section 32-914.01 or
 4 32-914.02;

5 (c) Has not registered to vote or voted in any other
 6 county since registering to vote in the county in which the
 7 precinct is located;

8 (d) Has appeared to vote at the polling place for the
 9 precinct to which the person would be assigned based on his or her
 10 residence address; and

11 (e) Completes and signs a registration application before
 12 voting.

13 (2) A voter whose name appears on the precinct list
 14 of registered voters for the polling place with a notation
 15 that the voter is required to present identification pursuant
 16 to section 32-318.01 but fails to present identification may vote a
 17 provisional ballot if he or she completes and signs a registration
 18 application before voting.

19 (3) Each person voting by provisional ballot shall
 20 enclose his or her ballot in an envelope marked Provisional
 21 Ballot and shall, by signing the certification on the front of the
 22 envelope or a separate form attached to the envelope, certify to
 23 the following facts:

24 (a) I am a registered voter in County;

25 (b) My name or address did not correctly appear on the
 26 precinct list of registered voters;

27 (c) I registered to vote on or about this date
 1

2 (d) I registered to vote
 3 in person at the election office or a voter
 4 registration site,

5 by mail,
 6 on a form through the Department of Motor Vehicles,

7 on a form through another state agency,

8 in some other way;

9 (e) I have not resided outside of this county or voted
 10 outside of this county since registering to vote in this county;

11 (f) My current address is shown on the registration
 12 application completed as a requirement for voting by provisional
 13 ballot; and

14 (g) I am eligible to vote in this election and I have not
 15 voted and will not vote in this election except by this ballot.

16 (4) The voter shall sign the certification under penalty
 17 of election falsification. The following statements shall be on

18 the front of the envelope or on the attached form: By signing the
 19 front of this envelope or the attached form you are certifying to
 20 the information contained on this envelope or the attached form
 21 under penalty of election falsification. Election falsification
 22 is a Class IV felony and may be punished by up to five years
 23 imprisonment, a fine of up to ten thousand dollars, or both.

24 (5) If the person's name does not appear on the precinct
 25 list of registered voters for the polling place and the judge or
 26 clerk of election determines that the person's residence address is
 27 located in another precinct within the same county, the judge or
 1 clerk of election shall direct the person to his or her correct
 2 polling place to vote.

3 Sec. 7. In addition to the requirements of 20 U.S.C.
 4 1094(a)(23), the University of Nebraska, each state college, and
 5 each community college shall provide information furnished by
 6 the Secretary of State on early voting prior to each statewide
 7 primary and general election to each student enrolled in a
 8 degree or certificate program and physically in attendance at
 9 the institution. The information shall include instructions on
 10 early voting and an application to request a ballot for early
 11 voting. The institution may provide the information electronically.

12 2. Renumber the remaining sections and correct internal
 13 references and the repealer accordingly.

Pending.

EXPLANATION OF VOTES

Had I been present, I would have voted "aye" on final passage of LBs 190, 190A, 690, 691, 736, 751, 650, 650A, 698, 721, 722, 731, 738, 743, 749, 791, 798, 814, 871, 667, 705, 708, 725, 762, 788, 797, 806, 816, 832, 873, 911, 226, 512, 643, 711, 723, 746, 787, 848, 867, 890, 891, 892, and 914.

(Signed) Robert Giese

RESOLUTIONS

LEGISLATIVE RESOLUTION 344. Introduced by Giese, 17.

WHEREAS, Kalin Koch won the 2010 Class D State Wrestling Championship in the 140-pound division; and

WHEREAS, Kalin Koch, a senior at Winside High School, defeated Joe Brown of Oakland-Craig High School 13-7 to win the state championship; and

WHEREAS, the state championship gave Kalin Koch his fourth state medal, as he finished sixth in the 135-pound division in 2007, fourth in the 130-pound division in 2008, and third in the 140-pound division in 2009; and

WHEREAS, Kalin Koch's father, Mark Koch, won the 1982 Class D State Wrestling Championship in the 119-pound division, making Kalin the fifth Winside wrestler to join his father as a state champion; and

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

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

1. That the Legislature congratulates Kalin Koch on winning the 2010 Class D State Wrestling Championship in the 140-pound division.

2. That a copy of this resolution be sent to Kalin Koch.

Laid over.

LEGISLATIVE RESOLUTION 345. Introduced by Giese, 17.

WHEREAS, Josh Watchorn won the 2010 Class D State Wrestling Championship in the 215-pound division; and

WHEREAS, Josh Watchorn, a senior at Ponca High School, defeated Adam Crouch of Anselmo-Merna High School 5-3 to win the state championship; and

WHEREAS, the state championship gave Josh Watchorn his second state medal, as he finished third in the 215-pound division in 2009; and

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

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

1. That the Legislature congratulates Josh Watchorn on winning the 2010 Class D State Wrestling Championship in the 215-pound division.

2. That a copy of this resolution be sent to Josh Watchorn.

Laid over.

COMMITTEE REPORTS

Natural Resources

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

Jerrold Burke - Game and Parks Commission

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

LEGISLATIVE BILL 895. Placed on General File.

LEGISLATIVE BILL 993. Placed on General File.

LEGISLATIVE BILL 1025. Indefinitely postponed.

(Signed) Chris Langemeier, Chairperson

GENERAL FILE

LEGISLATIVE BILL 763. Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 2 nays, 11 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 1087. Title read. Considered.

Committee AM2034, found on page 685, was considered.

SPEAKER FLOOD PRESIDING

The committee amendment was adopted with 39 ayes, 0 nays, 4 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 4 present and not voting, and 6 excused and not voting.

COMMITTEE REPORT

Revenue

LEGISLATIVE BILL 779. Placed on General File with amendment. AM2038 is available in the Bill Room.

(Signed) Abbie Cornett, Chairperson

AMENDMENTS - Print in Journal

Senator Karpisek filed the following amendment to LB258:
AM2006

(Amendments to E & R amendments, ER8164)

- 1 1. Insert the following new section:
- 2 Section 1. Section 28-416, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 28-416 (1) Except as authorized by the Uniform Controlled
- 5 Substances Act, it shall be unlawful for any person knowingly or
- 6 intentionally: (a) To manufacture, distribute, deliver, dispense,
- 7 or possess with intent to manufacture, distribute, deliver, or
- 8 dispense a controlled substance; or (b) to create, distribute,
- 9 or possess with intent to distribute a counterfeit controlled
- 10 substance.
- 11 (2) Except as provided in subsections (4), (5), (7), (8),
- 12 (9), and (10) of this section, any person who violates subsection
- 13 (1) of this section with respect to: (a) A controlled substance

14 classified in Schedule I, II, or III of section 28-405 which is an
15 exceptionally hazardous drug shall be guilty of a Class II felony;
16 (b) any other controlled substance classified in Schedule I, II, or
17 III of section 28-405 shall be guilty of a Class III felony; or (c)
18 a controlled substance classified in Schedule IV or V of section
19 28-405 shall be guilty of a Class IIIA felony.

20 (3) A person knowingly or intentionally possessing a
21 controlled substance, except marijuana, unless such substance was
22 obtained directly or pursuant to a medical order issued by a
1 practitioner authorized to prescribe while acting in the course of
2 his or her professional practice, or except as otherwise authorized
3 by the act, shall be guilty of a Class IV felony.

4 (4)(a) Except as authorized by the Uniform Controlled
5 Substances Act, any person eighteen years of age or older who
6 knowingly or intentionally manufactures, distributes, delivers,
7 dispenses, or possesses with intent to manufacture, distribute,
8 deliver, or dispense a controlled substance or a counterfeit
9 controlled substance (i) to a person under the age of eighteen
10 years, (ii) in, on, or within one thousand feet of the real
11 property comprising a public or private elementary, vocational, or
12 secondary school, a community college, a public or private college,
13 junior college, or university, or a playground, or (iii) within one
14 hundred feet of a public or private youth center, public swimming
15 pool, or video arcade facility shall be punished by the next higher
16 penalty classification than the penalty prescribed in subsection
17 (2), (7), (8), (9), or (10) of this section, depending upon the
18 controlled substance involved, for the first violation and for a
19 second or subsequent violation shall be punished by the next higher
20 penalty classification than that prescribed for a first violation
21 of this subsection, but in no event shall such person be punished
22 by a penalty greater than a Class IB felony.

23 (b) For purposes of this subsection:

24 (i) Playground shall mean any outdoor facility, including
25 any parking lot appurtenant to the facility, intended for
26 recreation, open to the public, and with any portion containing
27 three or more apparatus intended for the recreation of children,
1 including sliding boards, swingsets, and teeterboards;

2 (ii) Video arcade facility shall mean any facility
3 legally accessible to persons under eighteen years of age, intended
4 primarily for the use of pinball and video machines for amusement,
5 and containing a minimum of ten pinball or video machines; and

6 (iii) Youth center shall mean any recreational facility
7 or gymnasium, including any parking lot appurtenant to the facility
8 or gymnasium, intended primarily for use by persons under eighteen
9 years of age which regularly provides athletic, civic, or cultural
10 activities.

11 (5)(a) Except as authorized by the Uniform Controlled
12 Substances Act, it shall be unlawful for any person eighteen
13 years of age or older to knowingly and intentionally employ, hire,

14 use, cause, persuade, coax, induce, entice, seduce, or coerce any
15 person under the age of eighteen years to manufacture, transport,
16 distribute, carry, deliver, dispense, prepare for delivery, offer
17 for delivery, or possess with intent to do the same a controlled
18 substance or a counterfeit controlled substance.

19 (b) Except as authorized by the Uniform Controlled
20 Substances Act, it shall be unlawful for any person eighteen years
21 of age or older to knowingly and intentionally employ, hire, use,
22 cause, persuade, coax, induce, entice, seduce, or coerce any person
23 under the age of eighteen years to aid and abet any person in
24 the manufacture, transportation, distribution, carrying, delivery,
25 dispensing, preparation for delivery, offering for delivery, or
26 possession with intent to do the same of a controlled substance or
27 a counterfeit controlled substance.

1 (c) Any person who violates subdivision (a) or (b) of
2 this subsection shall be punished by the next higher penalty
3 classification than the penalty prescribed in subsection (2), (7),
4 (8), (9), or (10) of this section, depending upon the controlled
5 substance involved, for the first violation and for a second or
6 subsequent violation shall be punished by the next higher penalty
7 classification than that prescribed for a first violation of this
8 subsection, but in no event shall such person be punished by a
9 penalty greater than a Class IB felony.

10 (6) It shall not be a defense to prosecution for
11 violation of subsection (4) or (5) of this section that the
12 defendant did not know the age of the person through whom the
13 defendant violated such subsection.

14 (7) Any person who violates subsection (1) of this
15 section with respect to cocaine or any mixture or substance
16 containing a detectable amount of cocaine in a quantity of:

17 (a) One hundred forty grams or more shall be guilty of a
18 Class IB felony;

19 (b) At least twenty-eight grams but less than one hundred
20 forty grams shall be guilty of a Class IC felony; or

21 (c) At least ten grams but less than twenty-eight grams
22 shall be guilty of a Class ID felony.

23 (8) Any person who violates subsection (1) of this
24 section with respect to base cocaine (crack) or any mixture or
25 substance containing a detectable amount of base cocaine in a
26 quantity of:

27 (a) One hundred forty grams or more shall be guilty of a
1 Class IB felony;

2 (b) At least twenty-eight grams but less than one hundred
3 forty grams shall be guilty of a Class IC felony; or

4 (c) At least ten grams but less than twenty-eight grams
5 shall be guilty of a Class ID felony.

6 (9) Any person who violates subsection (1) of this
7 section with respect to heroin or any mixture or substance
8 containing a detectable amount of heroin in a quantity of:

9 (a) One hundred forty grams or more shall be guilty of a
10 Class IB felony;

11 (b) At least twenty-eight grams but less than one hundred
12 forty grams shall be guilty of a Class IC felony; or

13 (c) At least ten grams but less than twenty-eight grams
14 shall be guilty of a Class ID felony.

15 (10) Any person who violates subsection (1) of this
16 section with respect to amphetamine, its salts, optical isomers,
17 and salts of its isomers, or with respect to methamphetamine, its
18 salts, optical isomers, and salts of its isomers, in a quantity of:

19 (a) One hundred forty grams or more shall be guilty of a
20 Class IB felony;

21 (b) At least twenty-eight grams but less than one hundred
22 forty grams shall be guilty of a Class IC felony; or

23 (c) At least ten grams but less than twenty-eight grams
24 shall be guilty of a Class ID felony.

25 (11) Any person knowingly or intentionally possessing
26 marijuana weighing more than one ounce but not more than one pound
27 shall be guilty of a Class III misdemeanor.

1 (12) Any person knowingly or intentionally possessing
2 marijuana weighing more than one pound shall be guilty of a Class
3 IV felony.

4 (13) Any person knowingly or intentionally possessing
5 marijuana weighing one ounce or less shall:

6 (a) For the first offense, be guilty of an infraction,
7 receive a citation, be fined three hundred dollars, and be assigned
8 to attend a course as prescribed in section 29-433 if the judge
9 determines that attending such course is in the best interest of
10 the individual defendant;

11 (b) For the second offense, be guilty of a Class IV
12 misdemeanor, receive a citation, and be fined four hundred dollars
13 and may be imprisoned not to exceed five days; and

14 (c) For the third and all subsequent offenses, be guilty
15 of a Class IIIA misdemeanor, receive a citation, be fined five
16 hundred dollars, and be imprisoned not to exceed seven days.

17 (14) Any person convicted of violating this section,
18 if placed on probation, shall, as a condition of probation,
19 satisfactorily attend and complete appropriate treatment and
20 counseling on drug abuse provided by a program authorized under
21 the Nebraska Behavioral Health Services Act or other licensed drug
22 treatment facility.

23 (15) Any person convicted of violating this section, if
24 sentenced to the Department of Correctional Services, shall attend
25 appropriate treatment and counseling on drug abuse.

26 (16) Any person knowingly or intentionally possessing a
27 firearm while in violation of subsection (1) of this section shall
1 be punished by the next higher penalty classification than the
2 penalty prescribed in subsection (2), (7), (8), (9), or (10) of

3 this section, but in no event shall such person be punished by a
4 penalty greater than a Class IB felony.

5 (17) A person knowingly or intentionally in possession
6 of money used or intended to be used to facilitate a violation
7 of subsection (1) of this section shall be guilty of a Class IV
8 felony.

9 (18) In addition to the penalties provided in this
10 section:

11 (a) If the person convicted or adjudicated of violating
12 this section is younger than twenty-one years of age and has one or
13 more licenses or permits issued under the Motor Vehicle Operator's
14 License Act:

15 (i) For the first offense, the court may, as a part
16 of the judgment of conviction or adjudication, impound any such
17 licenses or permits for thirty days and require such person to
18 attend a drug education class;

19 (ii) For a second offense, the court, as a part of the
20 judgment of conviction or adjudication, may (A) impound any such
21 licenses or permits for ninety days and (B) require such person
22 to complete no fewer than twenty and no more than forty hours of
23 community service and to attend a drug education class; and

24 (iii) For a third or subsequent offense, the court, as a
25 part of the judgment of conviction or adjudication, may (A) impound
26 any such licenses or permits for twelve months and (B) require
27 such person to complete no fewer than sixty hours of community
1 service, to attend a drug education class, and to submit to a drug
2 assessment by a licensed alcohol and drug counselor; and

3 (b) If the person convicted or adjudicated of violating
4 such section is younger than twenty-one years of age and does not
5 have a permit or license issued under the Motor Vehicle Operator's
6 License Act:

7 (i) For the first offense, the court, as part of the
8 judgment of conviction or adjudication, may (A) prohibit such
9 person from obtaining any permit or any license pursuant to the act
10 for which such person would otherwise be eligible until thirty days
11 after the date of such order and (B) require such person to attend
12 a drug education class;

13 (ii) For a second offense, the court, as part of the
14 judgment of conviction or adjudication, may (A) prohibit such
15 person from obtaining any permit or any license pursuant to the
16 act for which such person would otherwise be eligible until ninety
17 days after the date of such order and (B) require such person to
18 complete no fewer than twenty hours and no more than forty hours of
19 community service and to attend a drug education class; and

20 (iii) For a third or subsequent offense, the court,
21 as part of the judgment of conviction or adjudication, may (A)
22 prohibit such person from obtaining any permit or any license
23 pursuant to the act for which such person would otherwise be
24 eligible until twelve months after the date of such order and

- 25 (B) require such person to complete no fewer than sixty hours of
 26 community service, to attend a drug education class, and to submit
 27 to a drug assessment by a licensed alcohol and drug counselor.
 1 A copy of an abstract of the court's conviction or
 2 adjudication shall be transmitted to the Director of Motor Vehicles
 3 pursuant to sections 60-497.01 to 60-497.04.
 4 2. Renumber the remaining sections, amend the repealer,
 5 and correct internal references accordingly.

Senator Adams filed the following amendment to LB1014:
 AM2058

(Amendments to Standing Committee amendments, AM1979)

- 1 1. On page 2, strike beginning with "Additional" in
 2 line 26 through line 27 and insert "Each school district that
 3 receives funds under subsection (2) of this section for teacher
 4 performance pay shall utilize such funds as a supplement to
 5 the salary schedule provided for in local collective-bargaining
 6 agreements. For purposes of distribution of such funds only,
 7 the Legislature finds that teacher performance pay measurements,
 8 criteria, and payout amounts are mandatory topics of collective
 9 bargaining.".
 10 2. On page 3, strike lines 1 through 6.

Senator Rogert filed the following amendment to LB882:
 AM2074

(Amendments to Standing Committee amendments, AM1853)

- 1 1. Insert the following amendments:
 2 1. Insert the following section:
 3 Sec. 2. This act becomes operative on October 1, 2010.
 4 4. Renumber the remaining section accordingly.
 5 2. Renumber the remaining amendments accordingly.

UNANIMOUS CONSENT - Add Cointroducer

Senator Flood asked unanimous consent to add his name as cointroducer to
 LB258 and LB943. No objections. So ordered.

VISITORS

Visitor to the Chamber was Andrew Rutten from Norfolk.

The Doctor of the Day was Dr. Marlon Weiss from Lincoln.

ADJOURNMENT

At 3:54 p.m., on a motion by Senator Lathrop, the Legislature adjourned until 9:00 a.m., Wednesday, March 3, 2010.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-SIXTH DAY - MARCH 3, 2010**LEGISLATIVE JOURNAL****ONE HUNDRED FIRST LEGISLATURE
SECOND SESSION****THIRTY-SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 3, 2010

PRAYER

The prayer was offered by Senator Pankonin.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Flood presiding.

The roll was called and all members were present except Senator Pahls who was excused; and Senators Campbell, Cook, and Louden who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-fifth day was approved.

SELECT FILE

LEGISLATIVE BILL 735. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 258. ER8164, found on page 551, was adopted.

Senator Karpisek renewed his amendment, AM2006, found on page 725.

Senator Harms requested a ruling of the Chair on whether the Karpisek amendment is germane to the bill.

The Chair ruled the Karpisek amendment is not germane to the bill.

Senator Karpisek challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Senator Karpisek withdrew his motion to overrule the Chair.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 768. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 799. Senator Gloor offered the following amendment:
AM2099

- 1 1. On page 2, lines 5 and 7, strike "2000", show
- 2 as stricken, and insert "2009"; in line 8 after "edition"
- 3 insert "except section R313" and after "Council" insert ". The
- 4 provisions of the International Residential Code shall apply to
- 5 the construction, alteration, movement, enlargement, replacement,
- 6 repair, equipment, use and occupancy, location, removal, and
- 7 demolition of townhouses not more than three stories above grade
- 8 plane in height with a separate mean of egress and their accessory
- 9 structures and detached one-family and two-family dwellings"; and
- 10 strike lines 16 through 18 and show as stricken.
- 11 2. On page 3, strike beginning with the first comma in
- 12 line 22 through "the" in line 24 and show as stricken; and in line
- 13 25 strike the new matter.
- 14 3. On page 4, line 1, strike the new matter and strike
- 15 "referred to", show as stricken, and insert "codes adopted by
- 16 reference"; and in lines 15 and 16 strike "the publication date
- 17 of the edition.", show as stricken, and insert "a new edition is
- 18 adopted under section 71-6403.".
- 19 4. On page 5, line 1, strike ", new edition," and show as
- 20 stricken.

Senator Gloor withdrew his amendment.

Pending.

GENERAL FILE

LEGISLATIVE BILL 1018. Title read. Considered.

Committee AM1910, found on page 603, was considered.

SENATOR CARLSON PRESIDING

The committee amendment was adopted with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 5 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 943. Title read. Considered.

Committee AM1922, found on page 611, was adopted with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

LEGISLATIVE RESOLUTION 297CA. Read. Considered.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 1051. Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 727. Title read. Considered.

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

COMMITTEE REPORT

Transportation and Telecommunications

LEGISLATIVE BILL 1065. Placed on General File with amendment.
AM2046

- 1 1. On page 6, line 14, strike "five" and insert
- 2 "fifteen".

(Signed) Deb Fischer, Chairperson

AMENDMENTS - Print in Journal

Senator Lautenbaugh filed the following amendment to LB951:

FA66

Amend AM2061

Strike on Page 5, lines 3-11.

Senator Ashford filed the following amendment to LB817:

AM2096

(Amendments to Standing Committee amendments, AM1964)

- 1 1. Insert the following new section:
- 2 Section 1. Section 2-32,101, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 2-32,101 (1) Any law enforcement officer, including, but
- 5 not limited to, any Game and Parks Commission conservation officer,
- 6 local police officer, member of the Nebraska State Patrol, or

7 sheriff or deputy sheriff, is authorized to enforce ~~the provisions~~
 8 ~~of~~ sections 2-3292 to 2-32,100 and any rules and regulations
 9 adopted and promulgated pursuant to such sections. A district
 10 shall not employ law enforcement personnel and shall be prohibited
 11 from expending any funds for such purpose, except as provided in
 12 subsection (2) of this section. Each district shall provide a copy
 13 of its rules and regulations to the appropriate law enforcement
 14 officer. Any law enforcement officer may arrest and detain any
 15 person committing a violation of the rules and regulations in a
 16 recreation area or committing any misdemeanor or felony as provided
 17 by the laws of this state.

18 (2) A natural resources district may expend funds to
 19 enter into agreements pursuant to the Interlocal Cooperation Act
 20 for the services of certified law enforcement personnel or to
 21 contract for the services of private security services to patrol
 22 and protect district-owned recreation areas and to assist law
 1 enforcement officers in enforcing sections 2-3292 to 2-32,100 and
 2 any rules and regulations adopted and promulgated pursuant to such
 3 sections.

4 2. On page 1, line 8, reinstate the stricken matter.

5 3. Renumber the remaining sections and correct the
 6 repealer section accordingly.

BILL ON FIRST READING

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

LEGISLATIVE BILL 1109A. Introduced by Conrad, 46.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1109, One Hundred First Legislature, Second Session, 2010; and to declare an emergency.

MESSAGES FROM THE GOVERNOR

March 3, 2010

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 190, 190A, 226e, 512, 643, 650, 650A, 667, 690, 691, 698e, 705, 708, 721, 722, 723, 725, 731, 736e, 738e 743e, 746, 749, 751e, 762e, 787, 788, 791, 797, 798, 806, 814, 816e, 832, 848, 871, 873, 890e, 891e, 892e, 911e, and 914 were received in my office on February 25, 2010.

These bills were signed and delivered to the Secretary of State on March 3, 2010.

Sincerely,
(Signed) Dave Heineman
Governor

March 3, 2010

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

Dear Mr. President and Members of the Legislature:

I am returning LB 867 without my signature and with my objections.

This legislation proposes to increase the shipping license fee under the Nebraska Liquor Control Act from \$200 to \$1,000, and directs that the funds received from this fee be remitted to the State Treasurer for credit to the General Fund.

During the 2009 Special Session, we faced complex challenges in addressing a budget shortfall. We still have significant financial challenges ahead of us. Substantially increasing this fee during these difficult economic times is unreasonable. Currently, the shipping license fee is one of the lowest in the nation; LB 867 would make it one of the highest. This 500% increase will create an undue burden on small business that ship alcohol into the State of Nebraska.

For these reasons, I respectfully urge you to sustain my veto of the legislation.

Sincerely,
(Signed) Dave Heineman
Governor

VISITORS

Visitors to the Chamber were Carly Runestad from Lincoln; Philip E. Darby from Lexington; students of Norfolk Youth Leadership Council from Norfolk; and seventh- and eighth-grade students from Sunrise Middle School, Kearney.

RECESS

At 12:00 p.m., on a motion by Senator Langemeier, the Legislature recessed until 1:30 p.m.

AFTER RECESS

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

ROLL CALL

The roll was called and all members were present except Senator Pahls who was excused; and Senators Langemeier and Pirsch who were excused until they arrive.

SENATOR FISCHER PRESIDING**COMMITTEE REPORTS**

Enrollment and Review

LEGISLATIVE BILL 770. Placed on Final Reading.

LEGISLATIVE BILL 865. Placed on Final Reading.

LEGISLATIVE BILL 910. Placed on Final Reading.

ST9079

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

1. In the E & R amendments, ER8168, on page 3, line 25, "upon" has been struck.

LEGISLATIVE BILL 910A. Placed on Final Reading.

LEGISLATIVE BILL 1006. Placed on Final Reading.

(Signed) Jeremy Nordquist, Chairperson

GENERAL FILE

LEGISLATIVE BILL 952. Committee AM1945, found on page 567 and considered on page 703, was renewed.

SENATOR LANGEMEIER PRESIDING**SENATOR KARPISEK PRESIDING**

Senator Stuthman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 11 nays, and 13 not voting.

The committee amendment was adopted with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

Senator White offered the following amendment:

AM2091

- 1 1. On page 3, line 16, strike "public utility" and insert
- 2 "metropolitan utilities district".
- 3 2. On page 4, line 1, strike the period and insert an
- 4 underscored semicolon.

Senator Fischer offered the following amendment to the White amendment:

FA67

Amend AM2091

Strike on line 1, the words "line 16 through the word district" in line two, and inserting "lines 16 through line 20".

Pending.

RESOLUTIONS

LEGISLATIVE RESOLUTION 346. Introduced by Janssen, 15.

WHEREAS, Tyler Going of North Bend Central High School won the 2010 Class C State Wrestling Championship in the 160-pound division; and

WHEREAS, Tyler Going defeated Blake Augustyn of Ord High School 7-2 to win the state championship; and

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

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

1. That the Legislature congratulates Tyler Going on winning the 2010 Class C State Wrestling Championship in the 160-pound division.

2. That a copy of this resolution be sent to Tyler Going.

Laid over.

LEGISLATIVE RESOLUTION 347. Introduced by Janssen, 15.

WHEREAS, Eli Vosler of North Bend Central High School won the 2010 Class C State Wrestling Championship in the 215-pound division; and

WHEREAS, Eli Vosler defeated Isiah Williams of Madison High School 3-2 to win the state championship; and

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

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

1. That the Legislature congratulates Eli Vosler on winning the 2010 Class C State Wrestling Championship in the 215-pound division.

2. That a copy of this resolution be sent to Eli Vosler.

Laid over.

LEGISLATIVE RESOLUTION 348. Introduced by Howard, 9; Adams, 24; Ashford, 20; Avery, 28; Campbell, 25; Carlson, 38; Christensen, 44; Coash, 27; Conrad, 46; Cook, 13; Cornett, 45; Dierks, 40; Dubas, 34; Fischer, 43; Flood, 19; Fulton, 29; Gay, 14; Giese, 17; Gloor, 35; Haar, 21; Hadley, 37; Hansen, 42; Harms, 48; Heidemann, 1; Janssen, 15; Karpisek, 32; Krist, 10; Langemeier, 23; Lathrop, 12; Lautenbaugh, 18; Louden, 49; McCoy, 39; Nelson, 6; Nordquist, 7; Pankonin, 2; Pirsch, 4; Price, 3; Rogert, 16; Schilz, 47; Stuthman, 22; Sullivan, 41; Utter, 33; Wallman, 30; Wightman, 36.

WHEREAS, over four thousand children are affected by child abuse in Nebraska each year; and

WHEREAS, the physical and mental health effects of child abuse can last a lifetime; and

WHEREAS, certain risk factors for child abuse have been identified and can be mitigated by risk reduction and proactive protection; and

WHEREAS, individuals who have the support of their communities are more able to provide safe environments for their children; and

WHEREAS, the best time to stop child abuse is before it starts; and

WHEREAS, National Child Abuse Prevention Month, which occurs each year in April, has been a time for raising awareness about the prevention of child abuse since 1983.

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

1. That the Legislature recognizes April 2010 as Child Abuse Prevention Month in Nebraska and encourages communities to participate in activities designed to increase public awareness about the importance of preventing child abuse.

2. That a copy of this resolution be sent to the Department of Health and Human Services.

Laid over.

LEGISLATIVE RESOLUTION 349. Introduced by Flood, 19.

WHEREAS, Canada and the United States share a rich and vibrant history of democratic governments, North American borders, military and security partnerships and alliances, significant cultural, academic, and tourism ties, and deeply integrated and empowered trade and financial relationships; and

WHEREAS, Canada and the State of Nebraska have a strong and durable relationship based upon history, language, trade, energy development, and diverse cultural and economic ties; and

WHEREAS, Canada is the largest trading partner of the United States, with a combined \$776 billion in goods and services traded between the two nations and more than seven million United States jobs supported by that trade; and

WHEREAS, Canada is the leading trading partner of the State of Nebraska, with a combined \$2.6 billion in merchandise trade with our nation's northern neighbor and nearly fifty thousand Nebraska jobs supported by that trade; and

WHEREAS, the people of the State of Nebraska and Canada continue to enjoy mutual hospitality, with a combined one hundred nine thousand tourist visits between the two and \$49 million spent during those visits.

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

1. That the Legislature acknowledges the long and rich history of friendship and trade between the State of Nebraska and the neighboring nation of Canada by proclaiming March 15, 2010, to be 2010 Canada Day at the Nebraska State Capitol.

2. That a copy of this resolution be sent to the Consul General of Canada, the Secretary of State of Nebraska, and the Prime Minister of Canada.

Laid over.

LEGISLATIVE RESOLUTION 350. Introduced by Coash, 27.

WHEREAS, Paul Engler, an alumnus of the University of Nebraska-Lincoln and a Nebraska native who currently lives in Texas, donated \$20 million to the University of Nebraska-Lincoln for its agribusiness curriculum; and

WHEREAS, the donation is the largest single gift in the history of the University of Nebraska Institute of Agriculture and Natural Resources; and

WHEREAS, the donation will support student scholarships, an endowed chair in agribusiness entrepreneurship, student courses, a lecture series, entrepreneurship training camps, internship placement assistance, student travel, and a venture capital fund to support student start-up businesses.

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

1. That the Legislature expresses its appreciation to Paul Engler for his generous donation to the University of Nebraska-Lincoln.

2. That a copy of this resolution be sent to Paul Engler.

Laid over.

LEGISLATIVE RESOLUTION 351. Introduced by Coash, 27.

WHEREAS, Mike Robb, a music teacher at Irving Middle School in Lincoln, Nebraska, was awarded the 2010 Thank You Teacher Award in the middle school category, bestowed by Lincoln Public Schools; and

WHEREAS, Mike Robb has taught music at Irving Middle School for nine years and directs all of the various school choirs; and

WHEREAS, the Legislature recognizes the accomplishments of Nebraska's educators and their work in providing a quality education to the youth of our state.

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

1. That the Legislature congratulates Mike Robb on winning the 2010 Thank You Teacher Award in the middle school category.
2. That a copy of this resolution be sent to Mike Robb.

Laid over.

COMMITTEE REPORTS

Natural Resources

LEGISLATIVE BILL 747. Placed on General File with amendment. AM1931

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 37-201, Revised Statutes Supplement,
- 4 2009, is amended to read:
- 5 37-201 Sections 37-201 to 37-811 and section 3 of this
- 6 act shall be known and may be cited as the Game Law.
- 7 Sec. 2. Section 37-559, Reissue Revised Statutes of
- 8 Nebraska, is amended to read:
- 9 37-559 (1) Any farmer or rancher owning or operating a
- 10 farm or ranch may destroy or have destroyed any predator preying
- 11 on livestock or poultry or causing other agricultural depredation
- 12 on land owned or controlled by him or her without a permit issued
- 13 by the commission. For purposes of this subsection, predator means
- 14 a badger, bobcat, coyote, gray fox, long-tailed weasel, mink,
- 15 opossum, raccoon, red fox, or skunk.
- 16 (2) Any farmer or rancher owning or operating a farm or
- 17 ranch, or his or her agent, may kill a mountain lion immediately
- 18 without prior notice or permission from the commission if he
- 19 or she encounters a mountain lion and the mountain lion is in
- 20 the process of stalking, killing, or consuming livestock on the
- 21 farmer's or rancher's property. The farmer or rancher or his or her
- 22 agent shall be responsible for immediately notifying the commission
- 23 and arranging with the commission to transfer the mountain lion to
- 1 the commission.
- 2 (3) Any person shall be entitled to defend himself or
- 3 herself or another person without penalty if, in the presence of
- 4 such person, a mountain lion stalks, attacks, or shows unprovoked
- 5 aggression toward such person or another person.
- 6 (2)-(4) This section shall not be construed to allow
- 7 ~~such a~~ farmer or rancher or his or her agent to destroy or have
- 8 destroyed species which are protected by ~~the provisions of sections~~
- 9 ~~37-314 and 37-501 to 37-503,~~ the Nongame and Endangered Species

10 Conservation Act or rules and regulations adopted and promulgated
 11 under the act, the federal Endangered Species Act of 1973, as
 12 amended, 16 U.S.C. 1531 et seq., the federal Fish and Wildlife
 13 Coordination Act, as amended, 16 U.S.C. 661 et seq., the federal
 14 Bald and Golden Eagle Protection Act, as amended, 16 U.S.C. 668 et
 15 seq., the federal Migratory Bird Treaty Act, as amended, 16 U.S.C.
 16 703 et seq., or rules and regulations adopted and promulgated
 17 pursuant to such provisions, federal regulations under such federal
 18 acts.

19 Sec. 3. (1) The commission may issue a permit for
 20 the killing of one or more mountain lions which are preying on
 21 livestock or poultry. The permit shall be valid for up to thirty
 22 days and shall require the commission to be notified immediately
 23 by the permitholder after the killing of a mountain lion and shall
 24 require the carcass to be transferred to the commission.

25 (2) To be eligible for a permit under this section, a
 26 farmer or rancher owning or operating a farm or ranch shall contact
 27 the commission to confirm that livestock or poultry on his or her
 1 property or property under his or her control has been subject
 2 to depredation by a mountain lion. The commission shall confirm
 3 that the damage was caused by a mountain lion prior to issuing
 4 the permit. The farmer or rancher shall be allowed up to thirty
 5 days, as designated by the commission, to kill the mountain lion
 6 on such property and shall notify the commission immediately after
 7 the killing of a mountain lion and arrange with the commission to
 8 transfer the mountain lion to the commission.

9 (3) The commission may adopt and promulgate rules and
 10 regulations to carry out this section.

11 Sec. 4. Original section 37-559, Reissue Revised Statutes
 12 of Nebraska, and section 37-201, Revised Statutes Supplement, 2009,
 13 are repealed.

(Signed) Chris Langemeier, Chairperson

Business and Labor

LEGISLATIVE BILL 829. Placed on General File.

LEGISLATIVE BILL 934. Placed on General File.

LEGISLATIVE BILL 780. Placed on General File with amendment.
 AM2064

- 1 1. On page 2, strike lines 19 through 22 and insert:
- 2 "(3) For purposes of this section, first responder means
- 3 a sheriff, a deputy sheriff, a police officer, an officer of
- 4 the Nebraska State Patrol, a volunteer or paid firefighter,
- 5 or a volunteer or paid individual licensed under a licensure
- 6 classification in subdivision (1) of section 38-1217 who provides
- 7 immediate medical care in order to prevent loss of life or
- 8 aggravation of physiological or psychological illness or injury."

LEGISLATIVE BILL 872. Placed on General File with amendment.
AM1985

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

3 Section 1. Section 48-120.04, Revised Statutes
4 Supplement, 2009, is amended to read:

5 48-120.04 (1) This section applies only to hospitals
6 identified in subdivision (1)(c) of section 48-120.

7 (2) For inpatient discharges on or after January 1, 2008,
8 the Diagnostic Related Group inpatient hospital fee schedule shall
9 be as set forth in this section, except as otherwise provided in
10 subdivision (1)(d) of section 48-120. Adjustments shall be made
11 annually as provided in this section, with such adjustments to
12 become effective each January 1.

13 (3) For purposes of this section:

14 (a) Current Medicare Factor is derived from the
15 Diagnostic Related Group Prospective Payment System as established
16 by the Centers for Medicare and Medicaid Services under the United
17 States Department of Health and Human Services and means the
18 summation of the following components:

19 (i) Hospital-specific Federal Standardized Amount,
20 including all wage index adjustments and reclassifications;

21 (ii) Hospital-specific Capital Standard Federal Rate,
22 including geographic, outlier, and exception adjustment factors;

23 (iii) Hospital-specific Indirect Medical Education Rate,
1 reflecting a percentage add-on for indirect medical education costs
2 and related capital; and

3 (iv) Hospital-specific Disproportionate Share Hospital
4 Rate, reflecting a percentage add-on for disproportionate share of
5 low income patient costs and related capital;

6 (b) Current Medicare Weight means the weight assigned
7 to each Medicare Diagnostic Related Group as established by the
8 Centers for Medicare and Medicaid Services under the United States
9 Department of Health and Human Services;

10 (c) Diagnostic Related Group means the Diagnostic Related
11 Group assigned to inpatient hospital services using the public
12 domain classification and methodology system developed for the
13 Centers for Medicare and Medicaid Services under the United States
14 Department of Health and Human Services; and

15 (d) Workers' Compensation Factor means the Current
16 Medicare Factor for each hospital multiplied by one hundred fifty
17 percent.

18 (4) The Diagnostic Related Group inpatient hospital
19 fee schedule shall include at least thirty-eight of the most
20 frequently utilized Medicare Diagnostic Related Groups for workers'
21 compensation with the goal that the fee schedule covers at least
22 ninety percent of all workers' compensation inpatient hospital
23 claims submitted by hospitals identified in subdivision (1)(c) of
24 section 48-120. Rehabilitation Diagnostic Related Groups shall not

25 be included in the Diagnostic Related Group inpatient hospital
26 fee schedule. Claims for inpatient trauma services shall not be
27 reimbursed under the Diagnostic Related Group inpatient hospital
1 fee schedule established under this section until January 1, ~~2011~~
2 2012. Claims for inpatient trauma services prior to January 1,
3 ~~2011~~, 2012, shall be reimbursed under the fees established by
4 the compensation court pursuant to subdivision (1)(b) of section
5 48-120 or as contracted pursuant to subdivision (1)(d) of such
6 section. For purposes of this subsection, trauma means a major
7 single-system or multisystem injury requiring immediate medical or
8 surgical intervention or treatment to prevent death or permanent
9 disability.

10 (5) The Diagnostic Related Group inpatient hospital fee
11 schedule shall be established by the following methodology:

12 (a) The Diagnostic Related Group reimbursement amount
13 required under the Nebraska Workers' Compensation Act shall be
14 equal to the Current Medicare Weight multiplied by the Workers'
15 Compensation Factor for each hospital;

16 (b) The Stop-Loss Threshold amount shall be the
17 Diagnostic Related Group reimbursement amount calculated in
18 subdivision (5)(a) of this section multiplied by two and one-half;

19 (c) For charges over the Stop-Loss Threshold amount of
20 the schedule, the hospital shall be reimbursed the Diagnostic
21 Related Group reimbursement amount calculated in subdivision (5)(a)
22 of this section plus sixty percent of the charges over the
23 Stop-Loss Threshold amount; and

24 (d) For charges less than the Stop-Loss Threshold amount
25 of the schedule, the hospital shall be reimbursed the lower of
26 the hospital's billed charges or the Diagnostic Related Group
27 reimbursement amount calculated in subdivision (5)(a) of this
1 section.

2 (6) For charges for all other stays or services that are
3 not on the Diagnostic Related Group inpatient hospital fee schedule
4 or are not contracted for under subdivision (1)(d) of section
5 48-120, the hospital shall be reimbursed under the schedule of
6 fees established by the compensation court pursuant to subdivision
7 (1)(b) of section 48-120.

8 (7) Each hospital shall assign and include a Diagnostic
9 Related Group on each workers' compensation claim submitted.
10 The workers' compensation insurer, risk management pool, or
11 self-insured employer may audit the Diagnostic Related Group
12 assignment of the hospital.

13 (8) The chief executive officer of each hospital shall
14 sign and file with the administrator of the compensation court by
15 October 15 of each year, in the form and manner prescribed by the
16 administrator, a sworn statement disclosing the Current Medicare
17 Factor of the hospital in effect on October 1 of such year and each
18 item and amount making up such factor.

19 (9) Each hospital, workers' compensation insurer, risk
 20 management pool, and self-insured employer shall report to the
 21 administrator of the compensation court by October 15 of each year,
 22 in the form and manner prescribed by the administrator, the total
 23 number of claims submitted for each Diagnostic Related Group and
 24 the number of times billed charges exceeded the Stop-Loss Threshold
 25 amount for each Diagnostic Related Group.

26 (10) The compensation court may add or subtract
 27 Diagnostic Related Groups in striving to achieve the goal of
 1 including those Diagnostic Related Groups that encompass at least
 2 ninety percent of the inpatient hospital workers' compensation
 3 claims submitted by hospitals identified in subdivision (1)(c) of
 4 section 48-120. The administrator of the compensation court shall
 5 annually make necessary adjustments to comply with the Current
 6 Medicare Weights and shall annually adjust the Current Medicare
 7 Factor for each hospital based on the annual statement submitted
 8 pursuant to subsection (8) of this section.

9 Sec. 2. Original section 48-120.04, Revised Statutes
 10 Supplement, 2009, is repealed.

LEGISLATIVE BILL 884. Placed on General File with amendment.
 AM1615

1 1. Insert the following new section:

2 Section 1. Section 29-431, Reissue Revised Statutes of
 3 Nebraska, is amended to read:

4 29-431 As used in sections 28-416, 29-422, 29-424,
 5 29-425, ~~and 29-431 to 29-434, and 48-1231,~~ unless the context
 6 otherwise requires, ~~infraction shall mean means~~ the violation of
 7 any law, ordinance, order, rule, or regulation, not including
 8 those related to traffic, which is not otherwise declared to
 9 be a misdemeanor or a felony. ~~Infraction shall include includes~~
 10 violations of section 60-6,267.

11 2. On page 2, line 13, after "a" insert "written"; in
 12 line 17 strike "shall" and insert "may"; and in line 18 strike
 13 beginning with the comma through "employee".

14 3. On page 4, strike lines 8 through 12 and insert "(2)
 15 An employer who fails to furnish an itemized statement requested by
 16 an employee under subsection (2) of section 48-1230 shall be guilty
 17 of an infraction as defined in section 29-431 and shall be subject
 18 to a fine pursuant to section 29-436."; and in line 24 strike
 19 "section" and insert "sections 29-431 and".

20 4. Renumber the remaining sections accordingly.

(Signed) Steve Lathrop, Chairperson

Judiciary

LEGISLATIVE BILL 844. Placed on General File.

(Signed) Brad Ashford, Chairperson

Natural Resources

LEGISLATIVE BILL 785. Placed on General File with amendment.
AM2090

- 1 1. On page 3, line 1, after "to" insert "(a)" and
- 2 after "water" insert an underscored comma; in line 2, strike the
- 3 first "or" and insert "(b)"; and in line 4 strike the period
- 4 and insert ", or (c) a transfer that involves one landowner on a
- 5 single tract of land where there is no reduction or increase in
- 6 certified irrigated acres and the transfer involves an improvement
- 7 to irrigation efficiency.".

(Signed) Chris Langemeier, Chairperson

Education

LEGISLATIVE BILL 1070. Placed on General File with amendment.
AM2084 is available in the Bill Room.

LEGISLATIVE BILL 1071. Placed on General File with amendment.
AM2103 is available in the Bill Room.

(Signed) Greg Adams, Chairperson

ANNOUNCEMENT

Senator Karpisek announced the General Affairs Committee has rescheduled its executive session from Wednesday, March 3, 2010 at 4:00 p.m. to Thursday, March 4, 2010, upon adjournment, in Room 1015.

AMENDMENT - Print in Journal

Senators Avery and McCoy filed the following amendment to LB742:
AM2105

(Amendments to Standing Committee amendments, AM1967)

- 1 1. On page 1, lines 3 and 4, strike "a private insurance
- 2 company or".
- 3 2. On page 3, after line 4 insert the following new
- 4 subsection:
- 5 "(6) This section does not apply to claims made
- 6 in connection with insured or self-insured health insurance
- 7 contracts.".

VISITORS

Visitor to the Chamber was former Senator Jerry Schmitt from Ord.

The Doctor of the Day was Dr. Gilbert Head from Omaha.

ADJOURNMENT

At 4:05 p.m., on a motion by Speaker Flood, the Legislature adjourned until 9:00 a.m., Thursday, March 4, 2010.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-SEVENTH DAY - MARCH 4, 2010**LEGISLATIVE JOURNAL****ONE HUNDRED FIRST LEGISLATURE
SECOND SESSION****THIRTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, March 4, 2010

PRAYER

The prayer was offered by Pastor Ernie Waltke, Our Savior Lutheran Church, Wymore.

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 Pahls who was excused; and Senators Ashford, Cornett, Loudon, Pankonin, and Sullivan who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-sixth day was approved.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of March 3, 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

Bydalek, Dave
Family First

REPORTS

The following reports were received by the Legislature:

Revenue, Nebraska Department of
Property Assessment Division 2009 Tax Increment Financing Report

University of Nebraska

Collective Bargaining Negotiations Report

MOTION - Approve Appointment

Senator Langemeier moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 724:

Game and Parks Commission
 Jerrod Burke

Voting in the affirmative, 39:

Adams	Dubas	Hadley	Lathrop	Rogert
Campbell	Fischer	Hansen	McCoy	Schilz
Carlson	Flood	Harms	McGill	Stuthman
Christensen	Fulton	Howard	Mello	Utter
Coash	Gay	Janssen	Nelson	Wallman
Conrad	Giese	Karpisek	Nordquist	White
Cook	Gloor	Krist	Pirsch	Wightman
Dierks	Haar	Langemeier	Price	

Voting in the negative, 0.

Present and not voting, 4:

Avery	Council	Heidemann	Lautenbaugh
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Excused and not voting, 6:

Ashford	Louden	Pankonin
Cornett	Pahls	Sullivan

The appointment was confirmed with 39 ayes, 0 nays, 4 present and not voting, and 6 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 888A. Title read. Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 799. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 926. ER8175, found on page 692, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1063. ER8172, found on page 692, was adopted.

Advanced to Enrollment and Review for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 952. Senator Fischer renewed her amendment, FA67, found on page 739, to the White amendment.

Senator Fischer withdrew her amendment.

The White amendment, AM2091, found on page 739, was renewed.

The White amendment lost with 20 ayes, 0 nays, 21 present and not voting, and 8 excused and not voting.

Senator White moved for a call of the house. The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

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

Voting in the affirmative, 25:

Ashford	Council	Howard	McGill	Price
Coash	Dubas	Karpisek	Mello	Rogert
Conrad	Gay	Krist	Nelson	Sullivan
Cook	Giese	Lathrop	Nordquist	Wallman
Cornett	Haar	Lautenbaugh	Pirsch	White

Voting in the negative, 18:

Adams	Dierks	Hadley	Janssen	Utter
Avery	Fischer	Hansen	Langemeier	Wightman
Campbell	Flood	Harms	Louden	
Carlson	Gloor	Heidemann	Stuthman	

Present and not voting, 2:

McCoy	Pankonin
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Excused and not voting, 4:

Christensen	Fulton	Pahls	Schilz
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Advanced to Enrollment and Review Initial with 25 ayes, 18 nays, 2 present and not voting, and 4 excused and not voting.

MOTION - Print in Journal

Senator Karpisek filed the following motion to LB867:
MO86

Becomes law notwithstanding the objections of the Governor.

COMMITTEE REPORT

Transportation and Telecommunications

LEGISLATIVE BILL 945. Placed on General File with amendment.
AM2098

- 1 1. On page 5, line 11, after "read" insert "a written
- 2 communication" and after "type" insert "a written communication".

(Signed) Deb Fischer, Chairperson

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 1036. Placed on Select File with amendment.
ER8180 is available in the Bill Room.

LEGISLATIVE BILL 919. Placed on Select File with amendment.
ER8178

- 1 1. On page 1, strike beginning with "permit" in line
- 2 2 through "decrease" in line 4 and insert "change population
- 3 requirements for reorganization of cities of the first class as
- 4 cities of the second class; to require a plan to increase a city's
- 5 population".

LEGISLATIVE BILL 937. Placed on Select File with amendment.
ER8179

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 32-546.01, Revised Statutes
- 4 Supplement, 2009, is amended to read:
- 5 32-546.01 (1) Each learning community shall be governed
- 6 by a learning community coordinating council consisting of eighteen
- 7 voting members, with twelve members elected on a nonpartisan ballot
- 8 from six numbered subcouncil districts created pursuant to section
- 9 32-555.01 and with six members appointed from such subcouncil
- 10 districts pursuant to this section. Each voter shall be allowed
- 11 to cast votes for one candidate at both the primary and general
- 12 elections to represent the subcouncil district in which the voter
- 13 resides. The four candidates receiving the most votes at the
- 14 primary election shall advance to the general election. The two

15 candidates receiving the most votes at the general election shall
16 be elected. A candidate shall reside in the subcouncil district for
17 which he or she is a candidate. Coordinating council members shall
18 be elected on the nonpartisan ballot.

19 (2) The initial elected members shall be nominated at
20 the statewide primary election and elected at the statewide
21 general election immediately following the certification of the
22 establishment of the learning community, and subsequent members
23 shall be nominated at subsequent statewide primary elections
1 and elected at subsequent statewide general elections. Except
2 as provided in this section, such elections shall be conducted
3 pursuant to the Election Act.

4 (3) Vacancies in office for elected members shall occur
5 as set forth in section 32-560. Whenever any such vacancy occurs,
6 the remaining elected members of such council shall appoint an
7 individual residing within the geographical boundaries of the
8 subcouncil district for the balance of the unexpired term.

9 (4) Members elected to represent odd-numbered districts
10 in the first election for the learning community coordinating
11 council shall be elected for two-year terms. Members elected
12 to represent even-numbered districts in the first election for
13 the learning community coordinating council shall be elected for
14 four-year terms. Members elected in subsequent elections shall be
15 elected for four-year terms and until their successors are elected
16 and qualified.

17 (5) The appointed members shall be appointed in November
18 of each even-numbered year after the general election. Appointed
19 members shall be school board members of school districts in the
20 learning community either elected to take office the following
21 January or continuing their current term of office for the
22 following two years. For learning communities to be established
23 the following January pursuant to orders issued pursuant to section
24 79-2102, the Secretary of State shall hold a meeting of the school
25 board members of the school districts in such learning community to
26 appoint one member from such school boards to represent each of the
27 subcouncil districts on the coordinating council of such learning
1 community. For subsequent appointments, the current appointed
2 members of the coordinating council shall hold a meeting of
3 the school board members of such school districts to appoint one
4 member from such school boards to represent each of the subcouncil
5 districts on the coordinating council of the learning community.
6 The appointed members shall be selected by the school board members
7 of the school districts in the learning community who reside in the
8 subcouncil district to be represented pursuant to a secret ballot,
9 shall reside in the subcouncil district to be represented, and
10 shall be appointed for two-year terms and until their successors
11 are appointed and qualified.

12 (6) Vacancies in office for appointed members shall occur
13 upon the resignation, death, or disqualification from office of

14 an appointed member. Disqualification from office shall include
 15 ceasing membership on the school board for which membership
 16 qualified the member for the appointment to the learning community
 17 coordinating council or ceasing to reside in the subcouncil
 18 district represented by such member of the learning community
 19 coordinating council. Whenever such vacancy occurs, the remaining
 20 appointed members shall hold a meeting of the school board members
 21 of the school districts in such learning community to appoint a
 22 member from such school boards who lives in the subcouncil district
 23 to be represented to serve for the balance of the unexpired term.

24 (7) Each learning community coordinating council shall
 25 also have a nonvoting member from each member school district which
 26 does not have either an elected or an appointed member who resides
 27 in the school district on the council. Such nonvoting members
 1 shall be appointed by the school board of the school district
 2 to be represented to serve for two-year terms, and notice of the
 3 nonvoting member selected shall be submitted to the Secretary of
 4 State by such board prior to December 31 of each even-numbered
 5 year. Each such nonvoting member shall be a resident of the
 6 appointing school district and shall not be a school administrator
 7 employed by such school district. Whenever a vacancy occurs, the
 8 school board of such school district shall appoint a new nonvoting
 9 member and submit notice to the Secretary of State and to the
 10 learning community coordinating council.

11 (8) Members of a learning community coordinating council
 12 shall take office on the first Thursday after the first Tuesday
 13 in January following their election or appointment, except that
 14 members appointed to fill vacancies shall take office immediately
 15 following administration of the oath of office. Each voting member
 16 elected or appointed prior to the effective date of this act shall
 17 be paid a per diem in an amount determined by such council up to
 18 two hundred dollars per day for official meetings of the council
 19 and the achievement subcouncil for which he or she is a member,
 20 for meetings that occur during the term of office for which the
 21 election or appointment of the member took place prior to the
 22 effective date of this act up to a maximum of twelve thousand
 23 dollars per fiscal year. Each voting member, ~~and~~ shall be eligible
 24 for reimbursement of reasonable expenses related to service on the
 25 learning community coordinating council.

26 Sec. 2. Original section 32-546.01, Revised Statutes
 27 Supplement, 2009, is repealed.

1 Sec. 3. Since an emergency exists, this act takes effect
 2 when passed and approved according to law.

3 2. On page 1, line 3, strike "eliminate" and insert
 4 "terminate" and strike "and"; and in line 4 after "section" insert
 5 "; and to declare an emergency".

LEGISLATIVE BILL 763. Placed on Select File.

LEGISLATIVE BILL 1087. Placed on Select File with amendment.
ER8181

- 1 1. On page 1, line 2, strike "and 79-1140" and insert
- 2 "79-1125.01, and 79-1142"; and in line 7 after the second semicolon
- 3 insert "to provide an operative date;".

(Signed) Jeremy Nordquist, Chairperson

GENERAL FILE

LEGISLATIVE BILL 882. Title read. Considered.

SPEAKER FLOOD PRESIDING

PRESIDENT SHEEHY PRESIDING

Committee AM1853, found on page 573, was considered.

Senator Rogert renewed his amendment, AM2074, found on page 730, to the committee amendment.

The Rogert amendment was adopted with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

The committee amendment, as amended, was adopted with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 5 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 956. Title read. Considered.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 6 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 877. Title read. Considered.

Committee AM1877, found on page 559, was adopted with 36 ayes, 0 nays, 6 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 9 present and not voting, and 7 excused and not voting.

COMMITTEE REPORTS

General Affairs

LEGISLATIVE BILL 906. Placed on General File with amendment.
AM2056

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

3 Section 1. Section 53-133, Revised Statutes Cumulative
4 Supplement, 2008, is amended to read:

5 53-133 (1) The commission shall set for hearing before
6 it any application for a retail license, craft brewery license, or
7 microdistillery license relative to which it has received:

8 (a) Within forty-five days after the date of receipt
9 of such application by the city, village, or county clerk, a
10 recommendation of denial from the city, village, or county;

11 (b) Within ten days after the receipt of a recommendation
12 from the city, village, or county, or, if no recommendation is
13 received, within forty-five days after the date of receipt of
14 such application by the city, village, or county clerk, objections
15 in writing by not less than three persons residing within such
16 city, village, or county, protesting the issuance of the license.
17 Withdrawal of the protest does not prohibit the commission from
18 conducting a hearing based upon the protest as originally filed and
19 making an independent finding as to whether the license should or
20 should not be issued; ~~or~~

21 (c) Within forty-five days after the date of receipt of
22 such application by the city, village, or county clerk, objections
23 by the commission or any duly appointed employee of the commission,
1 protesting the issuance of the license; ~~or~~

2 (d) An indication on the application that the location of
3 a proposed retail establishment is within one hundred fifty feet of
4 a church as described in subsection (2) of section 53-177.

5 (2) Hearings upon such applications shall be in the
6 following manner: Notice indicating the time and place of such
7 hearing shall be mailed to the applicant, the local governing body,
8 ~~and~~ each individual protesting a license pursuant to subdivision
9 (1)(b) of this section, and any church affected as described in
10 subdivision (1)(d) of this section, by certified mail, return
11 receipt requested, at least fifteen days prior to such hearing.
12 The notice shall state that the commission will receive evidence
13 for the purpose of determining whether to approve or deny the
14 application. Mailing to the attorney of record of a party shall be
15 deemed to fulfill the purposes of this section. The commission may
16 receive evidence, including testimony and documentary evidence, and
17 may hear and question witnesses concerning the application.

18 Sec. 2. Section 53-177, Revised Statutes Supplement,
19 2009, is amended to read:

20 53-177 (1) ~~No~~ Except as otherwise provided in subsection
21 (2) of this section, no license shall be issued for the sale at

22 retail of any alcoholic liquor within one hundred ~~and~~ fifty feet of
 23 any church, school, hospital, or home for aged or indigent persons
 24 or for veterans, their wives or children. This prohibition does not
 25 apply (a) to any location within such distance of one hundred ~~and~~
 26 fifty feet for which a license to sell alcoholic liquor at retail
 27 has been granted by the Nebraska Liquor Control Commission for two
 1 years continuously prior to making of application for license and
 2 (b) to hotels offering restaurant service, to regularly organized
 3 clubs, or to restaurants, food shops, or other places where sale of
 4 alcoholic liquor is not the principal business carried on, if such
 5 place of business so exempted was established for such purposes
 6 prior to May 24, 1935.

7 (2) If a proposed location for the sale at retail of
 8 any alcoholic liquor is within one hundred fifty feet of any
 9 church, a license may be issued if the commission gives notice to
 10 the affected church and holds a hearing as prescribed in section
 11 53-133.

12 ~~(2)~~ (3) No alcoholic liquor, other than beer, shall be
 13 sold for consumption on the premises within three hundred feet from
 14 the campus of any college or university in the state, except that
 15 this section:

16 (a) Does not prohibit a nonpublic college or university
 17 from contracting with an individual or corporation holding a
 18 license to sell alcoholic liquor at retail for the purpose of
 19 selling alcoholic liquor at retail on the campus of such college
 20 or university at events sanctioned by such college or university
 21 but does prohibit the sale of alcoholic liquor at retail by such
 22 licensee on the campus of such nonpublic college or university at
 23 student activities or events; and

24 (b) Does not prohibit sales of alcoholic liquor by a
 25 community college culinary education program pursuant to section
 26 53-124.15.

27 Sec. 3. Original section 53-133, Revised Statutes
 1 Cumulative Supplement, 2008, and section 53-177, Revised Statutes
 2 Supplement, 2009, are repealed.

LEGISLATIVE BILL 1013. Placed on General File with amendment.
 AM1996

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

3 Section 1. Section 9-647, Reissue Revised Statutes of
 4 Nebraska, is amended to read:

5 9-647 No lottery shall be conducted between the hours of
 6 ~~1 a.m. and 6 a.m.~~ during which alcoholic liquor may not be sold or
 7 dispensed pursuant to section 53-179.

8 Sec. 2. Section 53-179, Reissue Revised Statutes of
 9 Nebraska, is amended to read:

10 53-179 (1) No alcoholic liquor, including beer, shall be
 11 sold at retail or dispensed on any day between the hours of 1 a.m.

12 and 6 a.m., ~~except that the~~ ~~The~~ local governing body of any city
 13 or village with respect to area inside the corporate limits of such
 14 city or village, or the county board with respect to area outside
 15 the corporate limits of any city or village, may by ordinance or
 16 resolution ~~require~~ adopted by a vote of at least sixty percent of
 17 the members of such local governing body or county board permit
 18 closing prior to 1 at 2 a.m. on any day.

19 (2) Except as provided for and allowed by ordinance of a
 20 local governing body applicable to area inside the corporate limits
 21 of a city or village or by resolution of a county board applicable
 22 to area inside such county and outside the corporate limits of any
 23 city or village, no alcoholic liquor, including beer, shall be sold
 1 at retail or dispensed between the hours of 6 a.m. Sunday and 1
 2 a.m. Monday. No ordinance or resolution allowed by this subsection
 3 shall permit alcoholic liquor, other than beer and wine, to be
 4 sold at retail or dispensed between the hours of 6 a.m. Sunday
 5 and 12 noon Sunday. This subsection shall not apply after 12 noon
 6 on Sunday to a licensee which is a nonprofit corporation and the
 7 holder of a Class C license or a Class I license.

8 (3) It shall be unlawful on property licensed to sell
 9 alcoholic liquor at retail to allow alcoholic liquor in open
 10 containers to remain or be in possession or control of any person
 11 for purposes of consumption between the hours of ~~4:15 a.m.~~ fifteen
 12 minutes after the closing hour applicable to the licensed premises
 13 and 6 a.m. on any day. When any city or village provides by
 14 ordinance or any county provides by resolution for an earlier
 15 closing hour, the provisions of this subsection shall become
 16 effective fifteen minutes after such closing hour instead of 1:15
 17 a.m.

18 (4) Nothing in this section shall prohibit licensed
 19 premises from being open for other business on days and hours
 20 during which the sale or dispensing of alcoholic liquor is
 21 prohibited by this section.

22 Sec. 3. Original sections 9-647 and 53-179, Reissue
 23 Revised Statutes of Nebraska, are repealed.

(Signed) Russ Karpisek, Chairperson

Judiciary

LEGISLATIVE BILL 510. Placed on General File with amendment.
 AM2095

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

3 Section 1. (1) In addition to all other costs assessed
 4 according to law, an assessment of one dollar shall be assessed for
 5 each conviction of a person for any misdemeanor or felony in county
 6 court or district court and each affirmation on appeal. No such
 7 assessment shall be collected in any juvenile court proceeding. No

8 county shall be liable for the assessment imposed pursuant to this
9 section. The assessments shall be remitted to the State Treasurer
10 on forms prescribed by the State Treasurer within ten days after
11 the end of the month.

12 (2) The State Treasurer shall credit the funds remitted
13 pursuant to subsection (1) of this section and section 83-184 to
14 the Department of Correctional Services Facility Cash Fund and the
15 Supreme Court Automation Cash Fund to pay for the initial costs in
16 implementing this legislative bill, in amounts to be determined by
17 the Department of Correctional Services and the Supreme Court and
18 certified to the State Treasurer. When such costs are fully
19 reimbursed, the State Treasurer shall distribute seventy-five
20 percent of such funds to the Victim's Compensation Fund to be
21 awarded as compensation for losses and expenses allowable under
22 the Nebraska Crime Victim's Reparations Act and shall distribute
23 twenty-five percent of such funds to the Reentry Cash Fund.

1 Sec. 2. Section 29-2207, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 29-2207 In every case of conviction of any person for
4 any felony or misdemeanor, it shall be the duty of the court
5 or magistrate to render judgment for the costs of prosecution
6 against the person convicted and remit the assessment as provided
7 in section 1 of this act.

8 Sec. 3. In every case of appeal of a conviction of any
9 person for any felony or misdemeanor to the district court, Court
10 of Appeals, or Supreme Court that is affirmed, the court shall
11 remit the assessment as provided in section 1 of this act.

12 Sec. 4. Section 81-1835, Revised Statutes Supplement,
13 2009, is amended to read:

14 81-1835 The Victim's Compensation Fund is created. The
15 fund shall be used to pay awards or judgments under the Nebraska
16 Crime Victim's Reparations Act other than distributions from the
17 Community Trust. The fund shall include deposits pursuant to
18 sections 29-2286, 81-1836, ~~and~~ 83-183.01, and 83-184 and section 1
19 of this act and donations or contributions from public or private
20 sources and shall be in such amount as the Legislature shall
21 determine to be reasonably sufficient to meet anticipated claims.
22 When the amount of money in the fund is not sufficient to pay any
23 awards or judgments under the act, the Director of Administrative
24 Services shall immediately advise the Legislature and request an
25 emergency appropriation to satisfy such awards and judgments. Any
26 money in the fund available for investment shall be invested by the
27 state investment officer pursuant to the Nebraska Capital Expansion
1 Act and the Nebraska State Funds Investment Act.

2 Sec. 5. Section 83-184, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 83-184 (1) When the conduct, behavior, mental attitude,
5 and conditions indicate that a person committed to the department
6 and the general society of the state will be benefited, and there

7 is reason to believe that the best interests of the people of the
 8 state and the person committed to the department will be served
 9 thereby, in that order, and upon the recommendation of the ~~Board of~~
 10 ~~Parole board~~ in the case of each committed offender, the ~~Director~~
 11 ~~of Correctional Services-director~~ may authorize such person, under
 12 prescribed conditions, to:

13 (a) Visit a specifically designated place or places and
 14 return to the same or another facility. An extension of limits
 15 may be granted to permit a visit to a dying relative, attendance
 16 at the funeral of a relative, the obtaining of medical services,
 17 the contacting of prospective employers, or for any other reason
 18 consistent with the public interest; or

19 (b) Work at paid employment or participate in a training
 20 program in the community on a voluntary basis whenever:

21 (i) Such paid employment will not result in the
 22 displacement of employed workers, or be applied in skills, crafts,
 23 or trades in which there is a surplus of available gainful labor in
 24 the locality, or impair existing contracts for services; and

25 (ii) The rates of pay and other conditions of employment
 26 will not be less than those paid or provided for work of similar
 27 nature in the locality in which the work is to be performed.

1 (2) The wages earned by a person authorized to work
 2 at paid employment in the community under the provisions of this
 3 section shall be credited by the chief executive officer of the
 4 facility to such person's wage fund. The director shall authorize
 5 the chief executive officer to withhold up to five percent of such
 6 person's net wages. The funds withheld pursuant to this subsection
 7 shall be remitted to the State Treasurer for credit as provided in
 8 subsection (2) of section 1 of this act.

9 (3) A person authorized to work at paid employment
 10 in the community under the provisions of this section may be
 11 required to pay, and the ~~Director of Correctional Services-director~~
 12 is authorized to collect, such costs incident to the person's
 13 confinement as the ~~Director of Correctional Services-director~~ deems
 14 appropriate and reasonable. Collections shall be deposited in the
 15 state treasury as miscellaneous receipts.

16 (4) The willful failure of a person to remain within
 17 the extended limits of his or her confinement or to return within
 18 the time prescribed to a facility designated by the ~~Director of~~
 19 ~~Correctional Services-director~~ may be deemed an escape from custody
 20 punishable as provided in section 28-912.

21 (5) No person employed in the community under the
 22 provisions of this section or otherwise released shall, while
 23 working in such employment in the community or going to or from
 24 such employment or during the time of such release, be deemed to be
 25 an agent, employee, or servant of the state.

26 Sec. 6. The Reentry Cash Fund is created. The fund shall
 27 be administered by the Department of Correctional Services. The
 1 State Treasurer shall credit funds remitted pursuant to section

2 83-184 and section 1 of this act and donations or contributions
 3 from public or private sources to the Reentry Cash Fund. The
 4 fund shall be used by the department for tuition, fees, and other
 5 costs associated with reentry and reintegration programs offered to
 6 offenders that are placed in the incarceration work camp. Any money
 7 in the fund available for investment shall be invested by the state
 8 investment officer pursuant to the Nebraska Capital Expansion Act
 9 and the Nebraska State Funds Investment Act.

10 Sec. 7. The Revisor of Statutes shall assign section 3 of
 11 this act to Chapter 29, article 23, and section 6 of this act to
 12 Chapter 83.

13 Sec. 8. Original sections 29-2207 and 83-184, Reissue
 14 Revised Statutes of Nebraska, and section 81-1835, Revised Statutes
 15 Supplement, 2009, are repealed.

LEGISLATIVE BILL 800. Placed on General File with amendment.
 AM2109 is available in the Bill Room.

LEGISLATIVE BILL 901. Placed on General File with amendment.
 AM1926 is available in the Bill Room.

(Signed) Brad Ashford, Chairperson

AMENDMENT - Print in Journal

Senator Loudon filed the following amendment to LB836:
 AM2115

(Amendments to Standing Committee amendments, AM1864)

- 1 1. Insert the following new sections:
- 2 Section 1. Section 37-201, Revised Statutes Supplement,
- 3 2009, is amended to read:
- 4 37-201 Sections 37-201 to 37-811 and section 5 of this
- 5 act shall be known and may be cited as the Game Law.
- 6 Sec. 4. Section 37-559, Reissue Revised Statutes of
- 7 Nebraska, is amended to read:
- 8 37-559 (1) Any farmer or rancher owning or operating a
- 9 farm or ranch may destroy or have destroyed any predator preying
- 10 on livestock or poultry or causing other agricultural depredation
- 11 on land owned or controlled by him or her without a permit issued
- 12 by the commission. For purposes of this subsection, predator means
- 13 a badger, bobcat, coyote, gray fox, long-tailed weasel, mink,
- 14 opossum, raccoon, red fox, or skunk.
- 15 (2) Any farmer or rancher owning or operating a farm or
- 16 ranch, or his or her agent, may kill a mountain lion immediately
- 17 without prior notice to or permission from the commission if he
- 18 or she encounters a mountain lion and the mountain lion is in
- 19 the process of stalking, killing, or consuming livestock on the
- 20 farmer's or rancher's property. The farmer or rancher or his or her
- 21 agent shall be responsible for immediately notifying the commission

22 and arranging with the commission to transfer the mountain lion to
 1 the commission.

2 (3) Any person shall be entitled to defend himself or
 3 herself or another person without penalty if, in the presence of
 4 such person, a mountain lion stalks, attacks, or shows unprovoked
 5 aggression toward such person or another person.

6 ~~(2)-(4) This section shall not be construed to allow~~
 7 ~~such a farmer or rancher or his or her agent to destroy or have~~
 8 ~~destroyed species which are protected by the provisions of sections~~
 9 ~~37 314 and 37 501 to 37 503, the Nongame and Endangered Species~~
 10 ~~Conservation Act or rules and regulations adopted and promulgated~~
 11 ~~under the act, the federal Endangered Species Act of 1973, as~~
 12 ~~amended, 16 U.S.C. 1531 et seq., the federal Fish and Wildlife~~
 13 ~~Coordination Act, as amended, 16 U.S.C. 661 et seq., the federal~~
 14 ~~Bald and Golden Eagle Protection Act, as amended, 16 U.S.C. 668 et~~
 15 ~~seq., the federal Migratory Bird Treaty Act, as amended, 16 U.S.C.~~
 16 ~~703 et seq., or rules and regulations adopted and promulgated~~
 17 ~~pursuant to such provisions, federal regulations under such federal~~
 18 ~~acts.~~

19 Sec. 5. (1) The commission may issue a permit for
 20 the killing of one or more mountain lions which are preying on
 21 livestock or poultry. The permit shall be valid for up to thirty
 22 days and shall require the commission to be notified immediately
 23 by the permit holder after the killing of a mountain lion and shall
 24 require the carcass to be transferred to the commission.

25 (2) To be eligible for a permit under this section, a
 26 farmer or rancher owning or operating a farm or ranch shall contact
 27 the commission to confirm that livestock or poultry on his or her
 1 property or property under his or her control has been subject
 2 to depredation by a mountain lion. The commission shall confirm
 3 that the damage was caused by a mountain lion prior to issuing
 4 the permit. The farmer or rancher shall be allowed up to thirty
 5 days, as designated by the commission, to kill the mountain lion
 6 on such property and shall notify the commission immediately after
 7 the killing of a mountain lion and arrange with the commission to
 8 transfer the mountain lion to the commission.

9 (3) The commission may adopt and promulgate rules and
 10 regulations to carry out this section.

11 2. Renumber the remaining sections and correct the
 12 repealer accordingly.

BILL ON FIRST READING

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

LEGISLATIVE BILL 937A. Introduced by Fischer, 43.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2009, First Special Session, LB 1, section 227; to change appropriations to aid in

carrying out the provisions of Legislative Bill 937, One Hundred First Legislature, Second Session, 2010; to repeal the original section; and to declare an emergency.

RESOLUTION

LEGISLATIVE RESOLUTION 352. Introduced by Adams, 24; Ashford, 20; Avery, 28; Campbell, 25; Carlson, 38; Coash, 27; Conrad, 46; Cook, 13; Cornett, 45; Council, 11; Dierks, 40; Dubas, 34; Fischer, 43; Flood, 19; Gay, 14; Giese, 17; Gloor, 35; Haar, 21; Hadley, 37; Hansen, 42; Harms, 48; Heidemann, 1; Howard, 9; Janssen, 15; Karpisek, 32; Krist, 10; Langemeier, 23; Lathrop, 12; Lautenbaugh, 18; Louden, 49; McCoy, 39; McGill, 26; Mello, 5; Nelson, 6; Nordquist, 7; Pankonin, 2; Pirsch, 4; Price, 3; Rogert, 16; Schilz, 47; Stuthman, 22; Sullivan, 41; Utter, 33; Wallman, 30; White, 8; Wightman, 36.

WHEREAS, on February 27, 2010, the United States four-man bobsled team won the gold medal in the 2010 Winter Olympics at the Whistler Sliding Centre in British Columbia, Canada; and

WHEREAS, the United States four-man bobsled team, made up of pilot Steven Holcomb, Justin Olsen, Steve Mesler, and Nebraska native Curt Tomasevicz, entered the Olympic games as the reigning world champions and continued their success by winning the Olympic gold medal, the first gold medal for the United States in the four-man bobsled competition since 1948; and

WHEREAS, Curt Tomasevicz is a native of Shelby, Nebraska; and

WHEREAS, Curt Tomasevicz's dedication to the sport and his years of practice and sacrifice were rewarded with the gold medal win.

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

1. That the Legislature congratulates Nebraska native Curt Tomasevicz and his teammates on winning a gold medal in the four-man bobsled competition at the 2010 Winter Olympics.

2. That a copy of this resolution be sent to Curt Tomasevicz.

Laid over.

VISITORS

Visitors to the Chamber were Taylor Weichman from Ainsworth; members of the Nebraska College of Technical Agriculture from Curtis; Senator Janssen's cousin, Mike Janssen, from Blair; and 84 fourth grade students, teachers, and sponsors from Norris Elementary, Omaha.

The Doctor of the Day was Dr. Rick Gustafson from Lincoln.

ADJOURNMENT

At 11:53 a.m., on a motion by Speaker Flood, the Legislature adjourned until 10:00 a.m., Tuesday, March 9, 2010.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-EIGHTH DAY - MARCH 9, 2010**LEGISLATIVE JOURNAL****ONE HUNDRED FIRST LEGISLATURE
SECOND SESSION****THIRTY-EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 9, 2010

PRAYER

The prayer was offered by Father Paul Rutten, Lincoln.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Sheehy presiding.

The roll was called and all members were present except Senators Harms and Pahls who were excused; and Senators Cornett, Lautenbaugh, and Loudon who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-seventh day was approved.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 258. Placed on Final Reading.

LEGISLATIVE BILL 689. Placed on Final Reading.

LEGISLATIVE BILL 735. Placed on Final Reading.

LEGISLATIVE BILL 764. Placed on Final Reading.

LEGISLATIVE BILL 768. Placed on Final Reading.

LEGISLATIVE BILL 799. Placed on Final Reading.

LEGISLATIVE BILL 805. Placed on Final Reading.

LEGISLATIVE BILL 821. Placed on Final Reading.

LEGISLATIVE BILL 888. Placed on Final Reading.

ST9078

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

1. In the E & R amendments, ER8170, on page 1, line 2, "section 21-2601" has been struck and "sections 21-2601 and 21-2654" inserted.

2. On page 1, line 6, "to change provisions relating to charging orders involving limited liability companies;" has been inserted after the first semicolon.

LEGISLATIVE BILL 926. Placed on Final Reading.

LEGISLATIVE BILL 1063. Placed on Final Reading.

LEGISLATIVE RESOLUTION 295CA. Placed on Final Reading.

(Signed) Jeremy Nordquist, Chairperson

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 1018. Placed on Select File with amendment.
ER8186 is available in the Bill Room.

LEGISLATIVE BILL 943. Placed on Select File with amendment.
ER8182

- 1 1. On page 1, line 4, strike "and"; and in line 5 before
- 2 the period insert "; and to declare an emergency".

LEGISLATIVE RESOLUTION 297CA. Placed on Select File with amendment.

ER8183

- 1 1. On page 3, line 9, strike the first comma and insert
- 2 "or".

LEGISLATIVE BILL 1051. Placed on Select File.

LEGISLATIVE BILL 727. Placed on Select File.

LEGISLATIVE BILL 888A. Placed on Select File.

LEGISLATIVE BILL 952. Placed on Select File with amendment.
ER8185

- 1 1. On page 4, line 1, strike the period and insert an
- 2 underscored semicolon.

LEGISLATIVE BILL 882. Placed on Select File with amendment.
ER8184

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 54-744, Revised Statutes Supplement,
- 4 2009, is amended to read:
- 5 54-744 (1) Except as set out in subsections (2) and
- 6 (3) of this section and section 54-776, it is the duty of the
- 7 owner or custodian of any dead animal to cause such animal, within
- 8 thirty-six hours after receiving knowledge of the death of such
- 9 animal, to be buried at least four feet below the surface of the
- 10 ground or to be completely burned on the premises where such animal

11 ~~dies unless the animal is disposed of to a duly licensed rendering~~
12 ~~establishment in this state. Such animal shall not be moved or~~
13 ~~transported from the premises where such animal has died except by~~
14 ~~the authorized agents and employees of the rendering establishment~~
15 ~~to which such carcass is disposed.~~

16 (a) Buried at least four feet below the surface of the
17 ground or completely incinerated or composted on the premises where
18 such animal dies or on an adjacent property under the ownership and
19 control of the owner or custodian. Any vehicle used by the owner
20 or custodian to transport such dead animal shall be constructed
21 in such a manner that the contents are covered and will not
22 fall, leak, or spill therefrom. Violation of this subdivision is a
23 traffic infraction as defined in section 60-672; or

1 (b) Transported by a licensed rendering establishment to
2 either a rendering establishment licensed under the Nebraska Meat
3 and Poultry Inspection Law or to a facility with a permit to
4 operate as a landfill under the Integrated Solid Waste Management
5 Act. The operator of a landfill is not required by this subdivision
6 to accept dead animals.

7 (2) ~~Livestock carcasses up to six hundred pounds may~~
8 ~~be incorporated into a composting facility on the premises where~~
9 ~~the livestock died and shall remain in such compost facility~~
10 ~~until completely composted before spreading on land. Any person~~
11 ~~incorporating livestock carcasses into a composting facility shall~~
12 ~~follow the operating procedures as set forth in the Journal of~~
13 ~~the American Veterinary Medical Association, Volume 210, No. 8.~~
14 ~~Not less than one copy of such journal, or portion thereof,~~
15 ~~shall be filed for use and examination by the public in the~~
16 ~~offices of the Clerk of the Legislature and the Secretary of~~
17 ~~State. The Department of Agriculture shall regulate the composting~~
18 ~~of livestock carcasses and shall adopt and promulgate rules~~
19 ~~and regulations governing the same. Any person incorporating~~
20 ~~livestock carcasses into a composting facility shall follow the~~
21 ~~operating procedures established by the Department of Agriculture~~
22 ~~in consultation with the University of Nebraska Institute of~~
23 ~~Agriculture and Natural Resources. -which rules and regulations~~
24 ~~may incorporate or may modify the operating procedures set forth in~~
25 ~~this subsection.~~

26 (3) An animal carcass or carcass part may be transported
27 by the owner or the owner's agent to a veterinary clinic
1 or veterinary diagnostic laboratory for purposes of performing
2 diagnostic procedures.

3 (4) In addition to methods listed in subsections (1)
4 and (2) of this section, animal carcasses or carcass parts may
5 be disposed of by a veterinary clinic or veterinary diagnostic
6 laboratory by alkaline hydrolysis tissue digestion. For purposes
7 of this section, alkaline hydrolysis tissue digestion means a
8 process that utilizes an alkaline agent and heat to catalyze the
9 decomposition and reduction of biological tissues. This section

10 shall not exempt the products of alkaline hydrolysis tissue
 11 digestion from any applicable law, rule, or regulation governing
 12 disposal of wastes.
 13 ~~(4)~~(5) Carcasses disposed of in compliance with this
 14 section or section 54-744.01 are exempt from the requirements for
 15 disposal of solid waste under the Integrated Solid Waste Management
 16 Act.

17 Sec. 2. This act becomes operative on October 1, 2010.

18 Sec. 3. Original section 54-744, Revised Statutes
 19 Supplement, 2009, is repealed.

20 2. On page 1, line 3, after the semicolon insert "to
 21 provide a penalty; to provide an operative date;".

LEGISLATIVE BILL 956. Placed on Select File with amendment.
 ER8187

- 1 1. On page 19, line 5, strike "subdivision (2) of" and
- 2 show as stricken.
- 3 2. On page 24, line 6, strike "section" and insert "act".

LEGISLATIVE BILL 877. Placed on Select File with amendment.
 ER8188

- 1 1. On page 1, line 1, after "sections" insert
- 2 "77-202.04,"; and in line 3 strike "and 77-5016" and insert
- 3 "77-5016, 77-5018, and 77-5019".

(Signed) Jeremy Nordquist, Chairperson

COMMITTEE REPORTS

Natural Resources

LEGISLATIVE BILL 862. Placed on General File with amendment.
 AM2004

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 2-3226.01, Revised Statutes Cumulative
- 4 Supplement, 2008, is amended to read:
- 5 2-3226.01 (1) In order to implement its duties and
- 6 obligations under the Nebraska Ground Water Management and
- 7 Protection Act and in addition to other powers authorized by law,
- 8 the board of a district with jurisdiction that ~~includes a river~~
- 9 ~~subject to an interstate compact among three or more states and~~
- 10 ~~that also includes one or more irrigation districts within the~~
- 11 ~~compact is part of a river basin for which the district has, in~~
- 12 accordance with section 46-715, adopted an integrated management
- 13 plan which references section 2-3226.04 and explicitly states
- 14 its intent to utilize qualified projects described in section
- 15 2-3226.04 may issue negotiable bonds and refunding bonds of the
- 16 district and entitled river-flow enhancement bonds, with terms
- 17 determined appropriate by the board, payable by (a) funds granted

18 to such district by the state or federal government for one or
19 more qualified projects, (b) the occupation tax authorized by
20 section 2-3226.05, or (c) the levy authorized by section 2-3225.
21 The district may issue the bonds or refunding bonds directly,
22 or such bonds may be issued by any joint entity as defined
23 in section 13-803 whose member public agencies consist only of
1 qualified natural resources districts or by any joint public
2 agency as defined in section 13-2503 whose participating public
3 agencies consist only of qualified natural resources districts, in
4 connection with any joint project which is to be owned, operated,
5 or financed by the joint entity or joint public agency for the
6 benefit of its member natural resources districts. For the payment
7 of such bonds or refunding bonds, the district may pledge one or
8 more permitted payment sources.

9 (2) Within forty-five days after receipt of a written
10 request by the Natural Resources Committee of the Legislature, the
11 qualified natural resources districts shall submit a written report
12 to the committee containing an explanation of existing or planned
13 activities for river-flow enhancement, the revenue source for
14 implementing such activities, and a description of the estimated
15 benefit or benefits to the district or districts.

16 (3) Beginning on April 1, 2008, if a district uses the
17 proceeds of a bond issued pursuant to this section for the purposes
18 described in subdivision (1) of section 2-3226.04 or the state
19 uses funds for those same purposes, the agreement to acquire water
20 rights by purchase or lease pursuant to such subdivision shall
21 identify (a) the method of payment, (b) the distribution of funds
22 by the party or parties receiving payments, (c) the water use or
23 rights subject to the agreement, and (d) the water use or rights
24 allowed by the agreement. If any irrigation district is party
25 to the agreement, the irrigation district shall allocate funds
26 received under such agreement among its users or members in a
27 reasonable manner, giving consideration to the benefits received
1 and the value of the rights surrendered for the specified contract
2 period.

3 Sec. 2. Section 2-3226.05, Revised Statutes Cumulative
4 Supplement, 2008, is amended to read:

5 2-3226.05 (1) The district may levy an occupation tax
6 upon the activity of irrigation of agricultural lands within
7 such district on an annual basis, not to exceed ten dollars per
8 irrigated acre, the proceeds of which may be used for the purpose
9 of ~~(a) repaying principal and interest on any bonds or refunding~~
10 ~~bonds issued pursuant to section 2-3226.01 for one or more projects~~
11 ~~under section 2-3226.04, (b) or for the repayment of financial~~
12 ~~assistance received by the district pursuant to section 2-3226.07,~~
13 ~~or (c) payment of all or any part of the costs and expenses of~~
14 ~~one or more qualified projects described in section 2-3226.04. If~~
15 ~~such district has more than one river basin as described in section~~
16 ~~2-1504 within its jurisdiction, such district shall confine such~~

17 occupation tax authorized in this section to the geographic area
 18 affected by an integrated management plan adopted in accordance
 19 with section 46-715.

20 (2) Acres classified by the county assessor as irrigated
 21 shall be subject to such district's occupation tax unless, on or
 22 before July 1, 2007, and on or before March 1 in each subsequent
 23 year, the record owner certifies to the district the nonirrigation
 24 status of such acres.

25 (3) Any such occupation tax shall remain in effect so
 26 long as the natural resources district has bonds outstanding which
 27 have been issued stating such occupation tax as an available source
 1 for payment and for the purpose of paying all or any part of the
 2 costs and expenses of one or more projects authorized pursuant to
 3 section 2-3226.04.

4 (4) Such occupation taxes shall be certified to,
 5 collected by, and accounted for by the county treasurer at the
 6 same time and in the same manner as general real estate taxes,
 7 and such occupation taxes shall be and remain a perpetual lien
 8 against such real estate until paid. Such occupation taxes shall
 9 become delinquent at the same time and in the same manner as
 10 general real property taxes. The county treasurer shall publish and
 11 post a list of delinquent occupation taxes with the list of real
 12 property subject to sale for delinquent property taxes provided
 13 for in section 77-1804. In addition, the list shall be provided to
 14 natural resources districts which levied the delinquent occupation
 15 taxes. The list shall include the record owner's name, the parcel
 16 identification number, and the amount of delinquent occupation tax.
 17 For services rendered in the collection of the occupation tax, the
 18 county treasurer shall receive the fee provided for collection of
 19 general natural resources district money under section 33-114.

20 (5) Such lien shall be inferior only to general taxes
 21 levied by political subdivisions of the state. When such occupation
 22 taxes have become delinquent and the real property on which the
 23 irrigation took place has not been offered at any tax sale, the
 24 district may proceed in district court in the county in which the
 25 real estate is situated to foreclose in its own name the lien
 26 in the same manner and with like effect as a foreclosure of a
 27 real estate mortgage, except that sections 77-1903 to 77-1917 shall
 1 govern when applicable.

2 Sec. 3. Original sections 2-3226.01 and 2-3226.05,
 3 Revised Statutes Cumulative Supplement, 2008, are repealed.

LEGISLATIVE BILL 1010. Placed on General File with amendment.
 AM2029

1 1. Strike the original sections and insert the following
 2 sections:

3 Section 1. Sections 1 to 7 of this act are procedures for
 4 the use of eminent domain by a natural resources district to take

5 private real property for a trail.

6 Sec. 2. For purposes of sections 1 to 7 of this act:

7 (1) Private real property does not include any public
8 land such as real property under the general management of the
9 Board of Educational Lands and Funds;

10 (2) District means a natural resources district;

11 (3) Trail means a thoroughfare or track across real
12 property used for recreational purposes; and

13 (4) Supermajority means sixty-seven percent or more.

14 Sec. 3. Before establishing a trail, the district shall
15 consider, at a public hearing, all of the following:

16 (1) The proposed route for the trail, including maps and
17 illustrations, and the mode of travel to be permitted;

18 (2) The areas adjacent to such route to be utilized
19 by the district for scenic, historic, natural, cultural, or
20 developmental purposes;

21 (3) The characteristics that make the proposed route
22 suitable as a trail;

23 (4) The plans for developing, operating, and maintaining
1 the proposed trail;

2 (5) Any anticipated problems enforcing the proper use of
3 the proposed trail or hazards to private real property adjacent to
4 such trail;

5 (6) The current status of the real property ownership and
6 current and potential use of the real property in and along the
7 proposed route;

8 (7) The estimated cost of acquisition of the real
9 property, or an interest therein, needed for the proposed route;
10 and

11 (8) The extent and type of private real property
12 interest needed to establish the proposed trail, the right-of-way
13 acquisition process to be followed, and the circumstances under
14 which eminent domain may be utilized.

15 Sec. 4. If the district decides to establish the trail
16 after following the procedure under section 3 of this act, the
17 district may acquire private real property, or an interest therein,
18 to develop and maintain the trail by:

19 (1) Seeking to secure the written consent of the
20 private real property owners affected by the trail to enter
21 into negotiations and proceeding in good faith to reach negotiated
22 agreements with such owners for the private real property, or an
23 interest therein needed; or

24 (2) If all reasonable efforts to secure written consent
25 and negotiated agreements to acquire private real property, or
26 an interest therein, have failed, the district board may, by
27 resolution adopted by a supermajority of the district board at a
1 public meeting, elect to conduct a proceeding to determine whether
2 to use the power of eminent domain to acquire such property. Such
3 proceeding shall be a public hearing with general notice to the

4 public and specific notice by registered mail to all private real
5 property owners whose property would be subject to condemnation by
6 eminent domain. The public hearing shall be held no sooner than
7 forty-five days after the date the resolution is adopted. At the
8 public hearing, the district board shall receive evidence on the
9 question of whether to acquire private property by eminent domain
10 for the purpose of constructing the trail. The district board
11 may, by vote of a supermajority of its members, elect to proceed
12 with eminent domain to acquire such property if the district board
13 finds, by clear and convincing evidence received at the public
14 hearing, that all of the following criteria are met:

15 (a) Whether the trail has been publicized at a public
16 hearing held in accordance with section 3 of this act in the area
17 where the trail is planned and reasonable notice of the hearing was
18 provided to affected private real property owners;

19 (b) Whether good faith attempts to negotiate agreements
20 meeting the requirements of subdivision (1) of this section with
21 the affected private real property owners have been made and have
22 failed for some or all of the private real property that is
23 determined by the district board to be necessary for the trail to
24 be developed;

25 (c) Whether all other trail route alternatives have been
26 considered, with an evaluation of the extent to which private real
27 property may be involved and which may require the exercise of
1 eminent domain for each alternate route;

2 (d) Whether in locating the proposed trail consideration
3 was given to the directness of the route; trail design and costs;
4 safety to trail users, vehicle operators, and adjacent persons; and
5 adverse impacts and intrusions upon private real property owners or
6 persons using such property;

7 (e) Whether good faith attempts have been made to
8 address the concerns of affected private real property owners
9 regarding trail design, privacy, land protection, management, and
10 maintenance; and

11 (f) Whether any development and management of the trail
12 is designed to harmonize with and complement any established forest
13 or agricultural plan for the affected private real property.

14 Sec. 5. Acquisition of private real property, or an
15 interest therein, and any utilization of eminent domain approved
16 under sections 1 to 7 of this act to establish a proposed trail
17 shall be conducted in the manner and subject to the requirements
18 provided in sections 25-2501 to 25-2506 and 76-701 to 76-726.

19 Sec. 6. (1) A private real property owner or lessee
20 of property adjoining a trail has no duty (a) to maintain or
21 repair the trail or (b) to protect users of the trail from danger
22 resulting from conditions on the trail unless such conditions are
23 the result of an intentional or negligent act of such owner or
24 lessee.

25 (2) A negotiated written agreement between a district and
26 a private real property owner regarding the acquisition of real
27 property, or an interest therein, by the district to establish and
1 maintain a trail shall clearly express both parties' rights and
2 obligations, including the obligation of the district to maintain
3 the trail and the liability of the district for property damage or
4 personal injury, or both, to users of the trail.

5 Sec. 7. An affected private real property owner may
6 appeal the decision of the district board to use eminent domain
7 under sections 1 to 7 of this act by petition in error to the
8 district court of the county where the affected private real
9 property is located. No petition to condemn private real property
10 affected by the proposed trail shall be filed in county court until
11 any error proceeding under this section is final.

12 Sec. 8. Section 2-3234, Revised Statutes Supplement,
13 2009, is amended to read:

14 2-3234 Except as provided in section 2-3226.11 and
15 sections 1 to 7 of this act, each district shall have the
16 power and authority to exercise the power of eminent domain when
17 necessary to carry out its authorized purposes within the limits
18 of the district or outside its boundaries. Exercise of eminent
19 domain shall be governed by the provisions of sections 76-704 to
20 76-724, except that whenever any district seeks to acquire the
21 right to interfere with the use of any water being used for power
22 purposes in accordance with sections 46-204, 70-668, 70-669, and
23 70-672 and is unable to agree with the user of such water upon
24 the compensation to be paid for such interference, the procedure
25 to condemn property shall be followed in the manner set forth in
26 sections 76-704 to 76-724 and no other property shall be included
27 in such condemnation. No district shall contract for delivery of
1 water to persons within the corporate limits of any village, city,
2 or metropolitan utilities district, nor in competition therewith
3 outside such corporate limits, except by consent of and written
4 agreement with the governing body of such political subdivision.
5 A village, city, or metropolitan utilities district may negotiate
6 and, if necessary, exercise the power of eminent domain for the
7 acquisition of water supply facilities of the district which are
8 within its boundaries.

9 Sec. 9. The Revisor of Statutes shall assign sections 1
10 to 7 of this act within Chapter 2, article 32.

11 Sec. 10. Original section 2-3234, Revised Statutes
12 Supplement, 2009, is repealed.

13 Sec. 11. Since an emergency exists, this act takes effect
14 when passed and approved according to law.

(Signed) Chris Langemeier, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 353. Introduced by Flood, 19.

WHEREAS, the Elkhorn Valley Lady Falcons won the 2010 Class D-1 Girls' State Basketball Championship; and

WHEREAS, Elkhorn Valley earned a trip to the championship game by defeating previously unbeaten Silver Lake High School 62-51 in the state semifinals; and

WHEREAS, Elkhorn Valley then defeated East Butler High School 57-52 in the championship game, giving Elkhorn Valley its first state title in girls' basketball since 1982; and

WHEREAS, Elkhorn Valley's coaches, Brendan Dittmer and Kristi Werner, provided outstanding guidance and leadership throughout the season; and

WHEREAS, Elkhorn Valley team members include Lisa Henseleit, Kyleigh Parham, Jamie Henseleit, Sadie Rich, April Osborn, Halle Dittrich, Katie Dusel, Jennifer Crabb, Audrey Osborn, Sonya Legate, Cami Oelsigle, Lacey Kessler, and Emily Rood.

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

1. That the Legislature congratulates the Elkhorn Valley Lady Falcons on winning the 2010 Class D-1 Girls' State Basketball Championship.

2. That a copy of this resolution be sent to the Elkhorn Valley Lady Falcons and their coaches.

Laid over.

GENERAL FILE

LEGISLATIVE RESOLUTION 284CA. Read. Considered.

Committee AM1906, found on page 624, was considered.

Pending.

COMMITTEE REPORT

Urban Affairs

LEGISLATIVE BILL 977. Placed on General File with amendment. AM2100

- 1 1. Strike the original sections and insert the following
- 2 new section:
- 3 Section 1. Beginning January 1, 2015, any capital
- 4 improvement project undertaken by a state agency, a state
- 5 college, or the University of Nebraska shall achieve Energy
- 6 Star certification. If there is a conflict between Energy Star
- 7 requirements and the 2003 International Energy Conservation Code

8 made applicable to state buildings by section 72-805, the more
 9 stringent standard shall apply. For purposes of this section:
 10 (1) Capital improvement project means a project defined
 11 in subdivisions (1)(a) through (c) of section 81-188.02; and
 12 (2) Energy Star means the energy efficiency program of
 13 the United States Department of Energy and the United States
 14 Environmental Protection Agency.

(Signed) Amanda McGill, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 1106A. Introduced by Nordquist, 7.

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

RESOLUTIONS

LEGISLATIVE RESOLUTION 354. Introduced by Price, 3; McCoy, 39.

WHEREAS, Kyle Rhodes, of Troop 363, 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, Kyle 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 Eagle Scout community service project, Kyle made improvements to a slide and barn at a camp for disabled children; and

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

WHEREAS, Kyle, 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 Kyle Rhodes on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Kyle Rhodes.

Laid over.

LEGISLATIVE RESOLUTION 355. Introduced by Price, 3; Cornett, 45; Mello, 5.

WHEREAS, the Bellevue West Thunderbirds won the 2010 Class A Girls' State Basketball Championship; and

WHEREAS, Bellevue West defeated Millard West High School 51-38 in the championship game; and

WHEREAS, Bellevue West's victory gave the school its second straight state championship in Class A and third in the last four years; and

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

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

1. That the Legislature congratulates the Bellevue West Thunderbirds on winning the 2010 Class A Girls' State Basketball Championship.

2. That a copy of this resolution be sent to the Thunderbirds and their head coach, Matt Fritsche.

Laid over.

GENERAL FILE

LEGISLATIVE RESOLUTION 284CA. Committee AM1906, found on page 624 and considered in this day's Journal, was renewed.

SENATOR ROBERT PRESIDING

PRESIDENT SHEEHY PRESIDING

Pending.

MOTION - Print in Journal

Senators Heidemann, Conrad, Fulton, Hansen, Mello, Nelson, Nordquist, and Wightman filed the following motion:

Suspend the rules, Rule 8, Sec. 5, to allow the Appropriations Committee to place appropriations bills on General File later than the 40th legislative day and to permit the Legislature to pass the appropriations bills after the 50th legislative day.

RESOLUTIONS**LEGISLATIVE RESOLUTION 356.** Introduced by Gloor, 35.

WHEREAS, the Grand Island Senior High School wrestling team won the 2010 Class A State Wrestling Championship, the school's second team championship in a row; and

WHEREAS, the state championship capped off a dominating season for Grand Island Senior High School, with the team winning its district tournament for the fourth straight year and winning the Top of the Rockies Tournament in Lafayette, Colorado; and

WHEREAS, Grand Island Senior High School had five individual champions and eleven individual medalists in scoring 228.5 points to win the state championship; and

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

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

1. That the Legislature congratulates the Grand Island Senior High School wrestling team on winning the 2010 Class A State Wrestling Championship.

2. That a copy of this resolution be sent to the Grand Island Senior High School wrestling team and their coach, Mike Schadwinkel.

Laid over.

LEGISLATIVE RESOLUTION 357. Introduced by Adams, 24.

WHEREAS, the Seward Bluejays girls' basketball team won the 2010 Class B Girls' State Basketball Championship at the Bob Devaney Sports Complex in Lincoln on March 6; and

WHEREAS, the Seward Bluejays won back-to-back state championships and two perfect winning seasons; and

WHEREAS, the Bluejays beat the second ranked Gretna Dragons 68-45, capping off two perfect seasons with fifty straight wins; and

WHEREAS, the Seward Bluejays had a twenty-six-point average winning margin over their opponents this season.

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

1. That the Legislature congratulates Coach Tom Tvrdy and the Seward Bluejays girls' basketball team for winning the 2010 Class B Girls' State Basketball Championship.

2. That a copy of this resolution be sent to Coach Tvrdy.

Laid over.

LEGISLATIVE RESOLUTION 358. Introduced by Howard, 9.

WHEREAS, an estimated 463,000 children are in out-of-home care in the United States; and

WHEREAS, National Foster Care Month has been celebrated throughout the United States since 1988; and

WHEREAS, the purpose of National Foster Care Month is to increase awareness about the needs of children and teens in foster care, issue a national call to action for individuals to create a positive impact on the lives of children in out-of-home care, raise positive awareness about the issues involved in the foster care system, and support year-round efforts of agencies and organizations involved in foster care; and

WHEREAS, National Foster Care Month recognizes the caring commitment of foster care families throughout the United States; and

WHEREAS, National Foster Care Month also recognizes the significant challenges within the system and looks toward future solutions; and

WHEREAS, the theme of National Foster Care Month 2010 is to encourage individuals to give any time they can to do something positive that will change a life for a child in foster care.

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

1. That the Legislature recognizes May 2010 as Foster Care Month in Nebraska and encourages communities to participate in activities designed to increase public awareness about foster care and rally around Nebraska's most vulnerable children.

2. That a copy of this resolution be sent to the Department of Health and Human Services.

Laid over.

LEGISLATIVE RESOLUTION 359. Introduced by Nelson, 6; Adams, 24; Carlson, 38; Cook, 13; Giese, 17; Janssen, 15; Nordquist, 7; Pirsch, 4; Wightman, 36.

WHEREAS, March 12, 2010, marks the 98th anniversary of Girl Scouts of the USA, founded by Juliette Gordon Low in 1912 in Savannah, Georgia; and

WHEREAS, throughout its distinguished history, Girl Scouting has inspired millions of girls and women with courage, confidence, and character to make the world a better place; and

WHEREAS, through the Girl Scout Leadership Experience, girls develop the skills that will serve them throughout their lives so that they may contribute to their communities; and

WHEREAS, Girl Scouting increases girls' awareness of the opportunities in math, science, sports, technology, and many other fields of interest that can expand their horizons; and

WHEREAS, more than three million current Girl Scout members nationwide will be celebrating this American tradition and welcoming girls from every background to join.

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

1. That the Legislature recognizes the importance of Girl Scouting in the leadership development of America's girls.

2. That the Legislature recognizes the week of March 7, 2010, as Girl Scout Week in Nebraska.

3. That a copy of this resolution be sent to Girl Scouts - Spirit of Nebraska.

Laid over.

LEGISLATIVE RESOLUTION 360. Introduced by Pirsch, 4.

WHEREAS, Matt Lenagh of Millard North High School won the 2010 Class A State Wrestling Championship in the 189-pound division; and

WHEREAS, Matt Lenagh defeated Alan Taylor of Grand Island Senior High School to win the state championship; and

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

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

1. That the Legislature congratulates Matt Lenagh on winning the 2010 Class A State Wrestling Championship in the 189-pound division.

2. That a copy of this resolution be sent to Matt Lenagh.

Laid over.

LEGISLATIVE RESOLUTION 361. Introduced by Pirsch, 4.

WHEREAS, Kevin Humphrey of Boys Town High School won the 2010 Class B State Wrestling Championship in the 160-pound division; and

WHEREAS, Kevin Humphrey defeated Bryce Lewis of Minden High School 9-7 to win the state championship; and

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

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

1. That the Legislature congratulates Kevin Humphrey on winning the 2010 Class B State Wrestling Championship in the 160-pound division.

2. That a copy of this resolution be sent to Kevin Humphrey.

Laid over.

LEGISLATIVE RESOLUTION 362. Introduced by Pirsch, 4.

WHEREAS, Kavon Jones of Boys Town High School won the 2010 Class B State Wrestling Championship in the 130-pound division; and

WHEREAS, Kavon Jones defeated Adam Joseph of Adams Central High School 10-6 to win the state championship; and

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

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

1. That the Legislature congratulates Kavon Jones on winning the 2010 Class B State Wrestling Championship in the 130-pound division.

2. That a copy of this resolution be sent to Kavon Jones.

Laid over.

LEGISLATIVE RESOLUTION 363. Introduced by Pirsch, 4.

WHEREAS, Shaquil Barrett of Boys Town High School won the 2010 Class B State Wrestling Championship in the 215-pound division; and

WHEREAS, Shaquil Barrett defeated Brock Sherman of Crete High School to win the state championship; and

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

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

1. That the Legislature congratulates Shaquil Barrett on winning the 2010 Class B State Wrestling Championship in the 215-pound division.

2. That a copy of this resolution be sent to Shaquil Barrett.

Laid over.

AMENDMENT - Print in Journal

Senator McGill filed the following amendment to LR295CA:
AM2114

(Amendments to Final Reading copy)

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

3 Section 1. At the primary election in May 2010 the
4 following proposed amendment to the Constitution of Nebraska shall
5 be submitted to the electors of the State of Nebraska for approval
6 or rejection:

7 To add a new section 4 to Article XIII:, is amended to read:

8 XIII-4 Notwithstanding any other provision in this

9 Constitution, the Legislature may also authorize any county, city,

10 or village to acquire, own, develop, and lease or finance real

11 and personal property, other than property used or to be used
 12 for sectarian instruction or study or as a place for devotional
 13 activities or religious worship, to be used, during the term of any
 14 revenue bonds issued, only by nonprofit enterprises as determined
 15 by law and to issue revenue bonds for the purpose of defraying
 16 the cost of acquiring and developing or financing such property
 17 by construction, purchase, or otherwise. Such bonds shall not
 18 become general obligation bonds of the governmental subdivision
 19 by which such bonds are issued, and such governmental subdivision
 20 shall have no authority to impose taxes for the payment of such
 21 bonds. Notwithstanding the provisions of Article VIII, section 2,
 22 of this Constitution, the acquisition, ownership, development, use,
 1 or financing of any real or personal property pursuant to the
 2 provisions of this section shall not affect the imposition of any
 3 taxes or the exemption therefrom by the Legislature pursuant to
 4 this Constitution. The acquiring, owning, developing, and leasing
 5 or financing of such property shall be deemed for a public purpose,
 6 but the governmental subdivision shall not have the right to
 7 acquire such property for the purposes specified in this section by
 8 condemnation. The principal of and interest on any bonds issued may
 9 be secured by a pledge of the lease and the revenue therefrom and
 10 by mortgage upon such property. No such governmental subdivision
 11 shall have the power to operate any such property as a business or
 12 in any manner except as the lessor thereof.

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

16 A constitutional amendment to authorize the use of
 17 revenue bonds to develop and lease property for use by nonprofit
 18 enterprises as determined by law.

19 For

20 Against.

UNANIMOUS CONSENT - Add Cointroducers

Senators Mello and Nordquist asked unanimous consent to add their names as cointroducers to LB563. No objections. So ordered.

Senator Pirsch asked unanimous consent to add his name as cointroducer to LB594. No objections. So ordered.

Senator Wallman asked unanimous consent to add his name as cointroducer to LB780. No objections. So ordered.

Senators Howard and Krist asked unanimous consent to add their names as cointroducers to LB1110. No objections. So ordered.

Senator Sullivan asked unanimous consent to add her name as cointroducer to LR353. No objections. So ordered.

VISITORS

Visitors to the Chamber were Kaitlin Grode from Omaha; 48 fourth-grade students and teachers from Avery Elementary, Bellevue; and 5 seventh- and eighth-grade students, teacher, and sponsor from St. Wenceslaus, Dodge.

RECESS

At 11:58 a.m., on a motion by Speaker Flood, the Legislature recessed until 1:30 p.m.

AFTER RECESS

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

ROLL CALL

The roll was called and all members were present except Senators Harms and Pahls who were excused; and Senators Coash, Cornett, and Sullivan who were excused until they arrive.

NOTICE OF COMMITTEE HEARING

Natural Resources

Room 1525

Friday, March 26, 2010 8:30 a.m.

Perry Van Newkirk - Nebraska Oil and Gas Conservation Commission

(Signed) Chris Langemeier, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 364. Introduced by Avery, 28.

WHEREAS, John Garver will celebrate his ninetieth birthday on March 26, 2010; and

WHEREAS, John Garver came to Nebraska in 1949 as a refugee from World War II era Poland; and

WHEREAS, John Garver worked for many years on the Chicago, Burlington and Quincy Railroad as a carman and freight car inspector, retiring in 1982; and

WHEREAS, for sixty years John Garver has lived in the same Lincoln home and attended St. Mary's Catholic Church across the street from the State Capitol; and

WHEREAS, the celebration of John Garver's ninetieth birthday is worthy of recognition by the Legislature.

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

1. That the Legislature wishes John Garver a very happy ninetieth birthday.

2. That a copy of this resolution be sent to John Garver's son, Jim Garver.

Laid over.

LEGISLATIVE RESOLUTION 365. Introduced by Avery, 28.

WHEREAS, Chase White won the 2010 Class A State Wrestling Championship in the 145-pound division; and

WHEREAS, Chase White, a senior at Lincoln High School, defeated Tyler Harris of Millard South High School with a 12-3 major decision to win the state championship; and

WHEREAS, Chase White's victory in the state championship came at the end of an undefeated season; and

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

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

1. That the Legislature congratulates Chase White on winning the 2010 Class A State Wrestling Championship in the 145-pound division.

2. That a copy of this resolution be sent to Chase White.

Laid over.

MOTION - Override Veto on LB867

Senator Karpisek renewed his motion, MO86, found on page 752, that LB867 becomes law notwithstanding the objections of the Governor.

Senator Karpisek moved for a call of the house. The motion prevailed with 40 ayes, 0 nays, and 9 not voting.

SPEAKER FLOOD PRESIDING

Senator Karpisek requested a roll call vote on his motion to override the Governor's veto.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 38:

Ashford	Council	Gloor	Langemeier	Rogert
Avery	Dierks	Haar	Lautenbaugh	Schilz
Campbell	Dubas	Hadley	Louden	Utter
Carlson	Fischer	Heidemann	McGill	Wallman
Christensen	Flood	Howard	Mello	White
Conrad	Fulton	Janssen	Nordquist	Wightman
Cook	Gay	Karpisek	Pankonin	
Cornett	Giese	Krist	Price	

Voting in the negative, 9:

Adams	Hansen	McCoy	Pirsch	Sullivan
Coash	Lathrop	Nelson	Stuthman	

Excused and not voting, 2:

Harms	Pahls
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Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

The Chair declared the call raised.

COMMUNICATION

March 9, 2010

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

Dear Mr. Secretary:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB867 with a certificate attached thereto signed by the President of the Legislature certifying the passage of LB867, notwithstanding the objections of the Governor.

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

PJO:jk
 Enc.

CERTIFICATE

Legislative Bill 867, having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, has become law this 9th day of March 2010.

(Signed) Mike Flood
President of the Legislature

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 332, 333, 336, 337, 338, 339, 340, 341, 342, 343, 344, and 345 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 332, 333, 336, 337, 338, 339, 340, 341, 342, 343, 344, and 345.

COMMITTEE REPORTS

Health and Human Services

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

Bernard Kanger Jr. - Board of Emergency Medical Services

Aye: 7 Senators Campbell, Gay, Gloor, Howard, Pankonin, Stuthman, Wallman. Nay: 0. Absent: 0. Present and not voting: 0.

LEGISLATIVE BILL 849. Placed on General File with amendment. AM2120 is available in the Bill Room.

LEGISLATIVE BILL 1110. Placed on General File with amendment. AM2124

- 1 1. On page 9, strike beginning with "If" in line 8
- 2 through line 13; and in line 14 strike "subdivision" and insert
- 3 "subsection, unless the recipient qualifies for coverage under
- 4 Title XIX of the federal Social Security Act, as amended.".
- 5 2. On page 10, lines 2 and 3, strike "dentistry,
- 6 optometry, and other".

(Signed) Tim Gay, Chairperson

GENERAL FILE

LEGISLATIVE RESOLUTION 284CA. Committee AM1906, found on page 624 and considered in this day's Journal, was renewed.

The committee amendment was adopted with 36 ayes, 1 nay, 10 present and not voting, and 2 excused and not voting.

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

Senator Utter requested a roll call vote on the advancement of the resolution.

Voting in the affirmative, 37:

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

Voting in the negative, 6:

Coash	Janssen	Louden
Hansen	Lautenbaugh	Stuthman

Present and not voting, 4:

Fulton	Heidemann	Nelson	Wightman
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Excused and not voting, 2:

Harms	Pahls
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Advanced to Enrollment and Review Initial with 37 ayes, 6 nays, 4 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 1014. Title read. Considered.

Committee AM1979, found on page 681, was considered.

Senator Adams renewed his amendment, AM2058, found on page 730, to the committee amendment.

SENATOR STUTHMAN PRESIDING

Pending.

ANNOUNCEMENT

The Chair announced today is Senator Hadley's birthday.

COMMITTEE REPORTS

Judiciary

LEGISLATIVE BILL 864. Placed on General File with amendment.
AM1679

- 1 1. Strike the original sections and insert the following
2 new sections:
3 Section 1. Section 47-619, Revised Statutes Cumulative
4 Supplement, 2008, is amended to read:
5 47-619 Sections 47-619 to 47-634 and section 3 of this
6 act shall be known and may be cited as the Community Corrections
7 Act.
8 Sec. 2. Section 47-624, Revised Statutes Cumulative
9 Supplement, 2008, is amended to read:
10 47-624 The council shall:
11 (1) Develop standards for eligible community correctional
12 facilities and programs in which offenders can participate, taking
13 into consideration the following factors:
14 (a) Qualifications of staff;
15 (b) Suitability of programs;
16 (c) Offender needs;
17 (d) Probation population;
18 (e) Parole population; and
19 (f) Other applicable criminal justice data;
20 (2) Develop and implement a plan to establish statewide
21 operation and use of a continuum of community correctional
22 facilities and programs;
23 (3) Develop, in consultation with the probation
1 administrator and the Parole Administrator, standards for the use
2 of community correctional facilities and programs by the Nebraska
3 Probation System and the parole system;
4 ~~(4) Develop, recommend, and review sentencing guidelines~~
5 ~~for adoption by the Supreme Court as set forth in section 47-630;~~
6 (4) Collaborate with the Office of Probation
7 Administration, the Office of Parole Administration, and the
8 Department of Correctional Services on the development of
9 additional reporting centers as set forth in section 3 of this act;
10 (5) Analyze and mandate the consistent use of offender
11 risk assessment tools;
12 ~~(6) Develop standards for eligibility of probationers and~~
13 ~~parolees in certain community correctional facilities and programs;~~

14 ~~(7)-(6)~~ Educate the courts, ~~and~~ the Board of Parole,
 15 criminal justice system stakeholders, and the general public about
 16 the availability and use of community correctional facilities and
 17 programs;

18 ~~(8)-(7)~~ Enter into contracts, if necessary, for carrying
 19 out the purposes of the Community Corrections Act;

20 ~~(9)-(8)~~ In order to ensure adequate funding for substance
 21 abuse treatment programs for probationers, consult with the
 22 probation administrator as provided in section 29-2262.07 and
 23 develop or assist with the development of programs as provided in
 24 subdivision (14) of section 29-2252;

25 ~~(10)-(9)~~ In order to ensure adequate funding for
 26 substance abuse treatment programs for parolees, consult with the
 27 Office of Parole Administration as provided in section 83-1,107.02
 1 and develop or assist with the development of programs as provided
 2 in subdivision (8) of section 83-1,102;

3 ~~(11)-(10)~~ If necessary to perform the duties of the
 4 council, hire, contract for, or otherwise obtain the services of
 5 consultants, researchers, aides, and other necessary support staff;

6 ~~(12)-(11)~~ Study substance abuse and mental health
 7 treatment services in and related to the criminal justice
 8 system, recommend improvements, and evaluate the implementation of
 9 improvements;

10 ~~(13)~~ Study, develop, and implement minimum standards for
 11 the development and use of community correctional facilities and
 12 programs;

13 ~~(14)~~ Develop and implement a plan for statewide use of
 14 community correctional facilities and programs;

15 (12) Research and evaluate existing community corrections
 16 facilities and programs, within the limits of available funding;

17 (13) Develop standardized definitions of outcome measures
 18 for community corrections facilities and programs, including, but
 19 not limited to, recidivism, employment, and substance abuse;

20 (14) Report annually to the Legislature and the Governor
 21 on the development and performance of community corrections
 22 facilities and programs. The report shall include the following:

23 (a) A description of community corrections facilities and
 24 programs, endorsed by the council, currently serving offenders in
 25 Nebraska, which includes the following information:

26 (i) The target population and geographic area served by
 27 each facility or program, eligibility requirements, and the total
 1 number of offenders utilizing the facility or program over the past
 2 year;

3 (ii) Services provided to offenders at the facility or in
 4 the program;

5 (iii) The costs of operating the facility or program and
 6 the cost per offender; and

7 (iv) The funding sources for the facility or program;

8 (b) The progress made in expanding community corrections
9 facilities and programs statewide and an analysis of the need for
10 additional community corrections services;

11 (c) An analysis of the impact community corrections
12 facilities and programs have on the number of offenders
13 incarcerated within the Department of Correctional Services; and

14 (d) The recidivism rates and outcome data for
15 probationers, parolees, and problem-solving court clients
16 participating in community corrections programs;

17 (15) Grant funds to entities including local governmental
18 agencies, nonprofit organizations, and behavioral health services
19 which will support the intent of the act; and

20 (16) Perform such other duties as may be necessary to
21 carry out the policy of the state established in the act.

22 Sec. 3. (1)(a) The council shall collaborate with
23 the Office of Probation Administration, the Office of Parole
24 Administration, and the Department of Correctional Services in
25 developing a plan for the implementation and funding of reporting
26 centers in Nebraska.

27 (b) The plan shall include recommended locations for at
1 least one reporting center in each judicial district that currently
2 lacks such a center and shall prioritize the recommendations for
3 additional reporting centers based upon need.

4 (c) The plan shall also identify and prioritize the need
5 for expansion of reporting centers in those judicial districts
6 which currently have a reporting center but have an unmet need for
7 additional reporting center services due to capacity, distance, or
8 demographic factors.

9 (2) The council shall submit the reporting center
10 expansion plan to the chairperson of the Sentencing and Recidivism
11 Committee of the Legislature, as created in Legislative Resolution
12 171, One Hundred First Legislature, First Session, 2009, by
13 December 1, 2010. The plan shall be implemented as state funding
14 allows until each judicial district has at least one reporting
15 center.

16 Sec. 4. Original sections 47-619 and 47-624, Revised
17 Statutes Cumulative Supplement, 2008, are repealed.

LEGISLATIVE BILL 880. Placed on General File with amendment.
AM2015 is available in the Bill Room.

(Signed) Brad Ashford, Chairperson

Business and Labor

LEGISLATIVE BILL 563. Placed on General File with amendment.
AM2079

1 1. Strike the original sections and insert the following
2 sections:

3 Section 1. Sections 1 to 12 of this act shall be known
4 and may be cited as the Employee Classification Act.

5 Sec. 2. For purposes of the Employee Classification Act:

6 (1) Commissioner means the Commissioner of Labor;

7 (2) Contractor means an individual, partnership, limited
8 liability company, corporation, or other business entity engaged
9 in a delivery service or a construction contractor business, as
10 construction and contractor are defined in section 48-2103;

11 (3) Delivery service means the transport and delivery of
12 goods, products, supplies, or raw materials upon the highways of
13 this state;

14 (4) Department means the Department of Labor; and

15 (5) Performing services means the performance of
16 construction labor or delivery services for remuneration.

17 Sec. 3. (1) An individual performing construction labor
18 services for a contractor is presumed an employee and not an
19 independent contractor for purposes of the Employee Classification
20 Act, unless:

21 (a) The individual meets the criteria found in
22 subdivision (5) of section 48-604;

23 (b) The individual has been registered as a contractor
1 pursuant to the Contractor Registration Act at least six months
2 prior to commencing construction work for the contractor; and

3 (c) The individual has been assigned a combined tax rate
4 pursuant to subdivision (4) of section 48-649 or the employees of
5 the individual are exempted from unemployment insurance coverage
6 pursuant to subdivision (6) of section 48-604.

7 (2) An individual performing delivery services for
8 a contractor is presumed an employee and not an independent
9 contractor for purposes of the Employee Classification Act, unless
10 the individual is exempted from unemployment insurance coverage
11 pursuant to subdivision (6)(n) or (6)(q) of section 48-604.

12 (3) The act shall not be construed to affect or apply
13 to a common-law or statutory action providing for recovery in tort
14 and shall not be construed to affect or change the common-law
15 interpretation of independent contractor status as it relates to
16 tort liability or a workers' compensation claim.

17 Sec. 4. It is a violation of the Employee Classification
18 Act for a contractor to designate an individual as an independent
19 contractor who would be properly classified as an employee under
20 section 3 of this act.

21 Sec. 5. The department shall establish and operate a
22 hotline and web site for individuals to report suspected violations

23 of the Employee Classification Act. The hotline and web site
24 may be operated in conjunction with the requirements of the
25 Contractor Registration Act. At a minimum, the department shall
26 require the reporting individual to provide contact information and
27 a description of the suspected violation including the name of
1 the business and jobsite location. The department shall keep the
2 identity of the reporting individual confidential.

3 Sec. 6. The department shall timely investigate all
4 credible reports made pursuant to section 5 of this act.

5 Sec. 7. In addition to any other fines or penalties
6 provided by law, any contractor who violates the Employee
7 Classification Act shall be assessed, by the commissioner, a five
8 hundred dollar fine per each misclassified individual for the first
9 offense and a five thousand dollar fine per each misclassified
10 individual for each second and subsequent offense.

11 Sec. 8. Upon finding a contractor has violated the
12 Employee Classification Act, the commissioner shall instigate
13 proceedings pursuant to the Employment Security Law to collect
14 any unpaid combined taxes and interest. The commissioner shall
15 share any findings with the Department of Revenue for analysis
16 of violations of the Nebraska Revenue Act of 1967. Upon receipt,
17 the Department of Revenue shall promptly investigate and proceed
18 with the collection of income tax not withheld plus interest
19 and penalties. The commissioner and Department of Revenue shall
20 refer their findings to the appropriate prosecuting authority for
21 appropriate criminal prosecution under the Employment Security
22 Law, the Nebraska Revenue Act of 1967, or the Nebraska Workers'
23 Compensation Act.

24 Sec. 9. The department shall annually provide a report to
25 the Legislature regarding compliance with and enforcement of the
26 Employee Classification Act. The report shall include, but not be
27 limited to, the number of reports received from both its hotline
1 and web site, the number of investigated reports, the findings
2 of the reports, the amount of combined tax, interest, and fines
3 collected, the number of referrals to the Department of Revenue
4 and appropriate prosecuting authority, and the outcome of such
5 referrals.

6 Sec. 10. Every contractor shall post in a conspicuous
7 place at the job site or place of business in English and Spanish
8 the following notice:

9 (1) Every individual working for a contractor has the
10 right to be properly classified by the contractor as an employee
11 rather than an independent contractor if the individual does not
12 meet the requirements of an independent contractor under the law
13 known as the Employee Classification Act.

14 (2) If you believe you or someone else has not been
15 properly classified as an employee or an independent contractor
16 under the Employee Classification Act, contact the Department of
17 Labor.

18 Sec. 11. The state or any political subdivision entering
19 into a contract for construction shall require that each contractor
20 who performs construction services pursuant to the contract submit
21 an affidavit attesting that each individual performing services
22 for such contractor is properly classified under the Employee
23 Classification Act, such contractor has completed a federal
24 I-9 immigration form on file for each individual performing
25 services, such contractor has complied with section 4-114, and such
26 contractor has no reasonable basis to believe that such individual
27 is an undocumented worker.

1 Sec. 12. Any contractor who knowingly provides a false
2 affidavit under section 11 of this act to the state or political
3 subdivision shall be subject to the penalties of perjury and upon a
4 second or subsequent violation shall not be permitted to contract
5 with the state or any political subdivision for a period of three
6 years after the date of discovery of the falsehood.

7 Sec. 13. Section 48-621, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 48-621 (1) The administrative fund shall consist of the
10 Employment Security Administration Fund and the Employment Security
11 Special Contingent Fund. Each fund shall be maintained as a
12 separate and distinct account in all respects, as follows:

13 (a) There is hereby created in the state treasury a
14 special fund to be known as the Employment Security Administration
15 Fund. All money credited to this fund is hereby appropriated and
16 made available to the Commissioner of Labor. All money in this
17 fund shall be expended solely for the purposes and in the amounts
18 found necessary as defined by the specific federal programs, state
19 statutes, and contract obligations for the proper and efficient
20 administration of all programs of the Department of Labor. The
21 fund shall consist of all money appropriated by this state and
22 all money received from the United States of America or any
23 agency thereof, including the Department of Labor and the Railroad
24 Retirement Board, or from any other source for such purpose.
25 Money received from any agency of the United States or any other
26 state as compensation for services or facilities supplied to
27 such agency, any amounts received pursuant to any surety bond or
1 insurance policy for losses sustained by the Employment Security
2 Administration Fund or by reason of damage to equipment or supplies
3 purchased from money in such fund, and any proceeds realized from
4 the sale or disposition of any equipment or supplies which may no
5 longer be necessary for the proper administration of such programs
6 shall also be credited to this fund. All money in this fund
7 shall be deposited, administered, and disbursed in the same manner
8 and under the same conditions and requirements as is provided by
9 law for other special funds in the state treasury. Any balances
10 in this fund, except balances of money therein appropriated from
11 the General Fund of this state, shall not lapse at any time but
12 shall be continuously available to the commissioner for expenditure

13 consistent with the Employment Security Law. Any money in the
14 Employment Security Administration Fund available for investment
15 shall be invested by the state investment officer pursuant to
16 the Nebraska Capital Expansion Act and the Nebraska State Funds
17 Investment Act; and

18 (b) There is hereby created in the state treasury a
19 special fund to be known as the Employment Security Special
20 Contingent Fund. Any money in the Employment Security Special
21 Contingent Fund available for investment shall be invested by
22 the state investment officer pursuant to the Nebraska Capital
23 Expansion Act and the Nebraska State Funds Investment Act. All
24 money collected under section 48-655 as interest on delinquent
25 contributions, less refunds, shall be credited to this fund from
26 the clearing account of the Unemployment Compensation Fund at the
27 end of each calendar quarter. Such money shall not be expended
1 or available for expenditure in any manner which would permit its
2 substitution for or a corresponding reduction in federal funds
3 which would in the absence of such money be available to finance
4 expenditures for the administration of the unemployment insurance
5 law, but nothing in this section shall prevent the money from being
6 used as a revolving fund to cover expenditures necessary and proper
7 under the law for which federal funds have been duly requested
8 but not yet received, subject to the charging of such expenditures
9 against such federal funds when received. The money in this fund
10 may be used by the Commissioner of Labor only as follows:

11 (i) To replace within a reasonable time any money
12 received by this state pursuant to section 302 of the federal
13 Social Security Act, as amended, and required to be paid under
14 section 48-622;

15 (ii) To meet special extraordinary and contingent
16 expenses which are deemed essential for good administration but
17 which are not provided in grants from the Secretary of Labor of the
18 United States and, for this purpose, no expenditures shall be made
19 from this fund except on written authorization by the Governor at
20 the request of the Commissioner of Labor;

21 (iii) To be transferred to the Nebraska Community College
22 Aid Cash Fund; ~~and~~

23 (iv) To be transferred to the Job Training Cash Fund;
24 and-

25 (v) To assist with enforcement of the Employee
26 Classification Act.

27 (2)(a) Money credited to the account of this state in
1 the Unemployment Trust Fund by the United States Secretary of the
2 Treasury pursuant to section 903 of the Social Security Act may
3 not be requisitioned from this state's account or used except for
4 the payment of benefits and for the payment of expenses incurred
5 for the administration of the Employment Security Law and public
6 employment offices. Such money may be requisitioned pursuant to
7 section 48-619 for the payment of benefits. Such money may also

8 be requisitioned and used for the payment of expenses incurred
9 for the administration of the Employment Security Law and public
10 employment offices but only pursuant to a specific appropriation
11 by the Legislature and only if the expenses are incurred and
12 the money is requisitioned after the date of enactment of an
13 appropriation law which specifies the purposes for which such
14 money is appropriated and the amounts appropriated therefor. Such
15 appropriation is subject to the following conditions:

16 (i) The period within which such money may be obligated
17 is limited to a period ending not more than two years after the
18 effective date of the appropriation law; and

19 (ii) The amount which may be obligated is limited to an
20 amount which does not exceed the amount by which the aggregate of
21 the amounts transferred to the account of this state pursuant to
22 section 903 of the Social Security Act exceeds the aggregate of the
23 amounts used by this state pursuant to the Employment Security Law
24 and charged against the amounts transferred to the account of this
25 state.

26 (b) For purposes of subdivision (2)(a)(ii) of this
27 section, the amounts obligated under an appropriation for the
1 administrative purposes described in such subdivision shall
2 be charged against transferred amounts at the exact time the
3 obligation is entered into.

4 (c) The appropriation, obligation, and expenditure or
5 other disposition of money appropriated under this subsection shall
6 be accounted for in accordance with standards established by the
7 United States Secretary of Labor.

8 (d) Money appropriated as provided in this subsection for
9 the payment of expenses of administration shall be requisitioned
10 as needed for the payment of obligations incurred under such
11 appropriation and, upon requisition, shall be credited to the
12 Employment Security Administration Fund from which such payments
13 shall be made. Money so credited shall, until expended, remain
14 a part of the Employment Security Administration Fund and, if it
15 will not be immediately expended, shall be returned promptly to the
16 account of this state in the Unemployment Trust Fund.

17 (e) Notwithstanding subdivision (2)(a) of this section,
18 money credited with respect to federal fiscal years 1999,
19 2000, and 2001 shall be used solely for the administration of
20 the unemployment compensation program and are not subject to
21 appropriation by the Legislature.

22 (3) There is hereby appropriated out of the funds made
23 available to this state in federal fiscal year 2002 under section
24 903(d) of the federal Social Security Act, as amended, the sum
25 of \$6,800,484, or so much thereof as may be necessary, to be
26 used, under the direction of the Department of Labor, for the
27 administration of the Employment Security Law and public employment
1 offices. The expenditure or other disposition of money appropriated
2 under this subsection shall be accounted for in accordance with

3 standards established by the United States Secretary of Labor.
 4 Reed Act distributions appropriated pursuant to this subsection
 5 may be amortized with federal grant funds provided pursuant to
 6 Title III of the federal Social Security Act and the federal
 7 Wagner-Peyser Act for the purpose of administering the state
 8 unemployment compensation and employment service programs to the
 9 extent allowed under such acts and the regulations adopted pursuant
 10 thereto. Except as specifically provided in this subsection, all
 11 provisions of subsection (2) of this section, except subdivision
 12 (2)(a)(i) of this section, shall apply to this appropriation.
 13 The commissioner shall submit an annual report to the Governor,
 14 the Speaker of the Legislature, and the chairpersons of the
 15 Appropriations Committee and the Business and Labor Committee
 16 of the Legislature describing expenditures made pursuant to this
 17 subsection.
 18 Sec. 14. Original section 48-621, Reissue Revised
 19 Statutes of Nebraska, is repealed.

(Signed) Steve Lathrop, Chairperson

AMENDMENT - Print in Journal

Senator Hadley filed the following amendment to LB701:
 AM2138

(Amendments to Standing Committee amendments, AM1912)

- 1 1. On page 1, line 20, after "program" insert ", subject
 2 to approval by the federal Centers for Medicare and Medicaid
 3 Services of the department's annual application amending the
 4 medicaid state plan reimbursement methodology for intermediate
 5 care facilities for the mentally retarded".

RESOLUTIONS

LEGISLATIVE RESOLUTION 366. Introduced by Langemeier, 23.

WHEREAS, the Bishop Neumann Cavaliers won the 2010 Class C-1 Girls' State Basketball Championship; and

WHEREAS, Bishop Neumann defeated Wahoo High School 58-55 in the championship game, giving Bishop Neumann its second straight state title; and

WHEREAS, Bishop Neumann finished the season with a record of twenty-three wins and two losses; and

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

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

1. That the Legislature congratulates the Bishop Neumann Cavaliers on winning the 2010 Class C-1 Girls' State Basketball Championship.

2. That a copy of this resolution be sent to the Cavaliers and their head coach, Rick Ahrens.

Laid over.

LEGISLATIVE RESOLUTION 367. Introduced by Dubas, 34.

WHEREAS, Pierce Bartling 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, Pierce Bartling has learned, been tested on, and been recognized for various scouting skills; and

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

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

WHEREAS, Pierce Bartling, 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 Pierce Bartling on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Pierce Bartling.

Laid over.

UNANIMOUS CONSENT - Add Cointroducers

Senator Cornett asked unanimous consent to add her name as cointroducer to LB780. No objections. So ordered.

Senator Cook asked unanimous consent to add her name as cointroducer to LB800. No objections. So ordered.

VISITORS

Visitors to the Chamber were Roger Stortenbecker and Jennifer Nelson from Lincoln; Gary Honts from Omaha; Jason Kuhr from Lincoln; and members of Leadership Nebraska City from Nebraska City.

ADJOURNMENT

At 3:58 p.m., on a motion by Senator Pankonin, the Legislature adjourned until 9:00 a.m., Wednesday, March 10, 2010.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-NINTH DAY - MARCH 10, 2010**LEGISLATIVE JOURNAL****ONE HUNDRED FIRST LEGISLATURE
SECOND SESSION****THIRTY-NINTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 10, 2010

PRAYER

The prayer was offered by Pastor Rhegan Stansbury, Salvation Army, Beatrice.

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 Senators Harms and Pahls who were excused; and Senators Coash, Cornett, Council, Dubas, Fulton, Gay, and Karpisek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-eighth day was approved.

GENERAL FILE

LEGISLATIVE BILL 937A. Title read. Considered.

Senator Fischer moved for a call of the house. The motion prevailed with 32 ayes, 0 nays, and 17 not voting.

Senator Fischer requested a record vote on the advancement of the bill.

Voting in the affirmative, 31:

Avery	Dubas	Howard	Pankonin	Utter
Campbell	Fischer	Janssen	Pirsch	Wallman
Carlson	Giese	Krist	Price	Wightman
Christensen	Gloor	Langemeier	Rogert	
Conrad	Hadley	Lautenbaugh	Schilz	
Cornett	Hansen	Louden	Stuthman	
Dierks	Heidemann	McCoy	Sullivan	

Voting in the negative, 10:

Adams	Cook	Lathrop	Mello	Nordquist
Ashford	Haar	McGill	Nelson	White

Present and not voting, 1:

Flood

Excused and not voting, 7:

Coash	Fulton	Harms	Pahls
Council	Gay	Karpisek	

Advanced to Enrollment and Review Initial with 31 ayes, 10 nays, 1 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

SELECT FILE

LEGISLATIVE BILL 888A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 571. ER8083, found on page 1141, First Session, 2009, was adopted.

Senator Lathrop renewed the Lathrop-Pahls amendment, AM1534, found on page 184.

The Lathrop-Pahls amendment was adopted with 36 ayes, 0 nays, 6 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

MOTION - Return LR295CA to Select File

Senator McGill moved to return LR295CA to Select File for her specific amendment, AM2114, found on page 780.

The McGill motion to return prevailed with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

SELECT FILE

LEGISLATIVE RESOLUTION 295CA. The McGill specific amendment, AM2114, found on page 780, was adopted with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

GENERAL FILE

LEGISLATIVE BILL 1014. Senator Adams renewed his amendment, AM2058, found on page 730 and considered on page 786, to the committee amendment.

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

Senator Giese moved for a call of the house. The motion prevailed with 27 ayes, 1 nay, and 21 not voting.

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

Voting in the affirmative, 19:

Adams	Conrad	Karpisek	Nordquist	Sullivan
Ashford	Giese	Lathrop	Pankonin	Wallman
Avery	Haar	McGill	Price	White
Campbell	Hadley	Mello	Rogert	

Voting in the negative, 22:

Carlson	Fischer	Janssen	McCoy	Utter
Christensen	Flood	Krist	Nelson	Wightman
Coash	Gay	Langemeier	Pirsch	
Cook	Hansen	Lautenbaugh	Schilz	
Dierks	Heidemann	Louden	Stuthman	

Present and not voting, 5:

Cornett	Dubas	Fulton	Gloor	Howard
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Excused and not voting, 3:

Council	Harms	Pahls
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The motion to cease debate failed with 19 ayes, 22 nays, 5 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

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

The Adams amendment was adopted with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

Committee AM1979, found on page 681 and considered on page 786, as amended, was renewed.

SPEAKER FLOOD PRESIDING

PRESIDENT SHEEHY PRESIDING

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

Senator Haar moved for a call of the house. The motion prevailed with 35 ayes, 0 nays, and 14 not voting.

The motion to cease debate prevailed with 25 ayes, 8 nays, 13 present and not voting, and 3 excused and not voting.

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

The Chair declared the call raised.

Pending.

COMMITTEE REPORTS

Judiciary

LEGISLATIVE BILL 801. Placed on General File with amendment.
AM1972

- 1 1. Strike original section 7.
- 2 2. On page 12, line 1, after the semicolon insert "or";
- 3 strike lines 2 through 5; and in line 6 strike "(20)" and insert
- 4 "(19)".
- 5 3. On page 13, lines 3 through 18, reinstate the stricken
- 6 matter and strike the new matter; in line 19 strike "(d)" and
- 7 insert "(c)"; and in line 21 strike "(e)" and insert "(d)".
- 8 4. On page 17, line 15, strike "87-303.10,".
- 9 5. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 1094. Placed on General File with amendment.
AM1953

- 1 1. On page 2, strike lines 16 and 17 and insert:
2 "(4) Consumer means a person residing or domiciled in
3 Nebraska or who elects to enter into a transaction under the act,
4 whether it be in person, over the Internet, by facsimile, or by
5 any other electronic means and who has a pending legal claim and
6 is represented by an attorney at the time he or she receives the
7 nonrecourse civil litigation funding."
8 2. On page 8, line 10, after the period insert "For
9 purposes of determining a civil litigation funding company's
10 character, fitness, and financial responsibility, the Secretary
11 of State shall request a company to submit: A copy of the company's
12 articles of incorporation, articles of organization, certificate
13 of limited partnership, or other organizational documents; proof
14 of registration with a Nebraska registered agent; and proof of a
15 surety bond or irrevocable letter of credit issued and confirmed
16 by a financial institution authorized by law to transact business
17 in the State of Nebraska that is equal to double the amount of
18 the largest funding in the past calendar year or fifty thousand
19 dollars, whichever is greater."

LEGISLATIVE BILL 1105. Placed on General File with amendment.
AM2147

- 1 1. Strike the original sections and insert the following
2 new sections:
3 Section 1. The Community Corrections Council is directed
4 to supervise a study of the costs of administering the death
5 penalty in Nebraska. The study is to be completed by December 1,
6 2010, and presented in a report to the Legislature. It is the
7 intent of the Legislature that the Community Corrections Council
8 use the College of Public Affairs and Community Service of the
9 University of Nebraska at Omaha to coordinate and conduct the
10 study. It is also the intent of the Legislature that the cost of
11 the study not exceed fifty thousand dollars.
12 Sec. 2. The study conducted pursuant to section 1 of this
13 act shall examine the direct and indirect costs of administering
14 the death penalty and non-death-penalty sentences resulting from
15 murder in the first degree in Nebraska, including:
16 (1) The costs to the Attorney General's office for
17 expenditures for staff salaries, benefits, and operating expenses
18 related to death penalty issues including any contracting for
19 assistance;
20 (2) The costs to the Department of Correctional Services
21 for staff salaries, benefits, and operating expenses in housing
22 inmates on death row and carrying out the death penalty, including
23 any contracting for assistance;
1 (3) The costs to counties in county attorney staff time
2 and other expenses relating to the prosecution of death penalty

3 cases and in preparing for the presentation of aggravating and
 4 mitigating circumstances with respect to sentencing proceedings in
 5 such cases, including, but not limited to, expert witness fees,
 6 additional investigations, and contracting for assistance;

7 (4) Costs to county public defenders' offices and the
 8 Public Advocacy Commission in providing a defense against the
 9 imposition of the death penalty;

10 (5) The costs to counties for court-appointed attorneys
 11 hired to defend capital cases; and

12 (6) The costs to the Supreme Court, Court of Appeals, and
 13 district courts and an estimate of the costs to the federal courts
 14 in staff salaries, benefits, and operating expenses relating to the
 15 disposition of capital cases.

16 Sec. 3. The study conducted pursuant to sections 1 and
 17 2 of this act shall examine those costs borne by the Attorney
 18 General, the Department of Correctional Services, law enforcement,
 19 the counties, the courts, and the advocacy offices involved in
 20 capital cases in Nebraska in comparison to noncapital cases in
 21 Nebraska for convictions of persons under section 28-303 over the
 22 past twenty-five years.

(Signed) Brad Ashford, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 368. Introduced by Carlson, 38; Utter, 33.

WHEREAS, the Sandy Creek Lady Cougars won the 2010 Class C-2 Girls' State Basketball Championship; and

WHEREAS, the Lady Cougars defeated the Hartington Cedar Catholic Lady Trojans 49-44 to win Sandy Creek's ninth state championship under coach Russ Ninemire which ties the Lady Cougars with Class A Lincoln Southeast for the second-most state titles in girls' basketball; and

WHEREAS, the Lady Cougars finished with a record of 23-3; and

WHEREAS, the Lady Cougars displayed remarkable ability and teamwork throughout their outstanding season; and

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

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

1. That the Legislature congratulates the Sandy Creek Lady Cougars basketball team on winning the 2010 Class C-2 Girls' State Basketball Championship.

2. That the Legislature congratulates head coach Russ Ninemire and assistant coach Jeremy Borer for their excellent season and guidance of the team.

3. That a copy of this resolution be sent to the Sandy Creek Lady Cougars and their head coach, Russ Ninemire.

Laid over.

LEGISLATIVE RESOLUTION 369. Introduced by Howard, 9; Avery, 28; Campbell, 25; Carlson, 38; Christensen, 44; Dierks, 40; Giese, 17; Gloor, 35; Hadley, 37; Hansen, 42; McCoy, 39; Nelson, 6; Pirsch, 4; Price, 3; Schilz, 47; Sullivan, 41; Wallman, 30.

WHEREAS, prescription drug abuse is a growing and pervasive problem throughout the United States; and

WHEREAS, drug-related deaths are more frequent than traffic fatalities in sixteen states; and

WHEREAS, teens abuse prescription drugs more than ecstasy, methamphetamine, crack cocaine, and heroin combined; and

WHEREAS, an estimated 4.7 million individuals abused prescription drugs for the first time in 2008; and

WHEREAS, prescription pain medication is the fastest growing addiction in the United States; and

WHEREAS, abuse of prescription drugs affects not only individuals, but also their families and communities.

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

1. That the Legislature recognizes October 2010 as Prescription Drug Abuse Awareness Month in Nebraska.

2. That during October 2010 communities are encouraged to participate in activities designed to increase public awareness about the dangers of prescription drug abuse.

Laid over.

UNANIMOUS CONSENT - Add Cointroducer

Senator Pirsch asked unanimous consent to add his name as cointroducer to LB817. No objections. So ordered.

VISITORS

Visitors to the Chamber were members of Leadership Kearney from Kearney; Juliana Zieno from Omaha; 12 twelfth-grade students and teacher from Lawrence Nelson High School, Nelson; Andrew Zimmerman from Omaha; 49 fourth-grade students and teachers from Shell Creek Elementary, Columbus; and 90 fourth-grade students from Fire Ridge Elementary, Elkhorn.

RECESS

At 11:59 a.m., on a motion by Speaker Flood, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Sheehy presiding.

ROLL CALL

The roll was called and all members were present except Senators Harms and Pahls who were excused; and Senators Ashford and Conrad who were excused until they arrive.

ANNOUNCEMENT

The Chair announced today is Senator Haar's birthday.

GENERAL FILE

LEGISLATIVE BILL 1081. Title read. Considered.

Committee AM1930, found on page 603, was considered.

Senator Cornett renewed her amendment, AM2026, found on page 708, to the committee amendment.

The Cornett amendment was adopted with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

The committee amendment, as amended, was adopted with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 9 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 948. Title read. Considered.

Committee AM1921, found on page 624, was considered.

SENATOR WIGHTMAN PRESIDING

Pending.

WITHDRAW - Motion to Suspend Rules

The Heidemann et al. motion, found on page 776, to suspend the rules, Rule 8, Sec. 5, to allow the Appropriations Committee to place appropriations bills on General File later than the 40th legislative day and to permit the Legislature to pass the appropriations bills after the 50th legislative day, was withdrawn.

COMMITTEE REPORTS

Business and Labor

LEGISLATIVE BILL 709. Placed on General File with amendment. AM1824

- 1 1. Strike section 7.
- 2 2. On page 2, strike beginning with "Board" in line
- 3 9 through "memoranda" in line 23 and insert "Rule or regulation
- 4 means any rule, regulation, or standard issued by an agency,
- 5 including the amendment or repeal thereof whether with or without
- 6 prior hearing and designed to implement, interpret, or make
- 7 specific the law enforced or administered by it or governing
- 8 its organization or procedure. Rule or regulation does not include
- 9 (a) rules and regulations concerning the internal management of
- 10 the agency not affecting private rights, private interests, or
- 11 procedures available to the public, (b) permits, certificates of
- 12 public convenience and necessity, franchises, rate orders, and rate
- 13 tariffs and any rules of interpretation thereof, (c) declaratory
- 14 rulings, (d) interagency or intra-agency memoranda, or (e) rules
- 15 and regulations necessary to implement federal law. For purposes of
- 16 the act, every rule and regulation which prescribes a penalty shall
- 17 be presumed to have general applicability or to affect private
- 18 rights and interests"; and in line 24 strike "(5)" and insert
- 19 "(3)".
- 20 3. On page 3, line 19, strike "(1)".
- 21 4. On page 4, line 2, strike "(a)" and insert "(1)"; in
- 22 line 4 strike "(b)" and insert "(2)"; in line 7 strike "(c)" and
- 23 insert "(3)"; in line 9 strike "(d)" and insert "(4)"; in line 12
- 1 strike "(e)" and insert "(5)"; and strike lines 14 through 19.
- 2 5. On page 5, strike beginning with "and" in line 14
- 3 through "board" in line 15.

LEGISLATIVE BILL 925. Placed on General File with amendment. AM2106

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. For purposes of sections 1 to 6 of this act:
- 4 (1) Nebraska laborer means any person who has resided in
- 5 Nebraska for at least thirty days and intends to become or remain a
- 6 Nebraska resident or has resided within fifty miles from a Nebraska
- 7 border for at least thirty days;

8 (2) Period of excessive unemployment means any month
 9 immediately following two consecutive calendar months during which
 10 the level of unemployment in the state has exceeded four percent
 11 as measured by the United States Bureau of Labor Statistics in its
 12 monthly publication of employment and unemployment figures; and

13 (3) Public works project means a project constructed on
 14 behalf of the State of Nebraska or a department or agency thereof,
 15 a county board, the contracting board of a city, village, or
 16 school district, or a public board or public utility empowered
 17 by law to enter into a contract by public bidding for erecting
 18 and finishing a public building, bridge, highway, or other public
 19 structure or improvement. Public works project does not include
 20 general maintenance on an existing structure or a project performed
 21 in a time of emergency as defined by subdivision (8) of section
 22 39-892.

23 Sec. 2. If, at the time of the award of a contract for
 1 a public works project covered by sections 1 to 6 of this act,
 2 there is a period of excessive unemployment in this state, every
 3 person who is charged with the duty, either by law or contract,
 4 of constructing or building the public works project shall employ
 5 only Nebraska laborers on such project, and every contract let by
 6 any such person shall contain a provision requiring that Nebraska
 7 laborers be used, except that other laborers may be used when
 8 Nebraska laborers are not available or are incapable of performing
 9 the particular type of work involved, if so certified by the
 10 contractor.

11 Sec. 3. Sections 1 to 6 of this act apply to all labor
 12 on public works projects performed by contractors, subcontractors,
 13 and individuals required to register pursuant to the Contractor
 14 Registration Act.

15 Sec. 4. Sections 1 to 6 of this act shall not apply to
 16 districts as defined in section 70-601.

17 Sec. 5. In all contracts involving the expenditure of
 18 federal aid funds, sections 1 to 6 of this act shall not be
 19 enforced in such manner as to conflict with any federal statute,
 20 rule, or regulation.

21 Sec. 6. The Department of Labor shall enforce sections 1
 22 to 6 of this act. The department, as represented by the Attorney
 23 General, or an aggrieved party may sue for injunctive relief
 24 against the awarding of a contract or the continuation of a
 25 contract for a public works project if the requirements of sections
 26 1 to 6 of this act are not being met.

LEGISLATIVE BILL 961. Placed on General File with amendment.
 AM2118

- 1 1. On page 2, strike beginning with "Any" in line 12
- 2 through line 19 and show as stricken; and in line 20 after "Fund"
- 3 insert "or the subaccount established in subsection (1) of this
- 4 section".

5 2. On page 5, line 7, after "organization" insert
6 "holding a certificate of exemption under section 501(c)(3) of
7 the Internal Revenue Code"; and in line 24 strike "positions" and
8 insert "a minimum of four positions in rural areas and a minimum of
9 eight positions in high-poverty areas".

10 3. On page 6, line 12, strike "and"; in line 14 strike
11 the period and insert a semicolon; after line 14 insert:

12 "(i) That the number of trainees will not exceed one
13 hundred twenty-five percent of the number of positions that will be
14 available at the time of application; and

15 (j) That the goods or services produced by the business
16 are generally exportable in nature resulting in additional money
17 to the community or the state and the positions available or
18 to be created are not local retail positions."; and in line
19 16 after "81-1201.21" insert "shall be subject to an audit by
20 the Department of Economic Development and" and after "report"
21 insert "or provide"; in line 17 strike "Department of Economic
22 Development" and insert "department"; in line 21 strike "and"; in
23 line 23 strike the period and insert "; and"; and after line 23
1 insert:

2 "(d) A copy of the training curriculum.".

3 4. On page 7, line 11, before "A" insert "(1)".

4 5. On page 8, after line 7 insert:

5 "(2) Up to four percent of each training grant awarded
6 under the program under subsection (3) of section 81-1201.21 shall
7 be made available to the Department of Economic Development to
8 finance the costs of administering such program. Such funds shall
9 be allocated from the subaccount within the Job Training Cash Fund
10 for training grants. The department shall not accept funds that do
11 not go directly to administering such program. The department shall
12 include in the annual report it provides to the Appropriations
13 Committee of the Legislature a summary of the administrative costs
14 of such program, including the percentage of each training grant
15 received by the department for administrative purposes and the
16 purpose for which it was used to carry out the intent of the
17 program."; and in line 25 strike "return to the state" and insert
18 "repay".

19 6. On page 9, line 1, after the period insert "No
20 dollars shall be expended from the Job Training Cash Fund that are
21 not used for the purposes outlined in subsection (2) of section
22 81-1201.21.".

(Signed) Steve Lathrop, Chairperson

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 888A. Placed on Final Reading.**LEGISLATIVE RESOLUTION 295CA.** Placed on Final Reading
Second.

ST9081

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

1. In the McGill amendment, AM2114, on page 1, line 9, "also" has been struck.

(Signed) Jeremy Nordquist, Chairperson

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE RESOLUTION 284CA. Placed on Select File.**LEGISLATIVE BILL 937A.** Placed on Select File.

(Signed) Jeremy Nordquist, Chairperson

GENERAL FILE**LEGISLATIVE BILL 948.** Committee AM1921, found on page 624 and considered in this day's Journal, was renewed.

Senator McCoy offered the following amendment to the committee amendment:

AM2131

(Amendments to Standing Committee amendments, AM1921)

- 1 On page 1, line 3, strike "shall" and insert "may";
- 2 and in line 4 strike beginning with "responsible" through "state"
- 3 and insert "purchase is made in the best interests of the state".

Senator McCoy moved for a call of the house. The motion prevailed with 36 ayes, 0 nays, and 13 not voting.

Senator Price requested a roll call vote on the McCoy amendment.

Voting in the affirmative, 15:

Adams	Fulton	Langemeier	McCoy	Schilz
Fischer	Heidemann	Lautenbaugh	Nelson	Stuthman
Flood	Janssen	Louden	Pankonin	Utter

Voting in the negative, 25:

Avery	Cook	Haar	Lathrop	Rogert
Campbell	Council	Hadley	McGill	Sullivan
Carlson	Dierks	Hansen	Nordquist	Wallman
Coash	Dubas	Karpisek	Pirsch	White
Conrad	Giese	Krist	Price	Wightman

Present and not voting, 7:

Ashford	Cornett	Gloor	Mello
Christensen	Gay	Howard	

Excused and not voting, 2:

Harms	Pahls
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The McCoy amendment lost with 15 ayes, 25 nays, 7 present and not voting, and 2 excused and not voting.

The committee amendment was adopted with 33 ayes, 1 nay, 13 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Pending.

COMMITTEE REPORTS

Judiciary

LEGISLATIVE BILL 939. Placed on General File.

LEGISLATIVE BILL 507. Placed on General File with amendment.
AM2107

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

3 Section 1. Section 28-323, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 28-323 (1) A person commits the offense of domestic
6 assault in the third degree if he or she:

7 (a) Intentionally and knowingly causes bodily injury to
8 his or her intimate partner; ~~or~~

9 (b) ~~Places, by physical menace, his or her~~ Threatens an
10 intimate partner in fear of with imminent bodily injury; or-

11 (c) Threatens an intimate partner in a menacing manner.

12 (2) A person commits the offense of domestic assault in
13 the second degree if he or she intentionally and knowingly causes
14 bodily injury to his or her intimate partner with a dangerous
15 instrument.

16 (3) A person commits the offense of domestic assault in
 17 the first degree if he or she intentionally and knowingly causes
 18 serious bodily injury to his or her intimate partner.

19 (4) Violation of ~~subsection (1)-subdivision (1)(a) or (b)~~
 20 of this section is a Class I misdemeanor, except that for any
 21 second or subsequent violation of such subsection, ~~within twelve~~
 22 ~~years after the date of the current conviction~~, any person so
 23 offending ~~against the same intimate partner~~ is guilty of a Class IV
 1 felony.

2 (5) Violation of subdivision (1)(c) of this section is a
 3 Class I misdemeanor.

4 ~~(5)-(6)~~ Violation of subsection (2) of this section is
 5 a Class IIIA felony, except that for any second or subsequent
 6 violation of such subsection, ~~within twelve years after the date of~~
 7 ~~the current conviction~~, any person so offending ~~against the same~~
 8 ~~intimate partner~~ is guilty of a Class III felony.

9 ~~(6)-(7)~~ Violation of subsection (3) of this section is
 10 a Class III felony, except that for any second or subsequent
 11 violation under such subsection, ~~within twelve years after the date~~
 12 ~~of the current conviction~~, any person so offending ~~against the same~~
 13 ~~intimate partner~~ is guilty of a Class II felony.

14 ~~(7)-(8)~~ For purposes of this section, intimate partner
 15 means a spouse; a former spouse; persons who have a child in
 16 common whether or not they have been married or lived together
 17 at any time; and persons who are or were involved in a dating
 18 relationship. For purposes of this subsection, dating relationship
 19 means frequent, intimate associations primarily characterized by
 20 the expectation of affectional or sexual involvement, but does not
 21 include a casual relationship or an ordinary association between
 22 persons in a business or social context.

(Signed) Brad Ashford, Chairperson

AMENDMENTS - Print in Journal

Senator Carlson filed the following amendment to LB1057:
 AM2092

(Amendments to Standing Committee amendments, AM1895)

- 1 1. Insert the following new amendments:
- 2 1. Insert the following new sections:
- 3 Sec. 3. Section 61-218, Revised Statutes Cumulative
- 4 Supplement, 2008, as amended by section 39, Legislative Bill
- 5 3, One Hundred First Legislature, First Special Session, 2009, is
- 6 amended to read:
- 7 61-218 (1) The Water Resources Cash Fund is created. The
- 8 fund shall be administered by the Department of Natural Resources.
- 9 Transfers may be made from the fund to the General Fund at the
- 10 direction of the Legislature. Any money in the Water Resources
- 11 Cash Fund available for investment shall be invested by the state

12 investment officer pursuant to the Nebraska Capital Expansion Act
13 and the Nebraska State Funds Investment Act.

14 (2) The State Treasurer shall credit to the fund such
15 money as is (a) transferred to the fund by the Legislature, (b)
16 paid to the state as fees, deposits, payments, and repayments
17 relating to the fund, both principal and interest, (c) donated as
18 gifts, bequests, or other contributions to such fund from public or
19 private entities, (d) made available by any department or agency of
20 the United States if so directed by such department or agency, and
21 (e) credited to the fund from the excise taxes imposed by section
22 66-1345.01 beginning January 1, 2013.

1 (3) The fund shall be expended by the department (a)
2 to aid management actions taken to reduce consumptive uses of
3 water in river basins, subbasins, or reaches which are deemed
4 by the department overappropriated pursuant to section 46-713 or
5 fully appropriated pursuant to section 46-714 or are bound by
6 an interstate compact or decree or a formal state contract or
7 agreement and (b) to the extent funds are not expended pursuant to
8 subdivision (a) of this subsection, the department may conduct a
9 statewide assessment of short-term and long-term water management
10 activities and funding needs to meet statutory requirements in
11 sections 46-713 to 46-718 and 46-739 and any requirements of an
12 interstate compact or decree or formal state contract or agreement.
13 The fund may be used to pay for up to twenty-five thousand
14 dollars in annual expenses for the Republican River Basin Water
15 Sustainability Task Force but shall not be used to pay for any
16 other administrative expenses or any salaries for the department or
17 any political subdivision.

18 (4) It is the intent of the Legislature that two million
19 seven hundred thousand dollars be transferred each fiscal year from
20 the General Fund to the Water Resources Cash Fund for FY2009-10
21 through FY2018-19.

22 (5)(a) Expenditures from the Water Resources Cash
23 Fund may be made to natural resources districts eligible under
24 subsection (3) of this section for activities to either achieve a
25 sustainable balance of consumptive water uses or assure compliance
26 with an interstate compact or decree or a formal state contract
27 or agreement and shall require a match of local funding in an
1 amount equal to or greater than forty percent of the total cost
2 of carrying out the eligible activity. The department shall, no
3 later than August 1 of each year, beginning in 2007, determine the
4 amount of funding that will be made available to natural resources
5 districts from the Water Resources Cash Fund and notify natural
6 resources districts of this determination. The department shall
7 adopt and promulgate rules and regulations governing application
8 for and use of the Water Resources Cash Fund by natural resources
9 districts. Such rules and regulations shall, at a minimum, include
10 the following components:

11 (i) Require an explanation of how the planned activity
 12 will assure compliance with an interstate compact or decree or a
 13 formal state contract or agreement as required by section 46-715
 14 and the controls, rules, and regulations designed to carry out the
 15 activity; and

16 (ii) A schedule of implementation of the activity or its
 17 components.

18 (b) Any natural resources district that fails to
 19 implement and enforce its controls, rules, and regulations as
 20 required by section 46-715 shall not be eligible for funding
 21 from the Water Resources Cash Fund until it is determined by the
 22 department that compliance with the provisions required by section
 23 46-715 has been established.

24 (6) The Department of Natural Resources shall submit an
 25 annual report to the Legislature no later than October 1 of each
 26 year, beginning in the year 2007, that shall detail the use of the
 27 Water Resources Cash Fund in the previous year. The report shall
 1 provide:

2 (a) Details regarding the use and cost of activities
 3 carried out by the department; and

4 (b) Details regarding the use and cost of activities
 5 carried out by each natural resources district that received funds
 6 from the Water Resources Cash Fund.

7 Sec. 4. Original section 61-218, Revised Statutes
 8 Cumulative Supplement, 2008, as amended by section 39, Legislative
 9 Bill 3, One Hundred First Legislature, First Special Session, 2009,
 10 is repealed.

11 4. Renumber the remaining section accordingly.

12 2. Renumber the remaining amendments accordingly.

Senator Schilz filed the following amendment to LB919:
 AM2128

(Amendments to Standing Committee amendments, AM1848)

1 1. Strike the original sections and all amendments
 2 thereto and insert the following new sections:

3 Section 1. Section 17-301, Reissue Revised Statutes of
 4 Nebraska, is amended to read:

5 ~~17-301 (1) Whenever any city of the first class decreases~~
 6 ~~in population until it has a population of less than five~~
 7 ~~thousand inhabitants but not less than four thousand five hundred~~
 8 ~~inhabitants, as ascertained and officially promulgated by the~~
 9 ~~federal decennial census, the mayor of any such city shall certify~~
 10 ~~such fact to the Secretary of State.~~

11 ~~(2) Whenever any city of the first class decreases in~~
 12 ~~population until it has a population of less than four thousand~~
 13 ~~five hundred inhabitants but more than eight hundred inhabitants~~
 14 ~~as ascertained and officially promulgated by the federal decennial~~
 15 ~~census, the mayor of any such city shall certify such fact to the~~
 16 ~~Secretary of State.~~

17 (3) ~~Whenever the Secretary of State receives a~~
18 ~~certification pursuant to subsection (1) of this section from the~~
19 ~~same city after two consecutive federal decennial censuses, he or~~
20 ~~she shall declare such city to have become a city of the second~~
21 ~~class as provided in section 17 305.~~

22 (4) ~~Whenever the Secretary of State receives a~~
1 ~~certification pursuant to subsection (2) of this section, he or she~~
2 ~~shall declare such city to have become a city of the second class~~
3 ~~as provided in section 17 305.~~

4 (1) This section applies to cities of the first class
5 whose population is less than five thousand inhabitants but more
6 than eight hundred inhabitants according to the federal decennial
7 census conducted in the year 2010 or any subsequent federal
8 decennial census.

9 (2)(a) If a city of the first class has a population
10 of less than five thousand inhabitants but not less than four
11 thousand inhabitants, as ascertained and officially promulgated by
12 the most recent federal decennial census, the mayor of the city
13 shall certify such fact to the Secretary of State. If the mayor
14 and city council of the city determine that it is in the best
15 interests of such city to become a city of the second class, the
16 mayor and city council shall adopt an ordinance to that effect and
17 shall notify the Secretary of State and notice and a copy of such
18 ordinance shall accompany the certification. If the Secretary of
19 State receives such notification, he or she shall declare such city
20 to be a city of the second class. If the mayor and city council
21 determine that it is in the best interests of such city to remain
22 a city of the first class, they shall submit to the Secretary of
23 State, within nine years after the certification is required to
24 be submitted pursuant to this subdivision, an explanation of the
25 city's plan to increase the city's population.

26 (b) If a city of the first class has a population of
1 less than five thousand inhabitants but not less than four thousand
2 inhabitants, as ascertained and officially promulgated by the most
3 recent federal decennial census immediately following the census
4 referred to in subdivision (a) of this subsection, the mayor of
5 the city shall certify such fact to the Secretary of State. If the
6 mayor and city council of the city determine that it is in the best
7 interests of such city to become a city of the second class, the
8 mayor and city council shall adopt an ordinance to that effect and
9 shall notify the Secretary of State and notice and a copy of such
10 ordinance shall accompany the certification. If the Secretary of
11 State receives such notification, he or she shall declare such city
12 to be a city of the second class.

13 (c) If a city of the first class has a population of
14 less than five thousand inhabitants but not less than four thousand
15 inhabitants, as ascertained and officially promulgated by the most
16 recent federal decennial census immediately following the census
referred to in subdivision (b) of this subsection, the mayor of

17 the city shall certify such fact to the Secretary of State. After
 18 receipt of such certification, the Secretary of State shall declare
 19 such city to be a city of the second class.

20 (3) If a city of the first class has a population of
 21 less than four thousand inhabitants but more than eight hundred
 22 inhabitants, as ascertained and officially promulgated by the most
 23 recent federal decennial census, the mayor of the city shall
 24 certify such fact to the Secretary of State. After receipt of such
 25 certification, the Secretary of State shall declare such city to be
 26 a city of the second class.

27 ~~(5)~~(4) Beginning on the date upon which a city becomes
 1 a city of the second class pursuant to section 17-305, such city
 2 shall be governed by the ~~provisions of the statutes of the State~~
 3 ~~of Nebraska~~ laws of this state applicable to cities of the second
 4 class.

5 Sec. 2. Original section 17-301, Reissue Revised Statutes
 6 of Nebraska, is repealed.

7 Sec. 3. The following section is outright repealed:

8 Section 17-305.01, Reissue Revised Statutes of Nebraska.

9 Sec. 4. Since an emergency exists, this act takes effect
 10 when passed and approved according to law.

Senator Nordquist filed the following amendment to LB1106A:
 AM2158

- 1 1. On page 2, line 9, strike "\$163,665" and insert
- 2 "\$161,583"; and in line 10 strike "\$398,950" and insert "\$401,032".

UNANIMOUS CONSENT - Add Cointroducer

Senator Wallman asked unanimous consent to add his name as cointroducer to LB1077. No objections. So ordered.

VISITORS

Visitors to the Chamber were Derek Anderson from Wayne; students from the University of Nebraska at Lincoln and Kearney; 40 eighth-grade students from Southwest Middle School, Bartley; and members of Leadership Nebraska from across the state.

The Doctor of the Day was Dr. Gerald Matzke from Gothenburg.

ADJOURNMENT

At 4:08 p.m., on a motion by Speaker Flood, the Legislature adjourned until 9:00 a.m., Thursday, March 11, 2010.

Patrick J. O'Donnell
 Clerk of the Legislature

FORTIETH DAY - MARCH 11, 2010**LEGISLATIVE JOURNAL****ONE HUNDRED FIRST LEGISLATURE
SECOND SESSION****FORTIETH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, March 11, 2010

PRAYER

The prayer was offered by Reverend Jimmy Shelbourn, First Presbyterian Church, Beatrice.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Langemeier presiding.

The roll was called and all members were present except Senators Harms and Pahls who were excused; and Senators Ashford, Cornett, and Haar who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 810, lines 5 and 6, strike "with amendment" and insert "Second".
The Journal for the thirty-ninth day was approved as corrected.

MOTION - Approve Appointment

Senator Gay moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 785:

Board of Emergency Medical Services
Bernard Kanger Jr.

Voting in the affirmative, 30:

Adams	Cook	Hadley	Lathrop	Price
Avery	Council	Howard	Lautenbaugh	Rogert
Campbell	Dierks	Janssen	McCoy	Schilz
Carlson	Fischer	Karpisek	McGill	Stuthman
Christensen	Gay	Krist	Pankonin	Wallman
Coash	Gloor	Langemeier	Pirsch	White

Voting in the negative, 0.

Present and not voting, 14:

Conrad	Fulton	Heidemann	Nelson	Utter
Dubas	Giese	Louden	Nordquist	Wightman
Flood	Hansen	Mello	Sullivan	

Excused and not voting, 5:

Ashford	Cornett	Haar	Harms	Pahls
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The appointment was confirmed with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 948. Considered.

Senator Fulton requested a record vote on the advancement of the bill.

Voting in the affirmative, 27:

Ashford	Cook	Hadley	Mello	Wallman
Avery	Cornett	Hansen	Nordquist	White
Campbell	Council	Howard	Price	Wightman
Carlson	Dubas	Krist	Rogert	
Coash	Giese	Lathrop	Schilz	
Conrad	Haar	McGill	Sullivan	

Voting in the negative, 13:

Adams	Fulton	Langemeier	Pankonin	Utter
Fischer	Gloor	McCoy	Pirsch	
Flood	Heidemann	Nelson	Stuthman	

Present and not voting, 6:

Christensen	Janssen	Lautenbaugh
Gay	Karpisek	Louden

Excused and not voting, 3:

Dierks	Harms	Pahls
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Advanced to Enrollment and Review Initial with 27 ayes, 13 nays, 6 present and not voting, and 3 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 370. Introduced by Stuthman, 22.

WHEREAS, the Lindsay Holy Family Lady Bulldogs won the 2010 Class D-2 Girls' State Basketball Championship; and

WHEREAS, the Lady Bulldogs defeated the previously unbeaten Wynot Blue Devils 40-37 in the championship game; and

WHEREAS, the Lady Bulldogs' victory was their first state championship since 1993; and

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

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

1. That the Legislature congratulates the Lindsay Holy Family Lady Bulldogs on winning the 2010 Class D-2 Girls' State Basketball Championship.

2. That a copy of this resolution be sent to the Lindsay Holy Family Lady Bulldogs and their coach, Travis Friesen.

Laid over.

COMMITTEE REPORTS

Business and Labor

LEGISLATIVE BILL 908. Placed on General File.

LEGISLATIVE BILL 1055. Placed on General File.

LEGISLATIVE BILL 833. Indefinitely postponed.

LEGISLATIVE BILL 846. Indefinitely postponed.

LEGISLATIVE BILL 963. Indefinitely postponed.

LEGISLATIVE BILL 1044. Indefinitely postponed.

(Signed) Steve Lathrop, Chairperson

COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 571. Placed on Final Reading.

ST9080

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

1. In the E & R amendments, ER8083, on page 1, lines 15 and 16, "45-1002, 45-1024," has been struck; and in line 17 ", and sections 45-1002 and 45-1024, Revised Statutes Supplement, 2009" has been inserted after "2008".

2. In the Standing Committee amendments, AM983:

a. Sections 9 and 10 and all amendments thereto have been struck and the following new sections inserted:

Sec. 10. Section 45-1002, Revised Statutes Supplement, 2009, is amended to read:

45-1002 (1) For purposes of the Nebraska Installment Loan Act:

(a) Applicant means a person applying for a license under the act;

(b) Breach of security of the system means unauthorized acquisition of data that compromises the security, confidentiality, or integrity of the information maintained by the Nationwide Mortgage Licensing System and Registry, its affiliates, or its subsidiaries;

(c) Department means the Department of Banking and Finance;

(d) Debt cancellation contract means a loan term or contractual arrangement modifying loan terms under which a financial institution agrees to cancel all or part of a borrower's obligation to repay an extension of credit from the financial institution upon the occurrence of a specified event. The debt cancellation contract may be separate from or a part of other loan documents. The term debt cancellation contract does not include loan payment deferral arrangements in which the triggering event is the borrower's unilateral election to defer repayment or the financial institution's unilateral decision to allow a deferral of repayment;

(e) Debt suspension contract means a loan term or contractual arrangement modifying loan terms under which a financial institution agrees to suspend all or part of a borrower's obligation to repay an extension of credit from the financial institution upon the occurrence of a specified event. The debt suspension contract may be separate from or a part of other loan documents. The term debt suspension contract does not include loan payment deferral arrangements in which the triggering event is the borrower's unilateral election to defer repayment or the financial institution's unilateral decision to allow a deferral of repayment;

(f) Director means the Director of Banking and Finance;

(g) Financial institution has the same meaning as in section 8-101;

(h) Guaranteed asset protection waiver means a waiver that is offered, sold, or provided in accordance with the Guaranteed Asset Protection Waiver Act;

~~(h)(i)~~ (i) Licensee means any person who obtains a license under the act;
Nebraska Installment Loan Act;

~~(i)(i)~~ (i)(i) Mortgage loan originator means an individual who for compensation or gain (A) takes a residential mortgage loan application or (B) offers or negotiates terms of a residential mortgage loan.

(ii) Mortgage loan originator does not include (A) any individual who is not otherwise described in subdivision (i)(A) of this subdivision and who performs purely administrative or clerical tasks on behalf of a person who is described in any such clause, (B) a person or entity that only performs real estate brokerage activities and is licensed or registered in accordance with applicable state law, unless the person or entity is compensated by a lender, a mortgage broker, or other mortgage loan originator or by any agent of such lender, mortgage broker, or other mortgage loan originator, or (C) a person or entity solely involved in extensions of credit relating to time-share programs as defined in section 76-1702;

~~(j)~~(k) Nationwide Mortgage Licensing System and Registry means a mortgage licensing system developed and maintained by the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators for the licensing and registration of mortgage loan originators, mortgage bankers, and installment loan companies;

~~(k)~~(l) Person means individual, partnership, limited liability company, association, financial institution, trust, corporation, and any other legal entity; and

~~(l)~~(m) Real property means an owner-occupied single-family, two-family, three-family, or four-family dwelling which is located in this state, which is occupied, used, or intended to be occupied or used for residential purposes, and which is, or is intended to be, permanently affixed to the land.

(2) Except as provided in subsection (3) of section 45-1017, no revenue arising under the ~~act~~ Nebraska Installment Loan Act shall inure to any school fund of the State of Nebraska or any of its governmental subdivisions.

(3) Loan, when used in the Nebraska Installment Loan Act, does not include any loan made by a person who is not a licensee on which the interest does not exceed the maximum rate permitted by section 45-101.03.

(4) Nothing in the Nebraska Installment Loan Act applies to any loan made by a person who is not a licensee if the interest on the loan does not exceed the maximum rate permitted by section 45-101.03.

Sec. 11. Section 45-1024, Revised Statutes Supplement, 2009, is amended to read:

45-1024 (1) Except as provided in section 45-1025 and subsection (6) of this section, every licensee may make loans and may contract for and receive on such loans charges at a rate not exceeding twenty-four percent per annum on that part of the unpaid principal balance on any loan not in excess of one thousand dollars, and twenty-one percent per annum on any remainder of such unpaid principal balance. Except for loans secured by mobile homes, a licensee may not make loans for a period in excess of one hundred forty-five months if the amount of the loan is greater than three thousand dollars but less than twenty-five thousand dollars. Charges on loans made under the Nebraska Installment Loan Act shall not be paid, deducted, or received in advance. The contracting for, charging of, or receiving of charges as provided for in subsection (2) of this section shall not be deemed to be the payment, deduction, or receipt of such charges in advance.

(2) When the loan contract requires repayment in substantially equal and consecutive monthly installments of principal and charges combined, the licensee may, at the time the loan is made, precompute the charges at the agreed rate on scheduled unpaid principal balances according to the terms of the contract and add such charges to the principal of the loan. Every payment may be applied to the combined total of principal and precomputed charges until the contract is fully paid. All payments made on account of any loan except for default and deferment charges shall be deemed to be applied to the unpaid installments in the order in which they are due. The portion of the precomputed charges applicable to any particular month of the contract, as originally scheduled or following a deferment, shall be that

proportion of such precomputed charges, excluding any adjustment made for a first installment period of more than one month and any adjustment made for deferment, which the balance of the contract scheduled to be outstanding during such month bears to the sum of all monthly balances originally scheduled to be outstanding by the contract. This section shall not limit or restrict the manner of calculating charges, whether by way of add-on, single annual rate, or otherwise, if the rate of charges does not exceed that permitted by this section. Charges may be contracted for and earned at a single annual rate, except that the total charges from such rate shall not be greater than the total charges from the several rates otherwise applicable to the different portions of the unpaid balance according to subsection (1) of this section. All loan contracts made pursuant to this subsection are subject to the following adjustments:

(a) Notwithstanding the requirement for substantially equal and consecutive monthly installments, the first installment period may not exceed one month by more than twenty-one days and may not fall short of one month by more than eleven days. The charges for each day exceeding one month shall be one-thirtieth of the charges which would be applicable to a first installment period of one month. The charge for extra days in the first installment period may be added to the first installment and such charges for such extra days shall be excluded in computing any rebate;

(b) If prepayment in full by cash, a new loan, or otherwise occurs before the first installment due date, the charges shall be recomputed at the rate of charges contracted for in accordance with subsection (1) or (2) of this section upon the actual unpaid principal balances of the loan for the actual time outstanding by applying the payment, or payments, first to charges at the agreed rate and the remainder to the principal. The amount of charges so computed shall be retained in lieu of all precomputed charges;

(c) If a contract is prepaid in full by cash, a new loan, or otherwise after the first installment due date, the borrower shall receive a rebate of an amount which is not less than the amount obtained by applying to the unpaid principal balances as originally scheduled or, if deferred, as deferred, for the period following prepayment, according to the actuarial method, the rate of charge contracted for in accordance with subsection (1) or (2) of this section. The licensee may round the rate of charge to the nearest one-half of one percent if such procedure is not consistently used to obtain a greater yield than would otherwise be permitted. Any default and deferment charges which are due and unpaid may be deducted from any rebate. No rebate shall be required for any partial prepayment. No rebate of less than one dollar need be made. Acceleration of the maturity of the contract shall not in itself require a rebate. If judgment is obtained before the final installment date, the contract balance shall be reduced by the rebate which would be required for prepayment in full as of the date judgment is obtained;

(d) If any installment on a precomputed or interest bearing loan is unpaid in full for ten or more consecutive days, Sundays and holidays included, after it is due, the licensee may charge and collect a default charge not exceeding an amount equal to five percent of such installment. If any installment payment is made by a check, draft, or similar signed order which is not honored because of insufficient funds, no account, or any other reason

except an error of a third party to the loan contract, the licensee may charge and collect a fifteen-dollar bad check charge. Such default or bad check charges may be collected when due or at any time thereafter;

(e) If, as of an installment due date, the payment date of all wholly unpaid installments is deferred one or more full months and the maturity of the contract is extended for a corresponding period, the licensee may charge and collect a deferment charge not exceeding the charge applicable to the first of the installments deferred, multiplied by the number of months in the deferment period. The deferment period is that period during which no payment is made or required by reason of such deferment. The deferment charge may be collected at the time of deferment or at any time thereafter. The portion of the precomputed charges applicable to each deferred balance and installment period following the deferment period shall remain the same as that applicable to such balance and periods under the original loan contract. No installment on which a default charge has been collected, or on account of which any partial payment has been made, shall be deferred or included in the computation of the deferment charge unless such default charge or partial payment is refunded to the borrower or credited to the deferment charge. Any payment received at the time of deferment may be applied first to the deferment charge and the remainder, if any, applied to the unpaid balance of the contract, except that if such payment is sufficient to pay, in addition to the appropriate deferment charge, any installment which is in default and the applicable default charge, it shall be first so applied and any such installment shall not be deferred or subject to the deferment charge. If a loan is prepaid in full during the deferment period, the borrower shall receive, in addition to the required rebate, a rebate of that portion of the deferment charge applicable to any unexpired full month or months of such deferment period; and

(f) If two or more full installments are in default for one full month or more at any installment date and if the contract so provides, the licensee may reduce the contract balance by the rebate which would be required for prepayment in full as of such installment date and the amount remaining unpaid shall be deemed to be the unpaid principal balance and thereafter in lieu of charging, collecting, receiving, and applying charges as provided in this subsection, charges may be charged, collected, received, and applied at the agreed rate as otherwise provided by this section until the loan is fully paid.

(3) The charges, as referred to in subsection (1) of this section, shall not be compounded. The charging, collecting, and receiving of charges as provided in subsection (2) of this section shall not be deemed compounding. If part or all of the consideration for a loan contract is the unpaid principal balance of a prior loan, then the principal amount payable under such loan contract may include any unpaid charges on the prior loan which have accrued within sixty days before the making of such loan contract and may include the balance remaining after giving the rebate required by subsection (2) of this section. Except as provided in subsection (2) of this section, charges shall (a) be computed and paid only as a percentage per month of the unpaid principal balance or portions thereof and (b) be computed on the basis of the number of days actually elapsed. For purposes of computing charges,

whether at the maximum rate or less, a month shall be that period of time from any date in a month to the corresponding date in the next month but if there is no such corresponding date then to the last day of the next month, and a day shall be considered one-thirtieth of a month when computation is made for a fraction of a month.

(4) Except as provided in subsections (5) and (6) of this section, in addition to that provided for under the Nebraska Installment Loan Act, no further or other amount whatsoever shall be directly or indirectly charged, contracted for, or received. If any amount, in excess of the charges permitted, is charged, contracted for, or received, the loan contract shall not on that account be void, but the licensee shall have no right to collect or receive any interest or other charges whatsoever. If such interest or other charges have been collected or contracted for, the licensee shall refund to the borrower all interest and other charges collected and shall not collect any interest or other charges contracted for and thereafter due on the loan involved, as liquidated damages, and the licensee or its assignee, if found liable, shall pay the costs of any action relating thereto, including reasonable attorney's fees. No licensee shall be found liable under this subsection if the licensee shows by a preponderance of the evidence that the violation was not intentional and resulted from a bona fide error notwithstanding the maintenance of procedures reasonably adopted to avoid any such error.

(5) A borrower may be required to pay all reasonable expenses incurred in connection with the making, closing, disbursing, extending, readjusting, or renewing of loans. Such expenses may include abstracting, recording, releasing, and registration fees; premiums paid for nonfiling insurance; premiums paid on insurance policies covering tangible personal property securing the loan; amounts charged for a debt cancellation contract or a debt suspension contract, as agreed upon by the parties, if the debt cancellation contract or debt suspension contract is a contract of a financial institution and such contract is sold directly by such financial institution or by an unaffiliated, nonexclusive agent of such financial institution in accordance with 12 C.F.R. part 37, as such part existed on January 1, 2006, and the financial institution is responsible for the unaffiliated, nonexclusive agent's compliance with such part; title examinations; credit reports; survey; ~~and~~ taxes or charges imposed upon or in connection with the making and recording or releasing of any mortgage; and amounts charged for a guaranteed asset protection waiver. Except as provided in subsection (6) of this section, a borrower may also be required to pay a nonrefundable loan origination fee not to exceed the lesser of five hundred dollars or an amount equal to seven percent of that part of the original principal balance of any loan not in excess of two thousand dollars and five percent on that part of the original principal balance in excess of two thousand dollars, if the licensee has not made another loan to the borrower within the previous twelve months. If the licensee has made another loan to the borrower within the previous twelve months, a nonrefundable loan origination fee may only be charged on new funds advanced on each successive loan. Such reasonable initial charges may be collected from the borrower or included in the principal balance of the loan at the time the loan is made and shall not be considered interest or a charge for the use of the money loaned.

(6)(a) Loans secured solely by real property that are not made pursuant to subdivision (11) of section 45-101.04 on real property shall not be subject to the limitations on the rate of interest provided in subsection (1) of this section or the limitations on the nonrefundable loan origination fee under subsection (5) of this section if (i) the principal amount of the loan is seven thousand five hundred dollars or more and (ii) the sum of the principal amount of the loan and the balances of all other liens against the property do not exceed one hundred percent of the appraised value of the property. Acceptable methods of determining appraised value shall be made by the department pursuant to rule, regulation, or order.

(b) An origination fee on such loan shall be computed only on the principal amount of the loan reduced by any portion of the principal that consists of the amount required to pay off another loan made under this subsection by the same licensee.

(c) A prepayment penalty on such loan shall be permitted only if (i) the maximum amount of the penalty to be assessed is stated in writing at the time the loan is made, (ii) the loan is prepaid in full within two years from the date of the loan, and (iii) the loan is prepaid with money other than the proceeds of another loan made by the same licensee. Such prepayment penalty shall not exceed six months interest on eighty percent of the original principal balance computed at the agreed rate of interest on the loan.

(d) A licensee making a loan pursuant to this subsection may obtain an interest in any fixtures attached to such real property and any insurance proceeds payable in connection with such real property or the loan.

(e) For purposes of this subsection, principal amount of the loan means the total sum owed by the borrower including, but not limited to, insurance premiums, loan origination fees, or any other amount that is financed, except that for purposes of subdivision (6)(b) of this section, loan origination fees shall not be included in calculating the principal amount of the loan.

b. On page 1, line 3, "6" has been struck and "7" inserted; and

c. On page 28, lines 3 and 4, "45-1002, 45-1024," has been struck; and in line 5 "and sections 45-1002 and 45-1024, Revised Statutes Supplement, 2009," has been inserted after the comma.

(Signed) Jeremy Nordquist, Chairperson

GENERAL FILE

LEGISLATIVE RESOLUTION 300CA. Read. Considered.

Committee AM1971, found on page 624, was considered.

PRESIDENT SHEEHY PRESIDING

Senator Avery moved for a call of the house. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The committee amendment lost with 23 ayes, 3 nays, 18 present and not voting, and 5 excused and not voting.

Failed to advance to Enrollment and Review Initial with 7 ayes, 12 nays, 25 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

COMMITTEE REPORT

Rules

The Rules Committee met on the proposed rules change to Rule 1, Sec. 19, found on page 556. The proposal was adopted by the Rules Committee with a unanimous vote on February 23, 2010, and recommends its adoption by the full Legislature.

The Rules Committee met on the proposed rules change to Rule 5, Sec. 5, found on page 608. The proposal was indefinitely postponed by the Rules Committee with a vote of 4-0, with one abstention, on February 23, 2010.

(Signed) Scott Lautenbaugh, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 371. Introduced by Cornett, 45; Adams, 24; Ashford, 20; Avery, 28; Campbell, 25; Carlson, 38; Conrad, 46; Cook, 13; Council, 11; Dierks, 40; Dubas, 34; Fischer, 43; Flood, 19; Fulton, 29; Gay, 14; Giese, 17; Gloor, 35; Haar, 21; Hadley, 37; Hansen, 42; Heidemann, 1; Howard, 9; Janssen, 15; Karpisek, 32; Krist, 10; Lathrop, 12; Lautenbaugh, 18; Loudon, 49; McCoy, 39; McGill, 26; Mello, 5; Nordquist, 7; Pankonin, 2; Pirsch, 4; Price, 3; Rogert, 16; Schilz, 47; Stuthman, 22; Sullivan, 41; Utter, 33; Wallman, 30; White, 8; Wightman, 36.

WHEREAS, women have served honorably and with courage in all of America's wars and conflicts since the American Revolution; and

WHEREAS, the United States military has evolved from a predominantly male force to a force made up of more than fourteen percent women currently serving on active duty, and nearly seventeen percent women serving in the Reserves and the National Guard; and

WHEREAS, the population of women veterans is increasing exponentially from 1.1 million in 1980 to a projection of nearly 2 million by 2020, comprising more than ten percent of the veteran population in 2020; and

WHEREAS, the projected population of male veterans is expected to continue to decline; and

WHEREAS, given that an unprecedented number of women are serving in the military and participating in Operation Enduring Freedom and Operation Iraqi Freedom, the United States Department of Veterans Affairs is working to provide consistent, comprehensive, and quality health care and benefits to women veterans of all eras; and

WHEREAS, the number of women veterans has increased over the last decade because there is an increasing number and proportion of women who are entering and leaving the military, women are living longer than men, and women veterans have a younger age distribution compared to men veterans; and

WHEREAS, even though the United States Department of Veterans Affairs has been at the forefront of health care and lifestyle solutions affecting an aging male population, there is now a growing need to improve health care services for women veterans, to ensure clinicians are properly trained to provide primary care and gender specific care to women of all ages, and to identify innovative courses of treatment and solutions to obstacles that are unique to women veterans; and

WHEREAS, with a rapidly increasing number of women serving in the military and returning from deployments as seasoned veterans, some with exposure to combat, the United States Department of Veterans Affairs facilities and veterans service organizations are working to ensure that the post-deployment mental and physical health needs unique to women veterans are also met; and

WHEREAS, even though the roles of women in the military have changed over time and will continue to change, these women deserve to be acknowledged for their military service and treated with equal respect.

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

1. That the Legislature encourages the Nebraska Department of Veterans' Affairs and its women veterans state coordinator to work in conjunction with the National Foundation for Women Legislators and the Center for Women Veterans at the United States Department of Veterans Affairs to reach out to all women veterans within the state to encourage them to bring their specific needs and concerns to the attention of agency officials so that state legislators and agency officials can work together to identify unique issues impacting women veterans and consider policy solutions that will improve the quality of life for women veterans within the state.

2. That the Legislature honors all of the women in this state who have heroically answered their call to duty and recognizes the important role women have played in shaping this great nation.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 1021. Title read. Considered.

Committee AM1969, found on page 625, was considered.

Senator Avery renewed his amendment, AM2033, found on page 718, to the committee amendment.

Pending.

COMMITTEE REPORTS

Appropriations

LEGISLATIVE BILL 317. Placed on General File with amendment.
AM2101

- 1 1. Strike the original sections and insert the following
2 new sections:
- 3 Section 1. Section 84-612, Revised Statutes Supplement,
4 2009, as amended by section 7, Legislative Bill 2, One Hundred
5 First Legislature, First Special Session, 2009, is amended to read:
6 84-612 (1) There is hereby created within the state
7 treasury a fund known as the Cash Reserve Fund which shall be under
8 the direction of the State Treasurer. The fund shall only be used
9 pursuant to this section.
- 10 (2) The State Treasurer shall transfer funds from the
11 Cash Reserve Fund to the General Fund upon certification by the
12 Director of Administrative Services that the current cash balance
13 in the General Fund is inadequate to meet current obligations. Such
14 certification shall include the dollar amount to be transferred.
15 Any transfers made pursuant to this subsection shall be reversed
16 upon notification by the Director of Administrative Services that
17 sufficient funds are available.
- 18 (3) The State Treasurer, at the direction of the
19 budget administrator of the budget division of the Department
20 of Administrative Services, shall transfer such amounts not to
21 exceed seven million seven hundred fifty-three thousand two hundred
22 sixty-three dollars in total from the Cash Reserve Fund to the
23 Nebraska Capital Construction Fund between July 1, 2003, and June
1 30, 2007.
- 2 (4) The State Treasurer, at the direction of the budget
3 administrator, shall transfer an amount equal to the total amount
4 transferred pursuant to subsection (3) of this section from the
5 General Fund to the Cash Reserve Fund on or before June 30, 2008.
- 6 (5) In addition to receiving transfers from other funds,
7 the Cash Reserve Fund shall receive federal funds received by the
8 State of Nebraska for undesignated general government purposes,
9 federal revenue sharing, or general fiscal relief of the state.
- 10 (6) On June 15, 2009, the State Treasurer shall transfer
11 four million nine hundred ninety thousand five hundred five dollars
12 from the Cash Reserve Fund to the General Fund.
- 13 (7) On or before June 16, 2009, the State Treasurer, at
14 the direction of the budget administrator, shall transfer fifty
15 million dollars from the Cash Reserve Fund to the General Fund.
- 16 (8) The State Treasurer, at the direction of the budget
17 administrator, shall transfer such amounts, as certified by the
18 Director of Administrative Services, for employee health insurance
19 claims and expenses, not to exceed twelve million dollars in total

20 from the Cash Reserve Fund to the State Employees Insurance Fund
21 between May 1, 2007, and June 30, 2011.

22 (9) On July 9, 2007, the State Treasurer shall transfer
23 five million dollars from the Cash Reserve Fund to the Job Training
24 Cash Fund. The State Treasurer shall transfer from the Job Training
25 Cash Fund to the Cash Reserve Fund such amounts as directed in
26 section 81-1201.21.

27 (10) On July 7, 2008, the State Treasurer shall transfer
1 five million dollars from the Cash Reserve Fund to the Job Training
2 Cash Fund. The State Treasurer shall transfer from the Job Training
3 Cash Fund to the Cash Reserve Fund such amounts as directed in
4 section 81-1201.21.

5 (11) On or before June 30, 2009, the State Treasurer
6 shall transfer nine million five hundred ninety thousand dollars
7 from the Cash Reserve Fund to the Nebraska Capital Construction
8 Fund.

9 (12) The State Treasurer, at the direction of the budget
10 administrator, shall transfer an amount equal to the total amount
11 transferred pursuant to subsection (8) of this section from the
12 appropriate health insurance accounts of the State Employees
13 Insurance Fund in such amounts as certified by the Director of
14 Administrative Services to the Cash Reserve Fund on or before June
15 30, 2011.

16 (13) On July 7, 2009, the State Treasurer shall transfer
17 five million dollars from the Cash Reserve Fund to the Roads
18 Operations Cash Fund. The Department of Roads shall use such
19 funds to provide the required state match for federal funding made
20 available to the state through congressional earmarks.

21 (14) Within five days after the budget division of the
22 Department of Administrative Services notifies the State Treasurer
23 that matching fund requirements under section 82-331 have been met,
24 the State Treasurer shall transfer one million dollars from the
25 Cash Reserve Fund to the Nebraska Cultural Preservation Endowment
26 Fund.

27 (15) On or before June 15, 2010, the State Treasurer,
1 at the direction of the budget administrator, shall transfer one
2 hundred five million dollars from the Cash Reserve Fund to the
3 General Fund.

4 (16) On or before June 15, 2011, the State Treasurer,
5 at the direction of the budget administrator, shall transfer one
6 hundred fifty-one million dollars from the Cash Reserve Fund to the
7 General Fund.

8 (17) On June 15, 2009, the State Treasurer shall transfer
9 seven million five hundred thousand dollars from the Cash Reserve
10 Fund to the Governor's Emergency Cash Fund.

11 (18) On July 7, 2009, the State Treasurer shall
12 transfer one million dollars from the Cash Reserve Fund to the
13 State Visitors Promotion Cash Fund. The Department of Economic
14 Development shall use such funds to provide funding for the

15 promotion and support of the hosting of a Special Olympics national
 16 event by a city of the primary class.

17 (19) On or before June 30, 2011, the State Treasurer,
 18 at the direction of the budget administrator, shall transfer three
 19 million dollars from the Cash Reserve Fund to the General Fund.

20 Sec. 2. Original section 84-612, Revised Statutes
 21 Supplement, 2009, as amended by section 7, Legislative Bill 2,
 22 One Hundred First Legislature, First Special Session, 2009, is
 23 repealed.

LEGISLATIVE BILL 935. Placed on General File with amendment.
 AM2117 is available in the Bill Room.

(Signed) Lavon Heidemann, Chairperson
 Natural Resources

LEGISLATIVE BILL 1048. Placed on General File with amendment.
 AM2159 is available in the Bill Room.

(Signed) Chris Langemeier, Chairperson

MOTION - Print in Journal

Senator Lautenbaugh filed the following motion to LB1021:
 MO87
 Bracket until April 14, 2010.

AMENDMENT - Print in Journal

Senator Lautenbaugh filed the following amendment to LB1021:
 AM2065

(Amendments to Standing Committee amendments, AM1969)

1 1. Insert the following new sections:
 2 Sec. 17. Section 85-502, Reissue Revised Statutes of
 3 Nebraska, is amended to read:
 4 85-502 Rules and regulations established by the governing
 5 board of each state postsecondary educational institution shall
 6 require as a minimum that a person is not deemed to have
 7 established a residence in this state, for purposes of sections
 8 85-501 to 85-504, unless such person is lawfully present in the
 9 United States and

10 (1) Such person is of legal age or is an emancipated
 11 minor and has established a home in Nebraska where he or she
 12 is habitually present for a minimum period of one hundred eighty
 13 days, with the bona fide intention of making this state his or her
 14 permanent residence, supported by documentary proof;
 15 (2) The parents, parent, or guardian having custody of a
 16 minor registering in the educational institution have established

17 a home in Nebraska where such parents, parent, or guardian are
 18 or is habitually present with the bona fide intention to make
 19 this state their, his, or her permanent residence, supported by
 20 documentary proof. If a student has matriculated in any state
 21 postsecondary educational institution while his or her parents,
 22 parent, or guardian had an established home in this state, and the
 1 parents, parent, or guardian ceases to reside in the state, such
 2 student shall not thereby lose his or her resident status if such
 3 student has the bona fide intention to make this state his or her
 4 permanent residence, supported by documentary proof;

5 (3) Such student is of legal age and is a dependent for
 6 federal income tax purposes of a parent or former guardian who
 7 has established a home in Nebraska where he or she is habitually
 8 present with the bona fide intention of making this state his or
 9 her permanent residence, supported by documentary proof;

10 (4) Such student is a nonresident of this state prior
 11 to marriage and marries a person who has established a home in
 12 Nebraska where he or she is habitually present with the bona fide
 13 intention of making this state his or her permanent residence,
 14 supported by documentary proof;

15 ~~(5) Except as provided in subdivision (8) of this~~
 16 ~~section, such~~ Such student, if an alien, ~~has applied to or~~
 17 ~~has a petition pending with the United States Immigration and~~
 18 ~~Naturalization Service to attain lawful status under federal~~
 19 ~~immigration law and~~ has established a home in Nebraska for a
 20 period of at least one hundred eighty days where he or she is
 21 habitually present with the bona fide intention to make this state
 22 his or her permanent residence, supported by documentary proof;

23 (6) Such student is a staff member or a dependent of a
 24 staff member of the University of Nebraska, one of the Nebraska
 25 state colleges, or one of the community college areas who joins
 26 the staff immediately prior to the beginning of a term from an
 27 out-of-state location; or

1 (7) Such student is on active duty with the armed
 2 services of the United States and has been assigned a permanent
 3 duty station in Nebraska, or is a legal dependent of a person on
 4 active duty with the armed services of the United States assigned a
 5 permanent duty station in Nebraska; ~~or~~

6 ~~(8)(a) Such student resided with his or her parent,~~
 7 ~~guardian, or conservator while attending a public or private high~~
 8 ~~school in this state and:~~

9 ~~(i) Graduated from a public or private high school in~~
 10 ~~this state or received the equivalent of a high school diploma in~~
 11 ~~this state;~~

12 ~~(ii) Resided in this state for at least three years~~
 13 ~~before the date the student graduated from the high school or~~
 14 ~~received the equivalent of a high school diploma;~~

15 (iii) Registered as an entering student in a state
 16 postsecondary educational institution not earlier than the 2006
 17 fall semester; and

18 (iv) Provided to the state postsecondary educational
 19 institution an affidavit stating that he or she will file
 20 an application to become a permanent resident at the earliest
 21 opportunity he or she is eligible to do so.

22 (b) If the parent, guardian, or conservator with whom the
 23 student resided ceases to reside in the state, such student shall
 24 not lose his or her resident status under this subdivision if the
 25 student has the bona fide intention to make this state his or her
 26 permanent residence, supported by documentary proof.

27 The changes made to this section by this legislative bill
 1 shall not apply to any student enrolled in a state postsecondary
 2 educational institution on September 1, 2010, or to any student
 3 enrolled in grade twelve in a high school in Nebraska on September
 4 1, 2010.

5 The changes made to this section by this legislative
 6 bill shall not apply to any student in Nebraska on and after
 7 the effective or operative date of any federal legislation which
 8 preempts such changes.

9 Sec. 18. Original section 85-502, Reissue Revised
 10 Statutes of Nebraska, is repealed.

UNANIMOUS CONSENT - Add Cointroducer

Senator Cook asked unanimous consent to add her name as cointroducer to LB1014. No objections. So ordered.

VISITORS

Visitors to the Chamber were members of Boys and Girls Clubs of Nebraska from across the state; 76 fourth-grade students and teachers from Fairview Elementary, Bellevue; and 105 fourth-grade students and teachers from Crete.

RECESS

At 11:55 a.m., on a motion by Speaker Flood, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Sheehy presiding.

ROLL CALL

The roll was called and all members were present except Senators Harms and Pahls who were excused.

EXPLANATION OF VOTE

Had I been present, I would have voted "aye" on the advancement of LB948 to Enrollment and Review Initial.

(Signed) M.L. Dierks

BILLS ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 258.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-180.05, Reissue Revised Statutes of Nebraska, and section 53-101, Revised Statutes Supplement, 2009; to change and provide penalties for minors in possession of alcoholic liquor; 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, 40:

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

Voting in the negative, 3:

Janssen	Stuthman	Wallman
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Present and not voting, 3:

Coash	Council	Louden
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Excused and not voting, 3:

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

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB579 with 41 ayes, 1 nay, 4 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 579.

A BILL FOR AN ACT relating to labor; to amend sections 44-7515, 48-151, and 48-443, Reissue Revised Statutes of Nebraska, sections 44-7504, 48-115, 48-145, 48-146, and 48-602, Revised Statutes Cumulative Supplement, 2008, and section 48-144.03, Revised Statutes Supplement, 2009; to adopt the Professional Employer Organization Registration Act; to create a fund; to provide penalties; to harmonize insurance, workers' compensation, safety committee, and unemployment benefit provisions; to provide operative dates; to provide severability; and to repeal the original sections.

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

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Excused and not voting, 3:

Harms	Nelson	Pahls
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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 689.

A BILL FOR AN ACT relating to the ethanol excise tax; to amend sections 66-1345, 66-1345.01, and 66-1345.02, Reissue Revised Statutes of Nebraska, and 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 collection and remittance of the excise tax; 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, 41:

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

Voting in the negative, 1:

Heidemann

Present and not voting, 4:

Gloor	Haar	Krist	Lathrop
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Excused and not voting, 3:

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

LEGISLATIVE BILL 735.

A BILL FOR AN ACT relating to telecommunications; to adopt the Kelsey Smith Act.

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

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Excused and not voting, 3:

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

LEGISLATIVE BILL 764.

A BILL FOR AN ACT relating to the Nebraska Ground Water Management and Protection Act; to amend section 46-717, Reissue Revised Statutes of Nebraska, and section 46-715, Revised Statutes Supplement, 2009; to change provisions relating to integrated management plans; 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, 46:

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

Voting in the negative, 0.

Excused and not voting, 3:

Harms Nelson Pahls

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

LEGISLATIVE BILL 768.

A BILL FOR AN ACT relating to county government; to provide for the termination of township boards within certain counties as prescribed.

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

Voting in the negative, 0.

Excused and not voting, 3:

Harms Nelson Pahls

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

LEGISLATIVE BILL 770. With Emergency Clause.

A BILL FOR AN ACT relating to state government; to amend sections 49-501.01 and 49-508, Reissue Revised Statutes of Nebraska, and section 49-617, Revised Statutes Cumulative Supplement, 2008; to change provisions relating to the distribution of the session laws and journal of the Legislature and copies of the statutes; 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, 45:

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

Voting in the negative, 0.

Present and not voting, 1:

Karpisek

Excused and not voting, 3:

Harms	Nelson	Pahls
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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 799.

A BILL FOR AN ACT relating to the Building Construction Act; to amend sections 71-6403, 71-6404, 71-6405, and 71-6406, Reissue Revised Statutes of Nebraska; to change the state building code; to change restrictions on political subdivisions; 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, 46:

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

Voting in the negative, 0.

Excused and not voting, 3:

Harms Nelson Pahls

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

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB805 with 39 ayes, 4 nays, 3 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 805.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-4,129, 60-4,169, 60-6,123, 60-6,190, 75-362, 75-363, and 75-364, Reissue Revised Statutes of Nebraska, sections 60-465 and 60-4,150, Revised Statutes Cumulative Supplement, 2008, and sections 18-1739, 60-3,193.01, 60-462.01, 60-484.02, and 60-4,147.02, Revised Statutes Supplement, 2009; to adopt by reference updates to the International Registration Plan and certain federal laws and regulations relating to parking permits for persons with disabilities, operators' licenses, transporting hazardous materials, and motor carrier safety and procedure; to allow the release of digital image or signature information to local law enforcement officers; to change provisions relating to commercial motor vehicles, employment driving permits, commercial drivers' licenses, traffic control signals, and speed limits; 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, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Harms Pahls

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 821.

A BILL FOR AN ACT relating to state roads; to amend section 39-1365.01, Reissue Revised Statutes of Nebraska; to change provisions relating to road priorities; 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	Council	Hadley	Louden	Schilz
Ashford	Dierks	Hansen	McCoy	Stuthman
Avery	Dubas	Heidemann	McGill	Sullivan
Campbell	Fischer	Howard	Mello	Utter
Carlson	Flood	Janssen	Nelson	Wallman
Christensen	Fulton	Karpisek	Nordquist	White
Coash	Gay	Krist	Pankonin	Wightman
Conrad	Giese	Langemeier	Pirsch	
Cook	Gloor	Lathrop	Price	
Cornett	Haar	Lautenbaugh	Rogert	

Voting in the negative, 0.

Excused and not voting, 2:

Harms Pahls

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

LEGISLATIVE BILL 865.

A BILL FOR AN ACT relating to animals; to amend sections 28-1008 and 28-1013, Revised Statutes Supplement, 2009; to adopt the Livestock Animal Welfare Act; to eliminate penalties and provisions relating to bovines and equines; to harmonize provisions; to provide a duty for the Revisor of Statutes; to repeal the original sections; and to outright repeal sections 28-1009.02, 28-1009.03, 28-1013.01, and 28-1013.02, 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, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Harms Pahls

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

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB910 with 39 ayes, 2 nays, 6 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 910.

A BILL FOR AN ACT relating to the Commercial Dog and Cat Operator Inspection Act; to amend sections 28-1018, 54-637, and 54-638, Reissue Revised Statutes of Nebraska, sections 54-603 and 54-611, Revised Statutes Cumulative Supplement, 2008, and sections 37-528, 54-626, 54-627, 54-627.01, and 54-645, Revised Statutes Supplement, 2009; to provide for a license fee; to define and license animal rescues under the act; 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, 43:

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

Voting in the negative, 2:

Louden Stuthman

Present and not voting, 2:

Lathrop Nordquist

Excused and not voting, 2:

Harms Pahls

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 910A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 910, 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, 43:

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

Voting in the negative, 0.

Present and not voting, 4:

Flood	Langemeier	Lathrop	Nordquist
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Excused and not voting, 2:

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

LEGISLATIVE BILL 926.

A BILL FOR AN ACT relating to highways; to amend sections 39-204, 39-205, and 39-210, Reissue Revised Statutes of Nebraska; to redefine terms; to change requirements for a specific information sign panel; to provide minimum requirements for farm wineries as prescribed; to change requirements for tourist-oriented directional sign panels; 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, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Harms Pahls

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

LEGISLATIVE BILL 1006.

A BILL FOR AN ACT relating to schools; to amend sections 79-101 and 79-214, Reissue Revised Statutes of Nebraska; to change provisions relating to kindergarten entrance age; 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, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Harms Pahls

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

LEGISLATIVE BILL 1063.

A BILL FOR AN ACT relating to the Nebraska Arts Council; to amend sections 82-326 and 82-329, Reissue Revised Statutes of Nebraska, and section 82-331, Revised Statutes Supplement, 2009; to authorize an art maintenance fund and change inspection provisions for works of art; to change intent relating to transfers to the Nebraska Cultural Preservation

Endowment Fund; 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, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Harms Pahls

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

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 258, 579, 689, 735, 764, 768, 770, 799, 805, 821, 865, 910, 910A, 926, 1006, and 1063.

GENERAL FILE

LEGISLATIVE BILL 836. Title read. Considered.

Committee AM1864, found on page 584, was considered.

Senator Louden renewed his amendment, AM2115, found on page 761, to the committee amendment.

SENATOR STUTHMAN PRESIDING

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

The committee amendment, as amended, was adopted with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 11, 2010, at 2:57 p.m. were the following: LBs 258, 579, 689, 735, 764, 768, 770e, 799, 805, 821, 865, 910, 910A, 926, 1006, and 1063.

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

AMENDMENT - Print in Journal

Senator Karpisek filed the following amendment to LB869:
AM2116

- 1 1. On page 2, line 12; page 8, line 10; and page 9, line
- 2 16, strike "five" and insert "four".
- 3 2. On page 11, line 20, strike "four" and insert "three".

RESOLUTIONS

LEGISLATIVE RESOLUTION 372. Introduced by Gloor, 35.

PURPOSE: The purpose of this interim study is to study the potential effect of national health care reform proposals on Nebraska and to analyze policy options for responding to and implementing health care reform measures. To carry out the purpose of this resolution, the study committee shall consider input from employers, including small businesses, consumer groups, insurers, providers, the Department of Health and Human Services, the Department of Insurance, health care consumers, and other interested parties as the committee deems necessary and beneficial.

The issues to consider include, but are not limited to:

- (1) The anticipated effect of federal programs seeking to achieve health care reform on Nebraska health care services;
- (2) The role of employer-sponsored insurance and public programs in providing health care coverage for Nebraskans;
- (3) The large number of Nebraskans who are uninsured or underinsured;
- (4) The cost shift which is imposed on Nebraska employers and consumers who purchase health insurance by the underfunding of public programs and the high levels of uncompensated care borne by hospitals and clinics;
- (5) Policy options that are available to eliminate the number of Nebraskans who are uninsured or underinsured, make private health insurance more affordable for businesses and individuals, and strengthen public programs for low-income Nebraskans; and
- (6) Available funding options to assure a financially sustainable and affordable health care system.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 373. Introduced by Flood, 19.

WHEREAS, the Nebraska School Chemical Cleanout Campaign is a national partnership with the United States Environmental Protection Agency to: (1) Rid K-12 schools of inappropriate, outdated, unknown, and unnecessary chemicals; (2) raise awareness of the potential risks from mismanaged chemicals in schools; and (3) prevent future chemical mismanagement in schools through training, curriculum and policy changes, and long-term solutions; and

WHEREAS, the State Emergency Response Commission endorsed the Nebraska School Chemical Cleanout Campaign as a critical need; and

WHEREAS, Governor Dave Heineman endorsed the Nebraska School Chemical Cleanout Campaign on September 21, 2007; and

WHEREAS, the Nebraska School Chemical Cleanout Campaign has resulted in the following accomplishments during its first 18 months: (1) 103 schools have participated in cleanout campaigns; (2) 62 schools are prepared for cleanout; (3) 6,497 chemicals (20,633 pounds) have been removed; (4) 3,457 pounds of highly hazardous chemicals have been removed; (5) 21 schools have had radioactive chemicals removed; (6) 887 pounds of mercury have been removed from 75 schools; (7) 46 schools had potential explosives removed; and (8) the total cost of removal thus far has been \$136,600, all covered by grant funds; and

WHEREAS, schools that participated in the Nebraska School Chemical Cleanout Campaign have benefited by: (1) Reducing the potential for chemical exposures, fires, and spills; (2) creating healthier school environments; (3) decreasing liability; (4) reducing the cost of proper disposal for taxpayers; (5) protecting the environment; and (6) protecting students, school staff, and the community.

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

1. That the Legislature supports the Nebraska School Chemical Cleanout Campaign.

2. That the Legislature encourages Nebraska schools to adopt and perform responsible chemical management and build a school chemical cleanout campaign for the protection of students and school staff that is successful, sustainable, and self-sufficient.

3. That a copy of this resolution be sent to Keep Nebraska Beautiful.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 965. Title read. Considered.

Committee AM1999, found on page 694, was adopted with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 918. Title read. Considered.

Committee AM1905, found on page 603, was adopted with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 975. Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 8 present and not voting, and 8 excused and not voting.

AMENDMENTS - Print in Journal

Senator Adams filed the following amendment to LB1071:
AM2165

(Amendments to Standing Committee amendments, AM2103)

- 1 1. Insert the following new sections:
- 2 Sec. 4. Section 79-318, Revised Statutes Supplement,
- 3 2009, is amended to read:
- 4 79-318 The State Board of Education shall:
- 5 (1) Appoint and fix the compensation of the Commissioner
- 6 of Education;
- 7 (2) Remove the commissioner from office at any time for
- 8 conviction of any crime involving moral turpitude or felonious act,
- 9 for inefficiency, or for willful and continuous disregard of his or
- 10 her duties as commissioner or of the directives of the board;
- 11 (3) Upon recommendation of the commissioner, appoint and
- 12 fix the compensation of a deputy commissioner and all professional
- 13 employees of the board;
- 14 (4) Organize the State Department of Education into such
- 15 divisions, branches, or sections as may be necessary or desirable
- 16 to perform all its proper functions and to render maximum service
- 17 to the board and to the state school system;

18 (5) Provide, through the commissioner and his or her
19 professional staff, enlightened professional leadership, guidance,
20 and supervision of the state school system, including educational
21 service units. In order that the commissioner and his or her
22 staff may carry out their duties, the board shall, through the
1 commissioner: (a) Provide supervisory and consultation services
2 to the schools of the state; (b) issue materials helpful in the
3 development, maintenance, and improvement of educational facilities
4 and programs; (c) establish rules and regulations which govern
5 standards and procedures for the approval and legal operation
6 of all schools in the state and for the accreditation of all
7 schools requesting state accreditation. All public, private,
8 denominational, or parochial schools shall either comply with
9 the accreditation or approval requirements prescribed in this
10 section and section 79-703 or, for those schools which elect not
11 to meet accreditation or approval requirements, the requirements
12 prescribed in subsections (2) through (6) of section 79-1601.
13 Standards and procedures for approval and accreditation shall
14 be based upon the program of studies, guidance services, the
15 number and preparation of teachers in relation to the curriculum
16 and enrollment, instructional materials and equipment, science
17 facilities and equipment, library facilities and materials, and
18 health and safety factors in buildings and grounds. Rules and
19 regulations which govern standards and procedures for private,
20 denominational, and parochial schools which elect, pursuant to the
21 procedures prescribed in subsections (2) through (6) of section
22 79-1601, not to meet state accreditation or approval requirements
23 shall be as described in such section; (d) institute a statewide
24 system of testing to determine the degree of achievement and
25 accomplishment of all the students within the state's school
26 systems if it determines such testing would be advisable;
27 (e) prescribe a uniform system of records and accounting for
1 keeping adequate educational and financial records, for gathering
2 and reporting necessary educational data, and for evaluating
3 educational progress; (f) cause to be published laws, rules, and
4 regulations governing the schools and the school lands and funds
5 with explanatory notes for the guidance of those charged with the
6 administration of the schools of the state; (g) approve teacher
7 education programs conducted in Nebraska postsecondary educational
8 institutions designed for the purpose of certifying teachers
9 and administrators; (h) approve ~~teacher-certificated-employee~~
10 evaluation policies and procedures developed by school districts
11 and educational service units; and (i) approve general plans and
12 adopt educational policies, standards, rules, and regulations for
13 carrying out the board's responsibilities and those assigned to the
14 State Department of Education by the Legislature;
15 (6) Adopt and promulgate rules and regulations for
16 the guidance, supervision, accreditation, and coordination of
17 educational service units. Such rules and regulations for

18 accreditation shall include, but not be limited to, (a) a
19 requirement that programs and services offered to school districts
20 by each educational service unit shall be evaluated on a regular
21 basis, but not less than every seven years, to assure that
22 educational service units remain responsive to school district
23 needs and (b) guidelines for the use and management of funds
24 generated from the property tax levy and from other sources of
25 revenue as may be available to the educational service units,
26 to assure that public funds are used to accomplish the purposes
27 and goals assigned to the educational service units by section
1 79-1204. The State Board of Education shall establish procedures to
2 encourage the coordination of activities among educational service
3 units and to encourage effective and efficient educational service
4 delivery on a statewide basis;

5 (7) Submit a biennial report to the Governor and the
6 Clerk of the Legislature covering the actions of the board, the
7 operations of the State Department of Education, and the progress
8 and needs of the schools and recommend such legislation as may be
9 necessary to satisfy these needs;

10 (8) Prepare and distribute reports designed to acquaint
11 school district officers, teachers, and patrons of the schools with
12 the conditions and needs of the schools;

13 (9) Provide for consultation with professional educators
14 and lay leaders for the purpose of securing advice deemed necessary
15 in the formulation of policies and in the effectual discharge of
16 its duties;

17 (10) Make studies, investigations, and reports and
18 assemble information as necessary for the formulation of policies,
19 for making plans, for evaluating the state school program, and for
20 making essential and adequate reports;

21 (11) Submit to the Governor and the Legislature a
22 budget necessary to finance the state school program under its
23 jurisdiction, including the internal operation and maintenance of
24 the State Department of Education;

25 (12) Interpret its own policies, standards, rules, and
26 regulations and, upon reasonable request, hear complaints and
27 disputes arising therefrom;

1 (13) With the advice of the Department of Motor Vehicles,
2 adopt and promulgate rules and regulations containing reasonable
3 standards, not inconsistent with existing statutes, governing: (a)
4 The general design, equipment, color, operation, and maintenance
5 of any vehicle with a manufacturer's rated seating capacity of
6 eleven or more passengers used for the transportation of public,
7 private, denominational, or parochial school students; and (b)
8 the equipment, operation, and maintenance of any vehicle with a
9 capacity of ten or less passengers used for the transportation of
10 public, private, denominational, or parochial school students, when
11 such vehicles are owned, operated, or owned and operated by any
12 public, private, denominational, or parochial school or privately

13 owned or operated under contract with any such school in this
 14 state, except for vehicles owned by individuals operating a school
 15 which elects pursuant to section 79-1601 not to meet accreditation
 16 or approval requirements. Similar rules and regulations shall be
 17 adopted and promulgated for operators of such vehicles as provided
 18 in section 79-607;

19 (14) Accept, on behalf of the Nebraska Center for the
 20 Education of Children who are Blind or Visually Impaired, devises
 21 of real property or donations or bequests of other property, or
 22 both, if in its judgment any such devise, donation, or bequest
 23 is for the best interest of the center or the students receiving
 24 services from the center, or both, and irrigate or otherwise
 25 improve any such real estate when in the board's judgment it would
 26 be advisable to do so; and

27 (15) Upon acceptance of any devise, donation, or bequest
 1 as provided in this section, administer and carry out such devise,
 2 donation, or bequest in accordance with the terms and conditions
 3 thereof. If not prohibited by the terms and conditions of any such
 4 devise, donation, or bequest, the board may sell, convey, exchange,
 5 or lease property so devised, donated, or bequeathed upon such
 6 terms and conditions as it deems best and remit all money derived
 7 from any such sale or lease to the State Treasurer for credit to
 8 the State Department of Education Trust Fund.

9 Each member of the Legislature shall receive a copy of
 10 the report required by subdivision (7) of this section by making a
 11 request for it to the commissioner.

12 None of the duties prescribed in this section shall
 13 prevent the board from exercising such other duties as in its
 14 judgment may be necessary for the proper and legal exercise of its
 15 obligations.

16 Sec. 36. Section 86-505, Reissue Revised Statutes of
 17 Nebraska, is amended to read:

18 86-505 Enterprise means ~~the entirety of all one or~~
 19 more departments, offices, boards, bureaus, commissions, or
 20 institutions in of the state for which money is to be appropriated
 21 for communications or data processing services, equipment, or
 22 facilities, including all executive, legislative, and judicial
 23 departments, the Nebraska state colleges, the University of
 24 Nebraska, and all other state institutions and entities.

25 2. Amend the operative date and repealer sections so that
 26 the sections added by this amendment become operative on their
 27 effective date with the emergency clause.

1 3. Renumber the remaining sections and correct internal
 2 references accordingly.

Senators Heidemann, Conrad, Fulton, Hansen, Mello, Nelson, Nordquist,
 and Wightman filed the following amendment to LB935:
 AM2185

(Amendments to Standing Committee amendments, AM2117)

- 1 1. Purpose: Increase Tax Equity and Educational
 2 Opportunities Support Act aid by \$3,018,661 General Funds to
 3 reflect aid certification on March 10, 2010.
 4 Amendment:
 5 1. On page 101, line 9, strike "1,001,846,434" and insert
 6 "1,004,865,095"; in line 13 strike "1,436,313,686" and insert
 7 "1,439,332,347"; and in line 19 strike "\$1,001,846,434" and insert
 8 "\$1,004,865,095".
 9 2. On page 102, line 1, strike "\$793,715,899" and insert
 10 "\$796,734,560".

Senator Heidemann filed the following amendment to LB935:
 AM2169

(Amendments to Standing Committee amendments, AM2117)

- 1 1. Insert the following new section:
 2 Sec. 108. Laws 2009, First Special Session, LB 1, section
 3 199, is amended to read:
 4 Sec. 199. AGENCY NO. 74 -- NEBRASKA POWER REVIEW BOARD
 5 Program No. 72 - Enforcement of Standards
 6
- | | FY2009-10 | FY2010-11 |
|-----------------------------|----------------|----------------|
| 7 CASH FUND | <u>392,038</u> | <u>391,069</u> |
| 8 CASH FUND | <u>392,038</u> | <u>641,069</u> |
| 9 PROGRAM TOTAL | <u>392,038</u> | <u>391,069</u> |
| 10 PROGRAM TOTAL | <u>392,038</u> | <u>641,069</u> |
| 11 SALARY LIMIT | 184,093 | 188,104 |
- 12 2. On page 112, line 1, after "195," insert "199,".
 13 3. Renumber the remaining sections accordingly.

COMMITTEE REPORTS

Judiciary

- LEGISLATIVE BILL 757.** Placed on General File.
LEGISLATIVE BILL 758. Placed on General File.
LEGISLATIVE BILL 809. Placed on General File.
LEGISLATIVE BILL 842. Placed on General File.
LEGISLATIVE BILL 847. Placed on General File.
LEGISLATIVE BILL 907. Placed on General File.
LEGISLATIVE BILL 1045. Placed on General File.
LEGISLATIVE BILL 1085. Placed on General File.

LEGISLATIVE BILL 894. Placed on General File with amendment.
 AM1958

- 1 1. On page 2, line 25, after the first comma insert
 2 "bypasses".
 3 2. On page 3, line 3, after "countermeasure" insert "as
 4 defined in section 3 of this act".
 5 3. On page 4, strike beginning with "(a)" in line 5
 6 through "(b)" in line 8.

LEGISLATIVE BILL 988. Placed on General File with amendment.
AM1685

- 1 1. On page 2, line 21, strike "eighty" and insert
- 2 "ninety".

LEGISLATIVE BILL 990. Placed on General File with amendment.
AM2183

- 1 1. On page 2, line 5, after "her" insert "remaining".

(Signed) Brad Ashford, Chairperson

General Affairs

LEGISLATIVE BILL 861. Placed on General File with amendment.
AM2140 is available in the Bill Room.

LEGISLATIVE BILL 1012. Placed on General File with amendment.
AM2162

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 2-1201, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 2-1201 (1) There hereby is created a State Racing
- 6 Commission.
- 7 (2) Until the effective date of this act, the commission
- 8 shall consist consisting of three members who shall be appointed
- 9 by the Governor and subject to confirmation by a majority of the
- 10 members elected to the Legislature and may be for cause removed by
- 11 the Governor. One member shall be appointed each year for a term
- 12 of three years. The members shall serve until their successors are
- 13 appointed and qualified.
- 14 (3) On and after the effective date of this act, the
- 15 commission shall consist of five members who shall be appointed
- 16 by the Governor and subject to confirmation by a majority of the
- 17 members elected to the Legislature and may be for cause removed by
- 18 the Governor. One member of the commission shall be appointed from
- 19 each congressional district, as such districts existed on January
- 20 1, 2010, and two members of the commission shall be appointed at
- 21 large for terms as follows:
- 22 (a) The member representing the second congressional
- 23 district who is appointed on or after April 1, 2010, shall serve
- 1 until March 31, 2014, and until his or her successor is appointed
- 2 and qualified. Thereafter the term of the member representing such
- 3 district shall be four years and until his or her successor is
- 4 appointed and qualified;
- 5 (b) The member representing the third congressional
- 6 district who is appointed on or after April 1, 2011, shall serve
- 7 until March 31, 2015, and until his or her successor is appointed
- 8 and qualified. Thereafter the term of the member representing such

9 district shall be four years and until his or her successor is
 10 appointed and qualified;

11 (c) The member representing the first congressional
 12 district who is appointed on or after April 1, 2012, shall serve
 13 until March 31, 2016, and until his or her successor is appointed
 14 and qualified. Thereafter the term of the member representing such
 15 district shall be four years and until his or her successor is
 16 appointed and qualified;

17 (d) Not later than sixty days after the effective date
 18 of this act, the Governor shall appoint one at-large member who
 19 shall serve until March 31, 2013, and until his or her successor is
 20 appointed and qualified. Thereafter the term of such member shall
 21 be four years and until his or her successor is appointed and
 22 qualified; and

23 (e) Not later than sixty days after the effective date
 24 of this act, the Governor shall appoint one at-large member who
 25 shall serve until March 31, 2014, and until his or her successor is
 26 appointed and qualified. Thereafter the term of such member shall
 27 be four years and until his or her successor is appointed and
 1 qualified.

2 (4) Not more than ~~two~~ three members of the commission
 3 shall belong to the same political party; no more than two of
 4 the members shall reside, when appointed, in the same congressional
 5 district; and no more than two of the members shall reside
 6 in any one county. Any vacancy shall be filled by appointment
 7 by the Governor for the unexpired term. The members shall serve
 8 without compensation; but shall be reimbursed for their actual
 9 expenses incurred in the performance of their duties as provided in
 10 sections 81-1174 to 81-1177, ~~for state employees.~~ The members of
 11 the commission shall be bonded or insured as required by section
 12 11-201.

13 Sec. 2. Section 2-1219, Reissue Revised Statutes of
 14 Nebraska, is amended to read:

15 2-1219 (1) No horse in which any ~~member~~ employee of the
 16 State Racing Commission ~~or its employees~~ has any interest shall be
 17 raced at any meet under the jurisdiction of the commission.

18 (2) When any matter comes before the commission that may
 19 cause financial benefit or detriment to a member of the commission,
 20 a member of his or her immediate family, or a business with which
 21 the member is associated, which is distinguishable from the effects
 22 of such matter on the public generally or a broad segment of the
 23 public, such member shall take the following actions as soon as he
 24 or she is aware of such potential conflict or should reasonably be
 25 aware of such potential conflict, whichever is sooner:

26 (a) Prepare a written statement describing the matter
 27 requiring action or decision and the nature of the potential
 1 conflict;

2 (b) Deliver a copy of the statement to the secretary of
 3 the commission; and

4 (c) Recuse himself or herself from taking any action or
 5 making any decision relating to such matter in the discharge of his
 6 or her official duties as a member of the commission.

7 ~~(2)-(3) No member-employee of the State Racing Commission~~
~~8 or its employees shall have a pecuniary interest or engage in any~~
 9 private employment in a profession or business which is regulated
 10 by or interferes or conflicts with the performance or proper
 11 discharge of the duties of the commission.

12 ~~(3)-(4) No member-employee of the State Racing Commission~~
~~13 or its employees shall wager or cause a wager to be placed on~~
 14 the outcome of any race at a race meeting which is under the
 15 jurisdiction and supervision of the commission.

16 ~~(4)-(5) No member-employee of the State Racing Commission~~
~~17 or its employees shall have a pecuniary interest or engage in~~
 18 any private employment in a business which does business with any
 19 racing association licensed by the commission or in any business
 20 issued a concession operator license by the commission.

21 ~~(5)-(6) Any commission member or employee violating this~~
 22 section shall forfeit his or her ~~office, employment.~~

23 ~~(6)-(7) The commission shall include in its rules~~
 24 and regulations prohibitions against actual or potential specific
 25 conflicts of interest on the part of racing officials and other
 26 individuals licensed by the commission.

27 Sec. 3. Original sections 2-1201 and 2-1219, Reissue
 1 Revised Statutes of Nebraska, are repealed.

(Signed) Russ Karpisek, Chairperson

Appropriations

LEGISLATIVE BILL 636. Placed on General File with amendment.
 AM2122

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

3 Section 1. Section 66-1519, Reissue Revised Statutes of
 4 Nebraska, is amended to read:

5 66-1519 (1) There is hereby created the Petroleum Release
 6 Remedial Action Cash Fund to be administered by the department.
 7 Revenue from the following sources shall be remitted to the State
 8 Treasurer for credit to the fund:

9 (a) The fees imposed by sections 66-1520 and 66-1521;

10 (b) Money paid under an agreement, stipulation,
 11 cost-recovery award under section 66-1529.02, or settlement; and

12 (c) Money received by the department in the form
 13 of gifts, grants, reimbursements, property liquidations, or
 14 appropriations from any source intended to be used for the purposes
 15 of the fund.

16 (2) Money in the fund may be spent for: (a) Reimbursement
 17 for the costs of remedial action by a responsible person or his

18 or her designated representative and costs of remedial action
 19 undertaken by the department in response to a release first
 20 reported after July 17, 1983, and on or before June 30, 2012,
 21 including reimbursement for damages caused by the department or
 22 a person acting at the department's direction while investigating
 23 or inspecting or during remedial action on property other than
 1 property on which a release or suspected release has occurred;
 2 (b) payment of any amount due from a third-party claim; (c)
 3 fee collection expenses incurred by the State Fire Marshal; (d)
 4 direct expenses incurred by the department in carrying out the
 5 Petroleum Release Remedial Action Act; (e) other costs related
 6 to fixtures and tangible personal property as provided in section
 7 66-1529.01; (f) interest payments as allowed by section 66-1524;
 8 (g) claims approved by the State Claims Board authorized under
 9 section 66-1531; and (h) a grant to a city of the metropolitan
 10 class in the amount of three hundred thousand dollars, provided no
 11 later than September 15, 2005, to carry out the federal Residential
 12 Lead-Based Paint Hazard Reduction Act of 1992, 42 U.S.C. 4851 et
 13 seq., as such act existed on October 1, 2003; and (i) methyl
 14 tertiary butyl ether testing, to be conducted randomly at terminals
 15 within the state for up to two years ending June 30, 2003. The
 16 amount expended on the testing shall not exceed forty thousand
 17 dollars. The testing shall be conducted by the Department of
 18 Agriculture. The department may enter into contractual arrangements
 19 for such purpose. The results of the tests shall be made available
 20 to the Department of Environmental Quality. a grant to a city of
 21 the metropolitan class in the amount of three hundred thousand
 22 dollars, provided no later than September 15, 2010, to carry out
 23 the federal Residential Lead-Based Paint Hazard Reduction Act of
 24 1992, Title X, Section 1011, Public Law 102-550, as such act exists
 25 on the effective date of this act.

26 (3) Transfers may be made from the Petroleum Release
 27 Remedial Action Cash Fund to the General Fund at the direction of
 1 the Legislature. Transfers may be made from the Petroleum Release
 2 Remedial Action Cash Fund to the Water Policy Task Force Cash
 3 Fund at the direction of the Legislature. The State Treasurer
 4 shall transfer one million five hundred thousand dollars from
 5 the Petroleum Release Remedial Action Cash Fund to the Ethanol
 6 Production Incentive Cash Fund on July 1 of each of the following
 7 years: 2004 through 2011.

8 (4) Any money in the Petroleum Release Remedial Action
 9 Cash Fund available for investment shall be invested by the state
 10 investment officer pursuant to the Nebraska Capital Expansion Act
 11 and the Nebraska State Funds Investment Act.

12 Sec. 2. Original section 66-1519, Reissue Revised
 13 Statutes of Nebraska, is repealed.

(Signed) Lavon Heidemann, Chairperson

VISITORS

Visitors to the Chamber were Dan Kathol and Dave McGregor from Hartington; 11 fourth-grade students and teachers from Sacred Heart, Omaha; and Mike, Carla, and Chance Becker from Hartington.

The Doctor of the Day was Dr. Joel Gabriel from Omaha.

ADJOURNMENT

At 4:17 p.m., on a motion by Senator Utter, the Legislature adjourned until 9:00 a.m., Friday, March 12, 2010.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-FIRST DAY - MARCH 12, 2010**LEGISLATIVE JOURNAL****ONE HUNDRED FIRST LEGISLATURE
SECOND SESSION****FORTY-FIRST DAY**

Legislative Chamber, Lincoln, Nebraska
Friday, March 12, 2010

PRAYER

The prayer was offered by Pastor Fay Hubbard, Ellis/Odell United Methodist Church.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Flood presiding.

The roll was called and all members were present except Senators Ashford, Cook, Krist, and Pahls who were excused; and Senator Gloor who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the fortieth day was approved.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 1081. Placed on Select File with amendment.
ER8189

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Sections 1 to 11 of this act shall be known
- 4 and may be cited as the Teleworker Job Creation Act.
- 5 Sec. 2. The Legislature hereby finds and declares that:
- 6 (1) Current economic conditions in the state have
- 7 resulted in unemployment, loss of jobs, and difficulty in
- 8 attracting new jobs; and
- 9 (2) It is the policy of the state to make revisions
- 10 in Nebraska's job training structure to encourage businesses to
- 11 promote the creation of and training for new jobs which can be
- 12 performed in the home within the state.
- 13 Sec. 3. For purposes of the Teleworker Job Creation Act:

14 (1) Application filing date means the date that the
15 employer files an application for an agreement with the director
16 under the act;

17 (2) Base year means the year immediately preceding the
18 year during which the application was submitted;

19 (3) Base-year employee means any individual who was
20 employed in Nebraska and subject to the Nebraska income tax on
21 compensation received from the employer or its predecessors during
22 the base year and who is employed at the project;

23 (4) Director means the Director of Economic Development;

1 (5) Employer means a corporation, partnership, limited
2 liability company, cooperative, limited cooperative association, or
3 joint venture, together with such other entities that are, or would
4 be if incorporated, members of the same unitary group as defined in
5 section 77-2734.04, that employs the teleworkers for which the job
6 training reimbursements are applied for under the act;

7 (6) Qualifying employee means a teleworker who has
8 the following characteristics: (a) The teleworker constitutes
9 an employee of the employer under section 77-2753; (b) the
10 teleworker resides in Nebraska at the time of his or her employment
11 application according to his or her statement on his or her
12 employment application; (c) the teleworker completes a qualified
13 training program; (d) the teleworker is not a base-year employee;
14 (e) the teleworker is not required to purchase a computer from
15 the employer; (f) the teleworker has passed such job-related tests
16 required under the qualified training program; (g) the teleworker
17 has passed a criminal background check as required by the employer;
18 and (h) the teleworker has been allowed to complete the hiring
19 process paperwork from his or her residence, except for any drug
20 testing and notarized proof of identity, which can be performed at
21 such location directed by the employer;

22 (7) Qualified training program means a training program
23 which has the following features: (a) The program has at least
24 fifteen hours of instruction per trainee, all of which will occur
25 in the trainee's residence; (b) trainees are each paid at least
26 the federal minimum hourly wage per hour of training performed;
27 (c) trainees are being trained as teleworkers; and (d) the program
1 requires the trainees to pass job-related tests established by the
2 employer;

3 (8) Teleworker means a person who works for the employer
4 from his or her residence through the use of telecommunication
5 systems, such as the telephone and the Internet, for inbound-only
6 service and order-taking sales calls, which calls may also include
7 the upselling of related products or services; and

8 (9) Year means the taxable year of the employer.

9 Sec. 4. (1) To earn the job training reimbursements set
10 forth in the Teleworker Job Creation Act, an employer shall file an
11 application for an agreement with the director.

12 (2) The application shall contain:

13 (a) A written statement describing the expected
14 employment of qualifying employees in this state;

15 (b) Sufficient documents, plans, and specifications as
16 required by the director to support the plan and to define a
17 project;

18 (c) A copy of the approval letter for the employer's
19 qualified training program from the director; and

20 (d) An application fee of five hundred dollars. The fee
21 shall be remitted to the State Treasurer for credit to the Nebraska
22 Incentives Fund.

23 The application and all supporting information shall be
24 confidential except for the name of the employer and the amounts of
25 increased employment.

26 (3)(a) The director shall approve the application and
27 authorize the total amount of job training reimbursements expected
1 to be earned as a result of the project if he or she is satisfied
2 that (i) the plan in the application defines a project that meets
3 the eligibility requirements established within the Teleworker Job
4 Creation Act and (ii) such requirements will be reached within
5 three hundred sixty-five calendar days after the application filing
6 date. The director shall, in addition to such uses for the Job
7 Training Cash Fund previously authorized, use such fund to provide
8 the reimbursements allowed by the act. The director may also use
9 the subaccount created under subsection (3) of section 81-1201.21
10 to provide reimbursements allowed by the act for the training
11 of such teleworkers who reside in rural areas of Nebraska or
12 who reside in areas of high concentration of poverty within the
13 corporate limits of a city or village consisting of one or more
14 contiguous census tracts, as determined by the most recent federal
15 decennial census, which contain a percentage of persons below the
16 poverty line of greater than thirty percent, and all census tracts
17 contiguous to such tract or tracts, as determined by the most
18 recent federal decennial census.

19 (b) The director shall not approve further applications
20 once the director has approved seven project applications
21 filed during fiscal year 2010-11 and the expected job training
22 reimbursements from the approved projects total one million
23 fifty thousand dollars in fiscal year 2010-11. Applications for
24 reimbursements shall for purposes of this limit be approved in the
25 order in which they are received by the director. The application
26 fee shall be refunded to the applicant if the application is not
27 approved because the expected reimbursements from approved projects
1 exceed such amounts.

2 (c) An employer and the director may enter into
3 agreements for more than one project, up to a total of five
4 approved project applications filed in fiscal year 2010-11.
5 The projects may be either sequential or concurrent. No new
6 qualifying employees shall be included in more than one project
7 for meeting the project requirements or the creation of job

8 training reimbursements. When projects overlap and the plans do not
9 clearly specify, the employer shall specify to which project the
10 employment belongs. The employer has until its income or franchise
11 tax return filing date for the applicable year to designate to
12 which project a qualifying employee belongs. The employer may not
13 receive job training reimbursements for a qualifying employee until
14 the employer designates to which project that qualifying employee
15 belongs. Such designation shall be made on such form to be filed
16 with the director as the director shall direct.

17 (d) The director shall approve or deny an application
18 for job training reimbursements under this section within thirty
19 days after the application was filed or it shall be deemed to
20 be approved, unless the employer and director agree to extend the
21 thirty-day period.

22 (4) After approval, the employer and the director shall
23 enter into a written agreement. The employer shall agree to
24 complete the project, and the director, on behalf of the State of
25 Nebraska, shall designate the approved plans of the employer as a
26 project and, in consideration of the employer's agreement, agree
27 to allow the employer to receive the job training reimbursements
1 contained in the Teleworker Job Creation Act up to the total
2 amount of job training reimbursements that were authorized by the
3 director. The application and all supporting documentation, to the
4 extent approved, shall be considered a part of the agreement. The
5 agreement shall state:

6 (a) The number of qualifying employees required by the
7 act for the project;

8 (b) The time period under the act in which the required
9 level must be met;

10 (c) The documentation the employer will need to supply
11 when requesting the job training reimbursements under the act;

12 (d) The date the application was filed; and

13 (e) The maximum amount of job training reimbursements
14 authorized.

15 Sec. 5. (1) To be eligible to file an application for an
16 agreement with the director under the Teleworker Job Creation Act,
17 the employer shall submit a description of its training program to
18 the director for review.

19 (2) If the employer's training program meets the
20 requirements to constitute a qualified training program under the
21 act, the director shall approve such program and provide the
22 employer with an approval letter. A copy of this approval letter
23 shall be attached with the employer's application for an agreement
24 with the director under the act.

25 (3) The director shall approve or refuse to approve
26 a training program, and such decision shall be received by the
27 employer within thirty days after the employer submits the training
1 program for review or the training program shall be deemed to
2 be approved, unless the employer and director agree to extend

3 the thirty-day period. If the thirty-day period, or such extended
4 period, lapses without receipt of the approval or denial by the
5 director, the employer may file its application for an agreement
6 with the director under the act with a statement signed by a
7 corporate officer, partner, member, or owner of the employer,
8 stating that the director failed to issue an approval of or refusal
9 to approve the employer's training program within the time period
10 established by this section. This statement shall be accepted by
11 the director in lieu of an approval letter.

12 Sec. 6. (1) Job training reimbursements shall be made
13 to any employer who has an approved application pursuant to the
14 Teleworker Job Creation Act and who trains at least four hundred
15 qualifying employees in a qualified training program within three
16 hundred sixty-five calendar days from the application filing date
17 and offers employment to those qualifying employees to work for
18 the employer as a teleworker. The employer shall, to the extent
19 of available job positions, give a hiring priority preference,
20 over other similarly qualified applicants, to those applicants who
21 (a) reside in Nebraska counties of less than one hundred thousand
22 inhabitants, as determined by the most recent federal decennial
23 census, with such residence as determined by the statement of
24 the qualifying employee on his or her employment application, or
25 (b) reside in areas of high concentration of poverty within the
26 corporate limits of a city or village consisting of one or more
27 contiguous census tracts, as determined by the most recent federal
1 decennial census, which contain a percentage of persons below the
2 poverty line of greater than thirty percent, and all census tracts
3 contiguous to such tract or tracts, as determined by the most
4 recent federal decennial census. Such job positions shall pay a
5 wage of at least the then-required minimum hourly wage required by
6 federal law.

7 (2) The amount of the job training reimbursements allowed
8 under subsection (1) of this section shall be three hundred dollars
9 for each new qualifying employee hired by the employer after the
10 application filing date, up to a total of five hundred qualifying
11 employees per project, resulting in a maximum reimbursement per
12 project of one hundred fifty thousand dollars.

13 Sec. 7. A request for job training reimbursements may
14 be filed annually or quarterly by the employer on such form
15 required by the director. Each request shall contain verification
16 of the number of qualifying employees, designated by project, for
17 which the employer has met the requirements of the Teleworker Job
18 Creation Act, and such amounts shall be paid to the employer upon
19 approval by the director.

20 Sec. 8. The director may audit for compliance with the
21 provisions of the Teleworker Job Creation Act within the statute of
22 limitations applicable to the income or franchise tax returns filed
23 by the employer under the income or franchise tax provisions of the
24 Nebraska Revenue Act of 1967.

25 Sec. 9. (1) The right to job training reimbursements
 26 and the agreement under the Teleworker Job Creation Act shall
 27 not be transferable except when a project covered by an agreement
 1 is transferred by sale or lease to another employer or in an
 2 acquisition of assets qualifying under section 381 of the Internal
 3 Revenue Code of 1986.

4 (2) The acquiring employer, as of the date of
 5 notification of the director of the completed transfer, shall be
 6 entitled to any unused job training reimbursements and to any
 7 future job training reimbursements allowable under the act.

8 (3) The acquiring employer shall be liable for any
 9 repayment that becomes due after the date of the transfer for
 10 the repayment of any benefits received either before or after the
 11 transfer.

12 Sec. 10. Interest shall not be allowable on any job
 13 training reimbursements earned under the Teleworker Job Creation
 14 Act.

15 Sec. 11. Participation in the Teleworker Job Creation
 16 Act shall not preclude an employer from receiving tax incentives
 17 or other benefits under other federal, state, or local incentive
 18 programs.

19 Sec. 12. Since an emergency exists, this act takes effect
 20 when passed and approved according to law.

21 2. On page 1, strike beginning with "amend" in line 1
 22 through line 5 and insert "adopt the Teleworker Job Creation Act;
 23 and to declare an emergency.".

LEGISLATIVE BILL 948. Placed on Select File.

(Signed) Jeremy Nordquist, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 374. Introduced by Cook, 13.

WHEREAS, the Newman United Methodist Church of Lincoln, Nebraska, serves the spiritual needs of its community through ministry, worship, fellowship, study, and outreach; and

WHEREAS, on March 14, 2010, the Newman United Methodist Church hosts its annual Women's Day.

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

1. That the Legislature expresses its appreciation to the Newman United Methodist Church of Lincoln, Nebraska, and its members for their service to the community and the special recognition that they give to the contributions of women at their annual Women's Day.

2. That a copy of this resolution be sent to the Newman United Methodist Church.

Laid over.

LEGISLATIVE RESOLUTION 375. Introduced by Cook, 13.

WHEREAS, the 2010 Midwest Regional Conference of Grand Masters and Masons, Grand Chapters and Eastern Stars will be held in Omaha, Nebraska, from March 11, 2010, through March 13, 2010; and

WHEREAS, the Most Worshipful Prince Hall Grand Lodge of Nebraska and the Amaranthus Grand Chapter - Order of the Eastern Stars (Prince Hall Affiliate, Nebraska) have the honor of hosting the conference.

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

1. That the Legislature hereby welcomes those attending the 2010 Midwest Regional Conference of Grand Masters and Masons, Grand Chapters and Eastern Stars.

2. That the Legislature expresses its appreciation to the Most Worshipful Prince Hall Grand Lodge of Nebraska and the Amaranthus Grand Chapter - Order of the Eastern Stars (Prince Hall Affiliate, Nebraska) for hosting the conference.

3. That a copy of this resolution be sent to the Most Worshipful Prince Hall Grand Lodge of Nebraska and the Amaranthus Grand Chapter - Order of the Eastern Stars (Prince Hall Affiliate, Nebraska).

Laid over.

LEGISLATIVE RESOLUTION 376. Introduced by Avery, 28.

WHEREAS, Mollie McNeel, a sophomore at Lincoln Northeast High School, won gold in the Girls' 500-yard Freestyle at the 2010 State Swimming and Diving Championship on February 27, 2010; and

WHEREAS, Mollie McNeel's time of 5:02 was not only a personal best, but also a school record at Lincoln Northeast High School; and

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

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

1. That the Legislature congratulates Mollie McNeel on winning the Girls' 500-yard Freestyle at the 2010 State Swimming and Diving Championship.

2. That a copy of this resolution be sent to Mollie McNeel.

Laid over.

REPORTS

The following reports were received by the Legislature:

Administrative Services, Department of

Division of Risk Management – Miscellaneous Claim Report for 2009

Division of Risk Management – State Self-Insured Liability Fund Claims Report

Division of Risk Management – Tort Claim Payments Report

Auditor of Public Accounts

Retirement Systems, Public Employees Retirement Systems - School Employees, Judges, and State Patrol Retirement Plans, Audit Report

Retirement Plans for the year ended June 30, 2009

Correctional Services, Department of

35th Annual Report and Statistical Summary

Fiscal Office, Legislative

Monthly Consensus Estimate of General Fund Receipts

Revenue, Nebraska Department of

Monthly Consensus Estimate of General Fund Receipts

Roads, Nebraska Department of

State Highway Commission Quarterly Reports

University of Nebraska

University of Nebraska at Omaha – School of Criminology & Criminal Justice: Nebraska Trends in Adult Justice

University of Nebraska at Omaha – School of Criminology & Criminal Justice: Nebraska Trends in Juvenile Justice

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of March 11, 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

Miller, Jeffrey T.

Veterans of Foreign Wars (Withdrawn 03/04/2010)

Nodlinski, Tanya

Bromm, Curtis A.

Wright, Lee

Farmers Insurance Group

RESOLUTION ON FINAL READING

The following resolution was read and put upon final passage:

LEGISLATIVE RESOLUTION 295CA.

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

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

To add a new section 4 to Article XIII:

XIII-4 Notwithstanding any other provision in this Constitution, the Legislature may authorize any county, city, or village to acquire, own, develop, and lease or finance real and personal property, other than property used or to be used for sectarian instruction or study or as a place for devotional activities or religious worship, to be used, during the term of any revenue bonds issued, only by nonprofit enterprises 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, and such governmental subdivision shall have no authority to impose taxes for the payment of such bonds. Notwithstanding the provisions of Article VIII, section 2, of this Constitution, the acquisition, ownership, development, use, or financing of any real or personal property pursuant to the provisions of this section shall not affect the imposition of any taxes or the exemption therefrom by the Legislature pursuant to this Constitution. The acquiring, owning, developing, and leasing or financing of such property shall be deemed for a public purpose, but the governmental subdivision shall not have the right to acquire such property for the purposes specified in this section 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.

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 authorize the use of revenue bonds to develop and lease property for use by nonprofit enterprises as determined by law.

For

Against.

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

Voting in the affirmative, 42:

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

Voting in the negative, 0.

Present and not voting, 2:

Janssen Louden

Excused and not voting, 5:

Ashford Cook Gloor Krist Pahls

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

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR295CA.

GENERAL FILE

LEGISLATIVE BILL 1021. Senator Lautenbaugh renewed his motion, MO87, found on page 830, to bracket until April 14, 2010.

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

Senator Lautenbaugh moved for a call of the house. The motion prevailed with 38 ayes, 0 nays, and 11 not voting.

Senator Lautenbaugh requested a roll call vote on his motion to bracket.

Voting in the affirmative, 27:

Carlson	Flood	Janssen	McGill	Sullivan
Christensen	Fulton	Karpisek	Mello	Utter
Coash	Gay	Langemeier	Nelson	Wightman
Conrad	Giese	Lautenbaugh	Price	
Dubas	Gloor	Louden	Schilz	
Fischer	Heidemann	McCoy	Stuthman	

Voting in the negative, 13:

Adams	Cornett	Hadley	Howard	Wallman
Avery	Council	Hansen	Lathrop	
Campbell	Haar	Harms	Pankonin	

Present and not voting, 4:

Nordquist	Pirsch	Rogert	White
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Excused and not voting, 5:

Ashford	Cook	Dierks	Krist	Pahls
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The Lautenbaugh motion to bracket prevailed with 27 ayes, 13 nays, 4 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

RESOLUTION

LEGISLATIVE RESOLUTION 377. Introduced by Louden, 49.

WHEREAS, Jordan Hooper, an esteemed resident of Alliance and a student at Alliance High School, has achieved state recognition for her outstanding basketball skills, scoring a Class B state record of one hundred points in three days at the 2010 Class B Girls' State Basketball Tournament; and

WHEREAS, Ms. Hooper's high school career ends with a total of 2,078 points, which places her fifth on the all-time scoring list in the State of Nebraska; and

WHEREAS, Ms. Hooper now stands in second place of the all-time scoring leaders at the Nebraska state basketball tournament with two hundred seventy-one points; and

WHEREAS, over the past four years, Ms. Hooper helped the Lady Bulldogs bring home a state championship, a state runner-up finish, and back-to-back third-place finishes in girls' state basketball; and

WHEREAS, the success of the State of Nebraska, the strength of our communities, and the overall vitality of American society depend, in great measure, upon the dedication of young people like Ms. Hooper who use their considerable talents and resources to serve others.

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

1. That the Legislature congratulates and honors Jordan Hooper as an outstanding basketball player, recognizes her outstanding leadership abilities and teamwork, and extends best wishes for her continued success and happiness.

2. That a copy of this resolution be sent to Jordan Hooper.

Laid over.

PRESENTED TO THE SECRETARY OF STATE

Presented to the Secretary of State on March 12, 2010, at 9:25 a.m. was the following: LR295CA.

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

EXPLANATION OF VOTE

Had I been present, I would have voted "aye" on final passage of LB258.

(Signed) John Harms

GENERAL FILE

LEGISLATIVE BILL 1057. Title read. Considered.

Committee AM1895, found on page 635, was considered.

Senator Carlson renewed his amendment, AM2092, found on page 812, to the committee amendment.

SENATOR SULLIVAN PRESIDING

The Carlson amendment was adopted with 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

The committee amendment, as amended, was adopted with 37 ayes, 0 nays, 6 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 9 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 728. Title read. Considered.

Senator Lautenbaugh offered the following amendment:

AM2157

1 1. On page 2, after line 4, insert the following new
2 subdivision:

3 "(1) Access software provider means a provider of
4 software, including client or server software, or enabling tools
5 that do any one or more of the following: (a) Filter, screen,
6 allow, or disallow content; (b) pick, choose, analyze, or digest
7 content; or (c) transmit, receive, display, forward, cache, search,
8 subset, organize, reorganize, or translate content;"; in line 5
9 strike "(1)" and insert "(2)"; after line 18 insert the following
10 new subdivision:

11 "(3) Cable operator means any person or group of persons
12 (a) who provides cable service over a cable system and directly or
13 through one or more affiliates owns a significant interest in such
14 cable system or (b) who otherwise controls or is responsible for,
15 through any arrangement, the management and operation of such a
16 cable system;"; in line 19, strike "(2)" and insert "(4)"; in line
17 20 strike "(3)" and insert "(5)"; and in line 22 strike "(4)" and
18 insert "(6)".

19 2. On page 3, after line 4, insert the following new
20 subdivision:

21 "(7) Interactive computer service means any information
22 service system or access software provider that provides or enables
23 computer access by multiple users to a computer server, including
1 specifically a service or system that provides access to the
2 Internet and such systems operated or services offered by libraries
3 or educational institutions;"; in line 5 strike "(5)" and insert
4 "(8)"; in line 8 strike "(6)" and insert "(9)"; in line 12 strike
5 "(7)" and insert "(10)"; in line 13 strike "and"; after line 13
6 insert the following new subdivision:

7 "(11) Telecommunications service means the offering of
8 telecommunications for a fee directly to the public, or to such
9 classes of users as to be effectively available directly to the
10 public, regardless of the facilities used; and"; and in line 14
11 strike "(8)" and insert "(12)".

12 3. On page 4, after line 12, insert the following new
13 subsection:

14 "(4) No provider of interactive computer service,
15 provider of telecommunications service, or cable operator is
16 subject to a civil action under the Exploited Children's Civil
17 Remedy Act.".

The Lautenbaugh amendment was adopted with 29 ayes, 0 nays, 12 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 2 nays, 8 present

and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 742. Title read. Considered.

Committee AM1967, found on page 622, was considered.

Senator Avery renewed the Avery-McCoy amendment, AM2105, found on page 747, to the committee amendment.

The Avery-McCoy amendment was adopted with 35 ayes, 0 nays, 7 present and not voting, and 7 excused and not voting.

The committee amendment, as amended, was adopted with 36 ayes, 0 nays, 6 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 7 present and not voting, and 7 excused and not voting.

COMMITTEE REPORTS

Nebraska Retirement Systems

LEGISLATIVE BILL 950. Placed on General File with amendment. AM2087

- 1 1. Insert the following new sections:
- 2 Sec. 10. Section 24-710.07, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 24-710.07 (1) Beginning July 1, 2000, and each July 1
- 5 thereafter, current benefits paid to a member or beneficiary shall
- 6 be adjusted so that the purchasing power of the benefit being paid
- 7 is not less than seventy-five percent of the purchasing power of
- 8 the initial benefit. The purchasing power of the initial benefit in
- 9 any year following the year in which the initial benefit commenced
- 10 shall be calculated by dividing the United States Department of
- 11 Labor, Bureau of Labor Statistics, Consumer Price Index for Urban
- 12 Wage Earners and Clerical Workers factor on June 30 of the current
- 13 year by the Consumer Price Index for Urban Wage Earners and
- 14 Clerical Workers factor on June 30 of the year in which the benefit
- 15 commenced. The result shall be multiplied by the product that
- 16 results when the amount of the initial benefit is multiplied by
- 17 seventy-five percent. In any year in which applying the adjustment
- 18 provided in subsection (2) of this section results in a benefit
- 19 which would be less than seventy-five percent of the purchasing
- 20 power of the initial benefit as calculated above, the adjustment
- 21 shall instead be equal to the percentage change in the Consumer
- 22 Price Index for Urban Wage Earners and Clerical Workers factor
- 23 from the prior year to the current year. In all other years, the
- 1 adjustment provided under subsection (2) of this section shall
- 2 be provided. The adjustment pursuant to this subsection shall not
- 3 cause a current benefit to be reduced.

4 (2) Except as provided in subsection (1) of this section:

5 (a) Beginning July 1, 2000, and until July 1, 2001, the
6 current benefit of a member or the beneficiary of such a member
7 shall be increased annually by the lesser of (i) the percentage
8 change in the Consumer Price Index for Urban Wage Earners and
9 Clerical Workers factor published by the Bureau of Labor Statistics
10 of the United States Department of Labor for the prior year or (ii)
11 two percent; and

12 (b) Beginning July 1, 2001, the current benefit of a
13 member or the beneficiary of such a member shall be increased
14 annually by the lesser of (i) the percentage change in the Consumer
15 Price Index for Urban Wage Earners and Clerical Workers factor
16 published by the Bureau of Labor Statistics of the United States
17 Department of Labor for the prior year or (ii) two and one-half
18 percent.

19 (3) The state shall contribute to the Nebraska Retirement
20 Fund for Judges an annual level dollar payment certified by the
21 board. For the 1996-97 fiscal year through the ~~2010-11-2012-13~~
22 fiscal year, the annual level dollar payment certified by the
23 board shall equal 1.04778 percent of six million eight hundred
24 ninety-five thousand dollars.

25 (4) The board shall adjust the annual benefit adjustment
26 provided in this section so that the total amount of all
27 cost-of-living adjustments provided to the eligible retiree at
1 the time of the annual benefit adjustment does not exceed the
2 percentage change in the National Consumer Price Index for Urban
3 Wage Earners and Clerical Workers factor published by the Bureau
4 of Labor Statistics for the period between June 30 of the prior
5 year to June 30 of the present year. If the consumer price index
6 used in this section is discontinued or replaced, a substitute
7 index published by the United States Department of Labor shall be
8 selected by the board which shall be a reasonable representative
9 measurement of the cost of living for retired employees.

10 Sec. 15. Section 79-947.01, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 79-947.01 (1) Beginning July 1, 2000, and each July 1
13 thereafter, current benefits paid to a member or beneficiary shall
14 be adjusted so that the purchasing power of the benefit being paid
15 is not less than seventy-five percent of the purchasing power of
16 the initial benefit. The purchasing power of the initial benefit in
17 any year following the year in which the initial benefit commenced
18 shall be calculated by dividing the United States Department of
19 Labor, Bureau of Labor Statistics, Consumer Price Index for Urban
20 Wage Earners and Clerical Workers factor on June 30 of the current
21 year by the Consumer Price Index for Urban Wage Earners and
22 Clerical Workers factor on June 30 of the year in which the benefit
23 commenced. The result shall be multiplied by the product that
24 results when the amount of the initial benefit is multiplied by
25 seventy-five percent. In any year in which applying the adjustment

26 provided in subsection (2) of this section results in a benefit
27 which would be less than seventy-five percent of the purchasing
1 power of the initial benefit as calculated above, the adjustment
2 shall instead be equal to the percentage change in the Consumer
3 Price Index for Urban Wage Earners and Clerical Workers factor
4 from the prior year to the current year. In all other years, the
5 adjustment provided under subsection (2) of this section shall
6 be provided. The adjustment pursuant to this subsection shall not
7 cause a current benefit to be reduced.

8 (2) Except as provided in subsection (1) of this section:

9 (a) Beginning July 1, 2000, and until July 1, 2001, the
10 current benefit of a member or the beneficiary of such a member
11 shall be increased annually by the lesser of (i) the percentage
12 change in the Consumer Price Index for Urban Wage Earners and
13 Clerical Workers factor published by the Bureau of Labor Statistics
14 of the United States Department of Labor for the prior year or (ii)
15 two percent; and

16 (b) Beginning July 1, 2001, the current benefit to a
17 member or the beneficiary of such a member shall be increased
18 annually by the lesser of (i) the percentage change in the Consumer
19 Price Index for Urban Wage Earners and Clerical Workers factor
20 published by the Bureau of Labor Statistics of the United States
21 Department of Labor for the prior year or (ii) two and one-half
22 percent.

23 (3) The state shall contribute to the Annuity Reserve
24 Fund an annual level dollar payment certified by the board. For
25 the 1996-97 fiscal year through the ~~2010-11~~ 2012-13 fiscal year,
26 the annual level dollar payment certified by the board shall equal
27 81.7873 percent of six million eight hundred ninety-five thousand
1 dollars.

2 (4) The retirement board shall adjust the annual benefit
3 adjustment provided in this section so that the total amount of
4 all cost-of-living adjustments provided to the eligible retiree
5 at the time of the annual benefit adjustment does not exceed the
6 percentage change in the National Consumer Price Index for Urban
7 Wage Earners and Clerical Workers factor published by the Bureau
8 of Labor Statistics for the period between June 30 of the prior
9 year to June 30 of the present year. If the consumer price index
10 used in this section is discontinued or replaced, a substitute
11 index published by the United States Department of Labor shall be
12 selected by the board which shall be a reasonable representative
13 measurement of the cost of living for retired employees.

14 (5) In addition to the adjustments provided in
15 subsections (1), (2), and (4) of this section, the current benefit
16 to a member or beneficiary of such member, and for which the first
17 payment was dated on or before June 30, 2007, shall be subject to
18 adjustment of the greater of (a) the annuity payable to the member
19 or beneficiary as adjusted, if applicable, under the provisions
20 of subsection (1), (2), or (4) of this section or (b) eighty-five

21 percent of the annuity which results when the original annuity that
22 was paid to the member or beneficiary, before any cost-of-living
23 adjustments under this section, is adjusted by the increase in the
24 Consumer Price Index for Urban Wage Earners and Clerical Workers
25 for the period between the commencement date of the annuity and
26 June 30, 2007.

27 Sec. 20. Section 81-2027.03, Reissue Revised Statutes of
1 Nebraska, is amended to read:

2 81-2027.03 (1) Beginning July 1, 2000, and each July 1
3 thereafter, current benefits paid to a member or beneficiary shall
4 be adjusted so that the purchasing power of the benefit being paid
5 is not less than sixty percent of the purchasing power of the
6 initial benefit. The purchasing power of the initial benefit in
7 any year following the year in which the initial benefit commenced
8 shall be calculated by dividing the United States Department of
9 Labor, Bureau of Labor Statistics, Consumer Price Index for Urban
10 Wage Earners and Clerical Workers factor on June 30 of the current
11 year by the Consumer Price Index for Urban Wage Earners and
12 Clerical Workers factor on June 30 of the year in which the
13 benefit commenced. The result shall be multiplied by the product
14 that results when the amount of the initial benefit is multiplied
15 by sixty percent. In any year in which applying the adjustment
16 provided in subsection (2) of this section results in a benefit
17 which would be less than sixty percent of the purchasing power
18 of the initial benefit as calculated above, the adjustment shall
19 instead be equal to the percentage change in the Consumer Price
20 Index for Urban Wage Earners and Clerical Workers factor from the
21 prior year to the current year. In all other years, the adjustment
22 provided under subsection (2) of this section shall be provided.
23 The adjustment pursuant to this subsection shall not cause a
24 current benefit to be reduced.

25 (2) Except as provided in subsection (1) of this section:

26 (a) Beginning July 1, 2000, and until July 1, 2001, the
27 current benefit of a member or the beneficiary of such a member
1 shall be increased annually by the lesser of (i) the percentage
2 change in the Consumer Price Index for Urban Wage Earners and
3 Clerical Workers factor published by the Bureau of Labor Statistics
4 of the United States Department of Labor for the prior year or (ii)
5 two percent; and

6 (b) Beginning July 1, 2001, the current benefit of a
7 member or the beneficiary of such a member shall be increased
8 annually by the lesser of (i) the percentage change in the Consumer
9 Price Index for Urban Wage Earners and Clerical Workers factor
10 published by the Bureau of Labor Statistics of the United States
11 Department of Labor for the prior year or (ii) two and one-half
12 percent.

13 (3) The state shall contribute to the State Patrol
14 Retirement Fund an annual level dollar payment certified by the
15 board. For the 1996-97 fiscal year through the ~~2010-11~~2012-13

16 fiscal year, the annual level dollar payment certified by the
 17 board shall equal 3.04888 percent of six million eight hundred
 18 ninety-five thousand dollars.

19 (4) The board shall adjust the annual benefit adjustment
 20 provided in this section so that the total amount of all
 21 cost-of-living adjustments provided to the eligible retiree at
 22 the time of the annual benefit adjustment does not exceed the
 23 percentage change in the National Consumer Price Index for Urban
 24 Wage Earners and Clerical Workers factor published by the Bureau
 25 of Labor Statistics for the period between June 30 of the prior
 26 year to June 30 of the present year. If the consumer price index
 27 used in this section is discontinued or replaced, a substitute
 1 index published by the United States Department of Labor shall be
 2 selected by the board which shall be a reasonable representative
 3 measurement of the cost of living for retired employees.

4 2. On page 18, line 14, after the first occurrence of
 5 "employees" insert "and temporary employees".

6 3. On page 28, strike beginning with "Termination" in
 7 line 1 through line 8, show the old matter as stricken, and insert
 8 "A member shall not be deemed to have terminated employment if the
 9 member subsequently provides service to any employer participating
 10 in the retirement system provided for in the School Employees
 11 Retirement Act within one hundred eighty calendar days after
 12 ceasing employment unless such service:

13 (a) Is voluntary or substitute service provided on an
 14 intermittent basis; or

15 (b) Is as provided in subsection (2) of section 79-920.

16 A member shall not be deemed to have terminated
 17 employment if the board determines that a purported termination was
 18 not a bona fide separation from service with the employer;".

19 4. On page 29, line 2, after "for" insert "an average
 20 of"; in line 3 after "in" insert "each calendar month of"; and
 21 in line 15 strike beginning with "Except" through "each", show as
 22 stricken, and insert "Each".

23 5. On page 31, line 8, after "a" insert "public".

24 6. Renumber the remaining sections and correct the
 25 repealer accordingly.

LEGISLATIVE BILL 979. Placed on General File with amendment.
 AM1878

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.

(Signed) Dave Pankonin, Chairperson

Business and Labor

LEGISLATIVE BILL 1091. Placed on General File.

LEGISLATIVE BILL 1090. Placed on General File with amendment.
AM2186

- 1 1. On page 2, line 11, after the second comma insert
 2 "02-595"; in line 12 strike "pay to XXXXXX" and insert "pay
 3 \$45,000.00 to Harris Kuhn Law Firm, Tiffany McLaughlin, and
 4 Bill McLaughlin and \$100,000.00 to MetLife Tower Resource Group,
 5 Inc."; and after line 16 insert "\$1,450,000 for Tort Claim Number
 6 2008-02412 against the Department of Roads, pay to Tom Wolfe and
 7 James E. Schaefer, attorney, out of the Roads Operations Cash
 8 Fund.".
 9 2. On page 3, line 1, strike "\$32,973.56" and insert
 10 "\$1,482,973.56"; and in line 3 strike "\$403,842.80" and insert
 11 "\$1,853,842.80".

(Signed) Steve Lathrop, Chairperson

GENERAL FILE

LEGISLATIVE BILL 820. Title read. Considered.

Committee AM1932, found on page 592, was adopted with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 924. Title read. Considered.

SENATOR COASH PRESIDING

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 701. Title read. Considered.

Committee AM1912, found on page 600, was considered.

Senator Hadley renewed his amendment, AM2138, found on page 795, to the committee amendment.

The Hadley amendment was adopted with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

The committee amendment, as amended, was adopted with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

Pending.

LEGISLATIVE BILL 970. Title read. Considered.

Committee AM2023, found on page 706, was adopted with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 864. Title read. Considered.

Committee AM1679, found on page 787, was adopted with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 9 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 880. Title read. Considered.

Committee AM2015, found on page 789, was adopted with 38 ayes, 0 nays, 5 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 5 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 901. Title read. Considered.

Committee AM1926, found on page 761, was adopted with 36 ayes, 0 nays, 7 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 3 present and not voting, and 6 excused and not voting.

COMMITTEE REPORT

Revenue

LEGISLATIVE BILL 1079. Placed on General File with amendment. AM2164 is available in the Bill Room.

(Signed) Abbie Cornett, Chairperson

AMENDMENTS - Print in Journal

Senator Pirsch filed the following amendment to LB510:
AM2136

(Amendments to Standing Committee amendments, AM2095)

- 1 1. On page 1, strike beginning with "The" in line 12
- 2 through the period in line 18 and insert "The Nebraska Crime
- 3 Victim Fund is created. The fund shall contain the amounts remitted
- 4 pursuant to subsection (1) of this section and section 83-184.

5 The fund shall be administered by the Nebraska Commission on
 6 Law Enforcement and Criminal Justice. As soon as funds become
 7 available, the commission shall direct the State Treasurer to
 8 transfer money from the Nebraska Crime Victim Fund to the
 9 Department of Correctional Services Facility Cash Fund and the
 10 Supreme Court Automation Cash Fund to pay for the initial costs
 11 in implementing this legislative bill, in amounts to be determined
 12 by the Department of Correctional Services and the Supreme Court
 13 and certified to the commission."; in line 19 after the comma
 14 insert "the fund shall terminate and"; and in line 20 strike "such"
 15 and insert "the" and after "funds" insert "remitted pursuant to
 16 subsection (1) of this section and section 83-184".

Senator Fulton filed the following amendment to LB948:
 AM2179

- 1 1. On page 4, strike lines 1 through 4, show as stricken,
- 2 and insert
- 3 "All political subdivisions shall follow the procurement
- 4 procedure for heavy equipment, including motor graders, wheel
- 5 loaders, paving equipment, and backhoe loaders as provided for in
- 6 section 81-159.".

UNANIMOUS CONSENT - Add Cointroducers

Senator Pirsch asked unanimous consent to add his name as cointroducer to LB742. No objections. So ordered.

Senator Mello asked unanimous consent to add his name as cointroducer to LB1048. No objections. So ordered.

VISITORS

Visitors to the Chamber were an international group of teachers with the US Department of State for Education Teaching Excellence and Achievement Program; Senator Carlson's wife, Margo Carlson, and Steve and Karen Benjamin from Holdrege and Morgan Noble from Lincoln; Ron and Judy Simpson and Philip and Nichole Simpson and family from Burwell; Natasha Arritt, Elaine Taylor, Emmy Laing, and Hannah Knutson from Omaha; 45 fourth- and fifth-grade students and teachers from Falls City Sacred Heart School, Falls City; Julie Hesseltine and children and Coltan Kovarik from Thedford; Kim, Rick, Chay, and Natalya Nelson from Broken Bow; and Barb Hart from Omaha and Alex Hart from Lynch.

The Doctor of the Day was Dr. Kathy Amyot from Hastings.

ADJOURNMENT

At 1:32 p.m., on a motion by Senator Harms, the Legislature adjourned until 10:00 a.m., Monday, March 15, 2010.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-SECOND DAY - MARCH 15, 2010**LEGISLATIVE JOURNAL****ONE HUNDRED FIRST LEGISLATURE
SECOND SESSION****FORTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska
Monday, March 15, 2010

PRAYER

The prayer was offered by Pastor Howard Jordan, Bible Baptist Church, Beatrice.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Speaker Flood presiding.

The roll was called and all members were present except Senators Heidemann and Pahls who were excused; and Senators Carlson, Cook, Cornett, Fischer, Giese, Lautenbaugh, and Stuthman who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-first day was approved.

RESOLUTION

LEGISLATIVE RESOLUTION 378. Introduced by Pirsch, 4.

WHEREAS, Boys Town was awarded the contract to operate the Children and Family Support Hotline and the Family Navigator Program authorized in Laws 2009, LB 603, beginning January 1, 2010; and

WHEREAS, the Children and Family Support Hotline provides a single point of access for children's behavioral health services that is available twenty-four hours per day, seven days per week, and is operated by trained personnel; and

WHEREAS, the Family Navigator Program provides additional children's behavioral health services, which include family peer support and assistance in identifying existing services that may be available to the family; and

WHEREAS, Boys Town has done and will continue to do an excellent job in providing these important children's behavioral health services.

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

1. That the Legislature expresses its appreciation to Boys Town for operating the Children and Family Support Hotline and the Family Navigator Program.

2. That a copy of this resolution be sent to Boys Town.

Laid over.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 346, 347, 348, 349, 350, 351, and 352 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 346, 347, 348, 349, 350, 351, and 352.

GENERAL FILE

LEGISLATIVE BILL 701. Considered.

SENATOR JANSSEN PRESIDING

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 4 present and not voting, and 6 excused and not voting.

BILL ON FIRST READING

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

LEGISLATIVE BILL 510A. Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 510, One Hundred First Legislature, Second Session, 2010.

AMENDMENTS - Print in Journal

Senator Harms filed the following amendment to LB862:
AM2197

(Amendments to Standing Committee amendments, AM2004)

- 1 1. On page 3, line 6, after "of" insert "ground water";
- 2 in line 7 after "per" insert "ground water"; and in line 20 after
- 3 "irrigated" insert "and certified by the district as ground water
- 4 irrigated".

Senator Louden filed the following amendment to LB862:
AM2200

(Amendments to Standing Committee amendments, AM2004)

- 1 1. On page 1, reinstate the stricken matter in lines 8
- 2 through 11; and in line 11 strike "is part of a" and strike "for
- 3 which the district" and insert ", for which river basin the natural
- 4 resources district".

Senator Campbell filed the following amendment to LB1110:
AM2202

(Amendments to Standing Committee amendments, AM2124)

- 1 1. Insert the following new amendment:
- 2 1. On page 3, line 7, strike "that are".
- 3 2. Renumber the remaining amendments accordingly.

Senator Hansen filed the following amendment to LB836:
AM2191

(Amendments to Standing Committee amendments, AM1864)

- 1 1. On page 2, line 26, strike "one-hundred-yard" and
- 2 insert "four-hundred-forty-yard".

GENERAL FILE

LEGISLATIVE BILL 1071. Title read. Considered.

Committee AM2103, found on page 747, was considered.

Senator Adams withdrew his amendment, AM2165, found on page 848.

Senator Adams offered the following amendment to the committee amendment:

AM2182

(Amendments to Standing Committee amendments, AM2103)

- 1 1. Insert the following new sections:
- 2 Sec. 4. Section 79-2,136, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 79-2,136 Each school board shall allow the part-time
- 5 enrollment of students who are residents of the school district
- 6 pursuant to ~~subsection (1)~~ subsections (1) and (2) of section
- 7 79-215 and who are also enrolled in a private, denominational,
- 8 or parochial school or in a school which elects pursuant to
- 9 section 79-1601 not to meet accreditation or approval requirements
- 10 and shall establish policies and procedures for such part-time
- 11 enrollment. Such policies and procedures may include provisions
- 12 permitting the part-time enrollment of such students who are
- 13 not residents of such school districts and may require part-time
- 14 students to follow school policies that apply to other students at

15 any time the part-time student is present on school grounds or at
16 a school-sponsored activity or athletic event. Part-time enrollment
17 shall not entitle a student to transportation or transportation
18 reimbursements pursuant to section 79-611. Nothing in this section
19 shall be construed to exempt any student from the compulsory
20 attendance provisions of sections 79-201 to 79-207.

21 Sec. 5. Section 79-318, Revised Statutes Supplement,
22 2009, is amended to read:

1 79-318 The State Board of Education shall:

2 (1) Appoint and fix the compensation of the Commissioner
3 of Education;

4 (2) Remove the commissioner from office at any time for
5 conviction of any crime involving moral turpitude or felonious act,
6 for inefficiency, or for willful and continuous disregard of his or
7 her duties as commissioner or of the directives of the board;

8 (3) Upon recommendation of the commissioner, appoint and
9 fix the compensation of a deputy commissioner and all professional
10 employees of the board;

11 (4) Organize the State Department of Education into such
12 divisions, branches, or sections as may be necessary or desirable
13 to perform all its proper functions and to render maximum service
14 to the board and to the state school system;

15 (5) Provide, through the commissioner and his or her
16 professional staff, enlightened professional leadership, guidance,
17 and supervision of the state school system, including educational
18 service units. In order that the commissioner and his or her
19 staff may carry out their duties, the board shall, through the
20 commissioner: (a) Provide supervisory and consultation services
21 to the schools of the state; (b) issue materials helpful in the
22 development, maintenance, and improvement of educational facilities
23 and programs; (c) establish rules and regulations which govern
24 standards and procedures for the approval and legal operation
25 of all schools in the state and for the accreditation of all
26 schools requesting state accreditation. All public, private,
27 denominational, or parochial schools shall either comply with
1 the accreditation or approval requirements prescribed in this
2 section and section 79-703 or, for those schools which elect not
3 to meet accreditation or approval requirements, the requirements
4 prescribed in subsections (2) through (6) of section 79-1601.
5 Standards and procedures for approval and accreditation shall
6 be based upon the program of studies, guidance services, the
7 number and preparation of teachers in relation to the curriculum
8 and enrollment, instructional materials and equipment, science
9 facilities and equipment, library facilities and materials, and
10 health and safety factors in buildings and grounds. Rules and
11 regulations which govern standards and procedures for private,
12 denominational, and parochial schools which elect, pursuant to the
13 procedures prescribed in subsections (2) through (6) of section
14 79-1601, not to meet state accreditation or approval requirements

15 shall be as described in such section; (d) institute a statewide
16 system of testing to determine the degree of achievement and
17 accomplishment of all the students within the state's school
18 systems if it determines such testing would be advisable;
19 (e) prescribe a uniform system of records and accounting for
20 keeping adequate educational and financial records, for gathering
21 and reporting necessary educational data, and for evaluating
22 educational progress; (f) cause to be published laws, rules, and
23 regulations governing the schools and the school lands and funds
24 with explanatory notes for the guidance of those charged with the
25 administration of the schools of the state; (g) approve teacher
26 education programs conducted in Nebraska postsecondary educational
27 institutions designed for the purpose of certifying teachers
1 and administrators; (h) approve ~~teacher-certificated-employee~~
2 evaluation policies and procedures developed by school districts
3 and educational service units; and (i) approve general plans and
4 adopt educational policies, standards, rules, and regulations for
5 carrying out the board's responsibilities and those assigned to the
6 State Department of Education by the Legislature;

7 (6) Adopt and promulgate rules and regulations for
8 the guidance, supervision, accreditation, and coordination of
9 educational service units. Such rules and regulations for
10 accreditation shall include, but not be limited to, (a) a
11 requirement that programs and services offered to school districts
12 by each educational service unit shall be evaluated on a regular
13 basis, but not less than every seven years, to assure that
14 educational service units remain responsive to school district
15 needs and (b) guidelines for the use and management of funds
16 generated from the property tax levy and from other sources of
17 revenue as may be available to the educational service units,
18 to assure that public funds are used to accomplish the purposes
19 and goals assigned to the educational service units by section
20 79-1204. The State Board of Education shall establish procedures to
21 encourage the coordination of activities among educational service
22 units and to encourage effective and efficient educational service
23 delivery on a statewide basis;

24 (7) Submit a biennial report to the Governor and the
25 Clerk of the Legislature covering the actions of the board, the
26 operations of the State Department of Education, and the progress
27 and needs of the schools and recommend such legislation as may be
1 necessary to satisfy these needs;

2 (8) Prepare and distribute reports designed to acquaint
3 school district officers, teachers, and patrons of the schools with
4 the conditions and needs of the schools;

5 (9) Provide for consultation with professional educators
6 and lay leaders for the purpose of securing advice deemed necessary
7 in the formulation of policies and in the effectual discharge of
8 its duties;

9 (10) Make studies, investigations, and reports and
10 assemble information as necessary for the formulation of policies,
11 for making plans, for evaluating the state school program, and for
12 making essential and adequate reports;

13 (11) Submit to the Governor and the Legislature a
14 budget necessary to finance the state school program under its
15 jurisdiction, including the internal operation and maintenance of
16 the State Department of Education;

17 (12) Interpret its own policies, standards, rules, and
18 regulations and, upon reasonable request, hear complaints and
19 disputes arising therefrom;

20 (13) With the advice of the Department of Motor Vehicles,
21 adopt and promulgate rules and regulations containing reasonable
22 standards, not inconsistent with existing statutes, governing: (a)
23 The general design, equipment, color, operation, and maintenance
24 of any vehicle with a manufacturer's rated seating capacity of
25 eleven or more passengers used for the transportation of public,
26 private, denominational, or parochial school students; and (b)
27 the equipment, operation, and maintenance of any vehicle with a
1 capacity of ten or less passengers used for the transportation of
2 public, private, denominational, or parochial school students, when
3 such vehicles are owned, operated, or owned and operated by any
4 public, private, denominational, or parochial school or privately
5 owned or operated under contract with any such school in this
6 state, except for vehicles owned by individuals operating a school
7 which elects pursuant to section 79-1601 not to meet accreditation
8 or approval requirements. Similar rules and regulations shall be
9 adopted and promulgated for operators of such vehicles as provided
10 in section 79-607;

11 (14) Accept, on behalf of the Nebraska Center for the
12 Education of Children who are Blind or Visually Impaired, devises
13 of real property or donations or bequests of other property, or
14 both, if in its judgment any such devise, donation, or bequest
15 is for the best interest of the center or the students receiving
16 services from the center, or both, and irrigate or otherwise
17 improve any such real estate when in the board's judgment it would
18 be advisable to do so; and

19 (15) Upon acceptance of any devise, donation, or bequest
20 as provided in this section, administer and carry out such devise,
21 donation, or bequest in accordance with the terms and conditions
22 thereof. If not prohibited by the terms and conditions of any such
23 devise, donation, or bequest, the board may sell, convey, exchange,
24 or lease property so devised, donated, or bequeathed upon such
25 terms and conditions as it deems best and remit all money derived
26 from any such sale or lease to the State Treasurer for credit to
27 the State Department of Education Trust Fund.

1 Each member of the Legislature shall receive a copy of
2 the report required by subdivision (7) of this section by making a
3 request for it to the commissioner.

4 None of the duties prescribed in this section shall
5 prevent the board from exercising such other duties as in its
6 judgment may be necessary for the proper and legal exercise of its
7 obligations.

8 Sec. 37. Section 86-505, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 86-505 Enterprise means ~~the entirety of all~~ one or
11 more departments, offices, boards, bureaus, commissions, or
12 institutions ~~in~~ of the state for which money is to be appropriated
13 for communications or data processing services, equipment, or
14 facilities, including all executive, legislative, and judicial
15 departments, the Nebraska state colleges, the University of
16 Nebraska, and all other state institutions and entities.

17 2. On page 30, strike beginning with "prioritizing" in
18 line 6 through "education" in line 8, show as stricken, and insert
19 "scheduling courses brokered by the council"; strike lines 11
20 through 13 and show as stricken; in line 14 strike "services;" and
21 show the old matter as stricken; in line 16 strike "(9)", show as
22 stricken, and insert "(8)" and in line 21 strike "(10)", show as
23 stricken, and insert "(9)".

24 3. Amend the operative date and repealer sections so that
25 section 4 added by this amendment becomes operative three calendar
26 months after adjournment of this legislative session and sections 5
27 and 37 added by this amendment become operative on their effective
1 date with the emergency clause.

2 4. Renumber the remaining sections and correct internal
3 references accordingly.

The Adams amendment was adopted with 34 ayes, 0 nays, 9 present and not voting, and 6 excused and not voting.

The committee amendment, as amended, was adopted with 37 ayes, 0 nays, 6 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 5 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 800. Title read. Considered.

Committee AM2109, found on page 761, was considered.

Pending.

RESOLUTIONS**LEGISLATIVE RESOLUTION 379.** Introduced by Utter, 33.

WHEREAS, from 1955 to 1956, Glen Larsen taught in a K-8 rural school in Keya Paha County with a junior certificate when he was just out of high school and had no college education; and

WHEREAS, from 1959 to 1960, Glen Larsen taught at Long Pine Public Schools with an emergency certificate and coached all high school athletics; and

WHEREAS, from 1962 to 1967, Glen Larsen graduated from Chadron State College with a bachelor of science degree, acquired an initial Nebraska teaching certificate, and began teaching American government, biology, and physical education and coaching football, basketball, and baseball in the Ashland Public Schools; and

WHEREAS, from 1967 to 1968, Glen Larsen acquired a provisional administrative certificate and served as secondary principal, taught American government and physical education, and coached football, basketball, and track in the Deshler Public Schools; and

WHEREAS, from 1968 to 1971, Glen Larsen became superintendent of schools in the Deshler Public Schools and continued to work on his master's degree in educational administration at the University of Nebraska-Lincoln; and

WHEREAS, from 1971 to 1981, Glen Larsen was employed as superintendent of schools at Fullerton and received his master's degree in school administration; and

WHEREAS, from 1981 to 2001, Glen Larsen served as the superintendent of schools in the Adams Central School District and as the Adams County superintendent of schools, and he also coached football for five years and boys golf for fifteen years; and

WHEREAS, in 2001, Glen Larsen retired from Adams Central and from education after forty-one years; and

WHEREAS, in 2006, Glen Larsen was hired as interim superintendent of schools in the Blue Hill Public Schools, a position that he has held for a total of four years; and

WHEREAS, Glen Larsen is retiring from the Blue Hill Public Schools effective June 30, 2010, after forty-five years of service in education.

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

1. That the Legislature extends its appreciation to Glen Larsen for his forty-five years of service in education.

2. That a copy of this resolution be sent to Glen Larsen.

Laid over.

LEGISLATIVE RESOLUTION 380. Introduced by Wallman, 30.

WHEREAS, the Freeman Falcons won the 2010 Class D-1 Boys' State Basketball Championship; and

WHEREAS, the Falcons defeated Overton High School 52-38 in the championship game; and

WHEREAS, the Falcons and the Freeman fans also received the 2010 Class D-1 Sportsmanship Award; and

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

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

1. That the Legislature congratulates the Freeman Falcons on winning the 2010 Class D-1 Boys' State Basketball Championship.

2. That a copy of this resolution be sent to the Falcons and their head coach, Jim McLaughlin.

Laid over.

LEGISLATIVE RESOLUTION 381. Introduced by Ashford, 20.

WHEREAS, Ingrid Johnson, a nurse for over thirty years, recently participated in a medical relief trip to Haiti with Omaha Rapid Response (ORR), a nonprofit organization founded by members of various churches in Omaha in response to the increasing number of natural and manmade disasters around the world. Ms. Johnson's ORR team was comprised of four nurses, one doctor, and two emergency medical personnel. Each team member was responsible for financing their portion of the trip expenses. Many of the volunteers work full-time and were using paid vacation time to travel; and

WHEREAS, the team arrived in Port-au-Prince after two full days of travel. They stayed in a church courtyard. The church was damaged by the earthquake but was still standing, but the school was destroyed. Everyone, even those from the orphanages, slept outside. The team immediately went out into neighborhoods and started setting up medical clinics in the nearby tent cities. The tents were nothing more than shabbily hung sheets that provided shelter from the scorching sun; and

WHEREAS, Haitians would search out the team and soon long lines would form of those needing medical care. Virtually everyone had eyes that burned, women had kidney problems from not drinking enough water, and many had wounds that had been treated previously but now needed redressing. Many had lost toes, broken legs, and open wounds. Some were transported to the hospital where they could get further care; and

WHEREAS, while part of Ms. Johnson's team held medical clinics, the men worked among the people, setting up a water tank in one neighborhood and obtaining food from some of the larger organizations so that they could distribute it to the smaller tent cities. They bought rice and beans which they

were able to package up into smaller bags and then give out to the people; and

WHEREAS, the head of the ORR team, Brian Smith, met with leaders in the communities in advance and took their requests for immediate needs. ORR then purchased those items in the nearest city. This eliminated delays that can occur with other relief efforts and allowed the ORR team to travel to areas where other larger agencies cannot or will not serve.

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

1. That the Legislature extends its appreciation and gratitude to Ingrid Johnson and all the members of Omaha Rapid Response for their selfless work in Haiti.

2. That a copy of this resolution be sent to Ingrid Johnson.

Laid over.

LEGISLATIVE RESOLUTION 382. Introduced by Wightman, 36.

WHEREAS, the Ravenna Blue Jays won the 2010 Class C-2 Boys' State Basketball Championship; and

WHEREAS, Ravenna defeated Archbishop Bergan High School 57-51 in the championship game; and

WHEREAS, Ravenna finished the season with a record of twenty-five wins and three losses; and

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

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

1. That the Legislature congratulates the Ravenna Blue Jays on winning the 2010 Class C-2 Boys' State Basketball Championship.

2. That a copy of this resolution be sent to the Blue Jays and their head coach, Paul Beranek.

Laid over.

LEGISLATIVE RESOLUTION 383. Introduced by Wightman, 36.

WHEREAS, the Overton Eagles finished the season as the runner-up in Class D-1 at the 2010 Boys' State Basketball Championship; and

WHEREAS, Overton lost to Freeman High School 52-38 in a hard-fought championship game, marking the end of a very successful season; and

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

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

1. That the Legislature congratulates the Overton Eagles for their runner-up finish in Class D-1 at the 2010 Boys' State Basketball Championship.

2. That a copy of this resolution be sent to the Eagles and their head coach, Jay Staehr.

Laid over.

LEGISLATIVE RESOLUTION 384. Introduced by Krist, 10; Coash, 27; Cook, 13; Gloor, 35; Lathrop, 12; McGill, 26; Rogert, 16.

PURPOSE: The purpose of this interim study is to examine the fire sprinkler mandate contained in 2009 building codes. The study shall include, but not be limited to:

(1) A determination of whether legislative authority is appropriately delegated to a body outside the Legislature, such as the International Code Council;

(2) An exploration of how cities and counties across Nebraska currently adopt building codes and how such political subdivisions have amended the state building code as authorized in section 71-6406, including changes to reduce unnecessary costs of construction, increase safety, durability, or efficiency, or address special local conditions;

(3) An examination of what state or local agencies would regulate and enforce regarding the proper installation of fire sprinklers in residential dwellings;

(4) A study of the 2009 International Residential Code recommendations as to proper installation of fire sprinklers;

(5) A study of the effect of a fire sprinkler mandate on the new residential housing market, particularly the affordable housing market;

(6) A study of the effects of installed fire sprinklers on the valuation of residential dwellings;

(7) A study of the benefits or detriments the installation of fire sprinklers in residential dwellings has on homeowners or renters insurance;

(8) A study of the safety and effectiveness of fire sprinklers;

(9) An exploration of what, if any, problems fire sprinklers might present in extreme weather conditions;

(10) A determination of the appropriate regulation and certification for businesses and individuals that install fire sprinklers in residential dwellings;

(11) An assessment of the State Fire Marshal's statutory jurisdiction regarding commercial versus residential fire suppression system installation, inspection, and recurring inspections;

(12) A comparison of required versus optional fire suppression systems;

(13) An exploration of the role and benefits of various types of fire suppression systems, including water deluge versus chemical application systems; and

(14) Any other related topics as the committee deems appropriate.

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

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

VISITORS

Visitors to the Chamber were Consul General Martin Loken from Canada, John Cavanaugh from Omaha, and Graham Rush, Joel Weissman, Courtney Selstad, and Angela Graham from Minneapolis; 28 twelfth-grade students and teacher from Wilcox and Hildreth; former Senator Joyce Hillman from Gering and Brad and Brian Johnston, Austin Peterson, and Monty and Sheri Copsy from Scottsbluff; 50 fourth-grade students and teachers from Betz Elementary, Bellevue; Senator Krist's wife, Peggy, from Omaha; and members of Delta Kappa Gamma Educators from across the state.

RECESS

At 11:56 a.m., on a motion by Speaker Flood, the Legislature recessed until 1:30 p.m.

AFTER RECESS

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

ROLL CALL

The roll was called and all members were present except Senators Fulton, Heidemann, Pahls, and Wallman who were excused; and Senators Carlson, Cornett, Loudon, and Stuthman who were excused until they arrive.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 836. Placed on Select File with amendment.
ER8190

- 1 1. On page 1, strike beginning with "deer" in line 1
- 2 through line 11 and insert "wildlife management; to amend sections
- 3 37-448 and 37-559, Reissue Revised Statutes of Nebraska, and
- 4 sections 37-201 and 37-523, Revised Statutes Supplement, 2009;
- 5 to authorize the extension of existing deer hunting seasons as
- 6 prescribed; to change certain hunting and trapping restrictions; to
- 7 provide for the destruction of mountain lions and other predators
- 8 as prescribed; to define a term; to provide for permits and the
- 9 use of certain fees; to harmonize provisions; and to repeal the
- 10 original sections."

LEGISLATIVE BILL 965. Placed on Select File.

LEGISLATIVE BILL 918. Placed on Select File with amendment.
ER8191

- 1 1. On page 1, line 2, after "sections" insert "77-5707,"
- 2 and strike "77-5717, 77-5719.02,".

LEGISLATIVE BILL 975. Placed on Select File.

LEGISLATIVE BILL 1057. Placed on Select File with amendment.
ER8192

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. (1) The Republican River Basin Water
- 4 Sustainability Task Force is created. The task force shall consist
- 5 of twenty-one voting members, and except for the state agency
- 6 representatives, the members shall be residents representing a
- 7 cross-section of the Republican River basin. The Governor shall
- 8 appoint two representatives from each natural resources district in
- 9 the basin; four representatives from the irrigation districts in
- 10 the basin; one representative each from the University of Nebraska
- 11 Institute of Agriculture and Natural Resources, the Game and Parks
- 12 Commission, the Department of Agriculture, and the Department of
- 13 Natural Resources; one representative each from a school district,
- 14 a city, a county, and a public power district in the basin; and
- 15 two representatives from agriculture-related businesses in the
- 16 Republican River basin. The chairperson of the Executive Board of
- 17 the Legislative Council shall appoint three ex officio, nonvoting
- 18 members from the Legislature, two of whom are residents of the
- 19 basin and one who is the chairperson of the Natural Resources
- 20 Committee of the Legislature. For administrative and budgetary
- 21 purposes only, the task force shall be housed within the Department
- 22 of Natural Resources. Additional advisory support may be requested
- 23 from appropriate federal and state agencies. Members of the task
- 1 force who are not state employees shall be reimbursed for their
- 2 actual and necessary expenses incurred in carrying out their duties
- 3 as members as provided in sections 81-1174 to 81-1177.
- 4 (2) The task force shall meet no less than quarterly
- 5 and shall hire a trained facilitator to conduct its meetings. The
- 6 purposes of the task force are to define water sustainability for
- 7 the Republican River basin, develop and recommend a plan to help
- 8 reach water sustainability in the basin, and develop and recommend
- 9 a plan to help avoid a water-short year in the basin. The task
- 10 force shall convene within thirty days after appointment of the
- 11 members is completed to elect a chairperson and conduct such other
- 12 business as deemed necessary.
- 13 (3) The task force shall present a preliminary report to
- 14 the Governor and the Legislature on or before May 15, 2011, and a

15 final report before May 15, 2012. This section terminates on June
16 30, 2012.

17 Sec. 2. It is the intent of the Legislature that expenses
18 of the Republican River Basin Water Sustainability Task Force be
19 paid from funds appropriated from the Water Resources Cash Fund and
20 not exceed twenty-five thousand dollars per fiscal year.

21 Sec. 3. Section 61-218, Revised Statutes Cumulative
22 Supplement, 2008, as amended by section 39, Legislative Bill
23 3, One Hundred First Legislature, First Special Session, 2009, is
24 amended to read:

25 61-218 (1) The Water Resources Cash Fund is created. The
26 fund shall be administered by the Department of Natural Resources.
27 Transfers may be made from the fund to the General Fund at the
1 direction of the Legislature. Any money in the Water Resources
2 Cash Fund available for investment shall be invested by the state
3 investment officer pursuant to the Nebraska Capital Expansion Act
4 and the Nebraska State Funds Investment Act.

5 (2) The State Treasurer shall credit to the fund such
6 money as is (a) transferred to the fund by the Legislature, (b)
7 paid to the state as fees, deposits, payments, and repayments
8 relating to the fund, both principal and interest, (c) donated as
9 gifts, bequests, or other contributions to such fund from public or
10 private entities, (d) made available by any department or agency of
11 the United States if so directed by such department or agency, and
12 (e) credited to the fund from the excise taxes imposed by section
13 66-1345.01 beginning January 1, 2013.

14 (3) The fund shall be expended by the department (a)
15 to aid management actions taken to reduce consumptive uses of
16 water in river basins, subbasins, or reaches which are deemed
17 by the department overappropriated pursuant to section 46-713 or
18 fully appropriated pursuant to section 46-714 or are bound by
19 an interstate compact or decree or a formal state contract or
20 agreement and (b) to the extent funds are not expended pursuant to
21 subdivision (a) of this subsection, the department may conduct a
22 statewide assessment of short-term and long-term water management
23 activities and funding needs to meet statutory requirements in
24 sections 46-713 to 46-718 and 46-739 and any requirements of an
25 interstate compact or decree or formal state contract or agreement.
26 The fund may be used to pay for up to twenty-five thousand
27 dollars in annual expenses for the Republican River Basin Water
1 Sustainability Task Force but shall not be used to pay for any
2 other administrative expenses or any salaries for the department or
3 any political subdivision.

4 (4) It is the intent of the Legislature that two million
5 seven hundred thousand dollars be transferred each fiscal year from
6 the General Fund to the Water Resources Cash Fund for FY2009-10
7 through FY2018-19.

8 (5)(a) Expenditures from the Water Resources Cash
9 Fund may be made to natural resources districts eligible under

10 subsection (3) of this section for activities to either achieve a
 11 sustainable balance of consumptive water uses or assure compliance
 12 with an interstate compact or decree or a formal state contract
 13 or agreement and shall require a match of local funding in an
 14 amount equal to or greater than forty percent of the total cost
 15 of carrying out the eligible activity. The department shall, no
 16 later than August 1 of each year, beginning in 2007, determine the
 17 amount of funding that will be made available to natural resources
 18 districts from the Water Resources Cash Fund and notify natural
 19 resources districts of this determination. The department shall
 20 adopt and promulgate rules and regulations governing application
 21 for and use of the Water Resources Cash Fund by natural resources
 22 districts. Such rules and regulations shall, at a minimum, include
 23 the following components:

24 (i) Require an explanation of how the planned activity
 25 will assure compliance with an interstate compact or decree or a
 26 formal state contract or agreement as required by section 46-715
 27 and the controls, rules, and regulations designed to carry out the
 1 activity; and

2 (ii) A schedule of implementation of the activity or its
 3 components.

4 (b) Any natural resources district that fails to
 5 implement and enforce its controls, rules, and regulations as
 6 required by section 46-715 shall not be eligible for funding
 7 from the Water Resources Cash Fund until it is determined by the
 8 department that compliance with the provisions required by section
 9 46-715 has been established.

10 (6) The Department of Natural Resources shall submit an
 11 annual report to the Legislature no later than October 1 of each
 12 year, beginning in the year 2007, that shall detail the use of the
 13 Water Resources Cash Fund in the previous year. The report shall
 14 provide:

15 (a) Details regarding the use and cost of activities
 16 carried out by the department; and

17 (b) Details regarding the use and cost of activities
 18 carried out by each natural resources district that received funds
 19 from the Water Resources Cash Fund.

20 Sec. 4. Original section 61-218, Revised Statutes
 21 Cumulative Supplement, 2008, as amended by section 39, Legislative
 22 Bill 3, One Hundred First Legislature, First Special Session, 2009,
 23 is repealed.

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

26 2. On page 1, strike beginning with "create" in line 1
 27 through line 4 and insert "amend section 61-218, Revised Statutes
 1 Cumulative Supplement, 2008, as amended by section 39, Legislative
 2 Bill 3, One Hundred First Legislature, First Special Session, 2009;
 3 to create the Republican River Basin Water Sustainability Task
 4 Force; to provide duties; to state intent relating to expenses;

- 5 to harmonize provisions; to repeal the original section; and to
6 declare an emergency."

LEGISLATIVE BILL 728. Placed on Select File with amendment.
ER8194

- 1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:
3 Section 1. Sections 1 to 7 of this act shall be known and
4 may be cited as the Exploited Children's Civil Remedy Act.
5 Sec. 2. For purposes of the Exploited Children's Civil
6 Remedy Act:
7 (1) Access software provider means a provider of
8 software, including client or server software, or enabling tools
9 that do any one or more of the following: (a) Filter, screen,
10 allow, or disallow content; (b) pick, choose, analyze, or digest
11 content; or (c) transmit, receive, display, forward, cache, search,
12 subset, organize, reorganize, or translate content;
13 (2) Aid or assist another with the creation,
14 distribution, or active acquisition of child pornography means
15 help a principal in some appreciable manner with the creation,
16 distribution, or active acquisition of a visual depiction of
17 sexually explicit conduct which has a child as one of its
18 participants or portrayed observers. The term also includes
19 knowingly employing, forcing, authorizing, inducing, or otherwise
20 causing a child to engage in any visual depiction of sexually
21 explicit conduct which has a child as one of its participants
22 or portrayed observers. No parent, stepparent, legal guardian, or
23 person with custody and control of a child, knowing the content
1 thereof, may consent to such child engaging in any visual depiction
2 of sexually explicit conduct which has a child as one of its
3 participants or portrayed observers;
4 (3) Cable operator means any person or group of persons
5 (a) who provides cable service over a cable system and directly or
6 through one or more affiliates owns a significant interest in such
7 cable system or (b) who otherwise controls or is responsible for,
8 through any arrangement, the management and operation of such a
9 cable system;
10 (4) Child has the same meaning as in section 28-1463.02;
11 (5) Create means to knowingly create, make, manufacture,
12 direct, publish, finance, or in any manner generate;
13 (6) Distribute means the actual, constructive, or
14 attempted transfer from one person, source, or location to another
15 person, source, or location. The term includes, but is not limited
16 to, renting, selling, delivering, displaying, advertising, trading,
17 mailing, procuring, circulating, lending, exhibiting, transmitting,
18 transmuting, transferring, disseminating, presenting, or providing
19 any visual depiction of sexually explicit conduct which has a child
20 as one of its participants or portrayed observers;

21 (7) Interactive computer service means any information
22 service system or access software provider that provides or enables
23 computer access by multiple users to a computer server, including
24 specifically a service or system that provides access to the
25 Internet and such systems operated or services offered by libraries
26 or educational institutions;

27 (8) Participant means a child who appears in any visual
1 depiction and is portrayed or actively engaged in acts of sexually
2 explicit conduct appearing therein;

3 (9) Portrayed observer means a child who appears in
4 any visual depiction where sexually explicit conduct is likewise
5 portrayed or occurring within the child's presence or in the
6 child's proximity;

7 (10) Sexually explicit conduct has the same meaning as in
8 section 28-1463.02;

9 (11) Telecommunications service means the offering of
10 telecommunications for a fee directly to the public, or to such
11 classes of users as to be effectively available directly to the
12 public, regardless of the facilities used; and

13 (12) Visual depiction has the same meaning as in section
14 28-1463.02.

15 Sec. 3. (1) Any participant or portrayed observer in a
16 visual depiction of sexually explicit conduct or his or her parent
17 or legal guardian who suffered or continues to suffer personal
18 or psychological injury as a result of such participation or
19 portrayed observation may bring a civil action against any person
20 who knowingly and willfully (a) created, distributed, or actively
21 acquired such visual depiction while in this state or (b) aided
22 or assisted with the creation, distribution, or active acquisition
23 of such visual depiction while such person or the person aided or
24 assisted was in this state.

25 (2) A plaintiff who prevails in a civil action brought
26 pursuant to the Exploited Children's Civil Remedy Act may recover
27 his or her actual damages, which are deemed to be a minimum of one
1 hundred fifty thousand dollars, plus any and all attorney's fees
2 and costs reasonably associated with the civil action. In addition
3 to all other remedies available under the act, the court may also
4 award temporary, preliminary, and permanent injunctive relief as
5 the court deems necessary and appropriate.

6 (3) This section does not create a cause of action if
7 the participant was sixteen years of age or older at the time
8 the visual depiction was created and the participant willfully and
9 voluntarily participated in the creation of the visual depiction.

10 (4) No provider of interactive computer service, provider
11 of telecommunications service, or cable operator is subject to a
12 civil action under the Exploited Children's Civil Remedy Act.

13 Sec. 4. Notwithstanding any other provisions of law, any
14 action to recover damages under the Exploited Children's Civil
15 Remedy Act shall be filed within three years after the later of:

16 (1) The conclusion of any related criminal prosecution
 17 against the person or persons from whom recovery is sought;

18 (2) The receipt of actual or constructive notice sent or
 19 given to the participant or portrayed observer or his or her parent
 20 or legal guardian by a member of a law enforcement entity informing
 21 the participant or portrayed observer or his or her parent or legal
 22 guardian that the entity has identified the person;

23 (a) Who created, distributed, or actively acquired the
 24 visual depiction of the participant or portrayed observer; or

25 (b) Who aided or assisted another person with the
 26 creation, distribution, or active acquisition of the visual
 27 depiction of the participant or portrayed observer; or

1 (3) The participant or portrayed observer reaching the
 2 age of eighteen years.

3 Sec. 5. In any action brought pursuant to the Exploited
 4 Children's Civil Remedy Act, a plaintiff may request to use a
 5 pseudonym instead of his or her legal name in all court proceedings
 6 and records. Upon finding that the use of a pseudonym is proper,
 7 the court shall ensure that the pseudonym is used in all court
 8 proceedings and records.

9 Sec. 6. It is not a defense to a cause of action brought
 10 pursuant to the Exploited Children's Civil Remedy Act that the
 11 defendant:

12 (1) Did not know the participant or portrayed observer
 13 appearing in the visual depiction of sexually explicit conduct;

14 (2) Did not appear in the visual depiction of sexually
 15 explicit conduct containing the participant or portrayed observer;
 16 or

17 (3) Did not commit, assist with the commission of,
 18 or personally observe the commission of acts of sexually
 19 explicit conduct portrayed in the visual depiction containing the
 20 participant or portrayed observer.

21 Sec. 7. To prevent ongoing and further exploitation of
 22 any person who was a participant or portrayed observer or his or
 23 her parent or legal guardian, the Attorney General, upon request,
 24 may pursue cases on behalf of any participant or portrayed observer
 25 or his or her parent or legal guardian who has a bona fide cause of
 26 action under the Exploited Children's Civil Remedy Act. All damages
 27 obtained shall go to the plaintiff or plaintiffs. For his or her
 1 role in pursuing a civil action under the act, the Attorney General
 2 may seek all of his or her reasonable attorney's fees and costs
 3 associated with the civil action.

4 Sec. 8. Section 29-119, Reissue Revised Statutes of
 5 Nebraska, is amended to read:

6 29-119 For purposes of this section and sections 23-1201,
 7 29-120, and 29-2261, unless the context otherwise requires:

8 (1) A plea agreement means that as a result of a
 9 discussion between the defense counsel and the prosecuting
 10 attorney:

11 (a) A charge is to be dismissed or reduced; or
 12 (b) A defendant, if he or she pleads guilty to a charge,
 13 may receive less than the maximum penalty permitted by law; and
 14 (2) Victim means a person who, as a result of a homicide
 15 ~~as defined in under~~ sections 28-302 to 28-306, a first degree
 16 sexual assault ~~as defined in under~~ section 28-319, a first degree
 17 assault ~~as defined in under~~ section 28-308, a sexual assault
 18 of a child in the second or third degree ~~as defined in under~~
 19 section 28-320.01, a sexual assault of a child in the first
 20 degree ~~as defined in under~~ section 28-319.01, a possession of
 21 a visual depiction of sexually explicit conduct under section
 22 28-813.01 who has been identified and can be reasonably notified,
 23 a distribution offense of a visual depiction of sexually explicit
 24 conduct under section 28-1463.03, 28-1463.04, or 28-1463.05 who has
 25 been identified and can be reasonably notified, a second degree
 26 assault ~~as defined in under~~ section 28-309, a first degree false
 27 imprisonment ~~as defined in under~~ section 28-314, a second degree
 1 sexual assault ~~as defined in under~~ section 28-320, or a robbery ~~as~~
 2 ~~defined in under~~ section 28-324, has had a personal confrontation
 3 with the offender and also includes a person who has suffered
 4 serious bodily injury as defined in section 28-109 as a result of a
 5 motor vehicle accident when the driver was charged with a violation
 6 of section 60-6,196 or 60-6,197 or with a violation of a city or
 7 village ordinance enacted in conformance with either section. In
 8 the case of a homicide, victim means the nearest surviving relative
 9 under the law as provided by section 30-2303 but does not include
 10 the alleged perpetrator of the homicide. In the case of a sexual
 11 assault of a child, a possession of a visual depiction of sexually
 12 explicit conduct, or a distribution offense of a visual depiction
 13 of sexually explicit conduct, victim means the child victim and the
 14 parents, guardians, or duly appointed legal representative of the
 15 child victim but does not include the alleged perpetrator of the
 16 ~~sexual assault. crime.~~
 17 Sec. 9. Original section 29-119, Reissue Revised Statutes
 18 of Nebraska, is repealed.

LEGISLATIVE BILL 742. Placed on Select File with amendment.
 ER8193

1 1. Strike the original section and all amendments thereto
 2 and insert the following new section:
 3 Section 1. (1) A public entity or public agency providing
 4 coverage to a public entity, public official, or public employee
 5 shall maintain a public written or electronic record of all settled
 6 claims. The record for all such claims settled in the amount
 7 of fifty thousand dollars or more, or one percent of the total
 8 annual budget of the public entity, whichever is less, shall
 9 include a written executed settlement agreement. The settlement
 10 agreement shall contain a brief description of the claim, the party
 11 or parties released under the settlement, and the amount of the

12 financial compensation, if any, paid by or to the public entity or
 13 on its behalf.

14 (2) Any claim or settlement agreement involving a public
 15 entity shall be a public record but, to the extent permitted
 16 by sections 84-712.04 and 84-712.05 and as otherwise provided by
 17 statute, specific portions of the claim or settlement agreement
 18 may be withheld from the public. A private insurance company
 19 or public agency providing coverage to the public entity shall,
 20 without delay, provide to the public entity a copy of any claim or
 21 settlement agreement to be maintained as a public record.

22 (3) Except for settlement agreements involving the state,
 23 any state agency, or any employee of the state or pursuant to
 1 claims filed under the State Tort Claims Act, any settlement
 2 agreement with an amount of financial consideration of fifty
 3 thousand dollars or more, or one percent of the total annual budget
 4 of the public entity, whichever is less, shall be included as an
 5 agenda item at the next meeting of a public agency providing
 6 coverage to a public entity and as an agenda item on the
 7 next regularly scheduled public meeting of the public body for
 8 informational purposes or for approval if required.

9 (4) For purposes of this section, a confidentiality
 10 or nondisclosure clause or provision contained in or relating
 11 to a settlement agreement shall neither cause nor permit a
 12 settlement agreement or the claim or any other public record
 13 to be withheld from the public. Nothing in this section shall
 14 require a public official or public employee or any party to the
 15 settlement agreement to comment on the settlement agreement.

16 (5) For purposes of this section:

17 (a) Confidentiality or nondisclosure clause or provision
 18 means any covenant or stipulation adopted by parties to a
 19 settlement agreement that designates the settlement agreement,
 20 the claim, or any other public record as confidential, or in any
 21 other way restricts public access to information concerning the
 22 settlement agreement or claim;

23 (b) Public body means public body as defined in
 24 subdivision (1) of section 84-1409;

25 (c) Public entity means a public entity listed in
 26 subdivision (1) of section 84-712.01; and

27 (d) Settlement agreement means any contractual agreement
 1 to settle or resolve a claim involving a public entity or on behalf
 2 of the public entity, a public official, or a public employee by
 3 (i) the public entity, (ii) a private insurance company, or (iii) a
 4 public agency providing coverage.

5 (6) This section does not apply to claims made in
 6 connection with insured or self-insured health insurance contracts.

7 2. On page 1, strike lines 2 through 4 and insert "for
 8 settled claims and settlement agreements; to provide that settled
 9 claims and settlement agreements are public records;".

LEGISLATIVE BILL 820. Placed on Select File with amendment.
ER8196

- 1 1. On page 1, strike beginning with "sections" in line
- 2 1 through line 7 and insert "section 60-6,298, Revised Statutes
- 3 Cumulative Supplement, 2008; to change provisions relating to
- 4 operating permits for certain emergency vehicles; and to repeal the
- 5 original section."

LEGISLATIVE BILL 924. Placed on Select File with amendment.
ER8195

- 1 1. On page 10, line 17, strike "subsection" and insert
- 2 "subdivision"; and in lines 17 and 19 strike the comma.
- 3 2. On page 15, line 5; and page 22, line 19, strike the
- 4 new matter.
- 5 3. On page 15, line 6; and page 22, line 20, after "to"
- 6 insert "subdivision (1)(b) of".

LEGISLATIVE BILL 970. Placed on Select File.

LEGISLATIVE BILL 864. Placed on Select File with amendment.
ER8197

- 1 1. In the Standing Committee amendments, AM1679, on page
- 2 5, line 11, strike "Committee of the Legislature" and insert "Task
- 3 Force".
- 4 2. On page 1, line 3, after "provide" insert ", change,
- 5 and eliminate".

(Signed) Jeremy Nordquist, Chairperson

GENERAL FILE

LEGISLATIVE BILL 800. Committee AM2109, found on page 761 and considered in this day's Journal, was renewed.

The committee amendment was adopted with 33 ayes, 0 nays, 9 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 3 present and not voting, and 7 excused and not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 757A. Introduced by Wightman, 36.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 757, One Hundred First Legislature, Second Session, 2010.

LEGISLATIVE BILL 880A. Introduced by Rogert, 16.

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.

RESOLUTIONS

LEGISLATIVE RESOLUTION 385. Introduced by Utter, 33.

WHEREAS, the Hastings St. Cecilia Bluehawks won the 2010 Class C-1 Boys' State Basketball Championship; and

WHEREAS, the Bluehawks defeated Chadron High School 46-40 in the championship game; and

WHEREAS, the victory gives the Bluehawks their third straight state championship in Class C-1; and

WHEREAS, the Bluehawks were led by Dalton Sealey, who scored a game-high 24 points in the championship game; and

WHEREAS, the Bluehawks finished an outstanding season with a record of twenty-five wins and one loss.

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

1. That the Legislature congratulates the Hastings St. Cecilia Bluehawks on winning the 2010 Class C-1 Boys' State Basketball Championship.

2. That a copy of this resolution be sent to the Bluehawks and their head coach, Kevin Asher.

Laid over.

LEGISLATIVE RESOLUTION 386. Introduced by Giese, 17.

WHEREAS, the South Sioux City Cardinals won the 2010 Class B Boys' State Basketball Championship; and

WHEREAS, the Cardinals' victory was the first boys' basketball title in school history; and

WHEREAS, the Cardinals defeated Skutt Catholic High School 60-56 for a thrilling overtime victory in the championship game; and

WHEREAS, the Cardinals were led by sophomore guards Mike Gesell and Austin Groth, who scored twenty-nine and eighteen points, respectively, in the championship game; and

WHEREAS, the Cardinals finished the season with a record of nineteen wins and five losses; and

WHEREAS, the Cardinals have exemplified teamwork, sportsmanship, discipline, and determination; and

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

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

1. That the Legislature congratulates the South Sioux City Cardinals on winning the 2010 Class B Boys' State Basketball Championship.

2. That a copy of this resolution be sent to the South Sioux City Cardinals and their head coach, Terry Comstock.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 849. Title read. Considered.

Committee AM2120, found on page 785, was adopted with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 10 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 510. Title read. Considered.

Committee AM2095, found on page 758, was considered.

Senator Pirsch renewed his amendment, AM2136, found on page 878, to the committee amendment.

The Pirsch amendment was adopted with 33 ayes, 0 nays, 9 present and not voting, and 7 excused and not voting.

The committee amendment, as amended, was adopted with 32 ayes, 2 nays, 8 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 1 nay, 6 present and not voting, and 7 excused and not voting.

AMENDMENT - Print in Journal

Senator Nordquist filed the following amendment to LB1106A:
AM2204

- 1 1. On page 2, line 3, strike "341" and insert "33"; in
- 2 line 9 strike "\$163,665" and insert "\$161,583"; and in line 10
- 3 strike "\$398,950" and insert "\$401,032".

RESOLUTIONS**LEGISLATIVE RESOLUTION 387.** Introduced by Dubas, 34.

WHEREAS, Stephen Stauffer 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 achievement 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, Stephen has learned, been tested on, and been recognized for various scouting skills; and

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

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

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

1. That the Legislature congratulates Stephen Stauffer on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Stephen Stauffer.

Laid over.

LEGISLATIVE RESOLUTION 388. Introduced by Dubas, 34.

WHEREAS, Andrew Bergman 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 achievement 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, Andrew has learned, been tested on, and been recognized for various scouting skills; and

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

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

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

1. That the Legislature congratulates Andrew Bergman on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Andrew Bergman.

Laid over.

LEGISLATIVE RESOLUTION 389. Introduced by Dubas, 34.

WHEREAS, Zack Eckert 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 achievement 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, Zack has learned, been tested on, and been recognized for various scouting skills; and

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

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

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

1. That the Legislature congratulates Zack Eckert on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Zack Eckert.

Laid over.

LEGISLATIVE RESOLUTION 390. Introduced by Dubas, 34.

WHEREAS, Nate Suck 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 achievement 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, Nate has learned, been tested on, and been recognized for various scouting skills; and

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

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

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

1. That the Legislature congratulates Nate Suck on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Nate Suck.

Laid over.

LEGISLATIVE RESOLUTION 391. Introduced by Dubas, 34.

WHEREAS, Ben Harvey 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 achievement 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, Ben has learned, been tested on, and been recognized for various scouting skills; and

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

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

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

1. That the Legislature congratulates Ben Harvey on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Ben Harvey.

Laid over.

LEGISLATIVE RESOLUTION 392. Introduced by Dubas, 34.

WHEREAS, Zach Wilsey 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 achievement 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, Zach has learned, been tested on, and been recognized for various scouting skills; and

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

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

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

1. That the Legislature congratulates Zach Wilsey on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Zach Wilsey.

Laid over.

LEGISLATIVE RESOLUTION 393. Introduced by Dubas, 34.

WHEREAS, Josh Dana 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 achievement 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, Josh has learned, been tested on, and been recognized for various scouting skills; and

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

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

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

1. That the Legislature congratulates Josh Dana on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Josh Dana.

Laid over.

LEGISLATIVE RESOLUTION 394. Introduced by Dubas, 34.

WHEREAS, Ben Sohl 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 achievement 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, Ben has learned, been tested on, and been recognized for various scouting skills; and

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

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

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

1. That the Legislature congratulates Ben Sohl on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Ben Sohl.

Laid over.

LEGISLATIVE RESOLUTION 395. Introduced by Dubas, 34.

WHEREAS, Jon Sims 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 achievement 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, Jon has learned, been tested on, and been recognized for various scouting skills; and

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

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

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

1. That the Legislature congratulates Jon Sims on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Jon Sims.

Laid over.

LEGISLATIVE RESOLUTION 396. Introduced by Dubas, 34.

WHEREAS, William Obermier 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 achievement 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, William has learned, been tested on, and been recognized for various scouting skills; and

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

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

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

1. That the Legislature congratulates William Obermier on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to William Obermier.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 1070. Title read. Considered.

Committee AM2084, found on page 747, was adopted with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

SENATOR SULLIVAN PRESIDING

LEGISLATIVE BILL 1010. Title read. Considered.

Committee AM2029, found on page 770, was adopted with 40 ayes, 0 nays, 4 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 3 present and not voting, and 5 excused and not voting.

PROPOSED RULES CHANGE

The Rules Committee Report, found on page 826, for the Avery proposed rules change to Rule 1, Sec. 19, found on page 556, was renewed.

The Avery proposed rules change was adopted with 39 ayes, 0 nays, 3 present and not voting, and 7 excused and not voting.

AMENDMENT - Print in Journal

Senator Cornett filed the following amendment to LB1018:
AM2214

(Amendments to E & R amendments, ER8186)

- 1 1. Insert the following new sections:
- 2 Sec. 36. Section 18-2506, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 18-2506 Measure ~~shall mean~~ means an ordinance, charter
- 5 provision, or resolution which is within the legislative authority
- 6 of the governing body of a municipal subdivision to pass; and
- 7 which is not excluded from the operation of referendum by the
- 8 exceptions in section 18-2528. Measure does not include any action
- 9 permitted by the Nebraska Advantage Transformational Tourism and
- 10 Redevelopment Act.
- 11 Sec. 37. Original section 18-2506, Reissue Revised
- 12 Statutes of Nebraska, is repealed.
- 13 2. On page 6, lines 7 and 9, after "attraction" insert
- 14 "or redevelopment project".
- 15 3. On page 8, line 4, after the third comma insert
- 16 "amusement parks."; in line 6 after "real" insert "property"; and
- 17 in line 8 strike "city" and insert "municipal".
- 18 4. On page 10, line 4, before the period insert "or
- 19 county clerk"; and in line 19 strike "tax".
- 20 5. On page 12, line 14; page 14, line 6; page 15, line
- 21 10; and page 19, lines 4 and 7, strike "benefits" and insert
- 22 "incentives".
- 1 6. On page 12, line 19, strike "city council" and insert
- 2 "governing body of the municipality".
- 3 7. On page 13, line 21, strike "credits" and insert
- 4 "incentives".
- 5 8. On page 14, lines 18, 20, and 24; and page 15, lines 1
- 6 and 5, strike "city" and insert "municipality".
- 7 9. On page 15, line 4, strike "fifteen" and insert "ten";
- 8 in line 18 after "state" insert ", except that for a redevelopment
- 9 project in a municipality within a county in which the net taxable
- 10 sales in the preceding calendar year were less than one hundred
- 11 million dollars, the requirements shall be investment in qualified
- 12 property of at least seven million five hundred thousand dollars
- 13 and a net employment increase to the state"; and in line 27 strike
- 14 "only" and insert "not".
- 15 10. On page 16, line 26, after "levied" insert "within
- 16 the boundaries of the project".
- 17 11. On page 17, line 6, after "taxpayer" insert "within
- 18 the boundaries of the project".
- 19 12. On page 18, line 6, strike "credits" and insert
- 20 "incentives".

RESOLUTION

LEGISLATIVE RESOLUTION 397. Introduced by Council, 11; Cook, 13; Howard, 9; Nordquist, 7; White, 8.

WHEREAS, the Omaha Central Eagles won the 2010 Class A Boys' State Basketball Championship; and

WHEREAS, the Eagles defeated Norfolk High School 71-58 in the championship game; and

WHEREAS, the Eagles have won four state titles in five seasons; and

WHEREAS, the Eagles are No. 1 in the Omaha World-Herald's final Top 10 rankings for the sixth time; and

WHEREAS, the Eagles have become a model for competing at a high level each season; and

WHEREAS, Deverell Biggs has been an outstanding member of three of the Eagles' last four championship teams; and

WHEREAS, Akoy Agau had the most outstanding performance ever by a freshman in a state championship game, coming just one blocked shot short of a triple-double.

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

1. That the Legislature congratulates the Omaha Central Eagles on winning the 2010 Class A Boys' State Basketball Championship.

2. That a copy of this resolution be sent to the Eagles and their head coach, Eric Behrens.

Laid over.

VISITORS

Visitors to the Chamber were Dennis, Diane, and Laura McCallister from Lincoln.

ADJOURNMENT

At 4:42 p.m., on a motion by Senator Conrad, the Legislature adjourned until 9:00 a.m., Tuesday, March 16, 2010.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-THIRD DAY - MARCH 16, 2010**LEGISLATIVE JOURNAL****ONE HUNDRED FIRST LEGISLATURE
SECOND SESSION****FORTY-THIRD DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 16, 2010

PRAYER

The prayer was offered by Father Jim Hunt, St. Joseph's Catholic Church, Broken Bow.

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 Pahls who was excused; and Senators Adams, Campbell, Cornett, Gay, and Pankonin who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-second day was approved.

AMENDMENT - Print in Journal

Senator Ashford filed the following amendment to LB817:
AM2203

(Amendments to Standing Committee amendments, AM1964)

- 1 1. Insert the following new section:
- 2 Section 1. Section 2-32,101, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 2-32,101 (1) Any law enforcement officer, including, but
- 5 not limited to, any Game and Parks Commission conservation officer,
- 6 local police officer, member of the Nebraska State Patrol, or
- 7 sheriff or deputy sheriff, is authorized to enforce ~~the provisions~~
- 8 ~~of~~ sections 2-3292 to 2-32,100 and any rules and regulations
- 9 adopted and promulgated pursuant to such sections. A district
- 10 shall not employ law enforcement personnel and shall be prohibited
- 11 from expending any funds for such purpose, except as provided in
- 12 subsection (2) of this section. Each district shall provide a copy
- 13 of its rules and regulations to the appropriate law enforcement
- 14 officer. Any law enforcement officer may arrest and detain any

15 person committing a violation of the rules and regulations in a
 16 recreation area or committing any misdemeanor or felony as provided
 17 by the laws of this state.

18 (2) A natural resources district may expend funds to
 19 enter into agreements pursuant to the Interlocal Cooperation Act
 20 for the services of certified law enforcement personnel or to
 21 contract for the services of private security services to patrol
 22 and protect district-owned or managed recreation areas and to
 1 assist law enforcement officers in enforcing sections 2-3292 to
 2 2-32,100 and any rules and regulations adopted and promulgated
 3 pursuant to such sections.

4 2. On page 1, line 8, reinstate the stricken matter.

5 3. Renumber the remaining sections and correct the
 6 repealer section accordingly.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 880. Placed on Select File with amendment.
 ER8198 is available in the Bill Room.

LEGISLATIVE BILL 901. Placed on Select File with amendment.
 ER8200

1 1. In the Standing Committee amendments, AM1926:

2 a. On page 1, line 5, strike "(1)", show as stricken, and
 3 insert "(1)(a)"; in line 16 strike "(a)" and insert "(i)"; and in
 4 line 18 strike "(b)" and insert "(ii)"; and

5 b. On page 2, line 2, after the period insert
 6 paragraphing and "(b)"; in line 7 strike "(a)", show as stricken,
 7 and insert "(i)"; in line 8 strike "(b)", show as stricken, and
 8 insert "(ii)"; and in line 12 after the period insert paragraphing
 9 and "(c)".

10 2. On page 1, line 1, strike "section 43-2923" and insert
 11 "sections 43-2923 and 43-2937".

LEGISLATIVE BILL 701. Placed on Select File.

(Signed) Jeremy Nordquist, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 398. Introduced by Nordquist, 7; Mello,
 5.

WHEREAS, Mildred Walsh died March 10, 2010, at the age of ninety-
 two; and

WHEREAS, Mildred was one of the "Lynch Park Bag Ladies and Bud," a
 group of six volunteers who cleaned Lynch Park every week; and

WHEREAS, Mildred was an active member and treasurer of the Lynch Park Neighborhood Association and its Neighborhood Watch subgroup; and
WHEREAS, Mildred served as a shining example of volunteerism and community spirit; and

WHEREAS, Mildred Walsh is survived by her son, Larry, her daughter, Charlene Holzapfel, five grandchildren, and eight great-grandchildren.

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

1. That the Legislature honors the memory of Mildred Walsh and her many contributions and achievements.

2. That the Legislature expresses and extends its sympathy and condolences to the family of Mildred Walsh.

3. That a copy of this resolution be sent to the family of Mildred Walsh.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 880A. Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 510A. Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 1 nay, 12 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 945. Title read. Considered.

Committee AM2098, found on page 752, was considered.

Senator Schilz moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 4 nays, and 19 not voting.

The committee amendment was adopted with 37 ayes, 3 nays, 7 present and not voting, and 2 excused and not voting.

Senator Hansen moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Senator Wightman moved for a call of the house. The motion prevailed with 35 ayes, 0 nays, and 14 not voting.

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

Voting in the affirmative, 27:

Ashford	Fulton	Krist	Nordquist	Utter
Avery	Gay	Lathrop	Pankonin	Wallman
Campbell	Haar	Lautenbaugh	Pirsch	Wightman
Conrad	Hadley	Louden	Price	
Dierks	Harms	McCoy	Stuthman	
Dubas	Howard	Mello	Sullivan	

Voting in the negative, 19:

Adams	Cornett	Giese	Janssen	Rogert
Christensen	Council	Gloor	Karpisek	Schilz
Coash	Fischer	Hansen	Langemeier	White
Cook	Flood	Heidemann	McGill	

Present and not voting, 2:

Carlson	Nelson
---------	--------

Excused and not voting, 1:

Pahls

Advanced to Enrollment and Review Initial with 27 ayes, 19 nays, 2 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

COMMITTEE REPORT

Health and Human Services

LEGISLATIVE BILL 999. Placed on General File.

(Signed) Tim Gay, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 399. Introduced by Christensen, 44.

WHEREAS, the Dundy County-Stratton Tigers had a tremendous 2010 season in boys' basketball; and

WHEREAS, the Tigers capped off the season by earning a berth in the 2010 Class C-2 Boys' State Basketball Tournament; and

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

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

1. That the Legislature congratulates the Dundy County-Stratton Tigers for their tremendous season in boys' basketball and for earning a berth in the 2010 Class C-2 Boys' State Basketball Tournament.

2. That a copy of this resolution be sent to the Dundy County-Stratton Tigers.

Laid over.

LEGISLATIVE RESOLUTION 400. Introduced by Christensen, 44.

WHEREAS, the Hayes Center Cardinals had a tremendous 2010 season in boys' basketball; and

WHEREAS, the Cardinals won third place at the 2010 Class D-2 Boys' State Basketball Tournament by defeating Hay Springs High School 71-66 in the third-place game; and

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

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

1. That the Legislature congratulates the Hayes Center Cardinals for their tremendous season in boys' basketball and for winning third place at the 2010 Class D-2 Boys' State Basketball Tournament.

2. That a copy of this resolution be sent to the Hayes Center Cardinals.

Laid over.

LEGISLATIVE RESOLUTION 401. Introduced by Christensen, 44.

WHEREAS, the Southern Valley Eagles had a tremendous 2010 season in girls' basketball; and

WHEREAS, the Eagles capped off the season by earning a berth in the 2010 Class C-1 Girls' State Basketball Tournament; and

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

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

1. That the Legislature congratulates the Southern Valley Eagles for their tremendous season in girls' basketball and for earning a berth in the 2010 Class C-1 Girls' State Basketball Tournament.

2. That a copy of this resolution be sent to the Southern Valley Eagles.

Laid over.

LEGISLATIVE RESOLUTION 402. Introduced by Christensen, 44.

WHEREAS, the Hitchcock County Falcons had a tremendous 2010 season in girls' basketball; and

WHEREAS, the Falcons capped off the season by earning a berth in the 2010 Class D-2 Girls' State Basketball Tournament; and

WHEREAS, the Falcons finished the year ranked ninth in Class D-2 by the Lincoln Journal Star; and

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

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

1. That the Legislature congratulates the Hitchcock County Falcons for their tremendous season in girls' basketball and for earning a berth in the 2010 Class D-2 Girls' State Basketball Tournament.

2. That a copy of this resolution be sent to the Hitchcock County Falcons.

Laid over.

LEGISLATIVE RESOLUTION 403. Introduced by Pankonin, 2.

WHEREAS, Lourdes Central Catholic High School in Nebraska City won the 2010 Nebraska Academic Decathlon State Championship in the small-school division; and

WHEREAS, to encourage academic versatility, the Academic Decathlon requires participants to prepare for ten academic events, which focus on a different theme each year; and

WHEREAS, many community members and school faculty helped students to prepare for and practice speeches, interviewing skills, and essay writing; and

WHEREAS, the Academic Decathlon was founded in 1981 and has come to be recognized as the most prestigious high school academic team competition in the United States; and

WHEREAS, the team from Lourdes Central Catholic High School has qualified every year to compete at the state level since the team's inception at the school fifteen years ago; and

WHEREAS, for the past eight years, the team from Lourdes Central Catholic High School has been the state champion six times and the runner-up twice; and

WHEREAS, over the years, students from Lourdes Central Catholic High School have been awarded over fifty thousand dollars for their efforts.

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

1. That the Legislature congratulates the Lourdes Central Catholic High School Academic Decathlon team and its coaches, Diana Harris, Mary Ann Liesemeyer, and Molly Reuland, on winning the 2010 Nebraska Academic Decathlon State Championship in the small-school division.

2. That a copy of this resolution be sent to the Lourdes Central Catholic High School Academic Decathlon team and its coaches, Diana Harris, Mary Ann Liesemeyer, and Molly Reuland.

Laid over.

AMENDMENT - Print in Journal

Senator Christensen filed the following amendment to LB1051:
AM2012

- 1 1. Strike original section 4 and insert the following new
- 2 section:
- 3 Sec. 5. Since an emergency exists, this act takes effect
- 4 when passed and approved according to law.
- 5 2. Renumber the remaining section accordingly.

UNANIMOUS CONSENT - Add Cointroducer

Senator Fischer asked unanimous consent to add her name as cointroducer to LB1036. No objections. So ordered.

VISITORS

Visitors to the Chamber were 12 ninth- and tenth-grade students, teacher, and sponsor from Madison; 22 fourth-grade students and teacher from Decatur Northeast, Lyons; Nebraska Farm Bureau Youth Ambassadors from across the state; 40 fourth-grade students and teachers from Milliken Park Elementary, Fremont; 9 fifth-grade students and teachers from Arlington; and members of Wives in Farm Economics from across the state.

RECESS

At 11:52 a.m., on a motion by Senator Louden, the Legislature recessed until 1:30 p.m.

AFTER RECESS

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

ROLL CALL

The roll was called and all members were present except Senator Pahls who was excused; and Senators Ashford, Campbell, Hadley, and Louden who were excused until they arrive.

BILL ON FIRST READING

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

LEGISLATIVE BILL 800A. Introduced by Ashford, 20.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 800, One Hundred First

Legislature, Second Session, 2010.

MESSAGE FROM THE GOVERNOR

March 15, 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:

Gabriella "Gay" McTate, 3131 North 50th, Omaha, NE 68104

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

GENERAL FILE

LEGISLATIVE BILL 935. Title read. Considered.

Committee AM2117, found on page 830, was considered.

Senator Heidemann renewed the Heidemann et al. amendment, AM2185, found on page 851, to the committee amendment.

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

Pending.

REFERENCE COMMITTEE REPORT

The Executive Board submits the following report:

McTate, Gabriella "Gay" - Foster Care Review Board - Health and Human Services

(Signed) John Wightman, Chairperson
Executive Board

NOTICE OF COMMITTEE HEARING
 Health and Human Services

Room 1510

Tuesday, March 23, 2010 1:00 p.m.

Raymond Meester - Commission for the Deaf and Hard of Hearing
 Marcia Anderson - Foster Care Review Board
 Gabriella "Gay" McTate - Foster Care Review Board
 Susan Petersen - Commission for the Deaf and Hard of Hearing
 Camille Ohri - Child Abuse Prevention Fund Board

(Signed) Tim Gay, Chairperson

AMENDMENT - Print in Journal

Senator Sullivan filed the following amendment to LB965:
 AM2222

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 32-570, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 32-570 (1) A vacancy in the membership of a school board
- 6 shall occur as set forth in section 32-560 or in the case of
- 7 absences, unless excused by a majority of the remaining members
- 8 of the board, when a member is absent from the district for a
- 9 continuous period of sixty days at one time or from more than two
- 10 consecutive regular meetings of the board. The resignation of a
- 11 member or any other reason for a vacancy shall be made a part
- 12 of the minutes of the school board. The school board shall give
- 13 notice of the date the vacancy occurred, the office vacated, and
- 14 the length of the unexpired term (a) in writing to the election
- 15 commissioner or county clerk and (b) by a notice published in a
- 16 newspaper of general circulation in the school district. ~~unless~~
- 17 ~~excused by a majority of the remaining members of the board.~~
- 18 (2) A person appointed to fill a vacancy on the school
- 19 board of a Class I school district by the remaining members of
- 20 the board shall hold office until the beginning of the next school
- 21 year. A board member of a Class I school district elected to fill a
- 22 vacancy at a regular or special school district meeting shall serve
- 23 for the remainder of the unexpired term or until a successor is
- 1 elected and qualified.
- 2 (3) Except as provided in subsection (4) of this section,
- 3 a vacancy in the membership of a school board of a Class II, III,
- 4 IV, V, or VI school district resulting from any cause other than
- 5 the expiration of a term shall be ~~temporarily~~ filled by appointment

6 of a qualified registered voter by the remaining members of the
 7 board. ~~A-If the vacancy occurs in a Class II school district prior~~
 8 ~~to July 1 preceding the general election in the middle of the~~
 9 ~~vacated term, the appointee shall serve until a registered voter is~~
 10 ~~elected at such general election for the remainder of the unexpired~~
 11 ~~term. If the vacancy occurs in a Class III, IV, V, or VI school~~
 12 ~~district prior to February 1 preceding the general election in~~
 13 ~~the middle of the vacated term, the appointee shall serve until a~~
 14 registered voter ~~shall be is~~ nominated at the next primary election
 15 and elected at the following general election for the remainder
 16 of the unexpired term. If the vacancy occurs on or after the
 17 applicable deadline, the appointment shall be for the remainder
 18 of the unexpired term. A registered voter appointed or elected
 19 pursuant to this subsection shall meet the same requirements as the
 20 member whose office is vacant.

21 (4) Any vacancy in the membership of a school board of a
 22 school district described in section 79-549 which does not nominate
 23 candidates at a primary election and elect members at the following
 24 general election shall be ~~temporarily~~ filled by appointment of a
 25 qualified registered voter by the remaining members of the board.
 26 ~~A-If the vacancy occurs at least twenty days prior to the first~~
 27 ~~regular caucus to be held during the term that was vacated,~~
 1 the appointee shall serve until a registered voter shall be is
 2 nominated and elected to fill the vacancy for the remainder of the
 3 term in the manner provided for nomination and election of board
 4 members in the district. If the vacancy occurred less than twenty
 5 days prior to the first regular caucus and at least twenty days
 6 prior to the second regular caucus to be held during the term that
 7 was vacated, the appointee shall serve until a registered voter is
 8 nominated and elected to fill the vacancy for the remainder of the
 9 term in the manner provided for nomination and election of board
 10 members in the district. If the vacancy occurred less than twenty
 11 days prior to the second regular caucus held during the term that
 12 was vacated or after such caucus, the appointment shall be for the
 13 remainder of the unexpired term.

14 (5) If any school board fails to fill a vacancy on the
 15 board, the vacancy may be filled by election at a special election
 16 or school district meeting called for that purpose. Such election
 17 or meeting shall be called in the same manner and subject to
 18 the same procedures as other special elections or school district
 19 meetings.

20 (6) If there are vacancies in the offices of a majority
 21 of the members of a school board, the Secretary of State shall
 22 conduct a special school district election to fill such vacancies.

23 Sec. 2. Section 79-1217, Reissue Revised Statutes of
 24 Nebraska, is amended to read:

25 79-1217 (1) All educational service units shall be
 26 governed by a board to be known as the Board of Educational
 27 Service Unit No. Until the first Thursday after the first

1 Tuesday in January 2009, the educational service unit board, except
2 the board of an educational service unit with only one member
3 school district, shall be composed of one member from each county
4 and four members at large, all of whom shall reside within the
5 geographical boundaries of the educational service unit, but no
6 more than two of the members at large shall be appointed or
7 elected from the same county unless any one county within the
8 educational service unit has a population in excess of one hundred
9 fifty thousand inhabitants or the educational service unit consists
10 of only one county. Beginning on the first Thursday after the
11 first Tuesday in January 2009, the educational service unit board,
12 except the board of an educational service unit with only one
13 member school district, shall be composed of one member elected to
14 represent each election district established pursuant to section
15 79-1217.01. Successors to the members initially appointed pursuant
16 to section 79-1212 shall be elected pursuant to section 32-515.

17 (2) Vacancies in office shall occur as set forth in
18 section 32-560, except as otherwise provided in section 79-1212
19 regarding the requirement to live in the district represented, or
20 in the case of absences, unless excused by a majority of the
21 remaining members of the board, when a member is absent from
22 the geographical boundaries of the educational service unit for a
23 continuous period of sixty days at one time or from more than two
24 consecutive regular meetings of the board. Whenever any vacancy
25 occurs on the board, the remaining members of such board shall
26 appoint an individual residing within the election district of the
27 educational service unit for which the vacancy exists and meeting
1 the qualifications for the office to fill such vacancy for the
2 balance of the unexpired term.

3 (3) Members of the board shall receive no compensation
4 for their services but shall be reimbursed for the actual and
5 necessary expenses incurred in the performance of their duties
6 under the Educational Service Units Act as provided in sections
7 81-1174 to 81-1177.

8 (4) Except as provided in subsection (5) of this section,
9 any joint school district located in two or more counties shall
10 be considered a part of the educational service unit in which the
11 greater number of school-age children of such joint school district
12 reside.

13 (5) Any Class I district which is part of a Class VI
14 district shall be considered a part of the educational service
15 unit of which the Class VI district is a member. If the Class
16 VI district has removed itself from an educational service unit,
17 each Class I district which is part of such Class VI district may
18 continue its existing membership in an educational service unit
19 or may change its status relative to membership in an educational
20 service unit in accordance with section 79-1209. The patrons of a
21 Class I district maintaining membership in an educational service
22 unit pursuant to this subsection shall have the same rights and

23 privileges as other patrons of the educational service unit, and
 24 the taxable valuation of the taxable property within the geographic
 25 boundaries of such Class I district shall be subject to the
 26 educational service unit's tax levy established pursuant to section
 27 79-1225.

1 (6) The administrator of each educational service unit,
 2 prior to July 1 of each year in which a statewide primary election
 3 is to be held, shall certify to the election commissioner or county
 4 clerk of each county located within the unit the corporate name
 5 of each school district, as described in section 79-405, located
 6 within the county. If a school district is a joint school district
 7 located in two or more counties, the administrator shall certify to
 8 each election commissioner or county clerk the educational service
 9 unit of which the school district is considered to be a part.

10 (7) Educational service units with only one member school
 11 district shall be governed by the school board of such school
 12 district.

13 Sec. 3. Original sections 32-570 and 79-1217, Reissue
 14 Revised Statutes of Nebraska, are repealed.

COMMITTEE REPORT

Judiciary

LEGISLATIVE BILL 1102. Placed on General File with amendment.
 AM2234

1 1. Insert the following new sections:

2 Sec. 2. (1) For purposes of licensure and regulation
 3 pursuant to subdivision (7) of section 2-1203.01, historic
 4 horserace means a form of horserace that creates a parimutuel pool
 5 from wagers placed on a horserace previously held at a licensed
 6 racetrack.

7 (2) The State Racing Commission shall not issue a
 8 license for parimutuel wagering on historic horseraces pursuant
 9 to subdivision (7) of section 2-1203.01 unless the county board
 10 of the county in which such licensed facility is located has by
 11 resolution approved the adoption of wagering on historic horseraces
 12 within the county.

13 (3) The commission may adopt and promulgate rules and
 14 regulations to implement subdivision (7) of section 2-1203.01.

15 (4) As part of the regulation under subdivision (7)
 16 of section 2-1203.01, the commission shall require enough of the
 17 historic horserace to be televised so as to maintain the integrity
 18 of such horserace before another wager may take place or before
 19 beginning another historic horserace.

20 (5) As part of the regulation under subdivision (7) of
 21 section 2-1203.01, the commission shall impose an initial, one-time
 22 licensing fee of one thousand dollars for each machine used for
 23 parimutuel wagering on historic horseraces. The commission shall
 1 remit the fees to the State Treasurer for credit to the Historic

2 Horseracing Distribution Fund.

3 Sec. 3. (1) In addition to any other tax imposed under
4 sections 2-1201 to 2-1229 on a licensed racetrack enclosure and
5 in lieu of any other tax otherwise applicable to parimutuel
6 wagering, there is hereby imposed a tax on the gross sum wagered
7 by the parimutuel method at each licensed racetrack enclosure
8 on historic horseraces at a rate of one percent of the first
9 one hundred million dollars collected from all machines at the
10 licensed racetrack enclosure, one and one-half percent of the
11 second one hundred million dollars collected from all machines at
12 the licensed racetrack enclosure, and two percent on all money
13 collected thereafter.

14 (2) A return as required by the Tax Commissioner shall
15 be filed for a racetrack enclosure for each month during which
16 wagers on historic horseraces are accepted at the enclosure. The
17 return shall be filed with and the tax due pursuant to this section
18 shall be paid to the Department of Revenue on the tenth day of
19 the month following receipt of the tax. The Tax Commissioner shall
20 remit all revenue collected or received from the tax imposed under
21 this section to the State Treasurer for credit to the Historic
22 Horseracing Distribution Fund.

23 Sec. 4. (1) The Historic Horseracing Distribution Fund
24 is hereby created in the Department of Revenue. All costs for
25 administration of the fund shall be paid from such fund.

26 (2) All receipts in the Historic Horseracing Distribution
27 Fund in excess of the amounts sufficient to cover the costs of
1 administration shall be distributed as follows:

2 (a) Five percent of all receipts less costs of
3 administration shall be credited to the State Racing Commission
4 Cash Fund to be distributed by the State Racing Commission for
5 community betterment grants for areas within one mile of the
6 location of a licensed racetrack; and

7 (b) The remainder of all receipts shall be credited:

8 (i) One-third to the Probation Program Cash Fund to be
9 used by the Community Corrections Council for reentry programming;

10 (ii) One-third to the Violence Prevention Cash Fund to be
11 used by the Office of Violence Prevention for a grant process for
12 violence prevention programming; and

13 (iii) One-third to the Compulsive Gamblers Assistance
14 Fund.

15 (3) Any money in the Historic Horseracing Distribution
16 Fund available for investment shall be invested by the state
17 investment officer pursuant to the Nebraska Capital Expansion Act
18 and the Nebraska State Funds Investment Act.

19 2. On page 3, line 2, after "horseraces" insert "as
20 defined in section 3 of this act within a licensed racetrack
21 enclosure"; and in line 21 after "horseraces" insert "as defined in
22 section 3 of this act".

23 3. Renumber the remaining sections accordingly.

(Signed) Brad Ashford, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 1094A. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1094, One Hundred First Legislature, Second Session, 2010.

GENERAL FILE

LEGISLATIVE BILL 935. Senator Heidemann renewed his amendment, AM2169, found on page 852, to the committee amendment.

SENATOR CARLSON PRESIDING

The Heidemann amendment was adopted with 42 ayes, 0 nays, 5 present and not voting, and 2 excused and not voting.

Senator Heidemann offered the following amendment to the committee amendment:

AM2195

(Amendments to Standing Committee amendments, AM2117)

1 1. Purpose: Add the homestead deficit omitted in AM2117.

2 Amendment:

3 1. Insert the following new section:

4 Sec. 14. AGENCY NO. 16 -- DEPARTMENT OF REVENUE

5 Program No. 108 - Homestead Exemption

	<u>FY2009-10</u>	<u>FY2010-11</u>
7 <u>GENERAL FUND</u>	<u>3,609,000</u>	<u>-0-</u>
8 <u>PROGRAM TOTAL</u>	<u>3,609,000</u>	<u>-0-</u>

9 There is included in the appropriation to this program

10 for FY2009-10 \$3,609,000 General Funds for state aid, which shall
11 only be used for such purpose.

12 2. Purpose: Remove a section that is not amended.

13 Amendment:

14 1. Strike section 126.

15 2. On page 112, line 2, strike "226,".

16 3. Purpose: Correct a reference to the proper section.

17 Amendment:

18 1. On page 2, line 11, strike "74" and insert "70".

19 4. Purpose: Include capital construction as part of

20 appropriation language.

21 Amendment:

- 22 1. On page 1, line 16, after "education," insert "capital
 1 construction".
- 2 5. Purpose: Correct an appropriation that was in the
 3 wrong year.
- 4 Amendment:
- 5 1. On page 4, strike lines 25 and 26 and insert:
- | | | |
|------------------------|---------------|------------|
| 6 <u>CASH FUND</u> | <u>90,000</u> | <u>-0-</u> |
| 7 <u>PROGRAM TOTAL</u> | <u>90,000</u> | <u>-0-</u> |
- 8 6. Purpose: Correct an error in the Program Total and
 9 Salary Limit lines.
- 10 Amendment:
- 11 1. On page 12, strike line 16, show as stricken, and
 12 insert "PROGRAM TOTAL 3,009,344 3,111,112"; and in lines 17 and 18
 13 strike the new matter and reinstate the stricken matter.
- 14 7. Purpose: Increase the Salary Limit in the first year
 15 to allow for the 27th pay period.
- 16 Amendment:
- 17 1. On page 15, strike line 15 and insert "SALARY LIMIT
 18 1,157,887 1,151,849".
- 19 8. Purpose: Correct for an unintended reduction to the
 20 current year appropriation.
- 21 Amendment:
- 22 1. On page 20, lines 25 and 26, strike the first
 23 occurrence of "969,493" and insert "1,015,162".
- 24 9. Purpose: To correct an earmark.
- 25 Amendment:
- 26 1. On page 45, line 13, strike "\$643,965" and insert
 27 "\$637,086".
- 1 10. Purpose: Change the dollar amount in the state aid
 2 earmark to reflect the reduced appropriation amount.
- 3 Amendment:
- 4 1. On page 67, line 1, strike "\$3,714,500", show as
 5 stricken, and insert "\$3,640,210".
- 6 11. Purpose: To correct appropriations numbers that were
 7 transposed and correct the associated earmark.
- 8 Amendment:
- 9 1. On page 97, line 13, strike "7,542,817" and
 10 insert "7,569,817"; in line 17 strike "54,325,342" and insert
 11 "54,352,342".
- 12 2. On page 98, line 3, strike "\$4,277,996" and insert
 13 "\$4,304,996".
- 14 12. Renumber the remaining sections accordingly.

The Heidemann amendment was adopted with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

Committee AM2117, found on page 830 and considered in this day's Journal, as amended, was renewed.

The committee amendment, as amended, was adopted with 44 ayes, 0 nays, 3 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 45 ayes, 0 nays, 2 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 317. Title read. Considered.

Committee AM2101, found on page 828, was adopted with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

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

LEGISLATIVE BILL 1106. Title read. Considered.

Committee AM1948, found on page 634, was adopted with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

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

LEGISLATIVE BILL 1106A. Title read. Considered.

Senator Nordquist withdrew his amendment, AM2158, found on page 816.

Senator Nordquist renewed his amendment, AM2204, found on page 903.

The Nordquist amendment was adopted with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 1091. Title read. Considered.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 11 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 1090. Title read. Considered.

Committee AM2186, found on page 877, was adopted with 31 ayes, 0 nays, 8 present and not voting, and 10 excused and not voting.

Senator Lathrop withdrew his amendment, AM2050, found on page 701.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 7 present and not voting, and 10 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 404. Introduced by Nelson, 6; Council, 11; Giese, 17; Howard, 9; Krist, 10; Lathrop, 12; Lautenbaugh, 18; Mello, 5; Nordquist, 7; Pirsch, 4; White, 8.

WHEREAS, the Academic Decathlon competition is a strenuous mental competition in which many teams enter but few prevail; and

WHEREAS, the Academic Decathlon is a scholastic competition for teams of high school students; and

WHEREAS, the Creighton Preparatory School team from Omaha, Nebraska, entered and won the Nebraska Academic Decathlon; and

WHEREAS, the Creighton Preparatory School Academic Decathlon team achieved first in the state, scoring a record 55 points out of 60 in the Super Quiz; and

WHEREAS, team members deserve special recognition for their teamwork and diverse knowledge, which contributed to the team's outstanding success so far in 2010; and

WHEREAS, the Creighton Preparatory School Academic Decathlon team will represent the State of Nebraska at the national competition to be held in Omaha, Nebraska, in April 2010; and

WHEREAS, the accomplishments of these students should be recognized by the Legislature and best wishes should be offered for success at the national competition.

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

1. That the Legislature recognizes and congratulates the members of the Creighton Preparatory School Academic Decathlon team and their coaches, Jeannie Brayman and Barb Hacke, for their outstanding success in 2010.

2. That a copy of this resolution be sent to the Creighton Preparatory School Academic Decathlon team and their coaches, Jeannie Brayman and Barb Hacke.

Laid over.

AMENDMENT - Print in Journal

Senator Cornett filed the following amendment to LB1081:
AM2224

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Sections 1 to 11 of this act shall be known
- 4 and may be cited as the Teleworker Job Creation Act.
- 5 Sec. 2. The Legislature hereby finds and declares that:
- 6 (1) Current economic conditions in the state have
- 7 resulted in unemployment, loss of jobs, and difficulty in
- 8 attracting new jobs; and
- 9 (2) It is the policy of the state to make revisions

10 in Nebraska's job training structure to encourage businesses to
11 promote the creation of and training for new jobs which can be
12 performed in the home within the state.

13 Sec. 3. For purposes of the Teleworker Job Creation Act:

14 (1) Application filing date means the date that the
15 employer files an application for an agreement with the director
16 under the act;

17 (2) Base year means the three hundred sixty-five days
18 immediately preceding the application filing date;

19 (3) Base-year employee means any individual who was
20 employed in Nebraska and subject to the Nebraska income tax on
21 compensation received from the employer or its predecessors during
22 the base year and who is employed at the project;

23 (4) Director means the Director of Economic Development;

1 (5) Employer means a corporation, partnership, limited
2 liability company, cooperative, limited cooperative association, or
3 joint venture, together with such other entities that are, or would
4 be if incorporated, members of the same unitary group as defined in
5 section 77-2734.04, that employs the teleworkers for which the job
6 training reimbursements are applied for under the act;

7 (6) Qualifying employee means a teleworker who has
8 the following characteristics: (a) The teleworker constitutes
9 an employee of the employer under section 77-2753; (b) the
10 teleworker resides in Nebraska at the time of his or her employment
11 application according to his or her statement on his or her
12 employment application; (c) the teleworker completes a qualified
13 training program; (d) the teleworker is not a base-year employee;
14 (e) the teleworker is not required to purchase a computer from
15 the employer; (f) the teleworker has passed such job-related tests
16 required under the qualified training program; (g) the teleworker
17 has passed a criminal background check as required by the employer;
18 and (h) the teleworker has been allowed to complete the hiring
19 process paperwork from his or her residence, except for any drug
20 testing and notarized proof of identity, which can be performed at
21 such location directed by the employer;

22 (7) Qualified training program means a training program
23 which has the following features: (a) The program has at least
24 fifteen hours of instruction per trainee, all of which will occur
25 in the trainee's residence; (b) trainees are each paid at least
26 the federal minimum hourly wage per hour of training performed;
27 (c) trainees are being trained as teleworkers; and (d) the program
1 requires the trainees to pass job-related tests established by the
2 employer; and

3 (8) Teleworker means a person who works for the employer
4 from his or her residence through the use of telecommunication
5 systems, such as the telephone and the Internet, for inbound-only
6 service and order-taking sales calls, which calls may also include
7 the upselling of related products or services.

8 Sec. 4. (1) To earn the job training reimbursements set

9 forth in the Teleworker Job Creation Act, an employer shall file an
10 application for an agreement with the director. An application may
11 be filed at any time on or after the effective date of this act.

12 (2) The application shall contain:

13 (a) A written statement describing the expected
14 employment of qualifying employees in this state;

15 (b) Sufficient documents, plans, and specifications as
16 required by the director to support the plan and to define a
17 project; and

18 (c) A copy of the letter submitted to the director
19 seeking approval of the employer's qualified training program.

20 (3) The application and all supporting information shall
21 be confidential except, for each project:

22 (a) The name of the employer;

23 (b) The amount of the job training reimbursement;

24 (c) The number of persons trained, with such number
25 divided into three categories: The number who reside in rural
26 areas; the number who reside in poverty areas; and the number who
27 reside in all other parts of Nebraska, based on the rural areas and
1 poverty areas described in section 6 of this act; and

2 (d) The amount of total wages and other payments subject
3 to withholding, as defined in section 77-2753, paid by the employer
4 to all teleworkers who reside in Nebraska, with such residence as
5 determined by the statement of the qualifying employee on his or
6 her employment application, within three hundred sixty-five days
7 prior to the date of application, for the year of the project, and
8 for the following twelve months.

9 The employer shall be required to provide this
10 information to the director upon written request by the director.

11 (4)(a) The director shall approve the application and
12 authorize the total amount of job training reimbursements expected
13 to be earned as a result of the project if he or she is satisfied
14 that (i) the plan in the application defines a project that meets
15 the eligibility requirements established within the Teleworker
16 Job Creation Act and (ii) such requirements will be reached
17 within three hundred sixty-five calendar days after the application
18 filing date. The director shall use the subaccount created under
19 subsection (3) of section 81-1201.21 to provide reimbursements
20 allowed by the act for the training of teleworkers.

21 (b) The director shall not approve further applications
22 once the director has approved seven project applications filed
23 before the end of fiscal year 2010-11 and the expected job training
24 reimbursements from the approved projects total one million fifty
25 thousand dollars in fiscal year 2010-11. Applications for an
26 agreement shall for purposes of this limit be approved in the order
27 in which they are received by the director.

1 (c) An employer and the director may enter into
2 agreements for more than one project, up to a total of five
3 approved project applications filed before the end of fiscal year

4 2010-11. The projects may be either sequential or concurrent.
5 No new qualifying employees shall be included in more than one
6 project for meeting the project requirements or the creation of job
7 training reimbursements. When projects overlap and the plans do
8 not clearly specify, the employer shall specify to which project
9 the employment belongs. The employer has until it submits its
10 request for reimbursement to the director to designate to which
11 project a qualifying employee belongs. The employer may not receive
12 job training reimbursements for a qualifying employee until the
13 employer designates to which project that qualifying employee
14 belongs. Such designation shall be made on such form to be filed
15 with the director as the director shall direct.

16 (5) After approval, the employer and the director shall
17 enter into a written agreement. The employer shall agree to
18 complete the project, and the director, on behalf of the State of
19 Nebraska, shall designate the approved plans of the employer as a
20 project and, in consideration of the employer's agreement, agree
21 to allow the employer to receive the job training reimbursements
22 contained in the Teleworker Job Creation Act up to the total
23 amount of job training reimbursements that were authorized by the
24 director. The application and all supporting documentation, to the
25 extent approved, shall be considered a part of the agreement. The
26 agreement shall state:

27 (a) The number of qualifying employees required by the
1 act for the project;

2 (b) The time period under the act in which the required
3 level must be met;

4 (c) The documentation the employer will need to supply
5 when requesting the job training reimbursements under the act;

6 (d) The date the application was filed; and

7 (e) The maximum amount of job training reimbursements
8 authorized.

9 Sec. 5. (1) To be eligible to file an application for an
10 agreement with the director under the Teleworker Job Creation Act,
11 the employer shall submit a description of its training program to
12 the director for review.

13 (2) If the employer's training program meets the
14 requirements to constitute a qualified training program under the
15 act, the director shall approve such program and provide the
16 employer with an approval letter.

17 Sec. 6. (1) Job training reimbursements shall be made
18 to any employer who has an approved application pursuant to the
19 Teleworker Job Creation Act and who trains at least four hundred
20 qualifying employees in a qualified training program within three
21 hundred sixty-five calendar days from the application filing date
22 and offers employment to those qualifying employees to work for
23 the employer as a teleworker. The employer shall, to the extent
24 of available job positions, give a hiring priority preference,
25 over other similarly qualified applicants, to those applicants who

26 (a) reside in Nebraska counties of less than one hundred thousand
27 inhabitants, as determined by the most recent federal decennial
1 census, with such residence as determined by the statement of
2 the qualifying employee on his or her employment application, or
3 (b) reside in areas of high concentration of poverty within the
4 corporate limits of a city or village consisting of one or more
5 contiguous census tracts, as determined by the most recent federal
6 decennial census, which contain a percentage of persons below the
7 poverty line of greater than thirty percent, and all census tracts
8 contiguous to such tract or tracts, as determined by the most
9 recent federal decennial census. Such job positions shall pay a
10 wage of at least the then-required minimum hourly wage required
11 by federal law. If the employer fails to provide such a hiring
12 priority preference to one or more of the persons entitled to
13 it, then the employer shall lose the right to one job training
14 reimbursement for each such failure.

15 (2) The amount of the job training reimbursements allowed
16 under subsection (1) of this section shall be three hundred dollars
17 for each new qualifying employee hired by the employer after the
18 application filing date, up to a total of five hundred qualifying
19 employees per project, resulting in a maximum reimbursement per
20 project of one hundred fifty thousand dollars.

21 Sec. 7. A request for job training reimbursements may be
22 filed annually or quarterly by the employer on a form required by
23 the director. Each request shall contain verification of the number
24 of qualifying employees, designated by project, for which the
25 employer has met the requirements of the Teleworker Job Creation
26 Act, and such amounts shall be paid to the employer upon approval
27 by the director.

1 Sec. 8. The Department of Economic Development shall,
2 prior to making the job training reimbursement, audit the employer
3 for compliance with the Teleworker Job Creation Act. The department
4 may utilize the subaccount created under subsection (3) of section
5 81-1201.21 to support the costs of audits and administration of the
6 Teleworker Job Creation Act.

7 Sec. 9. (1) The right to job training reimbursements
8 and the agreement under the Teleworker Job Creation Act shall
9 not be transferable except when a project covered by an agreement
10 is transferred by sale or lease to another employer or in an
11 acquisition of assets qualifying under section 381 of the Internal
12 Revenue Code of 1986.

13 (2) The acquiring employer, as of the date of
14 notification of the director of the completed transfer, shall be
15 entitled to any unused job training reimbursements and to any
16 future job training reimbursements allowable under the act.

17 Sec. 10. Interest shall not be allowable on any job
18 training reimbursements earned under the Teleworker Job Creation
19 Act.

20 Sec. 11. Participation in the Teleworker Job Creation

21 Act shall not preclude an employer from receiving tax incentives
22 or other benefits under other federal, state, or local incentive
23 programs.

24 Sec. 12. Section 81-1201.21, Revised Statutes Supplement,
25 2009, as amended by section 72, Legislative Bill 3, One Hundred
26 First Legislature, First Special Session, 2009, is amended to read:

27 81-1201.21 (1) There is hereby created the Job Training
1 Cash Fund. The fund shall be under the direction of the Department
2 of Economic Development. Money may be transferred to the fund
3 pursuant to subdivision (1)(b)(iv) of section 48-621 and from
4 the Cash Reserve Fund at the direction of the Legislature. The
5 department shall establish a subaccount for all money transferred
6 from the Cash Reserve Fund to the Job Training Cash Fund on or
7 after July 1, 2005. Any unexpended or unobligated balance remaining
8 within such subaccount on July 1, 2014, shall be transferred by the
9 State Treasurer to the Cash Reserve Fund no later than July 10,
10 2014. Any obligated amount not transferred from the subaccount that
11 remains unexpended on July 1, 2013, shall be transferred by the
12 State Treasurer to the Cash Reserve Fund no later than December 31,
13 2015. Transfers may be made from the Job Training Cash Fund to the
14 General Fund at the direction of the Legislature.

15 (2) The department shall use the Job Training Cash Fund
16 to provide reimbursements for job training activities, including
17 employee assessment, preemployment training, on-the-job training,
18 training equipment costs, and other reasonable costs related to
19 helping industry and business locate or expand in Nebraska, or
20 to provide upgrade skills training of the existing labor force
21 necessary to adapt to new technology or the introduction of new
22 product lines.

23 (3) The department shall establish a subaccount within
24 the fund to provide job training grants targeted to small
25 employers, rural employers, and poverty area employers meeting
26 one of the following criteria: (a) Employ twenty-five or fewer
27 employees, (b) located in rural areas of Nebraska, or (c) located
1 in areas of high concentration of poverty within the corporate
2 limits of a city or village consisting of one or more contiguous
3 census tracts, as determined by the most recent federal decennial
4 census, which contain a percentage of persons below the poverty
5 line of greater than thirty percent, and all census tracts
6 contiguous to such tract or tracts, as determined by the most
7 recent federal decennial census. The department shall calculate the
8 amount of prior year investment income earnings accruing to the
9 fund and allocate such amount to the subaccount for small, rural,
10 or poverty area employer grants. The subaccount shall also be used
11 as provided in the Teleworker Job Creation Act.

12 (4) Any money in the fund available for investment
13 shall be invested by the state investment officer pursuant to
14 the Nebraska Capital Expansion Act and the Nebraska State Funds
15 Investment Act.

16 Sec. 13. Original section 81-1201.21, Revised Statutes
17 Supplement, 2009, as amended by section 72, Legislative Bill 3,
18 One Hundred First Legislature, First Special Session, 2009, is
19 repealed.

20 Sec. 14. Since an emergency exists, this act takes effect
21 when passed and approved according to law.

BILL ON FIRST READING

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

LEGISLATIVE BILL 1048A. Introduced by Langemeier, 23.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1048, One Hundred First Legislature, Second Session, 2010.

COMMITTEE REPORT

Education

LEGISLATIVE BILL 1072. Placed on General File with amendment. AM2194 is available in the Bill Room.

(Signed) Greg Adams, Chairperson

VISITORS

Visitors to the Chamber were 34 fourth-grade students, teachers, and sponsors from Lincoln Christian School, Lincoln; and 32 fourth-grade students and teacher from David City.

The Doctor of the Day was Dr. Roger Meyer from Utica.

ADJOURNMENT

At 5:20 p.m., on a motion by Senator Dierks, the Legislature adjourned until 9:00 a.m., Wednesday, March 17, 2010.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-FOURTH DAY - MARCH 17, 2010**LEGISLATIVE JOURNAL****ONE HUNDRED FIRST LEGISLATURE
SECOND SESSION****FORTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 17, 2010

PRAYER

The prayer was offered by Senator Carlson.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Flood presiding.

The roll was called and all members were present except Senator Pahls who was excused; and Senators Cook, Cornett, Dubas, Gloor, and Lathrop who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-third day was approved.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, and 369 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, and 369.

GENERAL FILE

LEGISLATIVE BILL 1110. Title read. Considered.

Senator Campbell offered the following motion:

MO88

Unanimous consent to bracket until April 14, 2010.

No objections. So ordered.

LEGISLATIVE BILL 1048. Title read. Considered.

SENATOR PRICE PRESIDING

Committee AM2159, found on page 830, was considered.

Senator Langemeier offered the following amendment to the committee amendment:

AM2244

(Amendments to Standing Committee amendments, AM2159)

- 1 1. On page 11, strike beginning with "benefit" in line
- 2 16 through "provide" in line 17 and insert "offer"; and strike
- 3 beginning with "at" in line 21 through "84-712.05" in line 27
- 4 and insert "contingent upon the applicant and electric suppliers
- 5 negotiating in good faith a power purchase agreement and any other
- 6 necessary agreements".

The Langemeier amendment was adopted with 41 ayes, 0 nays, 5 present and not voting, and 3 excused and not voting.

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

Senator Langemeier withdrew his amendments, AM2010 and FA65, found on pages 637 and 687.

Advanced to Enrollment and Review Initial with 44 ayes, 0 nays, 3 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 1048A. Title read. Considered.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 11 present and not voting, and 2 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 405. Introduced by Fulton, 29.

WHEREAS, Steve Thomlison served as a legislative aide for the Legislature in 1992 and 1993; and

WHEREAS, Steve Thomlison served in the United States Army Reserve and served his country in the United States and abroad; and

WHEREAS, Steve Thomlison will be ordained as a priest in the Roman Catholic Church at Cathedral of the Risen Christ in Lincoln, Nebraska, on May 29, 2010.

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

1. That the Legislature recognizes Steve Thomlison for his service to the Legislature and his service in the United States Army Reserve.
2. That the Legislature extends its congratulations to Steve Thomlison for his ordination as a priest in the Lincoln Diocese of the Roman Catholic Church.
3. That a copy of this resolution be sent to Steve Thomlison.

Laid over.

AMENDMENTS - Print in Journal

Senator Stuthman filed the following amendment to LB849:
AM2226 is available in the Bill Room.

Senator Rogert filed the following amendment to LB1013:
AM2178

(Amendments to Standing Committee amendments, AM1996)

1 1. Strike the original sections and all amendments
 2 thereto and insert the following new sections:
 3 Section 1. Section 9-647, Reissue Revised Statutes of
 4 Nebraska, is amended to read:
 5 9-647 No lottery shall be conducted between the hours of
 6 1 a.m. and 6 a.m., except that if alcoholic liquor is allowed to
 7 be sold later than 1 a.m. pursuant to a vote under subdivision
 8 (1)(b) of section 53-179, no lottery shall be conducted between the
 9 hour established pursuant to such vote and 6 a.m. within the area
 10 affected by the vote.

11 Sec. 2. Section 53-179, Reissue Revised Statutes of
 12 Nebraska, is amended to read:
 13 53-179 (1) No alcoholic liquor, including beer, shall be
 14 sold at retail or dispensed on any day between the hours of 1 a.m.
 15 and 6 a.m., except that the ~~The~~ local governing body of any city
 16 or village with respect to area inside the corporate limits of such
 17 city or village, or the county board with respect to area outside
 18 the corporate limits of any city or village, may by ordinance or
 19 resolution (a) require closing prior to 1 a.m. on any day or (b)
 20 if adopted by a vote of at least sixty percent of the members
 21 of such local governing body or county board, permit retail sale
 22 or dispensing of alcoholic liquor for consumption on the premises,
 1 excluding sales for consumption off the premises, later than 1 a.m.
 2 and prior to 2 a.m. on any day.

3 (2) Except as provided for and allowed by ordinance of a
 4 local governing body applicable to area inside the corporate limits
 5 of a city or village or by resolution of a county board applicable
 6 to area inside such county and outside the corporate limits of any
 7 city or village, no alcoholic liquor, including beer, shall be sold
 8 at retail or dispensed between the hours of 6 a.m. Sunday and 1
 9 a.m. Monday. No ordinance or resolution allowed by this subsection
 10 shall permit alcoholic liquor, other than beer and wine, to be

11 sold at retail or dispensed between the hours of 6 a.m. Sunday
 12 and 12 noon Sunday. This subsection shall not apply after 12 noon
 13 on Sunday to a licensee which is a nonprofit corporation and the
 14 holder of a Class C license or a Class I license.

15 (3) It shall be unlawful on property licensed to sell
 16 alcoholic liquor at retail to allow alcoholic liquor in open
 17 containers to remain or be in possession or control of any person
 18 for purposes of consumption between the hours of ~~4:15 a.m.~~ fifteen
 19 minutes after the closing hour applicable to the licensed premises
 20 and 6 a.m. on any day. ~~When any city or village provides by~~
 21 ~~ordinance or any county provides by resolution for an earlier~~
 22 ~~closing hour, the provisions of this subsection shall become~~
 23 ~~effective fifteen minutes after such closing hour instead of 1:15~~
 24 ~~a.m.~~

25 (4) Nothing in this section shall prohibit licensed
 26 premises from being open for other business on days and hours
 27 during which the sale or dispensing of alcoholic liquor is
 1 prohibited by this section.

2 Sec. 3. Original sections 9-647 and 53-179, Reissue
 3 Revised Statutes of Nebraska, are repealed.

Senator Rogert filed the following amendment to LB945:
 AM2121

- 1 1. On page 5, after line 19 insert the following new
- 2 subsection:
- 3 "(3) Enforcement of this section by state or local law
- 4 enforcement agencies shall be accomplished only as a secondary
- 5 action when a driver of a motor vehicle has been cited or charged
- 6 with a traffic violation or some other offense."; and in line 20
- 7 strike "(3)" and insert "(4)".
- 8 2. On page 6, line 4, strike "(4)" and insert "(5)".

Senator Pirsch filed the following amendment to LB864:
 AM2208

(Amendments to Standing Committee amendments, AM1679)

- 1 1. On page 5, lines 1, 5, and 14, before "judicial"
- 2 insert "district court".

BILL ON FIRST READING

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

LEGISLATIVE BILL 1105A. Introduced by Council, 11.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1105, One Hundred First Legislature, Second Session, 2010.

GENERAL FILE

LEGISLATIVE BILL 861. Title read. Considered.

Committee AM2140, found on page 853, was adopted with 30 ayes, 0 nays, 18 present and not voting, and 1 excused and not voting.

SPEAKER FLOOD PRESIDING

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 16 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 961. Title read. Considered.

Committee AM2118, found on page 808, was considered.

Pending.

AMENDMENTS - Print in Journal

Senator Lathrop filed the following amendment to LB563:
AM2227

(Amendments to Standing Committee amendments, AM2079)

- 1 1. On page 1, after line 6 insert:
- 2 "(2) Construction has the same meaning as in section
- 3 48-2103;"; in line 7 strike "(2)" and insert "(3)"; in line 10
- 4 strike "construction and" and strike "are" and insert "is"; in
- 5 line 11 strike "(3)" and insert "(4)"; in line 14 strike "(4)" and
- 6 insert "(5)"; and in line 15 strike "(5)" and insert "(6)".
- 7 2. On page 2, line 11, strike "(6)(n) or (6)(q)" and
- 8 insert "(6)"; in line 16 after the period insert "The act shall
- 9 also not be construed to affect or alter the use of the term
- 10 independent contractor as interpreted by the Department of Revenue
- 11 and shall not be construed to affect any action brought pursuant to
- 12 the Nebraska Revenue Act of 1967.".
- 13 3. On page 3, line 6, strike "any contractor who
- 14 violates" and insert "if the commissioner finds, after notice
- 15 and hearing, that a contractor has violated"; in line 7 after "Act"
- 16 insert ", the contractor"; in line 16 before the period insert "and
- 17 with the Nebraska Workers' Compensation Court"; in line 19 strike
- 18 "and" and insert an underscored comma and after "Revenue" insert
- 19 ", and Nebraska Workers' Compensation Court"; and in line 21 strike
- 20 "criminal prosecution" and insert "action".
- 21 4. On page 4, line 3, after "Revenue" insert ", Nebraska
- 22 Workers' Compensation Court,"; in line 19 after "construction"
- 1 insert "or delivery service" and after "contractor" insert
- 2 "or subcontractor"; in line 20 after "construction" insert
- 3 "or delivery"; and in line 24 strike "individual" and insert
- 4 "employee".

Senator Council filed the following amendment to LB1105:
AM2241

(Amendments to Standing Committee amendments, AM2147)

1 1. Insert the following new sections:

2 Sec. 4. Section 29-3921, Reissue Revised Statutes of
3 Nebraska, as amended by section 16, Legislative Bill 3, One Hundred
4 First Legislature, First Special Session, 2009, is amended to read:
5 29-3921 The Commission on Public Advocacy Operations Cash
6 Fund is created. The fund shall be used for the operations of
7 the commission, except that transfers may be made from the fund
8 to the General Fund at the direction of the Legislature through
9 June 30, 2011. The Commission on Public Advocacy Operations Cash
10 Fund shall consist of money remitted pursuant to section 33-156.
11 It is the intent of the Legislature that the commission shall
12 be funded solely from the fund. Any money in the fund available
13 for investment shall be invested by the state investment officer
14 pursuant to the Nebraska Capital Expansion Act and the Nebraska
15 State Funds Investment Act.

16 The State Treasurer shall transfer two hundred fifty
17 thousand dollars from the Commission on Public Advocacy Operations
18 Cash Fund to the University Cash Fund within fifteen days after
19 May 1, 2008. Such funds shall be used for a study of the
20 juvenile legal defense and guardian ad litem systems utilizing
21 the University of Nebraska Public Policy Center to create,
22 administer, and review a Request for Proposals to select from
1 a national search a research consultant that is qualified to
2 provide a methodologically sound and objective assessment of
3 Nebraska's juvenile justice system. The assessment shall include:
4 (1) Gathering of general data and information about the structure
5 and funding mechanisms for juvenile legal defense and guardian ad
6 litem representation; (2) a review of caseloads; (3) examining
7 issues related to the timing of appointment of counsel and
8 guardians ad litem; (4) supervision of attorneys; (5) charging
9 and trying juveniles as adults; (6) frequency with which juveniles
10 waive their right to counsel and under what conditions they do
11 so; (7) allocation of resources; (8) adequacy of juvenile court
12 facilities; (9) compensation of attorneys; (10) supervising and
13 training of attorneys; (11) access to investigators, experts,
14 social workers, and support staff; (12) access to educational
15 officers, teachers, educational staff, and truancy officers; (13)
16 the relationship between a guardian ad litem, a juvenile's legal
17 counsel, and the judicial system with identified educational
18 staff regarding a juvenile's educational status; (14) examining
19 issues related to truancy and the relationship between the school
20 districts and the juvenile court system; (15) recidivism; (16) time
21 to permanency and time in court, especially when a guardian ad
22 litem is appointed; and (17) coordination of representation for
23 those juveniles that may have been appointed an attorney in a

24 juvenile delinquency matter and a guardian ad litem because of
 25 abuse or neglect. The assessment shall also highlight promising
 26 approaches and innovative practices within the state and offer
 27 recommendations to improve weak areas.

1 The State Treasurer shall transfer up to fifty thousand
 2 dollars from the Commission on Public Advocacy Operations Cash
 3 Fund to the Community Corrections Uniform Data Analysis Cash Fund
 4 in FY2010-11. The executive director of the Community Corrections
 5 Council shall certify the exact amount of such transfer based upon
 6 the actual costs of the study required to carry out the provisions
 7 of this legislative bill.

8 Sec. 5. Original section 29-3921, Reissue Revised
 9 Statutes of Nebraska, as amended by section 16, Legislative Bill
 10 3, One Hundred First Legislature, First Special Session, 2009, is
 11 repealed.

Senator Coash filed the following amendment to LB861:
 AM2163

(Amendments to Standing Committee amendments, AM2140)

1 1. Insert the following new sections:
 2 Sec. 3. Section 9-647, Reissue Revised Statutes of
 3 Nebraska, is amended to read:
 4 9-647 No lottery shall be conducted between the hours of
 5 1 a.m. and 6 a.m., except that if alcoholic liquor is allowed to
 6 be sold later than 1 a.m. pursuant to a vote under subdivision
 7 (1)(b) of section 53-179, no lottery shall be conducted between the
 8 hour established pursuant to such vote and 6 a.m. within the area
 9 affected by the vote.

10 Sec. 77. Section 53-179, Reissue Revised Statutes of
 11 Nebraska, is amended to read:
 12 53-179 (1) No alcoholic liquor, including beer, shall be
 13 sold at retail or dispensed on any day between the hours of 1 a.m.
 14 and 6 a.m., except that the ~~The~~ local governing body of any city
 15 or village with respect to area inside the corporate limits of such
 16 city or village, or the county board with respect to area outside
 17 the corporate limits of any city or village, may by ordinance or
 18 resolution (a) require closing prior to 1 a.m. on any day or (b)
 19 if adopted by a vote of at least sixty percent of the members
 20 of such local governing body or county board, permit retail sale
 21 or dispensing of alcoholic liquor for consumption on the premises,
 22 excluding sales for consumption off the premises, later than 1 a.m.
 1 and prior to 2 a.m. on any day.

2 (2) Except as provided for and allowed by ordinance of a
 3 local governing body applicable to area inside the corporate limits
 4 of a city or village or by resolution of a county board applicable
 5 to area inside such county and outside the corporate limits of any
 6 city or village, no alcoholic liquor, including beer, shall be sold
 7 at retail or dispensed between the hours of 6 a.m. Sunday and 1
 8 a.m. Monday. No ordinance or resolution allowed by this subsection

9 shall permit alcoholic liquor, other than beer and wine, to be
 10 sold at retail or dispensed between the hours of 6 a.m. Sunday
 11 and 12 noon Sunday. This subsection shall not apply after 12 noon
 12 on Sunday to a licensee which is a nonprofit corporation and the
 13 holder of a Class C license or a Class I license.

14 (3) It shall be unlawful on property licensed to sell
 15 alcoholic liquor at retail to allow alcoholic liquor in open
 16 containers to remain or be in possession or control of any person
 17 for purposes of consumption between the hours of ~~4:15 a.m. to fifteen~~
 18 minutes after the closing hour applicable to the licensed premises
 19 and 6 a.m. on any day. ~~When any city or village provides by~~
 20 ~~ordinance or any county provides by resolution for an earlier~~
 21 ~~closing hour, the provisions of this subsection shall become~~
 22 ~~effective fifteen minutes after such closing hour instead of 1:15~~
 23 ~~a.m.~~

24 (4) Nothing in this section shall prohibit licensed
 25 premises from being open for other business on days and hours
 26 during which the sale or dispensing of alcoholic liquor is
 27 prohibited by this section.

1 2. Renumber the remaining sections and correct internal
 2 references and the repealer accordingly.

Senator Cornett filed the following amendment to LB918:
 AM2240

(Amendments to Standing Committee amendments, AM1905)

1 1. Insert the following new section:

2 Sec. 3. Section 77-5719, Reissue Revised Statutes of
 3 Nebraska, is amended to read:

4 77-5719 Taxpayer means any person subject to sales and
 5 use taxes under the Nebraska Revenue Act of 1967 and subject to
 6 withholding under section 77-2753 and any corporation, partnership,
 7 limited liability company, cooperative, including a cooperative
 8 exempt under section 521 of the Internal Revenue Code of 1986,
 9 as amended, limited cooperative association, or joint venture that
 10 is or would otherwise be a member of the same unitary group, if
 11 incorporated, that is subject to such sales and use taxes or such
 12 withholding. Taxpayer does not include a political subdivision or
 13 an organization that is exempt from income taxes under section
 14 501(a) of the Internal Revenue Code of 1986, as amended, or any
 15 partnership, limited liability company, cooperative, including a
 16 cooperative exempt under section 521 of the Internal Revenue Code
 17 of 1986, as amended, limited cooperative association, or joint
 18 venture in which political subdivisions or organizations described
 19 in section 501(c) or (d) of the code hold an ownership interest of
 20 ~~ten to twenty~~ percent or more.

21 2. On page 13, line 21, after "77-5715," insert
 22 "77-5719"; and in line 26 after "77-5715," insert "77-5719,".

1 3. Renumber the remaining sections accordingly.

Senator Pankonin filed the following amendment to LB1010:
AM2249

(Amendments to Standing Committee amendments, AM2029)

- 1 1. Insert the following new section:
- 2 Sec. 5. When the acquisition of a parcel of private real
- 3 property, or an interest therein, for a trail divides the private
- 4 real property in such a manner that the owner has no reasonable
- 5 access to one part of the divided parcel, the district shall allow
- 6 reasonable access across the trail at a location mutually agreed
- 7 upon by the owner of such divided parcel and the district.
- 8 2. On page 1, lines 3 and 6; page 4, line 16; and page 5,
- 9 lines 7 and 15, strike "7" and insert "8".
- 10 3. On page 4, line 3, after the first semicolon insert
- 11 "potential benefit to communities and public facilities adjacent to
- 12 the trail route;".
- 13 4. On page 6, line 10, strike "7" and insert "8".
- 14 5. Renumber the remaining sections accordingly.

MOTION - Print in Journal

Senator Gloor filed the following motion to LB702:
MO89

Unanimous consent to bracket until April 14, 2010.

UNANIMOUS CONSENT - Add Cointroducer

Senator Dubas asked unanimous consent to add her name as cointroducer to LB961. No objections. So ordered.

VISITORS

Visitors to the Chamber were 4 ninth- through twelfth-grade students, teacher, and sponsor from Lexington; members of Banner County Wind Association; 40 fifth-grade students and teachers from Clarmar Elementary, Fremont; Senator Utter's wife, Kathy, from Hastings and daughter, Denise Ott, from Fort Riley, Kansas; 18 twelfth-grade students, teacher, and sponsors from Bertrand; Senator Carlson's grandchildren, Ava and Ian Carlson, from Des Moines, Sue Vanskyver and Ruth Epley from Nelson, and Cindy Nelson from Superior; 65 fourth-grade students and teachers from Ashland Greenwood School, Ashland; and 46 third- and fourth-grade students, teachers, and sponsors from Harrison Elementary, Omaha.

CEREMONIES

Upon recess the Speaker introduced a group from the Nebraska Association of Former State Legislators.

RECESS

At 11:45 a.m., on a motion by Senator Nordquist, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Flood presiding.

ROLL CALL

The roll was called and all members were present except Senators Pahls and Pankonin who were excused; and Senators Conrad, Cook, Dierks, Fischer, and Karpisek who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 800A. Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 9 present and not voting, and 7 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 943. ER8182, found on page 766, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE RESOLUTION 297CA. ER8183, found on page 766, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1051. Senator Christensen withdrew his amendment, AM2012, found on page 919.

Senator Christensen offered the following amendment:
AM2256

- 1 1. Strike original section 4 and insert the following new
- 2 section:
- 3 Sec. 5. Since an emergency exists, this act takes effect
- 4 when passed and approved according to law.
- 5 2. On page 3, line 10, reinstate the stricken matter and
- 6 strike "fifty"; and in line 11 strike "four".
- 7 3. Renumber the remaining section accordingly.

The Christensen amendment was adopted with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 727. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 763. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1087. ER8181, found on page 755, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE RESOLUTION 284CA. Considered.

SENATOR LANGEMEIER PRESIDING

SENATOR ROBERT PRESIDING

Senator Janssen offered the following motion:

MO90

Indefinitely postpone.

Pending.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 935. Placed on Select File with amendment. ER8202 is available in the Bill Room.

LEGISLATIVE BILL 317. Placed on Select File with amendment. ER8205

- 1 1. On page 1, strike beginning with "Reissue" in line
- 2 2 through line 4 and insert "Revised Statutes Supplement, 2009,
- 3 as amended by section 7, Legislative Bill 2, One Hundred First
- 4 Legislature, First Special Session, 2009; to provide for a transfer
- 5 as prescribed; and to repeal the original section."

LEGISLATIVE BILL 1106. Placed on Select File with amendment. ER8206

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 68-901, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 68-901 Sections 68-901 to 68-967 and sections 4 and 5 of
- 6 this act shall be known and may be cited as the Medical Assistance
- 7 Act.

8 Sec. 2. Section 68-907, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 68-907 For purposes of the Medical Assistance Act:

11 (1) Committee means the Health and Human Services
12 Committee of the Legislature;

13 (2) Department means the Department of Health and Human
14 Services;

15 (3) Medicaid Reform Plan means the Medicaid Reform Plan
16 submitted on December 1, 2005, pursuant to the Medicaid Reform Act
17 enacted pursuant to Laws 2005, LB 709;

18 (4) Medicaid state plan means the comprehensive written
19 document, developed and amended by the department and approved
20 by the federal Centers for Medicare and Medicaid Services, which
21 describes the nature and scope of the medical assistance program
22 and provides assurances that the department will administer the
23 program in compliance with federal requirements;

1 (5) Provider means a person providing health care or
2 related services under the medical assistance program; ~~and~~

3 (6) School-based health center means a health center
4 that:

5 (a) Is located in or is adjacent to a school facility;

6 (b) Is organized through school, school district,
7 learning community, community, and provider relationships;

8 (c) Is administered by a sponsoring facility;

9 (d) Provides school-based health services onsite
10 during school hours to children and adolescents by health care
11 professionals in accordance with state and local laws, rules, and
12 regulations, established standards, and community practice;

13 (e) Does not perform abortion services or refer or
14 counsel for abortion services and does not dispense, prescribe, or
15 counsel for contraceptive drugs or devices; and

16 (f) Does not serve as a child's or an adolescent's
17 medical or dental home but augments and supports services provided
18 by the medical or dental home;

19 (7) School-based health services may include any
20 combination of the following as determined in partnership with a
21 sponsoring facility, the school district, and the community:

22 (a) Medical health;

23 (b) Behavioral and mental health;

24 (c) Preventive health; and

25 (d) Oral health;

26 (8) Sponsoring facility means:

27 (a) A hospital;

1 (b) A public health department as defined in section
2 71-1626;

3 (c) A federally qualified health center as defined in
4 section 1905(l)(2)(B) of the federal Social Security Act, 42 U.S.C.
5 1396d(l)(2)(B), as such act and section existed on January 1, 2010;

6 (d) A nonprofit health care entity whose mission is to
 7 provide access to comprehensive primary health care services;
 8 (e) A school or school district; or
 9 (f) A program administered by the Indian Health Service
 10 or the federal Bureau of Indian Affairs or operated by an
 11 Indian tribe or tribal organization under the federal Indian
 12 Self-Determination and Education Assistance Act, or an urban Indian
 13 program under title V of the federal Indian Health Care Improvement
 14 Act, as such acts existed on January 1, 2010; and

15 ~~(6)-(9)~~ Waiver means the waiver of applicability to
 16 the state of one or more provisions of federal law relating to
 17 the medical assistance program based on an application by the
 18 department and approval of such application by the federal Centers
 19 for Medicare and Medicaid Services.

20 Sec. 3. Section 68-908, Reissue Revised Statutes of
 21 Nebraska, is amended to read:

22 68-908 (1) The department shall administer the medical
 23 assistance program.

24 (2) The department may (a) enter into contracts and
 25 interagency agreements, (b) adopt and promulgate rules and
 26 regulations, (c) adopt fee schedules, (d) apply for and implement
 27 waivers and managed care plans for eligible recipients, and (e)
 1 perform such other activities as necessary and appropriate to
 2 carry out its duties under the Medical Assistance Act. A covered
 3 item or service as described in section 68-911 that is furnished
 4 through a school-based health center, furnished by a provider, and
 5 furnished under a managed care plan pursuant to a waiver does not
 6 require prior consultation or referral by a patient's primary care
 7 physician to be covered.

8 (3) The department shall maintain the confidentiality
 9 of information regarding applicants for or recipients of medical
 10 assistance and such information shall only be used for purposes
 11 related to administration of the medical assistance program and the
 12 provision of such assistance or as otherwise permitted by federal
 13 law.

14 (4)(a) The department shall prepare an annual summary
 15 and analysis of the medical assistance program for legislative
 16 and public review, including, but not limited to, a description
 17 of eligible recipients, covered services, provider reimbursement,
 18 program trends and projections, program budget and expenditures,
 19 the status of implementation of the Medicaid Reform Plan, and
 20 recommendations for program changes.

21 (b) The department shall provide a draft report of such
 22 summary and analysis to the Medicaid Reform Council no later than
 23 September 15 of each year. The council shall conduct a public
 24 meeting no later than October 1 of each year to discuss and receive
 25 public comment regarding such report. The council shall provide
 26 any comments and recommendations regarding such report in writing
 27 to the department no later than November 1 of each year. The

1 department shall submit a final report of such summary and analysis
2 to the Governor, the Legislature, and the council no later than
3 December 1 of each year. Such final report shall include a response
4 to each written recommendation provided by the council.

5 Sec. 4. (1) To ensure that the interests of the school
6 district, community, and health care provider are reflected
7 within the policies, procedures, and scope of services of
8 school-based health centers, each school or school district hosting
9 a school-based health center shall establish a School Health Center
10 Advisory Council.

11 (2) The School Health Center Advisory Council shall
12 include:

13 (a) At least one representative of the school
14 administration or school district administration;

15 (b) At least one representative of the sponsoring
16 facility; and

17 (c) At least one parent recommended by a school
18 administrator or school district administrator and approved by
19 a majority vote of the school board. Any parent serving on the
20 School Health Center Advisory Council shall have at least one
21 child enrolled in the school or school district through which the
22 school-based health center is organized.

23 (3) If another institution or organization sponsors the
24 school-based health center, at least one representative of each
25 sponsoring institution or organization shall be included on the
26 School Health Center Advisory Council.

27 (4) The School Health Center Advisory Council may also
1 include students enrolled in the school or school district through
2 which the school-based health center is organized. Any such
3 students must be appointed by a school administrator or school
4 district administrator.

5 Sec. 5. (1) On or before July 1, 2010, the department
6 shall submit an application to the Centers for Medicare and
7 Medicaid Services of the United States Department of Health and
8 Human Services, amending the medicaid state plan or seeking a
9 waiver thereto to provide for utilization of money to allow for
10 payments for treatment for children who are lawfully residing in
11 the United States and who are otherwise eligible for medicaid and
12 CHIP pursuant to the federal Children's Health Insurance Program
13 Reauthorization Act of 2009, Public Law 111-3, as such act existed
14 on January 1, 2010, and for treatment for pregnant women who
15 are lawfully residing in the United States and who are otherwise
16 eligible for medicaid pursuant to the federal Children's Health
17 Insurance Program Reauthorization Act of 2009, Public Law 111-3, as
18 such act existed on January 1, 2010.

19 (2) For purposes of this section, (a) CHIP means the
20 Children's Health Insurance Program established pursuant to 42
21 U.S.C. 1397aa et seq., and (b) medicaid means the program for
22 medical assistance established under 42 U.S.C. 1396 et seq., as

23 such sections existed on January 1, 2010.

24 Sec. 6. Original sections 68-901, 68-907, and 68-908,
25 Reissue Revised Statutes of Nebraska, are repealed.

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

1 2. On page 1, strike beginning with "a" in line 3

2 through the semicolon in line 4 and insert "terms; to provide for
3 school-based health centers; to provide for School Health Center

4 Advisory Councils;".

LEGISLATIVE BILL 1106A. Placed on Select File.

LEGISLATIVE BILL 1091. Placed on Select File.

LEGISLATIVE BILL 1090. Placed on Select File with amendment.
ER8207

1 1. Strike the original sections and all amendments

2 thereto and insert the following new sections:

3 Section 1. The following sums of money, or so much
4 thereof as may be required, are hereby appropriated from the
5 General Fund or from other funds as indicated in the state
6 treasury, not otherwise appropriated, for the payment of tort
7 claims which have been settled by the State Claims Board and
8 approved by the district court, which have been settled by the
9 Attorney General in the district court, or in which court judgments
10 have been entered and which require the approval of the Legislature
11 for payment.

12 \$145,000.00 for Tort Claim Numbers 02-591, 02-592,
13 02-593, 02-594, 02-595, and 02-596, against the Department of
14 Health and Human Services, pay \$45,000.00 to Harris Kuhn Law Firm,
15 Tiffany McLaughlin, and Bill McLaughlin and \$100,000.00 to MeLife
16 Tower Resource Group, Inc., out of the General Fund.

17 \$32,973.56 for Tort Claim Numbers 2006-00661 and
18 2006-00727 against the Department of Roads, pay to Eric B. Brown,
19 in trust for James and Susan Christman, 1133 H Street, Lincoln, NE
20 68508, out of the Roads Operations Cash Fund.

21 \$1,450,000 for Tort Claim Number 2008-02412 against the
22 Department of Roads, pay to Tom Wolfe and James E. Schaefer,
23 attorney, out of the Roads Operations Cash Fund.

1 \$225,869.24 for Tort Claim Number 2009-03745, against the
2 Supreme Court, pay to Yvonne Watson, 1311 Bridle Drive, North
3 Platte, NE 69101, out of the General Fund.

4 The claims included in this section shall be paid through
5 Program 591 in Agency 65.

6 For informational purposes only, the appropriations
7 contained in this section and fund source:

<u>FUND SOURCE</u>	<u>DOLLAR AMOUNT</u>
<u>GENERAL FUND</u>	<u>\$370,869.24</u>
<u>CASH FUND</u>	<u>\$1,482,973.56</u>

11 REVOLVING FUND \$-0-
 12 TOTAL \$1,853,842.80

13 Sec. 2. The following sums of money, or so much thereof
 14 as may be required, are hereby appropriated from the General
 15 Fund or from other funds as indicated in the state treasury, not
 16 otherwise appropriated, for the payment of workers' compensation
 17 claims which have been settled by the Attorney General in the
 18 Nebraska Workers' Compensation Court or in which court judgments
 19 have been entered and which require the approval of the Legislature
 20 for payment.

21 \$19,000.00 for a Workers' Compensation Claim, pay to
 22 Charyl Henne and Kirk Meade, 213 East Holland Avenue, Alpine, TX
 23 79830, out of the Workers' Compensation Claims Revolving Fund.

24 \$100,000.00 for a Workers' Compensation Claim, pay to
 25 Bradley Warner and James Bocott, 121 West 2nd Street, North Platte,
 26 NE 69103, out of the Workers' Compensation Claims Revolving Fund.

27 The claims included in this section shall be paid through
 1 Program 593 in Agency 65.

2 For informational purposes only, the appropriations
 3 contained in this section and fund source:

<u>FUND SOURCE</u>	<u>DOLLAR AMOUNT</u>
<u>GENERAL FUND</u>	<u>\$-0-</u>
<u>CASH FUND</u>	<u>\$-0-</u>
<u>REVOLVING FUND</u>	<u>\$119,000.00</u>
<u>TOTAL</u>	<u>\$119,000.00</u>

9 Sec. 3. The Director of Administrative Services is hereby
 10 authorized and directed to draw his or her warrants upon the
 11 funds in the state treasury enumerated in this act, in favor of
 12 the several beneficiaries named in this act for the amount set
 13 opposite their respective names upon the presentation of proper
 14 vouchers therefor. The several amounts appropriated in this act
 15 shall be in full payment of any and all claims, rights, causes
 16 of action, damages, and demands of every character and kind owing
 17 by or against the State of Nebraska, its officers, agents, and
 18 employees, and their successors and assigns with respect to each
 19 of the beneficiaries respectively in whose favor the appropriations
 20 are made. The director shall not deliver any warrant for any
 21 items appropriated in this act until a receipt and release in
 22 full, releasing the State of Nebraska, its officers, employees, and
 23 agents, and their successors and assigns, has been filed by each of
 24 the beneficiaries respectively. Upon presentation of the warrants,
 25 the State Treasurer is hereby directed to pay the same out of money
 26 in the General Fund or out of money in other funds indicated in
 27 this act not otherwise appropriated.

1 Sec. 4. The following requests were filed by state
 2 agencies seeking permission to write off certain accounts. The
 3 State Claims Board reviewed and approved the following requests:
 4 \$4,372.15 for Request Number 2009-03468, made by the
 5 Department of Insurance.

- 6 \$40.00 for Request Number 2009-03469, made by the
 7 Department of Insurance.
 8 \$6.00 for Request Number 2009-03470, made by the
 9 Department of Insurance.
 10 \$19,459.22 for Request Number 2009-03743, made by the
 11 Lottery Division of the Department of Revenue.
 12 \$60.00 for Request Number 2009-03910, made by the
 13 Department of Health and Human Services.
 14 \$38,251.53 for Request Number 2010-04016, made by the
 15 Nebraska Accountability and Disclosure Commission.
 16 \$2.89 for Request Number 2010-04102, made by the
 17 Legislative Council.
 18 \$413,878.22 for Request Number 2010-04118, made by the
 19 Department of Health and Human Services.
 20 \$1,082.47 for Request Number 2010-04177, made by the
 21 Military Department.
 22 Sec. 5. Since an emergency exists, this act takes effect
 23 when passed and approved according to law.

LEGISLATIVE BILL 1071. Placed on Select File with amendment.
 ER8199 is available in the Bill Room.

(Signed) Jeremy Nordquist, Chairperson

AMENDMENT - Print in Journal

Senator Heidemann filed the following amendment to LB935:
 AM2246

(Amendments to E & R amendments, ER8202)

- 1 1. Purpose: To authorize the expenditure of Corporation
 2 for Public Broadcast funds for radio transmitter tower replacement.
 3 Amendment:
 4 1. On page 9, line 24, after "926." insert "There is
 5 hereby appropriated \$180,000 Cash Fund estimate for FY2009-10 for
 6 Program 917, the unexpended balance of which existing on June 30,
 7 2010, is hereby reappropriated for FY2010-11."
 8 2. Purpose: Add \$43,100 General Funds for 2011
 9 redistricting and additional Cash Fund transfer to the General
 10 Fund.
 11 Amendment:
 12 1. On page 13, lines 13 and 14, strike "937,234" and
 13 insert "980,334".
 14 2. On page 105, line 23, strike "102,439" and insert
 15 "145,539".

SELECT FILE

LEGISLATIVE RESOLUTION 284CA. Senator Janssen renewed his
 motion, MO90, found in this day's Journal, to indefinitely postpone.

Senator Janssen withdrew his motion to indefinitely postpone.

SENATOR CARLSON PRESIDING

Senator Campbell moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 32 ayes, 4 nays, and 13 not voting.

Senator Utter moved for a call of the house. The motion prevailed with 41 ayes, 0 nays, and 8 not voting.

Senator Utter requested a roll call vote on the advancement of the resolution.

Voting in the affirmative, 35:

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

Voting in the negative, 7:

Coash	Janssen	Louden	Stuthman
Hansen	Lautenbaugh	Nelson	

Present and not voting, 4:

Christensen	Fulton	Schilz	Sullivan
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Excused and not voting, 3:

Ashford	Pahls	Pankonin
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Advanced to Enrollment and Review for Engrossment with 35 ayes, 7 nays, 4 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 1036. ER8180, found on page 752, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 919. ER8178, found on page 752, was adopted.

Senator Schilz renewed his amendment, AM2128, found on page 814.

The Schilz amendment was adopted with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 937. ER8179, found on page 752, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1018. ER8186, found on page 766, was adopted.

Senator Cornett renewed her amendment, AM2214, found on page 910.

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

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 882. ER8184, found on page 766, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 956. ER8187, found on page 768, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 836. ER8190, found on page 892, was adopted.

Senator Hansen renewed his amendment, AM2191, found on page 883.

SENATOR ROBERT PRESIDING

The Hansen amendment lost with 4 ayes, 24 nays, 17 present and not voting, and 4 excused and not voting.

Senator Stuthman offered the following amendment:

AM2111

(Amendments to Standing Committee amendments, AM1864)

- 1 1. Strike section 2.
- 2 2. On page 3, strike beginning with "and" in line 16
- 3 through "are" in line 17 and insert "is".
- 4 3. Renumber the remaining section accordingly.

The Stuthman amendment lost with 4 ayes, 22 nays, 19 present and not

voting, and 4 excused and not voting.

Senator Lautenbaugh offered the following amendment:

AM2253

(Amendments to Standing Committee amendments, AM1864)

- 1 1. On page 2, line 24, after "hunt" insert "with a
- 2 rifle within a two-hundred-yard radius of an inhabited dwelling or
- 3 livestock feedlot, to hunt without a rifle".

The Lautenbaugh amendment was adopted with 34 ayes, 1 nay, 10 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 742. ER8193, found on page 899, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 879. ER8174, found on page 692, was adopted.

Advanced to Enrollment and Review for Engrossment.

AMENDMENTS - Print in Journal

Senator Carlson filed the following amendment to LB1057:

AM2235

(Amendments to E & R amendments, ER8192)

- 1 1. On page 1, line 5, strike "twenty-one" and insert
- 2 "twenty-two"; in line 17 strike "three" and insert "four"; and in
- 3 line 19 after "basin" insert ", one who has a portion of his or her
- 4 legislative district in the basin,".

Senator Heidemann filed the following amendment to LB1057:

AM2211

(Amendments to E & R amendments, ER8192)

- 1 1. Strike sections 2, 3, and 4 and all amendments thereto
- 2 and insert the following new sections:
- 3 Sec. 2. The Republican River Basin Water Sustainability
- 4 Task Force Cash Fund is created. The fund shall be administered by
- 5 the Department of Natural Resources and expended at the direction
- 6 of the Republican River Basin Water Sustainability Task Force.
- 7 The fund shall consist of funds appropriated by the Legislature,
- 8 money received as gifts, grants, and donations, and transfers
- 9 authorized under section 46-2,137. Any money in the fund available
- 10 for investment shall be invested by the state investment officer
- 11 pursuant to the Nebraska Capital Expansion Act and the Nebraska
- 12 State Funds Investment Act.
- 13 Sec. 3. Section 46-2,137, Reissue Revised Statutes of

14 Nebraska, is amended to read:

15 46-2,137 The Water Policy Task Force Cash Fund is
16 created. The fund shall be administered by the Department of
17 Natural Resources and expended at the direction of the Water Policy
18 Task Force. The fund shall consist of funds appropriated by the
19 Legislature, money received as gifts, grants, and donations, and
20 transfers authorized under sections 2-1579 and 66-1519. Any money
21 in the fund available for investment shall be invested by the state
22 investment officer pursuant to the Nebraska Capital Expansion Act
1 and the Nebraska State Funds Investment Act.

2 On the effective date of this act, the State Treasurer
3 shall: (1) Transfer twenty-five thousand dollars from the Water
4 Policy Task Force Cash Fund to the Republican River Basin Water
5 Sustainability Task Force Cash Fund; and (2) transfer the remaining
6 unexpected balance in the Water Policy Task Force Cash Fund to the
7 Water Resources Trust Fund.

8 Sec. 4. Section 46-753, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 46-753 (1) The Water Resources Trust Fund is created.
11 The State Treasurer shall credit to the fund such money as is
12 specifically appropriated thereto by the Legislature, transfers
13 authorized under section 46-2,137, and such funds, fees, donations,
14 gifts, or bequests received by the Department of Natural Resources
15 from any federal, state, public, or private source for expenditure
16 for the purposes described in the Nebraska Ground Water Management
17 and Protection Act. Money in the fund shall not be subject to any
18 fiscal-year limitation or lapse provision of unexpended balance at
19 the end of any fiscal year or biennium. Any money in the fund
20 available for investment shall be invested by the state investment
21 officer pursuant to the Nebraska Capital Expansion Act and the
22 Nebraska State Funds Investment Act.

23 (2) The fund shall be administered by the department.
24 The department shall adopt and promulgate rules and regulations
25 regarding the allocation and expenditure of money from the fund.

26 (3) Money in the fund may be expended by the department
27 for costs incurred by the department, by natural resources
1 districts, or by other political subdivisions in (a) determining
2 whether river basins, subbasins, or reaches are fully appropriated
3 in accordance with section 46-713, (b) developing or implementing
4 integrated management plans for such fully appropriated river
5 basins, subbasins, or reaches or for river basins, subbasins, or
6 reaches designated as overappropriated in accordance with section
7 46-713, (c) developing or implementing integrated management plans
8 in river basins, subbasins, or reaches which have not yet become
9 either fully appropriated or overappropriated, or (d) attaining
10 state compliance with an interstate water compact or decree or
11 other formal state contract or agreement.

12 (4) Except for funds paid to a political subdivision
13 for forgoing or reducing its own water use or for implementing

14 projects or programs intended to aid the state in complying with an
 15 interstate water compact or decree or other formal state contract
 16 or agreement, a political subdivision that receives funds from the
 17 fund shall provide, or cause to be provided, matching funds in
 18 an amount at least equal to twenty percent of the amount received
 19 from the fund by that natural resources district or political
 20 subdivision. The department shall monitor programs and activities
 21 funded by the fund to ensure that the required match is being
 22 provided.

23 Sec. 5. Original sections 46-2,137 and 46-753, Reissue
 24 Revised Statutes of Nebraska, are repealed.

25 2. Renumber the remaining section accordingly.

Senator Lautenbaugh filed the following amendment to LB728:
 AM2223

(Amendments to E & R amendments, ER8194)

- 1 1. On page 3, line 1, after "depiction" insert "of
 2 sexually explicit conduct".
- 3 2. On page 4, line 10, after "No" insert "law enforcement
 4 officer engaged in his or her law enforcement duties, governmental
 5 entity,"; and in lines 24 and 27 after "of" insert "sexually
 6 explicit conduct containing".
- 7 3. On page 6, line 14, strike "(2)", show as stricken,
 8 and insert "(2)(a)"; and strike beginning with "a" in line 20
 9 through the underscored comma in line 25.
- 10 4. On page 7, line 7, after the period insert
 11 paragraphing and "(b)"; in line 10 after the period insert
 12 "(c) In the case of a violation of section 28-813.01,
 13 28-1463.03, 28-1463.04, or 28-1463.05, victim means a person who
 14 was a child as defined in section 28-1463.02 and a participant
 15 or portrayed observer in the visual depiction of sexually explicit
 16 conduct which is the subject of the violation and who has been
 17 identified and can be reasonably notified.
- 18 (d); and in line 11 after "possession" insert "offense".

Senator Nordquist filed the following amendment to LB1106A:
 AM2243

- 1 1. Strike the original sections and all amendments
 2 thereto and insert the following new sections:
- 3 Section 1. There is hereby appropriated \$6,250 from the
 4 General Fund and \$18,750 from federal funds for FY2010-11 to the
 5 Department of Health and Human Services, for Program 33, to aid in
 6 carrying out the provisions of Legislative Bill 1106, One Hundred
 7 First Legislature, Second Session, 2010.
- 8 No expenditures for permanent and temporary salaries and
 9 per diems for state employees shall be made from funds appropriated
 10 in this section.
- 11 Sec. 2. There is hereby appropriated (1) \$161,583 from
 12 the General Fund and \$401,032 from federal funds for FY2010-11 and

13 (2) \$166,120 from the General Fund and \$404,934 from federal funds
 14 for FY2011-12 to the Department of Health and Human Services, for
 15 Program 344, to aid in carrying out the provisions of Legislative
 16 Bill 1106, One Hundred First Legislature, Second Session, 2010.

17 No expenditures for permanent and temporary salaries and
 18 per diems for state employees shall be made from funds appropriated
 19 in this section.

20 Sec. 3. There is hereby appropriated (1) \$1,456,016 from
 21 federal funds for FY2010-11 and (2) \$1,356,058 from federal funds
 22 for FY2011-12 to the Department of Health and Human Services, for
 23 Program 348, to aid in carrying out the provisions of Legislative
 1 Bill 1106, One Hundred First Legislature, Second Session, 2010.

2 No expenditures for permanent and temporary salaries and
 3 per diems for state employees shall be made from funds appropriated
 4 in this section.

5 Sec. 4. The General Fund appropriation for FY2010-11 to
 6 the Department of Health and Human Services, for Program 348, is
 7 hereby reduced by \$1,361,682.

8 The reduction made pursuant to this section is to aid in
 9 carrying out the provisions of Legislative Bill 1106, One Hundred
 10 First Legislature, Second Session, 2010.

RESOLUTIONS

LEGISLATIVE RESOLUTION 406. Introduced by Cornett, 45.

PURPOSE: The purpose of this resolution is to study whether Nebraska's insurance laws should be amended by adopting the Physician and Patient Prescription Protection Act. The study should include an examination of issues raised during consideration of LB 1088 (Cornett), which was introduced in 2010 and referenced to the Banking, Commerce and Insurance Committee. In order to carry out the purpose of this resolution, the study committee should seek the assistance of the Department of Insurance and should consider the input of interested persons as the committee deems necessary and beneficial.

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

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 407. Introduced by Cook, 13.

WHEREAS, Tyler Faulkner of Omaha, Nebraska, has earned the Girl Scout Gold Award; and

WHEREAS, the recipient of the Girl Scout Gold Award must plan and implement an individual project that reaches beyond the Girl Scouts and provides a sustainable, lasting benefit to the community; and

WHEREAS, the Girl Scout Gold Award is the highest award in Girl Scouting.

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

1. That the Legislature congratulates Tyler Faulkner for her exemplary achievement in earning the Girl Scout Gold Award.

2. That a copy of this resolution be sent to Tyler Faulkner.

Laid over.

LEGISLATIVE RESOLUTION 408. Introduced by Cook, 13.

WHEREAS, Kathleen Porter of Omaha, Nebraska, has earned the Girl Scout Gold Award; and

WHEREAS, the recipient of the Girl Scout Gold Award must plan and implement an individual project that reaches beyond the Girl Scouts and provides a sustainable, lasting benefit to the community; and

WHEREAS, the Girl Scout Gold Award is the highest award in Girl Scouting.

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

1. That the Legislature congratulates Kathleen Porter for her exemplary achievement in earning the Girl Scout Gold Award.

2. That a copy of this resolution be sent to Kathleen Porter.

Laid over.

LEGISLATIVE RESOLUTION 409. Introduced by Giese, 17; Avery, 28; Krist, 10; Price, 3.

PURPOSE: The purpose of this interim study is to examine the topic of online voter registration. The issues addressed by this interim study shall include, but not be limited to:

(1) A review of the processes used by other states which have adopted online voter registration;

(2) An examination of possible cost savings at the state and county level through the use of online voter registration;

(3) A review of the technology upgrades needed in the Secretary of State's office, the Department of Motor Vehicles, and other state agencies to implement a centralized system for online voter registration; and

(4) An examination of the need to use digital signatures or electronic signatures as part of a centralized system for online voter registration.

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

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

MESSAGE FROM THE GOVERNOR

March 17, 2010

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 258, 579, 689, 735, 764, 768, 770e, 799, 805, 821, 865, 910, 910A, 926, 1006, and 1063 were received in my office on March 11, 2010.

These bills were signed and delivered to the Secretary of State on March 17, 2010.

Sincerely,
(Signed) Dave Heineman
Governor

UNANIMOUS CONSENT - Add Cointroducers

Senators Christensen, Flood, Pirsch, Sullivan, and White asked unanimous consent to add their names as cointroducers to LB1048. No objections. So ordered.

VISITORS

Visitors to the Chamber were 28 fourth-grade students and teacher from Freeman Public School, Adams.

The Doctor of the Day was Dr. Tim Dalton from Lincoln.

ADJOURNMENT

At 4:35 p.m., on a motion by Speaker Flood, the Legislature adjourned until 9:00 a.m., Thursday, March 18, 2010.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-FIFTH DAY - MARCH 18, 2010**LEGISLATIVE JOURNAL****ONE HUNDRED FIRST LEGISLATURE
SECOND SESSION****FORTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, March 18, 2010

PRAYER

The prayer was offered by Pastor Frederick Joseph McCullough, St. John A.M.E. Church, Omaha.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Flood presiding.

The roll was called and all members were present except Senator Pahls who was excused; and Senators Carlson, Cornett, Gloor, Janssen, Loudon, and Pankonin who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-fourth day was approved.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of March 17, 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

Kubie, Kent

International Business Machines Corporation (IBM)

O'Hara, Lindsay and Associates, Inc.

Nebraska Global Investment Company, LLC

Overcash, James A.

General Contractors, Associated (NE Building Chapter)

REPORTS

The following reports were received by the Legislature:

Coordinating Commission for Postsecondary Education

2010 Nebraska Higher Education Progress Report

Military Department

Nebraska Emergency Management/Homeland Security Program 2009
State Preparedness Report

SELECT FILE

LEGISLATIVE BILL 937A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 935. ER8202, found on page 947, was adopted.

Senator Heidemann renewed his amendment, AM2246, found on page 953.

The Heidemann amendment was adopted with 35 ayes, 0 nays, 7 present and not voting, and 7 excused and not voting.

Pending.

ANNOUNCEMENT

The Chair announced March 21 is Senator McGill's birthday.

SELECT FILE

LEGISLATIVE BILL 935. Considered.

SENATOR ROBERT PRESIDING

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 317. ER8205, found on page 947, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1106. ER8206, found on page 947, was adopted.

Senator Nordquist offered the following amendment:
AM2261

(Amendments to E & R amendments, ER8206)

- 1 1. On page 4, line 7, after the underscored period
- 2 insert "Any federally qualified health center providing services
- 3 as a sponsoring facility of a school-based health center shall

- 4 be reimbursed for such services provided at a school-based health
 5 center at the federally qualified health center reimbursement
 6 rate."
- 7 2. On page 5, line 8, strike "school or school district
 8 hosting"; strike lines 9 and 10 and insert "school district shall
 9 establish a School Health Center Advisory Council for each school
 10 in the district hosting a school-based health center."; in line 19
 11 strike the last "the" and insert "a"; and in line 21 strike "or
 12 school district"; and in line 27 strike "The" through "Council" and
 13 insert "School Health Center Advisory Councils".
- 14 3. On page 6, line 1, strike "school or".

The Nordquist amendment was adopted with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

Senator Stuthman offered the following amendment:
 AM2247

(Amendments to E & R amendments, ER8206)

- 1 1. Insert the following new section:
 2 Sec. 6. Section 68-911, Reissue Revised Statutes of
 3 Nebraska, is amended to read:
 4 68-911 (1) Medical assistance shall include coverage for
 5 health care and related services as required under Title XIX of the
 6 federal Social Security Act, including, but not limited to:
 7 (a) Inpatient and outpatient hospital services;
 8 (b) Laboratory and X-ray services;
 9 (c) Nursing facility services;
 10 (d) Home health services;
 11 (e) Nursing services;
 12 (f) Clinic services;
 13 (g) Physician services;
 14 (h) Medical and surgical services of a dentist;
 15 (i) Nurse practitioner services;
 16 (j) Nurse midwife services;
 17 (k) Pregnancy-related services;
 18 (l) Medical supplies; and
 19 (m) Early and periodic screening and diagnosis and
 20 treatment services for children.
- 21 (2) In addition to coverage otherwise required under this
 22 section, medical assistance may include coverage for health care
 1 and related services as permitted but not required under Title XIX
 2 of the federal Social Security Act, including, but not limited to:
 3 (a) Prescribed drugs;
 4 (b) Intermediate care facilities for the mentally
 5 retarded;
 6 (c) Home and community-based services for aged persons
 7 and persons with disabilities;
 8 (d) Dental services;
 9 (e) Rehabilitation services;

10 (f) Personal care services;
 11 (g) Durable medical equipment;
 12 (h) Medical transportation services;
 13 (i) Vision-related services;
 14 (j) Speech therapy services;
 15 (k) Physical therapy services;
 16 (l) Chiropractic services;
 17 (m) Occupational therapy services;
 18 (n) Optometric services;
 19 (o) Podiatric services;
 20 (p) Hospice services;
 21 (q) Mental health and substance abuse services;
 22 (r) Hearing screening services for newborn and infant
 23 children; and

24 (s) Administrative expenses related to administrative
 25 activities, including outreach services, provided by school
 26 districts and educational service units to students who are
 27 eligible or potentially eligible for medical assistance.

1 (3) No later than July 1, 2009, the department
 2 shall submit a state plan amendment or waiver to the federal
 3 Centers for Medicare and Medicaid Services to provide coverage
 4 under the medical assistance program for community-based secure
 5 residential and subacute behavioral health services for all
 6 eligible recipients, without regard to whether the recipient has
 7 been ordered by a mental health board under the Nebraska Mental
 8 Health Commitment Act to receive such services.

9 (4) No later than July 1, 2010, the department shall
 10 submit a state plan amendment to the federal Centers for Medicare
 11 and Medicaid Services to provide for payment for services of
 12 federally qualified health centers, and shall actually pay
 13 federally qualified health centers, in an amount, calculated on
 14 a per-visit basis, that is equal to one hundred percent of the
 15 average of the costs of the federally qualified health center of
 16 furnishing such services which are reasonable and related to the
 17 cost of furnishing such services, except that, if such amount
 18 is less than the prospective payment system rate determined in
 19 compliance with section 1902(bb) of the federal Society Security
 20 Act, 42 U.S.C. 1396a(bb), as such act and section existed on
 21 January 1, 2010, the department shall make payment to the federally
 22 qualified health center at such prospective payment system rate.

23 2. On page 1, after line 14, insert the following new
 24 subdivision:

25 "(3) Federally qualified health center has the definition
 26 found in section 1905(1)(2)(B) of the federal Social Security
 27 Act, 42 U.S.C. 1396d(1)(2)(B), as such act and section existed on
 1 January 1, 2010;"; in line 15 strike "(3)", show as stricken, and
 2 insert "(4)"; and in line 18 strike "(4)", show as stricken, and
 3 insert "(5)".

4 3. On page 2, line 1, strike "(5)", show as stricken,

5 and insert "(6)"; in line 3 strike "(6)" and insert "(7)"; in line
6 19 strike "(7)" and insert "(8)"; and in line 26 strike "(8)" and
7 insert "(9)".

8 4. On page 3, strike beginning with "as" in line 3
9 through "2010" in line 5; and in line 15 strike "(9)" and insert
10 "(10)".

11 5. Renumber the remaining sections and amend the repealer
12 accordingly.

Senator Stuthman withdrew his amendment.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1106A. Senator Nordquist renewed his amendment, AM2243, found on page 958.

The Nordquist amendment was adopted with 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1091. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1090. ER8207, found on page 951, was adopted.

Advanced to Enrollment and Review for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 702. Senator Gloor renewed his motion, MO89, found on page 945, to ask unanimous consent to bracket until April 14, 2010.

No objections. So ordered.

LEGISLATIVE BILL 961. Committee AM2118, found on page 808 and considered on page 941, was renewed.

SENATOR LANGEMEIER PRESIDING

The committee amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 563. Title read. Considered.

Committee AM2079, found on page 790, was considered.

Senator Lathrop renewed his amendment, AM2227, found on page 941, to the committee amendment.

SENATOR CARLSON PRESIDING

The Lathrop amendment was adopted with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

The committee amendment, as amended, was adopted with 41 ayes, 0 nays, 4 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 6 present and not voting, and 5 excused and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 410. Introduced by Hansen, 42; Campbell, 25; Coash, 27; Fulton, 29; Gay, 14; Howard, 9; Krist, 10; Nelson, 6; Stuthman, 22; Wightman, 36.

WHEREAS, November 2010 is National Family Caregivers Month; and

WHEREAS, each day 58 people in Nebraska turn 60 years old; and

WHEREAS, an estimated 240,847 people in Nebraska, 13.5 percent of the population, are 65 years of age and older, and this number is expected to increase in the next 20 years to 375,811, or 20.6 percent of the population in 2030; and

WHEREAS, an estimated 41,008 people in Nebraska, 2.3 percent of the population, are 85 years of age and older, and this number is expected to increase in the next 20 years to 56,186, or 3.1 percent of the population in 2030; and

WHEREAS, it is estimated that 37,000 people in Nebraska currently have Alzheimer's disease, and this number is expected to increase to between 58,000 and 60,000 by 2050, with 70 percent of the people with Alzheimer's disease and other dementias living at home; and

WHEREAS, currently over 12.9 percent of all seniors need some level of assistance with their daily activities; and

WHEREAS, there are an estimated 358,165 adults in Nebraska providing non-family-paid and unpaid care to adult relatives or friends; and

WHEREAS, both unpaid family caregivers and paid caregivers work together to serve the daily living needs of seniors who live in their own homes; and

WHEREAS, the Department of Health and Human Services estimated that the paid caregiver workforce will increase by 52 percent by 2025; and

WHEREAS, the longer a senior is able to provide for his or her own care, the less burden that is placed on public payment systems in state and federal governments.

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

1. That the Legislature recognizes the importance of caregiving and the caregiving profession and supports the private home care industry and the efforts of family caregivers throughout Nebraska by encouraging individuals to provide care to family, friends, and neighbors.

2. That the Legislature encourages accessible and affordable care for seniors and supports continuing review of state policies and current state programs that address the needs of seniors and their family caregivers.

3. That the Legislature encourages the Department of Health and Human Services to continue working to educate people in Nebraska on the impact of aging and the importance of knowing the options available to seniors when they need care to meet their personal needs.

4. That the Legislature recognizes November 2010 as Nebraska Family Caregivers Month and encourages citizens to participate in activities of National Family Caregivers Month.

5. That a copy of this resolution be sent to the Department of Health and Human Services.

Laid over.

LEGISLATIVE RESOLUTION 411. Introduced by Council, 11.

WHEREAS, the crime of arson takes hundreds of lives and causes billions of dollars in property damage every year; and

WHEREAS, the fire investigation community generally accepts that the only appropriate means for identifying arson is to use the scientific method; and

WHEREAS, National Fire Protection Association (NFPA) 921, Guide for Fire and Explosion Investigations, provides fire investigators with guidance on how to properly apply the scientific method to fire investigations; and

WHEREAS, since the turn of the century, NFPA 921 has been generally accepted as the standard of care for fire investigations; and

WHEREAS, many of the previously accepted methods for identifying incendiary fires have been proven to be unreliable and have resulted in fires being improperly classified as incendiary when they were, in fact, accidental; and

WHEREAS, it is not clear if or when NFPA 921 has been adopted by law enforcement and other relevant investigative agencies in Nebraska as the proper method of investigating fires; and

WHEREAS, there are currently approximately twenty-six individuals in Nebraska's prisons serving time for arson; and

WHEREAS, some of those convicted of arson in Nebraska may have never abandoned their claim of innocence and may, in fact, be innocent.

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

1. That the State of Nebraska has an obligation to review arson convictions obtained using evidence that is now known to be unreliable.

2. That the Legislature urges government attorneys, private attorneys, and fire investigators to review questionable arson convictions, supports judicial

review of any cases in which the attorneys submit that a conviction is questionable due to faulty science having been used, and urges the judicial branch, law enforcement agencies, and other relevant government entities in Nebraska to employ NFPA 921 when conducting fire investigations.

Laid over.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Section 8, LR411 was referred to the Reference Committee.

REFERENCE COMMITTEE REPORT

The Executive Board submits the following report:

LB/LR **Committee**
LR411 Judiciary

(Signed) John Wightman, Chairperson
Executive Board

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 800. Placed on Select File with amendment. ER8201 is available in the Bill Room.

LEGISLATIVE BILL 849. Placed on Select File with amendment. ER8209

- 1 1. In the Standing Committee amendments, AM2120:
- 2 a. Strike sections 19, 20, and 22 and insert the
- 3 following new sections:
- 4 Sec. 19. Section 71-401, Reissue Revised Statutes of
- 5 Nebraska, is amended to read:
- 6 71-401 Sections 71-401 to 71-464 and section 21 of this
- 7 act shall be known and may be cited as the Health Care Facility
- 8 Licensure Act.
- 9 Sec. 20. Section 71-403, Reissue Revised Statutes of
- 10 Nebraska, is amended to read:
- 11 71-403 For purposes of the Health Care Facility Licensure
- 12 Act, unless the context otherwise requires, the definitions found
- 13 in sections 71-404 to 71-431 and section 21 of this act shall
- 14 apply.
- 15 Sec. 22. Section 71-415, Reissue Revised Statutes of
- 16 Nebraska, is amended to read:
- 17 71-415 Health care service means an adult day service,
- 18 a home health agency, a hospice or hospice service, ~~or~~ a respite
- 19 care service, or beginning January 1, 2011, a children's day health

20 service. Health care service does not include an in-home personal
 21 services agency as defined in section 71-6501.

22 b. On page 39, line 3, strike "a", show as stricken, and
 23 insert "the"; and

1 c. On page 40, line 12, after the fourth comma insert
 2 "71-401, 71-403, 71-415,"; and strike beginning with "sections" in
 3 line 14 through the second comma in line 15.

4 2. On page 1, strike lines 2 through 14 and insert
 5 "sections 38-1901, 38-1902, 38-1908, 38-1918, 38-2605, 38-2617,
 6 38-2841, 68-906, 68-1017, 68-1017.01, 68-1070, 70-1603, 70-1605,
 7 71-401, 71-403, 71-415, 71-516.04, 71-1559, 71-1796, 71-4604.01,
 8 71-7447, 71-8403, 77-27,165, 83-1220, 83-1221, 83-1222, 83-1223,
 9 and 83-1224, Reissue Revised Statutes of Nebraska, and sections
 10 38-2826, 38-2850, 38-2867, 38-2869, and 83-1217, Revised Statutes
 11 Supplement, 2009; to change provisions relating to the Medical
 12 Radiography Practice Act, and the practices of optometry and
 13 pharmacy; to adopt federal law for purposes of the Medical
 14 Assistance Act and the Supplemental Nutrition Assistance Program;
 15 to remove and change references to Supplemental Nutrition
 16 Assistance Program coupons and benefits; to change provisions
 17 relating to notice of discontinuation of utility service; to
 18 require licensure of children's day health services; to provide
 19 requirements for staff training for purposes of the Alzheimer's
 20 Special Care Disclosure Act; to change provisions relating to
 21 fees and funds of the Public Service Commission; to change
 22 provisions relating to requests for access to medical records; to
 23 change notification requirements for child support claims against
 24 income tax refunds; to change provisions relating to developmental
 25 disability services; to change provisions relating to hearing
 26 officers of the Division of Developmental Disabilities; to create
 27 and eliminate funds; to repeal a termination date relating to
 1 the Nebraska Center for Nursing Act; to harmonize provisions;
 2 to provide operative dates; to repeal the original sections; to
 3 outright repeal section 71-17,100, Reissue Revised Statutes of
 4 Nebraska; and to declare an emergency.".

5 3. On page 2, strike lines 1 and 2.

LEGISLATIVE BILL 510. Placed on Select File with amendment.
 ER8203

1 1. Strike the original sections and all amendments
 2 thereto and insert the following new sections:

3 Section 1. (1) In addition to all other costs assessed
 4 according to law, an assessment of one dollar shall be assessed for
 5 each conviction of a person for any misdemeanor or felony in county
 6 court or district court and each affirmation on appeal. No such
 7 assessment shall be collected in any juvenile court proceeding. No
 8 county shall be liable for the assessment imposed pursuant to this
 9 section. The assessments shall be remitted to the State Treasurer

10 on forms prescribed by the State Treasurer within ten days after
11 the end of the month.

12 (2) The Nebraska Crime Victim Fund is created. The fund
13 shall contain the amounts remitted pursuant to subsection (1) of
14 this section and section 83-184. The fund shall be administered by
15 the Nebraska Commission on Law Enforcement and Criminal Justice.
16 As soon as funds become available, the commission shall direct
17 the State Treasurer to transfer money from the Nebraska Crime
18 Victim Fund to the Department of Correctional Services Facility
19 Cash Fund and the Supreme Court Automation Cash Fund to pay for the
20 initial costs in implementing this legislative bill, in amounts to
21 be determined by the Department of Correctional Services and the
22 Supreme Court and certified to the commission. When such costs are
23 fully reimbursed, the Nebraska Crime Victim Fund shall terminate
1 and the State Treasurer shall distribute seventy-five percent of
2 the funds remitted pursuant to subsection (1) of this section and
3 section 83-184 to the Victim's Compensation Fund to be awarded as
4 compensation for losses and expenses allowable under the Nebraska
5 Crime Victim's Reparations Act and shall distribute twenty-five
6 percent of such funds to the Reentry Cash Fund.

7 Sec. 2. Section 29-2207, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 29-2207 In every case of conviction of any person for
10 any felony or misdemeanor, it shall be the duty of the court
11 or magistrate to render judgment for the costs of prosecution
12 against the person convicted and remit the assessment as provided
13 in section 1 of this act.

14 Sec. 3. In every case of appeal of a conviction of any
15 person for any felony or misdemeanor to the district court, Court
16 of Appeals, or Supreme Court that is affirmed, the court shall
17 remit the assessment as provided in section 1 of this act.

18 Sec. 4. Section 81-1835, Revised Statutes Supplement,
19 2009, is amended to read:

20 81-1835 The Victim's Compensation Fund is created. The
21 fund shall be used to pay awards or judgments under the Nebraska
22 Crime Victim's Reparations Act other than distributions from the
23 Community Trust. The fund shall include deposits pursuant to
24 sections 29-2286, 81-1836, ~~and~~ 83-183.01, and 83-184 and section 1
25 of this act and donations or contributions from public or private
26 sources and shall be in such amount as the Legislature shall
27 determine to be reasonably sufficient to meet anticipated claims.

1 When the amount of money in the fund is not sufficient to pay any
2 awards or judgments under the act, the Director of Administrative
3 Services shall immediately advise the Legislature and request an
4 emergency appropriation to satisfy such awards and judgments. Any
5 money in the fund available for investment shall be invested by the
6 state investment officer pursuant to the Nebraska Capital Expansion
7 Act and the Nebraska State Funds Investment Act.

8 Sec. 5. Section 83-184, Reissue Revised Statutes of

9 Nebraska, is amended to read:

10 83-184 (1) When the conduct, behavior, mental attitude,
11 and conditions indicate that a person committed to the department
12 and the general society of the state will be benefited, and there
13 is reason to believe that the best interests of the people of the
14 state and the person committed to the department will be served
15 thereby, in that order, and upon the recommendation of the ~~Board of~~
16 ~~Parole board~~ in the case of each committed offender, the ~~Director~~
17 ~~of Correctional Services~~ director may authorize such person, under
18 prescribed conditions, to:

19 (a) Visit a specifically designated place or places and
20 return to the same or another facility. An extension of limits
21 may be granted to permit a visit to a dying relative, attendance
22 at the funeral of a relative, the obtaining of medical services,
23 the contacting of prospective employers, or for any other reason
24 consistent with the public interest; or

25 (b) Work at paid employment or participate in a training
26 program in the community on a voluntary basis whenever:

27 (i) Such paid employment will not result in the
1 displacement of employed workers, or be applied in skills, crafts,
2 or trades in which there is a surplus of available gainful labor in
3 the locality, or impair existing contracts for services; and

4 (ii) The rates of pay and other conditions of employment
5 will not be less than those paid or provided for work of similar
6 nature in the locality in which the work is to be performed.

7 (2) The wages earned by a person authorized to work
8 at paid employment in the community under the provisions of this
9 section shall be credited by the chief executive officer of the
10 facility to such person's wage fund. The director shall authorize
11 the chief executive officer to withhold up to five percent of such
12 person's net wages. The funds withheld pursuant to this subsection
13 shall be remitted to the State Treasurer for credit as provided in
14 subsection (2) of section 1 of this act.

15 (3) A person authorized to work at paid employment
16 in the community under the provisions of this section may be
17 required to pay, and the ~~Director of Correctional Services~~ director
18 is authorized to collect, such costs incident to the person's
19 confinement as the ~~Director of Correctional Services~~ director deems
20 appropriate and reasonable. Collections shall be deposited in the
21 state treasury as miscellaneous receipts.

22 (4) The willful failure of a person to remain within
23 the extended limits of his or her confinement or to return within
24 the time prescribed to a facility designated by the ~~Director of~~
25 ~~Correctional Services~~ director may be deemed an escape from custody
26 punishable as provided in section 28-912.

27 (5) No person employed in the community under the
1 provisions of this section or otherwise released shall, while
2 working in such employment in the community or going to or from
3 such employment or during the time of such release, be deemed to be

4 an agent, employee, or servant of the state.

5 Sec. 6. The Reentry Cash Fund is created. The fund shall
 6 be administered by the Department of Correctional Services. The
 7 State Treasurer shall credit funds remitted pursuant to section
 8 83-184 and section 1 of this act and donations or contributions
 9 from public or private sources to the Reentry Cash Fund. The
 10 fund shall be used by the department for tuition, fees, and other
 11 costs associated with reentry and reintegration programs offered to
 12 offenders that are placed in the incarceration work camp. Any money
 13 in the fund available for investment shall be invested by the state
 14 investment officer pursuant to the Nebraska Capital Expansion Act
 15 and the Nebraska State Funds Investment Act.

16 Sec. 7. The Revisor of Statutes shall assign section 3 of
 17 this act to Chapter 29, article 23, and section 6 of this act to
 18 Chapter 83.

19 Sec. 8. Original sections 29-2207 and 83-184, Reissue
 20 Revised Statutes of Nebraska, and section 81-1835, Revised Statutes
 21 Supplement, 2009, are repealed.

22 2. On page 1, strike beginning with "crime" in line 1
 23 through line 10 and insert "criminal procedure; to amend sections
 24 29-2207 and 83-184, Reissue Revised Statutes of Nebraska, and
 25 section 81-1835, Revised Statutes Supplement, 2009; to require
 26 assessments on convictions and affirmations upon appeal; to provide
 27 funding for compensation of victims of crime and for rehabilitation
 1 of certain offenders as prescribed; to create funds; to harmonize
 2 provisions; to provide a duty for the Revisor of Statutes; and to
 3 repeal the original sections."

LEGISLATIVE BILL 1070. Placed on Select File with amendment.
 ER8204

1 1. In the Standing Committee amendments, AM2084, on page
 2 30, line 12, strike the period and insert an underscored semicolon.

3 2. On page 1, strike beginning with "learning" in line 1
 4 through line 6 and insert "education; to amend sections 77-3442,
 5 79-527, 79-1007.05, 79-1242, 79-2111, and 79-2112, Reissue Revised
 6 Statutes of Nebraska, and sections 32-546.01, 79-528, 79-1241.03,
 7 79-2104, and 79-2110, Revised Statutes Supplement, 2009; to
 8 change provisions relating to expense reimbursement for members of
 9 learning community coordinating councils, learning community tax
 10 levies, school reporting, educational service unit funding, focus
 11 schools, focus programs, magnet schools, and elementary learning
 12 centers; to provide for use of certain funds received by learning
 13 communities as prescribed; to harmonize provisions; to provide a
 14 duty for the Revisor of Statutes; to repeal the original sections;
 15 and to declare an emergency."

LEGISLATIVE BILL 1010. Placed on Select File with amendment.
ER8210

- 1 1. In the Standing Committee amendments, AM2029:
- 2 a. Strike section 2 and insert the following new section:
- 3 Sec. 2. For purposes of sections 1 to 7 of this act:
- 4 (1) District means a natural resources district;
- 5 (2) Private real property does not include any public
- 6 land such as real property under the general management of the
- 7 Board of Educational Lands and Funds;
- 8 (3) Supermajority means sixty-seven percent or more; and
- 9 (4) Trail means a thoroughfare or track across real
- 10 property used for recreational purposes.
- 11 b. On page 3, line 9, after "private" insert "real".

LEGISLATIVE BILL 880A. Placed on Select File.

LEGISLATIVE BILL 510A. Placed on Select File.

LEGISLATIVE BILL 945. Placed on Select File.

(Signed) Jeremy Nordquist, Chairperson

AMENDMENT - Print in Journal

Senator Heidemann filed the following amendment to LB1057:
AM2262

(Amendments to E & R amendments, ER8192)

- 1 1. Strike sections 2, 3, and 4 and all amendments thereto
- 2 and insert the following new sections:
- 3 Sec. 2. The Republican River Basin Water Sustainability
- 4 Task Force Cash Fund is created. The fund shall be administered by
- 5 the Department of Natural Resources and expended at the direction
- 6 of the Republican River Basin Water Sustainability Task Force.
- 7 The fund shall consist of funds appropriated by the Legislature,
- 8 money received as gifts, grants, and donations, and transfers
- 9 authorized under section 46-2,137. Any money in the fund available
- 10 for investment shall be invested by the state investment officer
- 11 pursuant to the Nebraska Capital Expansion Act and the Nebraska
- 12 State Funds Investment Act.
- 13 Sec. 3. Section 46-2,137, Reissue Revised Statutes of
- 14 Nebraska, is amended to read:
- 15 46-2,137 The Water Policy Task Force Cash Fund is
- 16 created. The fund shall be administered by the Department of
- 17 Natural Resources and expended at the direction of the Water Policy
- 18 Task Force. The fund shall consist of funds appropriated by the
- 19 Legislature, money received as gifts, grants, and donations, and
- 20 transfers authorized under sections 2-1579 and 66-1519. Any money
- 21 in the fund available for investment shall be invested by the state
- 22 investment officer pursuant to the Nebraska Capital Expansion Act
- 1 and the Nebraska State Funds Investment Act.

2 On the effective date of this act, the State Treasure
3 shall: (1) Transfer fifty thousand dollars from the Water
4 Policy Task Force Cash Fund to the Republican River Basin Water
5 Sustainability Task Force Cash Fund; and (2) transfer the remaining
6 unexpended balance in the Water Policy Task Force Cash Fund to the
7 Water Resources Trust Fund.

8 Sec. 4. Section 46-753, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 46-753 (1) The Water Resources Trust Fund is created.

11 The State Treasurer shall credit to the fund such money as is
12 specifically appropriated thereto by the Legislature, transfers
13 authorized under section 46-2,137, and such funds, fees, donations,
14 gifts, or bequests received by the Department of Natural Resources
15 from any federal, state, public, or private source for expenditure
16 for the purposes described in the Nebraska Ground Water Management
17 and Protection Act. Money in the fund shall not be subject to any
18 fiscal-year limitation or lapse provision of unexpended balance at
19 the end of any fiscal year or biennium. Any money in the fund
20 available for investment shall be invested by the state investment
21 officer pursuant to the Nebraska Capital Expansion Act and the
22 Nebraska State Funds Investment Act.

23 (2) The fund shall be administered by the department.

24 The department shall adopt and promulgate rules and regulations
25 regarding the allocation and expenditure of money from the fund.

26 (3) Money in the fund may be expended by the department
27 for costs incurred by the department, by natural resources
1 districts, or by other political subdivisions in (a) determining
2 whether river basins, subbasins, or reaches are fully appropriated
3 in accordance with section 46-713, (b) developing or implementing
4 integrated management plans for such fully appropriated river
5 basins, subbasins, or reaches or for river basins, subbasins, or
6 reaches designated as overappropriated in accordance with section
7 46-713, (c) developing or implementing integrated management plans
8 in river basins, subbasins, or reaches which have not yet become
9 either fully appropriated or overappropriated, or (d) attaining
10 state compliance with an interstate water compact or decree or
11 other formal state contract or agreement.

12 (4) Except for funds paid to a political subdivision
13 for forgoing or reducing its own water use or for implementing
14 projects or programs intended to aid the state in complying with an
15 interstate water compact or decree or other formal state contract
16 or agreement, a political subdivision that receives funds from the
17 fund shall provide, or cause to be provided, matching funds in
18 an amount at least equal to twenty percent of the amount received
19 from the fund by that natural resources district or political
20 subdivision. The department shall monitor programs and activities
21 funded by the fund to ensure that the required match is being
22 provided.

23 Sec. 5. Original sections 46-2,137 and 46-753, Reissue

- 24 Revised Statutes of Nebraska, are repealed.
25 2. Renumber the remaining section accordingly.

NOTICE OF COMMITTEE HEARING
General Affairs

Room 1510

Monday, March 29, 2010 1:15 p.m.

Dennis Lee - State Racing Commission

(Signed) Russ Karpisek, Chairperson

GENERAL FILE

LEGISLATIVE BILL 1109. Title read. Considered.

Committee AM1755, found on page 706, was considered.

SPEAKER FLOOD PRESIDING

The committee amendment was adopted with 31 ayes, 0 nays, 9 present and not voting, and 9 excused and not voting.

Pending.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 370, 371, and 373 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 370, 371, and 373.

GENERAL FILE

LEGISLATIVE BILL 1109. Considered.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 1109A. Title read. Considered.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 12 present and not voting, and 8 excused and not voting.

COMMITTEE REPORTS

Revenue

LEGISLATIVE BILL 789. Placed on General File.

LEGISLATIVE BILL 1097. Placed on General File.

(Signed) Abbie Cornett, Chairperson

Judiciary

LEGISLATIVE BILL 594. Placed on General File with amendment.

AM1699 is available in the Bill Room.

LEGISLATIVE BILL 1103. Placed on General File with amendment.

AM2063 is available in the Bill Room.

(Signed) Brad Ashford, Chairperson

VISITORS

Visitors to the Chamber were Steve and Diana Lind and family from Kearney; 28 fourth-grade students and teachers from Trinity Christian School, Omaha; Julie Trouba from Austin, Texas; and 40 fourth-grade students, teachers, and sponsors from Sandoz Elementary, Lexington.

The Doctor of the Day was Dr. Brad Hupp from Albion.

ADJOURNMENT

At 12:30 p.m., on a motion by Senator Krist, the Legislature adjourned until 10:00 a.m., Tuesday, March 23, 2010.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-SIXTH DAY - MARCH 23, 2010**LEGISLATIVE JOURNAL****ONE HUNDRED FIRST LEGISLATURE
SECOND SESSION****FORTY-SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 23, 2010

PRAYER

The prayer was offered by Pastor Don Owen, Word of Life Church, Columbus.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Speaker Flood presiding.

The roll was called and all members were present except Senators Cornett, Dierks, Haar, and Louden who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-fifth day was approved.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 317. Placed on Final Reading.

LEGISLATIVE BILL 935. Placed on Final Reading.

LEGISLATIVE BILL 1090. Placed on Final Reading.

LEGISLATIVE BILL 1091. Placed on Final Reading.

LEGISLATIVE BILL 1106. Placed on Final Reading.

LEGISLATIVE BILL 1106A. Placed on Final Reading.

(Signed) Jeremy Nordquist, Chairperson

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 1048. Placed on Select File with amendment.
ER8211 is available in the Bill Room.

LEGISLATIVE BILL 1048A. Placed on Select File.

LEGISLATIVE BILL 861. Placed on Select File with amendment.
ER8212

- 1 1. On page 1, strike beginning with "the" in line 1
- 2 through line 13 and insert "regulated activities; to amend sections
- 3 2-1201, 2-1219, 9-823, 28-421, 53-123.12, 53-124.13, 53-124.14,
- 4 53-125, 53-130, 53-135, 53-138.01, 53-139, 53-149, 53-172,
- 5 53-1,104, 60-4,152, 71-5730, and 79-267, Reissue Revised Statutes
- 6 of Nebraska, sections 48-1902, 53-122, 53-123.11, 53-123.13,
- 7 53-123.15, 53-124.11, 53-124.12, 53-129, 53-132, 53-133, 53-134,
- 8 53-164.01, 53-169.01, 53-403, and 60-4,119, Revised Statutes
- 9 Cumulative Supplement, 2008, and sections 53-101, 53-103, 53-124,
- 10 53-131, and 53-177, Revised Statutes Supplement, 2009; to change
- 11 provisions related to the State Racing Commission; to transfer
- 12 definitions and fee provisions in the Nebraska Liquor Control Act;
- 13 to provide for storage and warehouse facilities for farm wineries;
- 14 to change fee provisions, licensure requirements, and excise
- 15 tax provisions; to change provisions relating to distribution of
- 16 license fees in accordance with the Constitution of Nebraska; to
- 17 eliminate unconstitutional provisions and a prohibition on adding
- 18 alcohol to beer; to harmonize provisions; to repeal the original
- 19 sections; and to outright repeal section 53-174, Reissue Revised
- 20 Statutes of Nebraska.".
- 21 2. On page 2, strike line 1.

LEGISLATIVE BILL 800A. Placed on Select File.

LEGISLATIVE BILL 961. Placed on Select File with amendment.
ER8213

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 81-1201.21, Revised Statutes
- 4 Supplement, 2009, as amended by section 72, Legislative Bill 3, One
- 5 Hundred First Legislature, First Special Session, 2009, is amended
- 6 to read:
- 7 81-1201.21 (1) There is hereby created the Job Training
- 8 Cash Fund. The fund shall be under the direction of the Department
- 9 of Economic Development. Money may be transferred to the fund
- 10 pursuant to subdivision (1)(b)(iv) of section 48-621 and from
- 11 the Cash Reserve Fund at the direction of the Legislature. The
- 12 department shall establish a subaccount for all money transferred
- 13 from the Cash Reserve Fund to the Job Training Cash Fund on or
- 14 after July 1, 2005. ~~Any unexpended or unobligated balance remaining~~
- 15 ~~within such subaccount on July 1, 2014, shall be transferred by the~~
- 16 ~~State Treasurer to the Cash Reserve Fund no later than July 10,~~
- 17 ~~2014. Any obligated amount not transferred from the subaccount that~~
- 18 ~~remains unexpended on July 1, 2013, shall be transferred by the~~
- 19 ~~State Treasurer to the Cash Reserve Fund no later than December 31,~~
- 20 ~~2015. Transfers may be made from the Job Training Cash Fund to the~~
- 21 ~~General Fund at the direction of the Legislature.~~

22 (2) The department shall use the Job Training Cash Fund
 23 or the subaccount established in subsection (1) of this section
 1 to provide reimbursements for job training activities, including
 2 employee assessment, preemployment training, on-the-job training,
 3 training equipment costs, and other reasonable costs related to
 4 helping industry and business locate or expand in Nebraska, or
 5 to provide upgrade skills training of the existing labor force
 6 necessary to adapt to new technology or the introduction of new
 7 product lines.

8 (3) The department shall establish a subaccount within
 9 the fund to provide ~~job-training grants targeted to small~~
 10 ~~employers, rural employers, and poverty area employers meeting~~
 11 ~~one of the following criteria: (a) Employ twenty-five or fewer~~
 12 ~~employees, (b) located in rural areas of Nebraska, or (c)~~
 13 ~~located in areas of high concentration of poverty within the~~
 14 ~~corporate limits of a city or village consisting of one or more~~
 15 ~~contiguous census tracts, as determined by the most recent federal~~
 16 ~~decennial census, which contain a percentage of persons below~~
 17 ~~the poverty line of greater than thirty percent, and all census~~
 18 ~~tracts contiguous to such tract or tracts, as determined by the~~
 19 ~~most recent federal decennial census, for training employees and~~
 20 potential employees of businesses that (a) employ twenty-five or
 21 fewer employees on the application date, (b) employ, or train for
 22 potential employment, residents of rural areas of Nebraska, or
 23 (c) are located in or employ, or train for potential employment,
 24 residents of high-poverty areas as defined in section 81-1203. The
 25 department shall calculate the amount of prior year investment
 26 income earnings accruing to the fund and allocate such amount to
 27 the subaccount for ~~small, rural, or poverty area employer grants.~~
 1 training grants under this subsection.

2 (4) Any money in the fund available for investment
 3 shall be invested by the state investment officer pursuant to
 4 the Nebraska Capital Expansion Act and the Nebraska State Funds
 5 Investment Act.

6 Sec. 2. Section 81-1203, Reissue Revised Statutes of
 7 Nebraska, is amended to read:

8 81-1203 (1) A business applying for a job training
 9 grant, other than a grant provided under subsection (3) of section
 10 81-1201.21, shall submit a business plan to the Department of
 11 Economic Development which includes, but is not limited to:

12 (a) The number of jobs to be created or the number of
 13 existing positions that will be retrained;

14 (b) The nature of the business and the type of jobs to be
 15 created or positions to be retrained;

16 (c) The estimated wage levels of the jobs to be created
 17 or positions to be retrained; and

18 (d) A program schedule for the job training project.

19 (2) A business applying for a job training grant, other
 20 than a grant provided under subsection (3) of section 81-1201.21,

21 must demonstrate that the job training project to be conducted
 22 pursuant to the grant meets the following criteria:

23 (a) The wage level of the jobs created will meet the
 24 local prevailing average;

25 (b) The jobs created will diversify the local economy;

26 (c) The goods or services produced by the company will be
 27 export-oriented;

1 (d) Seventy-five percent of the jobs created will be
 2 full-time jobs; and

3 (e) The new jobs will be created within three calendar
 4 years.

5 (3) A business applying for a job training grant
 6 under subsection (3) of section 81-1201.21 may partner with
 7 a postsecondary educational institution; a private, nonprofit
 8 organization holding a certificate of exemption under section
 9 501(c)(3) of the Internal Revenue Code; or a learning community
 10 coordinating council or school district and at least one that has
 11 partnered with a private, nonprofit organization, whose purpose
 12 is providing basic job and life skills training to individuals
 13 in high poverty areas. Such projects shall be focused on job
 14 training and job creation for persons residing in high poverty
 15 areas within the boundaries of the partnering learning community
 16 or school district. The application shall specify the role of the
 17 partnering coordinating council or school district and the private,
 18 nonprofit organization entity in identifying and training potential
 19 job applicants for the applicant business.

20 (4) A business applying for a training grant under
 21 subsection (3) of section 81-1201.21 may apply as a business that
 22 has established a program under which residents of rural areas
 23 or high-poverty areas are trained for employment or potential
 24 employment by documenting:

25 (a) That the business has established a program designed
 26 to fill a minimum of four positions in rural areas and a minimum of
 27 eight positions in high-poverty areas for such business;

1 (b) A program schedule for the training project;

2 (c) The nature of the business and the number of
 3 positions available or to be created;

4 (d) That the wage level of the positions available or to
 5 be created will meet the local prevailing average;

6 (e) The value of the positions available or to be created
 7 in diversifying the local economy;

8 (f) That a minimum of seventy-five percent of the
 9 positions available or to be created will be full-time jobs;

10 (g) That the business will accept funding on behalf of
 11 trainees and will provide a match of a minimum of twenty-five
 12 percent of the value of the grant, either monetarily or through
 13 in-kind services, as part of the training for each trainee;

14 (h) That any new position created will be done within
 15 three calendar years;

16 (i) That the number of trainees will not exceed one
 17 hundred twenty-five percent of the number of positions that will be
 18 available at the time of application; and

19 (j) That the goods or services produced by the business
 20 are generally exportable in nature resulting in additional money to
 21 the community or the state and the positions available or to be
 22 created are not local retail positions.

23 (5) Each business participating in a training grant under
 24 subsection (3) of section 81-1201.21 shall be subject to an audit
 25 by the Department of Economic Development and shall annually report
 26 or provide to the department the following information:

27 (a) The percentage of trainees who have successfully
 1 completed the training;

2 (b) The percentage of trainees that such business hired;

3 (c) An itemized description of such business's match
 4 including expenditures per trainee; and

5 (d) A copy of the training curriculum.

6 (6) For purposes of ~~this subsection~~ ~~subsections (3)~~
 7 through (5) of this section:

8 (a) High-poverty area means an area consisting of one or
 9 more contiguous census tracts, as determined by the most recent
 10 federal decennial census, which contain a percentage of persons
 11 with incomes below the poverty line of greater than thirty percent,
 12 and all census tracts contiguous to such tract or tracts, as
 13 determined by the most recent federal decennial census; and

14 (b) ~~private~~ ~~Private~~ nonprofit organization means an
 15 organization whose purpose is providing basic job and life skills
 16 training to individuals in need of such training in rural or
 17 high-poverty areas.

18 Sec. 3. Section 81-1205, Reissue Revised Statutes of
 19 Nebraska, is amended to read:

20 81-1205 (1) A business which is awarded a job training
 21 grant or a training grant shall provide annual performance reports
 22 to the Department of Economic Development and a final performance
 23 report upon the completion of the project. The department shall
 24 provide an annual report by December 1 of each year to the
 25 Appropriations Committee of the Legislature. The report shall
 26 include information on each active grant, including specific
 27 information regarding the number of positions to be trained,
 1 whether new or existing employees are to be trained, the length
 2 of time that the project has been active, the amount of funding
 3 committed to the project, the amount of funding paid out to
 4 date, and the projected completion date. The report shall also
 5 provide information on grants closed during the reporting year,
 6 including the total number of employees trained, whether new or
 7 existing employees were trained, total project expenditures, and
 8 the duration time of the project. The department shall also
 9 provide information summarizing the use of community college areas
 10 to provide training services and list specific projects where a
 11 community college area is providing all or a component of the

12 training services. If private or inhouse training services are
13 used, the department shall provide information regarding the name
14 of the private or inhouse training service and the qualifications
15 of the training service.

16 (2) Up to four percent of each training grant awarded
17 under the program under subsection (3) of section 81-1201.21 shall
18 be made available to the Department of Economic Development to
19 finance the costs of administering such program. Such funds shall
20 be allocated from the subaccount within the Job Training Cash Fund
21 for training grants. The department shall not accept funds that do
22 not go directly to administering such program. The department shall
23 include in the annual report it provides to the Appropriations
24 Committee of the Legislature a summary of the administrative costs
25 of such program, including the percentage of each training grant
26 received by the department for administrative purposes and the
27 purpose for which it was used to carry out the intent of the
1 program.

2 Sec. 4. Section 81-1207, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 81-1207 (1) If a business which receives a job training
5 grant creates fewer jobs than stated in the business plan, the
6 business shall repay the job training grant as provided in this
7 section: subsection. If less than fifty percent of the proposed
8 jobs are created, one hundred percent of the grant shall be repaid.
9 If fifty percent or more but less than seventy percent of the
10 proposed jobs are created, fifty percent of the grant shall be
11 repaid. If seventy percent or more but less than ninety percent
12 of the proposed jobs are created, twenty-five percent of the grant
13 shall be repaid. If ninety percent or more of the proposed jobs are
14 created, no repayment is required.

15 (2) If a business receives a training grant and fewer
16 trainees than stated in the business plan complete the training,
17 the business shall repay the grant as provided in this subsection.
18 For every trainee who does not complete the training, the business
19 shall repay fifty percent of the prorated share of such trainee's
20 uncompleted training costs. No dollars shall be expended from the
21 Job Training Cash Fund that are not used for the purposes outlined
22 in subsection (2) of section 81-1201.21.

23 Sec. 5. Original sections 81-1203, 81-1205, and 81-1207,
24 Reissue Revised Statutes of Nebraska, and section 81-1201.21,
25 Revised Statutes Supplement, 2009, as amended by section 72,
26 Legislative Bill 3, One Hundred First Legislature, First Special
27 Session, 2009, are repealed.

LEGISLATIVE BILL 563. Placed on Select File with amendment.
ER8214 is available in the Bill Room.

(Signed) Jeremy Nordquist, Chairperson

MESSAGES FROM THE GOVERNOR

March 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 Commission for the Deaf and Hard of Hearing:

Diane Muelleman, 6469 Cuming Street, Omaha, NE 68132

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

March 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 individuals are being reappointed to the Nebraska Railway Council:

Michael Shannon, 1105 Meadowlark, Alliance, NE 69301
Patrick Meuret, 106 N. Franklin, Brunswick, NE 68720

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

RESOLUTIONS**LEGISLATIVE RESOLUTION 412.** Introduced by Dierks, 40.

WHEREAS, the Ewing Tigers won the 2010 Class D-2 Boys' State Basketball Championship; and

WHEREAS, the Ewing Tigers defeated the Hampton Hawks in the championship game by a score of 41-33; and

WHEREAS, the top-ranked Ewing Tigers finished the year with a record of twenty-six wins and one loss; and

WHEREAS, the Ewing Tigers have seven graduating seniors on their championship team; and

WHEREAS, one of the seniors, Austin Kaczor, finished his high school basketball career by ranking eighth on the all-time scoring list, with a total of two thousand two hundred five career points.

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

1. That the Legislature congratulates the Ewing Tigers on winning the 2010 Class D-2 Boys' State Basketball Championship.

2. That the Legislature congratulates Head Coach Greg Appleby and Assistant Coach Ed Johnson for their excellent season and guidance of the team.

3. That a copy of this resolution be sent to Head Coach Greg Appleby.

Laid over.

LEGISLATIVE RESOLUTION 413. Introduced by Langemeier, 23.

PURPOSE: The purpose of this resolution is to study whether the Real Property Appraiser Act should be amended to provide for regulation of appraisal management companies. The study should include a review of issues raised during consideration by the Banking, Commerce and Insurance Committee in 2010 of LB 931 (Sullivan, Utter), as introduced. In order to carry out the purpose of this resolution, the committee should seek the assistance of the Real Property Appraiser Board and should consider the input of interested persons as the committee deems necessary and beneficial.

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

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, and 403 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, and 403.

GENERAL FILE

LEGISLATIVE BILL 709. Title read. Considered.

Committee AM1824, found on page 807, was considered.

SENATOR LANGEMEIER PRESIDING**SPEAKER FLOOD PRESIDING**

Senator Stuthman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 1 nay, and 21 not voting.

The committee amendment was adopted with 26 ayes, 0 nays, and 23 present and not voting.

Pending.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 1109. Placed on Select File with amendment.
ER8215

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Sections 1 to 5 of this act shall be known and
- 4 may be cited as the Nebraska Innovation and High Wage Employment
- 5 Act.
- 6 Sec. 2. The Legislature recognizes the importance of
- 7 innovation and high wage employment and the role that innovation
- 8 plays in the economic well-being of the state. The Innovation and
- 9 Entrepreneurship Task Force is created. The Executive Board of the
- 10 Legislative Council shall appoint six members of the Legislature
- 11 to the task force. The executive board shall appoint one of such
- 12 members as chairperson and one as vice-chairperson. The task force

13 shall develop a statewide strategic plan to cultivate a climate
14 of entrepreneurship that results in innovation and high wage
15 employment. The task force shall adopt policy criteria to be used
16 in the development of the plan. The plan shall include an inventory
17 of current state and locally sponsored programs and resources
18 targeted to small businesses, microenterprises, and entrepreneurial
19 endeavors in the state. The plan shall provide an overview of best
20 practices from other states, including, but not limited to, an
21 examination of economic gardening and angel investor programs, and
22 provide policy options.

23 Sec. 3. The Innovation and Entrepreneurship Task Force,
1 in consultation with the Executive Board of the Legislative
2 Council, shall commission a nonprofit organization to provide
3 research, analysis, and recommendations for the development of
4 the statewide strategic plan. The nonprofit organization shall
5 be incorporated pursuant to the Nebraska Nonprofit Corporation
6 Act, shall be organized exclusively for nonprofit purposes within
7 the meaning of section 501(c)(3) of the Internal Revenue Code,
8 shall be engaged in activities to facilitate and promote the
9 growth of potential high-growth businesses within the state,
10 and shall be dedicated to the development and growth of the
11 entrepreneurial economy. It is the intent of the Legislature that
12 forty-eight thousand dollars of General Funds be appropriated
13 to the Legislative Council to provide funding for the Nebraska
14 Innovation and High Wage Employment Act.

15 Sec. 4. The Innovation and Entrepreneurship Task Force
16 shall prepare and present the statewide strategic plan to the
17 Legislature by December 1, 2010.

18 Sec. 5. The Nebraska Innovation and High Wage Employment
19 Act terminates on January 1, 2011.

20 Sec. 6. Section 81-12,105.01, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 81-12,105.01 (1) The Microenterprise Development Cash
23 Fund is created. The fund shall be administered by the Department
24 of Economic Development. Any money in the fund available for
25 investment shall be invested by the state investment officer
26 pursuant to the Nebraska Capital Expansion Act and the Nebraska
27 State Funds Investment Act.

1 (2) The State Treasurer shall credit to the fund money
2 as is (a) transferred to the fund by the Legislature, (b) paid
3 to the state as fees, deposits, payments, and repayments relating
4 to the fund, both principal and interest, (c) donated as gifts,
5 bequests, or other contributions to such fund from public or
6 private entities, and (d) made available by any department or
7 agency of the United States if so directed by such department or
8 agency.

9 (3) The fund shall be used by the Department of Economic
10 Development for the purpose of carrying out the Microenterprise
11 Development Act.

12 (4) The unexpended balance in the fund on the effective
 13 date of this act shall lapse to the General Fund on such date.

14 Sec. 7. Original section 81-12,105.01, Reissue Revised
 15 Statutes of Nebraska, is repealed.

16 Sec. 8. Since an emergency exists, this act takes effect
 17 when passed and approved according to law.

18 2. On page 1, strike beginning with the first "the"
 19 in line 1 through line 4 and insert "economic development; to
 20 amend section 81-12,105.01, Reissue Revised Statutes of Nebraska;
 21 to adopt the Nebraska Innovation and High Wage Employment Act;
 22 to provide for the lapse of the balance in the Microenterprise
 23 Development Cash Fund to the General Fund; to repeal the original
 24 section; and to declare an emergency.".

LEGISLATIVE BILL 1109A. Placed on Select File.

(Signed) Jeremy Nordquist, Chairperson

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 727. Placed on Final Reading.

LEGISLATIVE BILL 742. Placed on Final Reading.

LEGISLATIVE BILL 763. Placed on Final Reading.

ST9082

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

1. On pages 2 and 3, subdivision (3) has been renumbered as subdivision (4) and subdivision (4) has been renumbered as subdivision (3).

LEGISLATIVE BILL 836. Placed on Final Reading.

LEGISLATIVE BILL 879. Placed on Final Reading.

LEGISLATIVE BILL 882. Placed on Final Reading.

LEGISLATIVE BILL 919. Placed on Final Reading.

ST9084

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

1. On page 1, the matter beginning with "to" in line 2 through line 5 and all amendments thereto have been struck and "to change and eliminate procedures and population requirements for reorganization of cities of the first class as cities of the second class; to require a plan to increase a city's population; to repeal the original section; to outright repeal section 17-305.01, Reissue Revised Statutes of Nebraska; and to declare an emergency." inserted.

LEGISLATIVE BILL 937. Placed on Final Reading.

LEGISLATIVE BILL 937A. Placed on Final Reading.

LEGISLATIVE BILL 943. Placed on Final Reading.

LEGISLATIVE BILL 956. Placed on Final Reading.

LEGISLATIVE BILL 1018. Placed on Final Reading.

ST9083

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

1. On page 1, line 1, "to amend section 18-2506, Reissue Revised Statutes of Nebraska;" has been inserted after the semicolon; and in line 2 "; to restrict the use of municipal initiative and referendum on action permitted by the act; and to repeal the original section" has been inserted after "Act".

LEGISLATIVE BILL 1036. Placed on Final Reading.

LEGISLATIVE BILL 1051. Placed on Final Reading.

LEGISLATIVE BILL 1087. Placed on Final Reading.

LEGISLATIVE RESOLUTION 284CA. Placed on Final Reading.

LEGISLATIVE RESOLUTION 297CA. Placed on Final Reading.

(Signed) Jeremy Nordquist, Chairperson

AMENDMENT - Print in Journal

Senator Louden filed the following amendment to LB1002:
AM2276

(Amendments to AM1991)

- 1 1. Strike section 9.
- 2 2. On page 3, strike beginning with "annually" in line 14
- 3 through the second occurrence of "Fund" in line 16 and insert "for
- 4 FY2010-11 transfer on the effective date of this act one hundred
- 5 thousand dollars from the General Fund to the Designated Collection
- 6 Fund".
- 7 3. Renumber the remaining section accordingly.

RESOLUTION

LEGISLATIVE RESOLUTION 414. Introduced by Avery, 28.

WHEREAS, Aaron Welch, of Troop 21, 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, Aaron has learned, been tested on, and been recognized for various scouting skills. Aaron held the positions of patrol leader for Troop 28, historian for Troop 1120, and librarian for Troop 28; 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. Aaron earned over 60 merit badges, including Citizenship in the Community, Citizenship in the Nation, and Citizenship in the World. Aaron, for his Eagle Scout community service project, designed, built, and installed hymnal receptacles in the choir loft of St. Teresa's Parish; and

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

WHEREAS, Aaron has also received the Parvuli Dei emblem and the Ad Altare Dei emblem.

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

1. That the Legislature congratulates Aaron Welch on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Aaron Welch.

Laid over.

BILL ON FIRST READING

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

LEGISLATIVE BILL 918A. Introduced by Hadley, 37.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 918, One Hundred First Legislature, Second Session, 2010.

REFERENCE COMMITTEE REPORT

The Executive Board submits the following report:

Meuret, Patrick - Nebraska Railway Council - Transportation and Telecommunications

Muelleman, Diane - Commission for the Deaf and Hard of Hearing - Health and Human Services

Shannon, Michael - Nebraska Railway Council - Transportation and Telecommunications

(Signed) John Wightman, Chairperson
Executive Board

VISITORS

Visitors to the Chamber were students from the Creighton University School of Nursing, Omaha; members of Delta Sigma Theta Sorority from Omaha; members of the State Council of Catholic Women from across the state; and 57 fourth-grade students and teachers from Westridge Elementary, Elkhorn.

RECESS

At 12:01 p.m., on a motion by Senator Hansen, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Flood presiding.

ROLL CALL

The roll was called and all members were present except Senator Pahls who was excused; and Senators Campbell, Loudon, Pankonin, and Wallman who were excused until they arrive.

RESOLUTION

LEGISLATIVE RESOLUTION 415. Introduced by Pirsch, 4.

WHEREAS, the Academic Decathlon competition is a strenuous mental competition in which many teams enter but few prevail; and

WHEREAS, the Academic Decathlon is a scholastic competition for teams of high school students; and

WHEREAS, the Harry A. Burke High School team from Omaha, Nebraska, placed second in the Nebraska Academic Decathlon; and

WHEREAS, team members Caya Simonsen, Jennifer Swenson, Eric Hilt, Mike Coonfield, Bethany Loux, Kellee Stanard, Erin Cooper, Jessica Smith, Laura Kresha, and David Houenassou deserve special recognition for their teamwork and diverse knowledge, which contributed to the team's outstanding success in 2010; and

WHEREAS, the accomplishments of students should be recognized by the Legislature.

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

1. That the Legislature recognizes and congratulates the members of the Burke High School Academic Decathlon team and their coach, Judy Kennedy, for their outstanding success in 2010.

2. That a copy of this resolution be sent to the Burke High School Academic Decathlon team and their coach, Judy Kennedy.

Laid over.

AMENDMENT - Print in Journal

Senator Haar filed the following amendment to LB1014:
AM2237

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. (1) The Teacher Performance Pay Fund is
- 4 created. The Board of Educational Lands and Funds shall remit only
- 5 (a) the income from solar and wind energy leases on school lands
- 6 and (b) the portion of the income from other leases of school
- 7 lands which relates to carbon sequestration rights, as such portion
- 8 is determined by the board, to the State Treasurer for credit to
- 9 the fund. The costs of administration related to the income from
- 10 leases of school lands shall be deducted from the fund in the
- 11 manner provided in section 72-232.02. The fund may also consist
- 12 of gifts, grants, or bequests from any source, including federal,
- 13 state, public, and private sources. The fund shall be used for the
- 14 support and maintenance of the common schools in each public school
- 15 district in the state by increasing public school teacher salaries
- 16 to provide for a higher quality of education. Any money in the fund
- 17 available for investment shall be invested by the state investment
- 18 officer pursuant to the Nebraska Capital Expansion Act and the
- 19 Nebraska State Funds Investment Act.
- 20 For purposes of this section, lease means any lease,
- 21 easement, covenant, or other such contractual arrangement.
- 22 (2) If the amount credited to the Teacher Performance Pay
- 23 Fund from solar and wind energy leases on school lands or from the
- 1 carbon sequestration rights related to other leases of school lands
- 2 exceeds the sum of ten million dollars at the end of any calendar
- 3 year, the State Treasurer shall transfer such amount in excess of
- 4 ten million dollars from the Teacher Performance Pay Fund to the
- 5 temporary school fund.
- 6 (3) Beginning January 15, 2016, and on or before the
- 7 third Monday in January of each year thereafter, the State
- 8 Treasurer shall make a complete exhibit of all money belonging to
- 9 the Teacher Performance Pay Fund, excluding any amount transferred
- 10 under subsection (2) of this section, and deliver such exhibit duly
- 11 certified to the Commissioner of Education. On or before February
- 12 25 after such delivery, the Commissioner of Education shall make
- 13 the apportionment of such funds to each school district according
- 14 to the pro rata enumeration of children who are five through
- 15 eighteen years of age in each district last returned from the
- 16 school district. The calculation of apportionment for each school
- 17 fiscal year shall include any corrections to the prior school
- 18 fiscal year's apportionment.
- 19 (4) The Commissioner of Education shall certify the
- 20 amount of the apportionment of the Teacher Performance Pay Fund
- 21 as provided in subsection (3) of this section to the Director of

22 Administrative Services. The Director of Administrative Services
23 shall draw a warrant on the State Treasurer in favor of the
24 various districts for the respective amounts so certified by the
25 Commissioner of Education.

26 (5) Each school district shall use the funds received
27 under subsection (4) of this section for teacher performance
1 pay. For purposes of this section, teacher performance pay is
2 a systematic process for measuring teachers' performance and
3 linking the measurements to changes in teacher pay. Indicators
4 of teacher performance may include, but are not limited to,
5 improving professional skills and knowledge, classroom performance
6 or instructional behavior, and instructional outcomes. Teacher
7 performance pay may include predetermined bonus amounts and payout
8 criteria. Each school district that receives funds under subsection
9 (4) of this section for teacher performance pay shall utilize such
10 funds as a supplement to the salary schedule provided in local
11 collective-bargaining agreements. For purposes of distribution of
12 such funds only, the Legislature finds that teacher performance
13 pay measurements, criteria, and payout amounts are mandatory topics
14 of collective bargaining. If a school district that receives funds
15 under subsection (4) of this section has not included a system
16 for teacher performance pay within its local collective-bargaining
17 agreement, such funds shall be returned to the State Treasurer
18 within one month of receipt of such funds. The State Treasurer
19 shall immediately credit any funds returned under this subsection
20 to the Teacher Performance Pay Fund.

21 (6) The Teacher Performance Pay Fund shall terminate
22 on June 30, 2020, unless at least seventy-five percent of the
23 school districts receiving funds under subsection (4) of this
24 section have included a system for teacher performance pay within
25 their respective local collective-bargaining agreements by January
26 1, 2020. To determine whether the fund shall terminate, the
27 Commissioner of Education, on or after January 1, 2020, shall
1 collect data from each school district to determine whether at
2 least seventy-five percent of the school districts have included a
3 system for teacher performance pay within their respective local
4 collective-bargaining agreements. If the required percentage has
5 not been met, the commissioner shall notify the State Treasurer.
6 The State Treasurer shall then transfer any amounts credited to
7 the fund from solar and wind energy leases on school lands or from
8 the carbon sequestration rights related to other leases of school
9 lands from the Teacher Performance Pay Fund to the temporary school
10 fund and transfer any remaining unexpended balance in the Teacher
11 Performance Pay Fund to the General Fund on June 30, 2020, and the
12 Teacher Performance Pay Fund shall thereafter terminate.

13 Sec. 2. Section 79-1007.13, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 79-1007.13 The department shall calculate a special
16 recepts allowance for each district equal to the amount of

17 special education, state ward, and accelerated or differentiated
18 curriculum program receipts and the receipts from the Teacher
19 Performance Pay Fund included in local system formula resources
20 under subdivisions (7), (8), (16), ~~and (17)~~, and (18) of section
21 79-1018.01 attributable to the school district.

22 Sec. 3. Section 79-1018.01, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 79-1018.01 Except as otherwise provided in this section,
25 local system formula resources include other actual receipts
26 available for the funding of general fund operating expenditures
27 as determined by the department for the second school fiscal
1 year immediately preceding the school fiscal year in which aid
2 is to be paid. Receipts from the Community Improvements Cash Fund
3 and receipts acquired pursuant to the Low-Level Radioactive Waste
4 Disposal Act shall not be included. Other actual receipts include:

5 (1) Public power district sales tax revenue;

6 (2) Fines and license fees;

7 (3) Tuition receipts from individuals, other districts,

8 or any other source except receipts derived from adult education,
9 receipts derived from summer school tuition, receipts derived from

10 early childhood education tuition, and receipts from educational
11 entities as defined in section 79-1201.01 for providing distance
12 education courses through the Distance Education Council until July
13 1, 2008, and the Educational Service Unit Coordinating Council on
14 and after July 1, 2008, to such educational entities;

15 (4) Transportation receipts;

16 (5) Interest on investments;

17 (6) Other miscellaneous noncategorical local receipts,
18 not including receipts from private foundations, individuals,
19 associations, or charitable organizations;

20 (7) Special education receipts;

21 (8) Special education receipts and non-special education
22 receipts from the state for wards of the court and wards of the
23 state;

24 (9) All receipts from the temporary school fund.

25 Beginning with the calculation of aid for school fiscal year
26 2002-03 and each school fiscal year thereafter, receipts from
27 the temporary school fund shall only include receipts pursuant
1 to section 79-1035 and the receipt of funds pursuant to section
2 79-1036 for property leased for a public purpose as set forth in
3 subdivision (1)(a) of section 77-202;

4 (10) Motor vehicle tax receipts received on or after
5 January 1, 1998;

6 (11) Pro rata motor vehicle license fee receipts;

7 (12) Other miscellaneous state receipts excluding revenue
8 from the textbook loan program authorized by section 79-734;

9 (13) Impact aid entitlements for the school fiscal year
10 which have actually been received by the district to the extent
11 allowed by federal law;

- 12 (14) All other noncategorical federal receipts;
- 13 (15) All receipts pursuant to the enrollment option
- 14 program under sections 79-232 to 79-246;
- 15 (16) Receipts under the federal Medicare Catastrophic
- 16 Coverage Act of 1988, as such act existed on May 8, 2001, as
- 17 authorized pursuant to sections 43-2510 and 43-2511 but only to the
- 18 extent of the amount the local system would have otherwise received
- 19 pursuant to the Special Education Act; ~~and~~
- 20 (17) Receipts for accelerated or differentiated
- 21 curriculum programs pursuant to sections 79-1106 to 79-1108.03;
- 22 ~~and-~~
- 23 (18) Receipts from the Teacher Performance Pay Fund
- 24 pursuant to section 1 of this act.
- 25 Sec. 4. Section 79-1028.01, Revised Statutes Supplement,
- 26 2009, is amended to read:
- 27 79-1028.01 (1) For ~~school fiscal year 2008-09 and each~~
- 1 school fiscal year, ~~hereafter,~~ a school district may exceed its
- 2 maximum general fund budget of expenditures minus the special
- 3 education budget of expenditures by a specific dollar amount for:
- 4 (a) Expenditures for repairs to infrastructure damaged by
- 5 a natural disaster which is declared a disaster emergency pursuant
- 6 to the Emergency Management Act;
- 7 (b) Expenditures for judgments, except judgments or
- 8 orders from the Commission of Industrial Relations, obtained
- 9 against a school district which require or obligate a school
- 10 district to pay such judgment, to the extent such judgment is not
- 11 paid by liability insurance coverage of a school district;
- 12 (c) Expenditures pursuant to the Retirement Incentive
- 13 Plan authorized in section 79-855 or the Staff Development
- 14 Assistance authorized in section 79-856;
- 15 (d) Expenditures of incentive payments or base fiscal
- 16 year incentive payments to be received in such school fiscal year
- 17 pursuant to section 79-1011;
- 18 (e) Expenditures of amounts received from educational
- 19 entities as defined in section 79-1201.01 for providing distance
- 20 education courses through the Educational Service Unit Coordinating
- 21 Council to such educational entities;
- 22 (f) Either (i) the first and second school fiscal years
- 23 the district will be participating in Network Nebraska for the
- 24 full school fiscal year or (ii) school fiscal year 2008-09, if
- 25 the school district participated in Network Nebraska for all of
- 26 school fiscal year 2007-08, for the difference of the estimated
- 27 expenditures for such school fiscal year for telecommunications
- 1 services, access to data transmission networks that transmit data
- 2 to and from the school district, and the transmission of data on
- 3 such networks as such expenditures are defined by the department
- 4 for purposes of the distance education and telecommunications
- 5 allowance minus the dollar amount of such expenditures for the

6 second school fiscal year preceding the first full school fiscal
 7 year the district participates in Network Nebraska;
 8 (g) Expenditures to pay another school district for the
 9 transfer of land from such other school district;
 10 (h) Expenditures in school fiscal years 2009-10 through
 11 2013-14 to pay for employer contributions pursuant to subsection
 12 (2) of section 79-958 to the School Retirement System of the
 13 State of Nebraska to the extent that such expenditures exceed the
 14 employer contributions under such subsection that would have been
 15 made at a contribution rate of seven and thirty-five hundredths
 16 percent; ~~and~~

17 (i) Expenditures in school fiscal years 2009-10 through
 18 2013-14 to pay for school district contributions pursuant to
 19 subdivision (1)(c)(i) of section 79-9,113 to the Class V School
 20 Employees Retirement System to the extent that such expenditures
 21 exceed the school district contributions under such subdivision
 22 that would have been made at a contribution rate of seven and
 23 thirty-seven hundredths percent; ~~and~~

24 ~~(2) For school fiscal year 2009-10 and each school fiscal~~
 25 ~~year thereafter, a school district may exceed its maximum general~~
 26 ~~fund budget of expenditures minus the special education budget of~~
 27 ~~expenditures by a specific dollar amount for (a) expenditures~~

1 ~~(j) Expenditures for sums agreed to be paid by a school~~
 2 ~~district to certificated employees in exchange for a voluntary~~
 3 ~~termination occurring prior to July 1, 2009; ~~and (b) expenditures~~~~

4 ~~(k) Expenditures for new elementary attendance sites in~~
 5 ~~the first year of operation or the first year of operation after~~
 6 ~~being closed for at least one school year if such elementary~~
 7 ~~attendance site will most likely qualify for the elementary site~~
 8 ~~allowance in the immediately following school fiscal year as~~
 9 ~~determined by the state board; ~~and~~~~

10 ~~(l) Expenditures in school fiscal years 2016-17 and~~
 11 ~~2017-18 of amounts received from the Teacher Performance Pay Fund~~
 12 ~~pursuant to section 1 of this act.~~

13 ~~(3)-(2) The state board shall approve, deny, or modify~~
 14 ~~the amount allowed for any exception to the maximum general fund~~
 15 ~~budget of expenditures minus the special education budget of~~
 16 ~~expenditures pursuant to this section.~~

17 Sec. 5. Section 79-1035.02, Reissue Revised Statutes of
 18 Nebraska, is amended to read:

19 79-1035.02 The temporary school fund is the holding fund
 20 to which (1) the net income from the school lands, except for
 21 the income less costs of administration derived from solar and
 22 wind energy leases on school lands and from carbon sequestration
 23 rights related to other leases of school lands which is credited
 24 to the Teacher Performance Pay Fund under section 1 of this
 25 act, (2) the interest, dividends, and any other income from the
 26 permanent school fund, the net income from the school lands,
 27 and (3) the money from all other sources required or provided

1 by law are credited as described in Article VII, section 9, of
 2 the Constitution of Nebraska. The entire balance of the temporary
 3 school fund, including all interest and any other income therefrom,
 4 shall be exclusively used for the support and maintenance of the
 5 common schools in each public school district in the state as the
 6 Legislature provides, in accordance with Article VII, section 9,
 7 of the Constitution of Nebraska, and shall be distributed to each
 8 public school district annually.
 9 Sec. 6. Original sections 79-1007.13, 79-1018.01, and
 10 79-1035.02, Reissue Revised Statutes of Nebraska, and section
 11 79-1028.01, Revised Statutes Supplement, 2009, are repealed.

GENERAL FILE

LEGISLATIVE BILL 801. Title read. Considered.

Committee AM1972, found on page 802, was adopted with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 6 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 1094. Title read. Considered.

Committee AM1953, found on page 803, was adopted with 28 ayes, 0 nays, 20 present and not voting, and 1 excused and not voting.

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

LEGISLATIVE BILL 1094A. Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 15 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 842. Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 2 nays, 14 present and not voting, and 1 excused and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 416. Introduced by Campbell, 25.

WHEREAS, Justin Smith Morrill was born on April 14, 1810, in Strafford, Vermont, the son of a blacksmith; and

WHEREAS, Justin Smith Morrill, after his formal education ended, entered the world of commerce at age fifteen; and

WHEREAS, Justin Smith Morrill retired from business at age thirty-eight to live the life of a gentleman farmer in Strafford, Vermont; and

WHEREAS, in 1854, Justin Smith Morrill was elected to represent Vermont's second congressional district in the United States House of Representatives, serving a total of six terms in that chamber; and

WHEREAS, in 1866, Justin Smith Morrill was elected United States Senator from Vermont, an office to which he was reelected five times for a combined total of forty-three years representing Vermont in Congress; and

WHEREAS, in 1857, when higher education was generally restricted to the teaching of theology, medicine, and philosophy to affluent white men, Representative Morrill introduced a bill in Congress that changed the course of American higher education by creating a national system of land-grant colleges to teach subjects related to agriculture and mechanic arts to Americans from all walks of life in order to, as Morrill wrote, "promote the liberal and practical education of the industrial classes"; and

WHEREAS, since passage of the Morrill Act of 1862, more than twenty-three million students have graduated from the one hundred five land-grant colleges it brought into being, including the University of Nebraska-Lincoln; and

WHEREAS, the two hundredth anniversary of the birth of Justin Smith Morrill will be celebrated on April 14, 2010.

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

1. That the Legislature commemorates the two hundredth anniversary of the birth of Justin Smith Morrill on April 14, 2010.

2. That a copy of this resolution be sent to F. Edwin Harvey, Director of the Justin Smith Morrill Scholars Program at the College of Agricultural Sciences and Natural Resources of the University of Nebraska-Lincoln.

3. That a copy of this resolution be sent to the Vermont Division for Historic Preservation.

Laid over.

LEGISLATIVE RESOLUTION 417. Introduced by Dubas, 34.

WHEREAS, Nathan M. Steele 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, Nathan has learned, been tested on, and been recognized for various scouting skills; and

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

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

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

1. That the Legislature congratulates Nathan M. Steele on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Nathan M. Steele.

Laid over.

LEGISLATIVE RESOLUTION 418. Introduced by Dubas, 34.

WHEREAS, the Heartland Lutheran Red Hornets had a tremendous 2010 season in boys' basketball; and

WHEREAS, the Red Hornets capped off the season by earning a berth in the 2010 Class D-2 Boys' State Basketball Tournament, marking the school's first appearance at the Boys' State Basketball Tournament; and

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

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

1. That the Legislature congratulates the Heartland Lutheran Red Hornets for their tremendous season in boys' basketball and for earning a berth in the 2010 Class D-2 Boys' State Basketball Tournament.
2. That a copy of this resolution be sent to the Heartland Lutheran Red Hornets.

Laid over.

LEGISLATIVE RESOLUTION 419. Introduced by Pankonin, 2.

PURPOSE: To study the need to create a licensing process for boat dealers in Nebraska. The study shall include, but not be limited to:

- (1) The current requirements for selling boats;
- (2) The current selling practices of boat dealers;
- (3) The processes involved in regulating a group of private entities such as boat dealers; and
- (4) Whether any current state agency or board is capable of regulating boat dealers within their limited authority.

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

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 862. Title read. Considered.

Committee AM2004, found on page 768, was considered.

Senator Harms renewed his amendment, AM2197, found on page 882, to the committee amendment.

Senator Schilz moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 2 nays, and 22 not voting.

The Harms amendment lost with 6 ayes, 22 nays, 20 present and not voting, and 1 excused and not voting.

Senator Louden renewed his amendment, AM2200, found on page 883, to the committee amendment.

Senator Louden moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Senator Louden requested a roll call vote on his amendment.

Voting in the affirmative, 5:

Harms	Howard	Louden	Stuthman	Wallman
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Voting in the negative, 39:

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

Present and not voting, 3:

Dierks	Gay	Sullivan
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Excused and not voting, 2:

Janssen Pahls

The Louden amendment lost with 5 ayes, 39 nays, 3 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

The committee amendment was adopted with 41 ayes, 2 nays, 4 present and not voting, and 2 excused and not voting.

Senator Louden requested a record vote on the advancement of the bill.

Voting in the affirmative, 43:

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

Voting in the negative, 3:

Harms Louden Stuthman

Present and not voting, 1:

Howard

Excused and not voting, 2:

Janssen Pahls

Advanced to Enrollment and Review Initial with 43 ayes, 3 nays, 1 present and not voting, and 2 excused and not voting.

RESOLUTIONS**LEGISLATIVE RESOLUTION 420.** Introduced by Gay, 14.

WHEREAS, Christine Overkamp began her teaching career as a classroom aide in 1983 at St. Columbkille School in Papillion; and

WHEREAS, Christine Overkamp obtained a degree in teaching from Peru State College in 1988 and received a master's degree in school administration from Creighton University in 1995; and

WHEREAS, Christine Overkamp returned to St. Columbkille School as assistant principal in 1995; and

WHEREAS, Christine Overkamp has served as St. Columbkille School's principal since 1996.

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

1. That the Legislature recognizes Christine Overkamp for her dedication to St. Columbkille School and commends her for the twenty-seven years she has devoted to nurturing the academic, intellectual, and creative growth of Nebraska's children and wishes her success in her future educational endeavors.

2. That a copy of this resolution be sent to St. Columbkille Principal Christine Overkamp.

Laid over.

LEGISLATIVE RESOLUTION 421. Introduced by Nebraska Retirement Systems Committee: Pankonin, 2, Chairperson; Heidemann, 1; Karpisek, 32; Loudon, 49; Mello, 5; Nordquist, 7.

PURPOSE: The purpose of this study is to examine the public employees retirement systems administered by the Public Employees Retirement Board, including the State Employees Retirement System of the State of Nebraska, the Retirement System for Nebraska Counties, the School Retirement System of the State of Nebraska, the Nebraska State Patrol Retirement System, and the Nebraska Judges Retirement System. The study may also examine the Class V School Employees Retirement System administered under the Class V School Employees Retirement Act.

The study will examine issues as they relate to the funding needs, benefits, contributions, and administration of each retirement system.

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

1. That the Nebraska Retirement Systems Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 422. Introduced by Nebraska Retirement Systems Committee: Pankonin, 2, Chairperson; Heidemann, 1; Karpisek, 32; Loudon, 49; Mello, 5; Nordquist, 7.

PURPOSE: The purpose of this study is to review and update the General Principles of Sound Retirement Planning. The General Principles of Sound Retirement Planning are utilized by the Nebraska Retirement Systems Committee of the Legislature as a guide to evaluate proposed legislation and issues regarding Nebraska's public retirement systems. The General Principles are also used by the Legislature as a guide for each of the retirement systems administered by the Public Employees Retirement Board and those systems not administered by the board.

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

1. That the Nebraska Retirement Systems Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

COMMITTEE REPORTS

Judiciary

LEGISLATIVE BILL 840. Placed on General File.

LEGISLATIVE BILL 843. Placed on General File.

LEGISLATIVE BILL 984. Placed on General File.

LEGISLATIVE BILL 1084. Placed on General File with amendment. AM2259

- 1 1. On page 7, line 16, after "given" insert "to the
- 2 person who owns, keeps, harbors, maintains, or controls such pet
- 3 animal or equine and to any lienholder or security interest holder
- 4 of record".

(Signed) Brad Ashford, Chairperson

AMENDMENTS - Print in Journal

Senator Utter filed the following amendment to LB952:

AM2176

- 1 1. On page 8, line 3, strike "2010" and insert "2016".

Senator Adams filed the following amendment to LB952:
AM2171

1 1. On page 3, line 17, strike "or natural gas".

GENERAL FILE

LEGISLATIVE BILL 950. Title read. Considered.

SENATOR COOK PRESIDING

Committee AM2087, found on page 872, was adopted with 33 ayes, 1 nay, 12 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

AMENDMENTS - Print in Journal

Senator Nordquist filed the following amendment to LB1106A:
AM2300

(Amendments to Final Reading copy)

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

3 Section 1. There is hereby appropriated \$6,250 from the
4 General Fund and \$18,750 from federal funds for FY2010-11 to the
5 Department of Health and Human Services, for Program 33, to aid in
6 carrying out the provisions of Legislative Bill 1106, One Hundred
7 First Legislature, Second Session, 2010.

8 No expenditures for permanent and temporary salaries and
9 per diems for state employees shall be made from funds appropriated
10 in this section.

11 Sec. 2. There is hereby appropriated (1) \$75,423 from
12 the General Fund and \$187,192 from federal funds for FY2010-11 and
13 (2) \$78,850 from the General Fund and \$192,204 from federal funds
14 for FY2011-12 to the Department of Health and Human Services, for
15 Program 344, to aid in carrying out the provisions of Legislative
16 Bill 1106, One Hundred First Legislature, Second Session, 2010.

17 No expenditures for permanent and temporary salaries and
18 per diems for state employees shall be made from funds appropriated
19 in this section.

20 Sec. 3. There is hereby appropriated (1) \$1,351,834 from
21 federal funds for FY2010-11 and (2) \$1,252,249 from federal funds
22 for FY2011-12 to the Department of Health and Human Services, for
1 Program 348, to aid in carrying out the provisions of Legislative
2 Bill 1106, One Hundred First Legislature, Second Session, 2010.

3 No expenditures for permanent and temporary salaries and
4 per diems for state employees shall be made from funds appropriated
5 in this section.

6 Sec. 4. The General Fund appropriation for FY2010-11 to

7 the Department of Health and Human Services, for Program 348, is
 8 hereby reduced by \$1,119,224.

9 The reduction made pursuant to this section is to aid in
 10 carrying out the provisions of Legislative Bill 1106, One Hundred
 11 First Legislature, Second Session, 2010.

Senators Sullivan and Utter filed the following amendment to LB931:
 AM2248

(Amendments to Standing Committee amendments, AM2047)

1 1. Strike sections 1, 3, 5, 6, 7, and 8 and insert the

2 following new sections:

3 Sec. 26. Section 81-885, Revised Statutes Supplement,
 4 2009, is amended to read:

5 81-885 Sections 81-885 to 81-885.55 and section 28 of
 6 this act shall be known and may be cited as the Nebraska Real
 7 Estate License Act.

8 Sec. 28. (1) The Real Property Appraiser Act shall not
 9 apply to a person licensed under the Nebraska Real Estate License
 10 Act who, in the ordinary course of his or her business, gives a
 11 broker's price opinion or comparative market analysis, except that
 12 such opinion or analysis shall not be referred to as an appraisal.

13 (2) No compensation, fee, or other consideration shall be
 14 charged for a broker's price opinion or comparative market analysis
 15 other than a real estate commission or brokerage fee charged or
 16 paid for brokerage services rendered in connection with the sale
 17 of the real estate involved unless the opinion or analysis is in
 18 writing, is signed by the preparer, includes the date on which it
 19 was prepared, and contains or has attached thereto the following
 20 disclosure in bold fourteen-point type: This opinion or analysis
 21 is not an appraisal. It is intended only for the benefit of
 22 the addressee for the purpose of assisting buyers or sellers or
 1 prospective buyers or sellers in deciding the listing, offering,
 2 or sale price of the real property or for lending purposes in
 3 a transaction other than a federally related transaction. This
 4 opinion or analysis is not governed by the Real Property Appraiser
 5 Act.

6 (3) A broker's price opinion or comparative market
 7 analysis prepared for an existing or potential lienholder
 8 originating, extending, renewing, or modifying a loan in a
 9 transaction other than a federally related transaction may not be
 10 used as the sole basis to determine the value of the real estate
 11 for the purpose of originating a loan secured by such real estate,
 12 and the person giving the opinion or analysis must be engaged
 13 directly by the lienholder or its agent. Such person shall have no
 14 duty to inquire as to any other basis used to determine such value.

15 2. On page 5, strike beginning with "licensed" in line 11
 16 through the semicolon on page 6, line 10, show the old matter as
 17 stricken, and insert "referred to in subsection (1) of section 28
 18 of this act;".

19 3. On page 49, lines 23 and 24; and page 50, lines 5 and
 20 6, strike "obtaining, extending, or modifying financing" and insert
 21 "originating, extending, renewing, or modifying a loan".

22 4. On page 49, line 24; and page 50, line 6, strike
 23 "federally-related" and insert "federally related".

24 5. On page 49, line 25; and page 50, line 7, strike
 25 beginning with the comma through "act".

26 6. On page 50, line 11, strike the second "and" and show
 27 as stricken; in line 16 strike the period, show as stricken, and
 1 insert an underscored semicolon; after line 16 insert the following
 2 new subdivisions:

3 "(17) Federal financial institution regulatory agency
 4 means: (1) The Board of Governors of the Federal Reserve System;
 5 (2) the Federal Deposit Insurance Corporation; (3) the Office
 6 of the Comptroller of the Currency; (4) the Office of Thrift
 7 Supervision; (5) the National Credit Union Administration; or (6)
 8 the successors of any of those agencies; and

9 (18) Federally related transaction means a real
 10 estate-related transaction that: (1) Requires the services of an
 11 appraiser; and (2) is engaged in, contracted for, or regulated
 12 by a federal financial institution regulatory agency."; in line
 13 17 strike "76-2201," and "76-2203,"; in line 18 strike "76-2209,
 14 76-2211,"; in line 22 after the second comma insert "and section
 15 81-885, Revised Statutes Supplement, 2009,"; in line 23 strike
 16 "section is" and insert "sections are"; and in line 24 strike
 17 "Section" and insert "Sections" and after the comma insert
 18 "76-2209, and 76-2211,".

19 7. Renumber the remaining sections accordingly.

NOTICE OF COMMITTEE HEARING

Judiciary

Room 1113

Tuesday, March 30, 2010 1:00 p.m.

Brenda Smith - Crime Victim's Reparations Committee
 Candice Batton - Crime Victim's Reparations Committee

LR411

(Signed) Brad Ashford, Chairperson

GENERAL FILE

LEGISLATIVE BILL 1079. Title read. Considered.

Committee AM2164, found on page 878, was considered.

Senator Cornett offered the following amendment to the committee amendment:

AM2269

(Amendments to Standing Committee amendments, AM2164)

- 1 1. Strike sections 3 and 9.
- 2 2. On page 5, line 2; page 8, lines 11 and 16; and page
- 3 10, line 13, strike "7" and insert "6".
- 4 3. Renumber the remaining sections accordingly.

SENATOR LANGEMEIER PRESIDING

SENATOR COOK PRESIDING

SPEAKER FLOOD PRESIDING

Senator Price moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 3 nays, and 21 not voting.

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

Senator Campbell offered the following amendment to the committee amendment:

AM2274

(Amendments to Standing Committee amendments, AM2164)

- 1 1. On page 12, line 27, reinstate the stricken matter.
- 2 2. On page 13, lines 1 through 8, reinstate the stricken
- 3 matter; and strike lines 9 through 19.

Senator Stuthman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 9 nays, and 15 not voting.

Senator Campbell moved for a call of the house. The motion prevailed with 42 ayes, 0 nays, and 7 not voting.

Senator Campbell requested a roll call vote on her amendment.

Voting in the affirmative, 25:

Adams	Dierks	Gloor	Howard	Rogert
Avery	Dubas	Haar	Karpisek	Schilz
Campbell	Fischer	Hansen	Krist	Stuthman
Carlson	Flood	Harms	Nelson	Sullivan
Christensen	Giese	Heidemann	Pankonin	Wightman

Voting in the negative, 13:

Cornett	Hadley	Lautenbaugh	Pirsch	Wallman
Fulton	Langemeier	Louden	Price	
Gay	Lathrop	McCoy	Utter	

Present and not voting, 8:

Coash	Cook	McGill	Nordquist
Conrad	Council	Mello	White

Excused and not voting, 3:

Ashford	Janssen	Pahls
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The Campbell amendment was adopted with 25 ayes, 13 nays, 8 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator White offered the following motion:

MO92

Reconsider the vote taken on AM2274.

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

Senator White moved for a call of the house. The motion prevailed with 36 ayes, 0 nays, and 13 not voting.

The White motion to reconsider prevailed with 25 ayes, 18 nays, 3 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

The Campbell amendment, AM2274, found in this day's Journal, was reconsidered.

Senator Campbell withdrew and refiled her amendment, AM2274.

Senator Dierks moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 5 nays, and 17 not voting.

Senator Cornett moved for a call of the house. The motion prevailed with 42 ayes, 0 nays, and 7 not voting.

Senator Cornett requested a roll call vote, in reverse order, on the committee amendment, as amended.

Voting in the affirmative, 25:

Christensen	Flood	Hadley	Louden	Pirsch
Conrad	Fulton	Hansen	McCoy	Price
Cornett	Gay	Langemeier	McGill	Rogert
Dierks	Giese	Lathrop	Mello	Utter
Dubas	Haar	Lautenbaugh	Nordquist	White

Voting in the negative, 18:

Adams	Coash	Heidemann	Pankonin	Wallman
Avery	Fischer	Howard	Schilz	Wightman
Campbell	Gloor	Karpisek	Stuthman	
Carlson	Harms	Nelson	Sullivan	

Present and not voting, 3:

Cook	Council	Krist
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Excused and not voting, 3:

Ashford	Janssen	Pahls
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The committee amendment, as amended, was adopted with 25 ayes, 18 nays, 3 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Cornett moved for a call of the house. The motion prevailed with 38 ayes, 0 nays, and 11 not voting.

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

Voting in the affirmative, 23:

Christensen	Fulton	Hansen	McCoy	Price
Conrad	Gay	Langemeier	McGill	Utter
Cornett	Giese	Lathrop	Mello	White
Dierks	Haar	Lautenbaugh	Nordquist	
Flood	Hadley	Louden	Pirsch	

Voting in the negative, 18:

Adams	Coash	Harms	Nelson	Sullivan
Avery	Dubas	Heidemann	Pankonin	Wightman
Campbell	Fischer	Howard	Schilz	
Carlson	Gloor	Karpisek	Stuthman	

Present and not voting, 5:

Cook Council Krist Rogert Wallman

Excused and not voting, 3:

Ashford Janssen Pahls

Failed to advance to Enrollment and Review Initial with 23 ayes, 18 nays, 5 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

AMENDMENT - Print in Journal

Senator Fischer filed the following amendment to LB820:
AM2264

(Amendments to Standing Committee amendments, AM1932)

- 1 1. Insert the following new section:
- 2 Section 1. Section 60-6,289, Revised Statutes Cumulative
- 3 Supplement, 2008, is amended to read:
- 4 60-6,289 (1) No vehicle unladen or with load shall exceed
- 5 a height of fourteen feet, six inches, except:
- 6 (a) Combines or vehicles used in transporting combines,
- 7 to be engaged in harvesting within or without the state, moving
- 8 into or through the state during daylight hours when the overall
- 9 height does not exceed fifteen feet, six inches;
- 10 (b) Livestock forage vehicles with or without load that
- 11 comply with subsection (2) of section 60-6,305;
- 12 (c) Farm equipment or implements of husbandry being
- 13 driven, picked up, or delivered during daylight hours by farm
- 14 equipment dealers shall not exceed fifteen feet, six inches;
- 15 (d) Self-propelled specialized mobile equipment with a
- 16 fixed load when the requirements of subdivision (2)(i) of section
- 17 60-6,288 are met; ~~or~~
- 18 (e) Vehicles which have been issued a permit pursuant to
- 19 section 60-6,299; or
- 20 (f) Vehicles with a baled livestock forage load that
- 21 comply with subsection (4) of section 60-6,305 when the overall
- 22 height does not exceed fifteen feet, six inches.
- 1 (2) No person shall be required to raise, alter,
- 2 construct, or reconstruct any underpass, bridge, wire, or other
- 3 structure to permit the passage of any vehicle having a height,
- 4 unladen or with load, in excess of twelve feet, six inches. The
- 5 owners, lessees, and operators, jointly and severally, of vehicles
- 6 exceeding twelve feet, six inches, in height shall assume the risk
- 7 of loss to the vehicle or its load and shall be liable for any
- 8 damages that result to overhead obstructions from operation of a
- 9 vehicle exceeding twelve feet, six inches, in height.
- 10 2. On page 6, line 17, strike "section" and insert

- 11 "sections 60-6,289 and"; and in line 18 strike "is" and insert
 12 "are".
 13 3. Renumber the remaining sections accordingly.

MOTION - Print in Journal

Senator Avery filed the following motion to LB948:

MO91

Unanimous consent to bracket until April 14, 2010.

AMENDMENTS - Print in Journal

Senator Hadley filed the following amendment to LB952:

AM2172

- 1 1. On page 3, strike beginning with the comma in line 23
 2 through "Agency" in line 24; and in line 24 after the period insert
 3 "For purposes of this subdivision, sewer program designed to remedy
 4 combined sewer overflow means a wastewater collection system which
 5 conveys sanitary wastewater, domestic, commercial, and industrial
 6 wastewater, and storm water through a single pipe to a publicly
 7 owned treatment works for treatment prior to discharge to surface
 8 waters.".

Senator McCoy filed the following amendment to LB952:

AM2173

- 1 1. On page 3, line 23, strike "used" and insert
 2 "defined"; and in line 24 before the period insert "on January
 3 1, 2010".

Senator Fischer filed the following amendment to LB952:

AM2174

- 1 1. On page 8, line 1, after "replacement" insert "if
 2 the total plan requires approval from the federal Environmental
 3 Protection Agency and has received such approval".

UNANIMOUS CONSENT - Add Cointroducer

Senator Janssen asked unanimous consent to add his name as cointroducer to LR292. No objections. So ordered.

VISITORS

Visitor to the Chamber was Christina Buchholz from Lincoln.

The Doctor of the Day was Dr. Tom Wolf from Fremont.

ADJOURNMENT

At 9:19 p.m., on a motion by Senator Mello, the Legislature adjourned until 9:00 a.m., Wednesday, March 24, 2010.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-SEVENTH DAY - MARCH 24, 2010**LEGISLATIVE JOURNAL****ONE HUNDRED FIRST LEGISLATURE
SECOND SESSION****FORTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 24, 2010

PRAYER

The prayer was offered by Evangelist Sharon Anderson-Towery, Sharon Adele Ministries, Lincoln.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Langemeier presiding.

The roll was called and all members were present except Senators Ashford, Cornett, Dierks, Fulton, Giese, Haar, Loudon, and Sullivan who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-sixth day was approved.

AMENDMENT - Print in Journal

Senator Gay filed the following amendment to LB849:
AM2297

(Amendments to Standing Committee amendments, AM2120)

- 1 1. On page 19, lines 5 and 25, strike "as the act",
- 2 show as stricken, and insert "7 U.S.C. 2011 et seq., as
- 3 such sections"; and strike beginning with "Refugees" in line
- 4 12 through the comma in line 16, show as stricken, and insert
- 5 "Non-United-States citizens described in 8 U.S.C. 1613(b)(1)(A)
- 6 through (C), as such section existed on January 1, 2010.".
- 7 2. On page 20, line 1, strike beginning with "Public"
- 8 through the period, show as stricken, and insert "7 U.S.C. 2015, as
- 9 such section existed on January 1, 2010.".

MOTION - Return LB1106A to Select File

Senator Nordquist moved to return LB1106A to Select File for his specific amendment, AM2300, found on page 1005.

The Nordquist motion to return prevailed with 37 ayes, 0 nays, 4 present and not voting, and 8 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 1106A. The Nordquist specific amendment, AM2300, found on page 1005, was adopted with 37 ayes, 0 nays, 4 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

GENERAL FILE

LEGISLATIVE BILL 918A. Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 709. Considered.

Senator White moved for a call of the house. The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

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

Voting in the affirmative, 22:

Ashford	Council	Langemeier	Nordquist	Wallman
Carlson	Dubas	Lathrop	Pahls	White
Conrad	Giese	Louden	Pankonin	
Cook	Haar	McGill	Rogert	
Cornett	Karpisek	Mello	Sullivan	

Voting in the negative, 17:

Adams	Fischer	Hadley	Janssen	Wightman
Avery	Fulton	Hansen	Schilz	
Campbell	Gay	Harms	Stuthman	
Coash	Gloor	Heidemann	Utter	

Present and not voting, 8:

Christensen	Krist	McCoy	Pirsch
Howard	Lautenbaugh	Nelson	Price

Excused and not voting, 2:

Dierks	Flood
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Failed to advance to Enrollment and Review Initial with 22 ayes, 17 nays, 8 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

RESOLUTIONS

LEGISLATIVE RESOLUTION 423. Introduced by McCoy, 39.

PURPOSE: The purpose of this resolution is to study the way that Nebraska awards electoral votes in presidential elections and whether any changes should be made to the current system.

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

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 424. Introduced by Pahls, 31.

PURPOSE: The purpose of this resolution is to study whether Nebraska should update its version of Uniform Commercial Code article 9 (Secured Transactions). The study should include consideration of changes recommended to the states by the National Conference of Commissioners on Uniform State Laws and, in particular, any changes in Uniform Commercial Code section 9-506 regarding errors and omissions in debtors' names in financing statements. The study should accordingly include an examination of issues raised during consideration of amendments adopted in Uniform Commercial Code section 9-506 in 2008 (LB 716, LB 851, and LB 308A), 2009 (LB 87), and 2010 (LB 751). In order to carry out the purpose of this resolution, the study committee should seek and consider the input of interested persons as the committee deems necessary and beneficial.

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

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

COMMITTEE REPORTS

Judiciary

LEGISLATIVE BILL 795. Placed on General File.

LEGISLATIVE BILL 830. Placed on General File with amendment. AM2258 is available in the Bill Room.

LEGISLATIVE BILL 853. Indefinitely postponed.

LEGISLATIVE BILL 1029. Indefinitely postponed.

(Signed) Brad Ashford, Chairperson

GENERAL FILE

LEGISLATIVE BILL 507. Title read. Considered.

Committee AM2107, found on page 811, was considered.

Senator Ashford offered the following amendment to the committee amendment:

AM2302

(Amendments to Standing Committee amendments, AM2107)

- 1 1. On page 1, line 21, strike beginning with "second"
- 2 through the comma, show the old matter as stricken, and insert
- 3 "subsequent violation of subdivision (1)(a) or (b) of this
- 4 section.".

The Ashford amendment was adopted with 34 ayes, 0 nays, and 15 present and not voting.

The committee amendment, as amended, was adopted with 34 ayes, 0 nays, and 15 present and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, and 15 present and not voting.

LEGISLATIVE BILL 925. Title read. Considered.

Committee AM2106, found on page 807, was considered.

SENATOR ROBERT PRESIDING

Senator Lathrop moved for a call of the house. The motion prevailed with 36 ayes, 0 nays, and 13 not voting.

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

Voting in the affirmative, 19:

Ashford	Cornett	Haar	McGill	Sullivan
Coash	Council	Howard	Mello	Wallman
Conrad	Dubas	Karpisek	Nordquist	White
Cook	Giese	Lathrop	Rogert	

Voting in the negative, 24:

Adams	Dierks	Gloor	Langemeier	Price
Avery	Fischer	Hadley	Lautenbaugh	Schilz
Campbell	Flood	Hansen	McCoy	Stuthman
Carlson	Fulton	Heidemann	Nelson	Utter
Christensen	Gay	Janssen	Pirsch	

Present and not voting, 4:

Harms	Krist	Pankonin	Wightman
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Excused and not voting, 2:

Louden	Pahls
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The committee amendment lost with 19 ayes, 24 nays, 4 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

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

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

Voting in the affirmative, 13:

Conrad	Giese	Karpisek	Mello	White
Cook	Haar	Lathrop	Nordquist	
Council	Howard	McGill	Wallman	

Voting in the negative, 26:

Adams	Coash	Gloor	Lautenbaugh	Stuthman
Ashford	Dierks	Hadley	McCoy	Utter
Avery	Fischer	Hansen	Nelson	
Campbell	Flood	Heidemann	Pirsch	
Carlson	Fulton	Janssen	Price	
Christensen	Gay	Langemeier	Schilz	

Present and not voting, 8:

Cornett	Harms	Pankonin	Sullivan
Dubas	Krist	Rogert	Wightman

Excused and not voting, 2:

Louden	Pahls
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Failed to advance to Enrollment and Review Initial with 13 ayes, 26 nays, 8 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

RESOLUTIONS

LEGISLATIVE RESOLUTION 425. Introduced by Flood, 19.

PURPOSE: The purpose of this resolution is to study issues relating to brain injuries. The issues addressed by this study shall include, but not be limited to:

- (1) An examination of medicaid issues in covering out-of-state behavioral services that are not available in Nebraska;
- (2) An examination of the feasibility of establishing a trust fund to help address traumatic brain injuries; and
- (3) An examination of the feasibility of creating resource facilitators who would provide ongoing support to veterans with brain injuries, as proposed in LB141 (Rogert), which was introduced in 2009, or other options to help care for survivors of traumatic brain injuries.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 426. Introduced by Dubas, 34.

PURPOSE: The purpose of this interim study is to examine the honeybee industry in the State of Nebraska. The issues addressed by this interim study shall include, but not be limited to:

- (1) An examination of the rules and regulations administered by the Department of Agriculture relating to the honeybee industry; and
- (2) An examination of state and federal definitions of honey.

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

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 1106A. Placed on Final Reading Second.

(Signed) Jeremy Nordquist, Chairperson

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 801. Placed on Select File with amendment. ER8216 is available in the Bill Room.

LEGISLATIVE BILL 1094. Placed on Select File with amendment. ER8217

- 1 1. Strike original section 2 and all amendments thereto
- 2 and insert the following new section:
- 3 Sec. 2. For purposes of the Nonrecourse Civil Litigation
- 4 Act:
- 5 (1) Civil litigation funding company means a person or
- 6 entity that enters into a nonrecourse civil litigation funding
- 7 transaction with a consumer;
- 8 (2) Consumer means a person residing or domiciled in
- 9 Nebraska or who elects to enter into a transaction under the act,
- 10 whether it be in person, over the Internet, by facsimile, or by
- 11 any other electronic means, and who has a pending legal claim and
- 12 is represented by an attorney at the time he or she receives the
- 13 nonrecourse civil litigation funding;
- 14 (3) Legal claim means a civil claim or action; and
- 15 (4) Nonrecourse civil litigation funding means a
- 16 transaction in which a civil litigation funding company purchases
- 17 and a consumer assigns the contingent right to receive an amount of
- 18 the potential proceeds of the consumer's legal claim to the civil
- 19 litigation funding company out of the proceeds of any realized
- 20 settlement, judgment, award, or verdict the consumer may receive
- 21 in the legal claim.
- 22 2. On page 1, line 1, strike "courts" and insert
- 23 "consumer protection".

- 1 3. On page 11, line 3, strike "such" and show as stricken
- 2 and after "sections" insert "84-901 to 84-908".

LEGISLATIVE BILL 1094A. Placed on Select File.

LEGISLATIVE BILL 842. Placed on Select File.

LEGISLATIVE BILL 862. Placed on Select File.

(Signed) Jeremy Nordquist, Chairperson

UNANIMOUS CONSENT - Add Cointroducers

Senator Mello asked unanimous consent to add his name as cointroducer to LB507. No objections. So ordered.

Senator Coash asked unanimous consent to add his name as cointroducer to LB817. No objections. So ordered.

Senators Coash, Harms, and Schilz asked unanimous consent to add their names as cointroducers to LR292. No objections. So ordered.

VISITORS

Visitors to the Chamber were members of Youth Leadership Service Institute - YWCA from Lincoln; members of Student/Senator Program from District 47; Ted and Phyllis Russ from North Carolina; members of Plainview Days Delegation from Plainview; J. J. Snodgrass from Norfolk and Bob Snodgrass from Neligh; 36 fourth-grade students from Eagle; members of Americans for Prosperity; and 45 fourth-grade students from Washington Elementary, Norfolk.

RECESS

At 11:57 a.m., on a motion by Speaker Flood, the Legislature recessed until 1:30 p.m.

AFTER RECESS

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

ROLL CALL

The roll was called and all members were present except Senator Pahls who was excused; and Senators Dierks and Hansen who were excused until they arrive.

SELECT FILE

LEGISLATIVE BILL 817. ER8176, found on page 704, was adopted.

Senator Christensen withdrew his amendment, AM2035, found on page 701.

Senator Ashford withdrew his amendment, AM2096, found on page 735.

Senator Ashford renewed his amendment, AM2203, found on page 913.

The Ashford amendment was adopted with 40 ayes, 0 nays, 6 present and not voting, and 3 excused and not voting.

Senator Rogert offered the following amendment:

AM2308

(Amendments to Standing Committee amendments, AM1964)

- 1 1. Insert the following new section:
- 2 Sec. 3. Section 69-2431, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 69-2431 In order to insure an applicant's initial
- 5 compliance with sections 69-2430 and 69-2433, the applicant for
- 6 a permit to carry a concealed handgun shall be fingerprinted by
- 7 the Nebraska State Patrol and a check made of his or her criminal
- 8 history record information ~~maintained by the Federal Bureau of~~
- 9 ~~Investigation through the Nebraska State Patrol. The criminal~~
- 10 ~~history record information check under the Concealed Handgun Permit~~
- 11 ~~Act is for initial compliance only, through the National Instant~~
- 12 Criminal Background Check System. In order to insure continuing
- 13 compliance with sections 69-2430 and 69-2433 and compliance for
- 14 renewal pursuant to section 69-2436, a check shall be made of
- 15 a permit holder's criminal history record information through the
- 16 National Instant Criminal Background Check System.
- 17 2. Renumber the remaining section and correct the
- 18 repealer section accordingly.

The Rogert amendment was adopted with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

Senator Lautenbaugh offered the following amendment:

AM2045

- 1 1. Insert the following new section:
- 2 Sec. 3. Section 69-2433, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 69-2433 An applicant shall:
- 5 (1) Be at least twenty-one years of age;
- 6 (2) Not be prohibited from purchasing or possessing a
- 7 handgun by 18 U.S.C. 922, as such section existed on January 1,
- 8 2005;
- 9 (3) Possess the same powers of eyesight as required under
- 10 section 60-4,118 for a Class O operator's license. If an applicant
- 11 does not possess a current Nebraska motor vehicle operator's
- 12 license, the applicant may present a current optometrist's or
- 13 ophthalmologist's statement certifying the vision reading obtained
- 14 when testing the applicant. If such certified vision reading meets

15 the vision requirements prescribed by section 60-4,118 for a Class
 16 O operator's license, the vision requirements of this subdivision
 17 shall have been met;

18 (4) Not have pled guilty to, not have pled nolo
 19 contendere to, or not have been convicted of a felony ~~or a~~
 20 ~~crime of violence~~ under the laws of this state or under the laws of
 21 any other jurisdiction;

22 (5) Not have pled guilty to, not have pled nolo
 23 contendere to, or not have been convicted of a misdemeanor crime
 1 of violence under the laws of this state or under the laws of any
 2 other jurisdiction within the ten years immediately preceding the
 3 date of application;

4 ~~(5)-(6)~~ Not have been found in the previous ten years to
 5 be a mentally ill and dangerous person under the Nebraska Mental
 6 Health Commitment Act or a similar law of another jurisdiction or
 7 not be currently adjudged mentally incompetent;

8 ~~(6)(a)-(7)(a)~~ Have been a resident of this state for
 9 at least one hundred eighty days. For purposes of this section,
 10 resident does not include an applicant who maintains a residence in
 11 another state and claims that residence for voting or tax purposes
 12 except as provided in subdivision (b) of this subdivision; or

13 (b) If an applicant is a member of the United States
 14 Armed Forces, such applicant shall be considered a resident of
 15 this state for purposes of this section after he or she has been
 16 stationed at a military installation in this state pursuant to
 17 permanent duty station orders even though he or she maintains a
 18 residence in another state and claims that residence for voting or
 19 tax purposes;

20 ~~(7)-(8)~~ Have had no violations of any law of this state
 21 relating to firearms, unlawful use of a weapon, or controlled
 22 substances or of any similar laws of another jurisdiction in the
 23 ten years preceding the date of application;

24 ~~(8)-(9)~~ Not be on parole, probation, house arrest, or
 25 work release;

26 ~~(9)-(10)~~ Be a citizen of the United States; and

27 ~~(10)-(11)~~ Provide proof of training.

- 1 2. Renumber the remaining sections and correct internal
- 2 references and the repealer section accordingly.

The Lautenbaugh amendment was adopted with 31 ayes, 0 nays, 16 present
 and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1002. ER8177, found on page 713, was adopted.

Senator Louden renewed his amendment, AM2276, found on page 990.

Senator Louden moved for a call of the house. The motion prevailed with 32

ayes, 0 nays, and 17 not voting.

Senator Louden requested a roll call vote on his amendment.

Voting in the affirmative, 25:

Ashford	Council	Hansen	Louden	Schilz
Avery	Dierks	Howard	McGill	Stuthman
Coash	Dubas	Karpisek	Mello	Sullivan
Conrad	Giese	Krist	Nordquist	Wallman
Cook	Haar	Lathrop	Rogert	White

Voting in the negative, 15:

Adams	Christensen	Gay	Heidemann	McCoy
Campbell	Fischer	Gloor	Janssen	Pirsch
Carlson	Fulton	Hadley	Lautenbaugh	Utter

Present and not voting, 8:

Cornett	Harms	Nelson	Price
Flood	Langemeier	Pankonin	Wightman

Excused and not voting, 1:

Pahls

The Louden amendment was adopted with 25 ayes, 15 nays, 8 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

The Chair declared the call raised.

AMENDMENT - Print in Journal

Senator Price filed the following amendment to LB563:
AM2299

(Amendments to E & R amendments, ER8214)

- 1 1. On page 1, line 11, strike "a delivery service or";
- 2 strike lines 13 through 15; in line 16 strike "(5)" and insert
- 3 "(4)"; in line 17 strike "(6)" and insert "(5)"; and in line 18
- 4 strike "or delivery services".
- 5 2. On page 2, strike beginning with line 9 through "(3)"
- 6 in line 14 and insert "(2)".
- 7 3. On page 4, line 27; and page 5, line 2, strike "or
- 8 delivery service".

RESOLUTIONS**LEGISLATIVE RESOLUTION 427.** Introduced by Gloor, 35.

PURPOSE: The purpose of this interim study is to determine if hospitals in Nebraska are communicating their community benefit to community members and how newly licensed hospitals affect the cost of health care. The study shall include, but not be limited to:

(1) An exploration of how not-for-profit hospitals justify their tax-exempt status through the provision of services and uncompensated care to the community;

(2) An exploration of the profit margin of for-profit hospitals and methods for reporting such profits and the uncompensated care and services to the community; and

(3) An exploration of how new hospitals affect the overall cost of health care in the communities and regions they reside in, particularly the cost and utilization of Nebraska medicaid.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 428. Introduced by Price, 3; McCoy, 39.

WHEREAS, Kyle Christensen, of Troop 363, Gretna, Nebraska, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

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

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

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

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

1. That the Legislature congratulates Kyle Christensen on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Kyle Christensen.

Laid over.

LEGISLATIVE RESOLUTION 429. Introduced by Price, 3; McCoy, 39.

WHEREAS, Jacob Beran, of Troop 363, Gretna, Nebraska, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

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

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

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

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

1. That the Legislature congratulates Jacob Beran on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Jacob Beran.

Laid over.

COMMITTEE REPORTS

Health and Human Services

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

Marcia Anderson - Foster Care Review Board
Gabriella "Gay" McTate - Foster Care Review Board

Aye: 7 Senators Campbell, Gay, Gloor, Howard, Pankonin, Stuthman, Wallman. Nay: 0. Absent: 0. Present and not voting: 0.

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

Raymond Meester - Commission for the Deaf and Hard of Hearing
Susan Petersen - Commission for the Deaf and Hard of Hearing

Aye: 7 Senators Campbell, Gay, Gloor, Howard, Pankonin, Stuthman, Wallman. Nay: 0. Absent: 0. Present and not voting: 0.

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

Camille Ohri - Child Abuse Prevention Fund Board

Aye: 7 Senators Campbell, Gay, Gloor, Howard, Pankonin, Stuthman, Wallman. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Tim Gay, Chairperson

SELECT FILE

LEGISLATIVE BILL 952. ER8185, found on page 766, was adopted.

Senator Utter renewed his amendment, AM2176, found on page 1004.

SENATOR ROBERT PRESIDING

SENATOR CARLSON PRESIDING

Senator Utter withdrew his amendment.

Pending.

COMMITTEE REPORT

Judiciary

LEGISLATIVE BILL 712. Placed on General File with amendment. AM2288 is available in the Bill Room.

(Signed) Brad Ashford, Chairperson

AMENDMENT - Print in Journal

Senator Karpisek filed the following amendment to LB861:
AM2287

(Amendments to Standing Committee amendments, AM2140)

- 1 1. On page 55, line 3, reinstate the stricken
- 2 "forty-five" and strike "four"; and in line 4 strike "hundred".
- 3 2. On page 65, line 3, after "each" insert
- 4 "four-hundred-dollar"; and in line 4 after "each" insert
- 5 "forty-five-dollar application fee and each".

COMMUNICATIONS

March 24, 2010

Mr. Patrick O'Donnell
Clerk of the Legislature
Room 2018
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Pursuant to the Provisions of Section 85-404, R.R.S. of Nebraska, 1943, Legislative approval is required for the following University of Nebraska project:

University of Nebraska at Omaha, Student Housing Project. The University of Nebraska at Omaha proposes to purchase new housing facilities from the Suzanne and Walter Scott Foundation. The project will accommodate up to 480 students with associated parking on the Pacific site in an area adjacent to Scott Village in apartment suite-style living configurations. Each suite will have a living space and a kitchen space, and will be designed so that residents access suites through a central hallway. This project will increase campus housing to a total of approximately 2,100 available student housing beds serving 17 percent of the current UNO student population. On average, peer institutions provide student housing for 20 percent of their student population. The project is estimated to cost a maximum of \$23,471,837.

Request. The University requests approval of the purchase of this student housing project to be financed from the University of Nebraska at Omaha Student Facilities Revenue Bonds Series 2010, not to exceed \$18,000,000.

The Board of Regents authorized these expenditures at its March 5, 2010, meeting. The Nebraska Coordinating Commission for Postsecondary Education recommended approval on March 24, 2010. The CCPE Revenue Bond Project Evaluation Forms indicating approval of the projects are

attached.

Thank you for your consideration of this project.

Respectfully submitted,
(Signed) Donal J. Burns
Corporation Secretary

March 24, 2010

Senator John Wightman
Chairperson, Executive Board
Room 2010
State Capitol
Lincoln, NE 68509

Dear Senator Wightman,

Enclosed is correspondence from Donal J. Burns, Corporation Secretary for the Office of the President of the University of Nebraska and correspondence from the Coordinating Commission for Postsecondary Education. The correspondence relates to expenditure of bond funds for the following:

University of Nebraska at Omaha: Student Housing Project.

I am forwarding this correspondence to you for Executive Board action.

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

PJO:ck

Enclosure

REFERENCE COMMITTEE REPORT

The Executive Board referred the University of Nebraska's request to issue revenue bonds to the Appropriations Committee for further consideration.

(Signed) John Wightman, Chairperson
Executive Board

SELECT FILE

LEGISLATIVE BILL 952. Senator Adams renewed his amendment, AM2171, found on page 1005.

SENATOR CAMPBELL PRESIDING

Senator Adams withdrew his amendment.

Pending.

NOTICE OF COMMITTEE HEARING

Appropriations

Room 1003

Wednesday, March 31, 2010 12:30 p.m.

Expenditure of Bond Funds for a Student Housing Project at the University of Nebraska at Omaha

(Signed) Lavon Heidemann, Chairperson

CORRECTED COMMITTEE REPORT

Government, Military and Veterans Affairs

(LR292 should have been placed on General File instead of reported to the Legislature for further consideration.)

LEGISLATIVE RESOLUTION 292. Placed on General File.

(Signed) Bill Avery, Chairperson

AMENDMENT - Print in Journal

Senator Karpisek filed the following amendment to LB800:
AM2266

(Amendments to E & R amendments, ER8201)

- 1 1. Insert the following new section:
- 2 Sec. 4. Section 28-416, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 28-416 (1) Except as authorized by the Uniform Controlled
- 5 Substances Act, it shall be unlawful for any person knowingly or
- 6 intentionally: (a) To manufacture, distribute, deliver, dispense,
- 7 or possess with intent to manufacture, distribute, deliver, or
- 8 dispense a controlled substance; or (b) to create, distribute,
- 9 or possess with intent to distribute a counterfeit controlled
- 10 substance.
- 11 (2) Except as provided in subsections (4), (5), (7), (8),
- 12 (9), and (10) of this section, any person who violates subsection
- 13 (1) of this section with respect to: (a) A controlled substance
- 14 classified in Schedule I, II, or III of section 28-405 which is an
- 15 exceptionally hazardous drug shall be guilty of a Class II felony;
- 16 (b) any other controlled substance classified in Schedule I, II, or

17 III of section 28-405 shall be guilty of a Class III felony; or (c)
18 a controlled substance classified in Schedule IV or V of section
19 28-405 shall be guilty of a Class IIIA felony.

20 (3) A person knowingly or intentionally possessing a
21 controlled substance, except marijuana, unless such substance was
22 obtained directly or pursuant to a medical order issued by a
1 practitioner authorized to prescribe while acting in the course of
2 his or her professional practice, or except as otherwise authorized
3 by the act, shall be guilty of a Class IV felony.

4 (4)(a) Except as authorized by the Uniform Controlled
5 Substances Act, any person eighteen years of age or older who
6 knowingly or intentionally manufactures, distributes, delivers,
7 dispenses, or possesses with intent to manufacture, distribute,
8 deliver, or dispense a controlled substance or a counterfeit
9 controlled substance (i) to a person under the age of eighteen
10 years, (ii) in, on, or within one thousand feet of the real
11 property comprising a public or private elementary, vocational, or
12 secondary school, a community college, a public or private college,
13 junior college, or university, or a playground, or (iii) within one
14 hundred feet of a public or private youth center, public swimming
15 pool, or video arcade facility shall be punished by the next higher
16 penalty classification than the penalty prescribed in subsection
17 (2), (7), (8), (9), or (10) of this section, depending upon the
18 controlled substance involved, for the first violation and for a
19 second or subsequent violation shall be punished by the next higher
20 penalty classification than that prescribed for a first violation
21 of this subsection, but in no event shall such person be punished
22 by a penalty greater than a Class IB felony.

23 (b) For purposes of this subsection:

24 (i) Playground shall mean any outdoor facility, including
25 any parking lot appurtenant to the facility, intended for
26 recreation, open to the public, and with any portion containing
27 three or more apparatus intended for the recreation of children,
1 including sliding boards, swingsets, and teeterboards;

2 (ii) Video arcade facility shall mean any facility
3 legally accessible to persons under eighteen years of age, intended
4 primarily for the use of pinball and video machines for amusement,
5 and containing a minimum of ten pinball or video machines; and

6 (iii) Youth center shall mean any recreational facility
7 or gymnasium, including any parking lot appurtenant to the facility
8 or gymnasium, intended primarily for use by persons under eighteen
9 years of age which regularly provides athletic, civic, or cultural
10 activities.

11 (5)(a) Except as authorized by the Uniform Controlled
12 Substances Act, it shall be unlawful for any person eighteen
13 years of age or older to knowingly and intentionally employ, hire,
14 use, cause, persuade, coax, induce, entice, seduce, or coerce any
15 person under the age of eighteen years to manufacture, transport,
16 distribute, carry, deliver, dispense, prepare for delivery, offer

17 for delivery, or possess with intent to do the same a controlled
18 substance or a counterfeit controlled substance.

19 (b) Except as authorized by the Uniform Controlled
20 Substances Act, it shall be unlawful for any person eighteen years
21 of age or older to knowingly and intentionally employ, hire, use,
22 cause, persuade, coax, induce, entice, seduce, or coerce any person
23 under the age of eighteen years to aid and abet any person in
24 the manufacture, transportation, distribution, carrying, delivery,
25 dispensing, preparation for delivery, offering for delivery, or
26 possession with intent to do the same of a controlled substance or
27 a counterfeit controlled substance.

1 (c) Any person who violates subdivision (a) or (b) of
2 this subsection shall be punished by the next higher penalty
3 classification than the penalty prescribed in subsection (2), (7),
4 (8), (9), or (10) of this section, depending upon the controlled
5 substance involved, for the first violation and for a second or
6 subsequent violation shall be punished by the next higher penalty
7 classification than that prescribed for a first violation of this
8 subsection, but in no event shall such person be punished by a
9 penalty greater than a Class IB felony.

10 (6) It shall not be a defense to prosecution for
11 violation of subsection (4) or (5) of this section that the
12 defendant did not know the age of the person through whom the
13 defendant violated such subsection.

14 (7) Any person who violates subsection (1) of this
15 section with respect to cocaine or any mixture or substance
16 containing a detectable amount of cocaine in a quantity of:

17 (a) One hundred forty grams or more shall be guilty of a
18 Class IB felony;

19 (b) At least twenty-eight grams but less than one hundred
20 forty grams shall be guilty of a Class IC felony; or

21 (c) At least ten grams but less than twenty-eight grams
22 shall be guilty of a Class ID felony.

23 (8) Any person who violates subsection (1) of this
24 section with respect to base cocaine (crack) or any mixture or
25 substance containing a detectable amount of base cocaine in a
26 quantity of:

27 (a) One hundred forty grams or more shall be guilty of a
1 Class IB felony;

2 (b) At least twenty-eight grams but less than one hundred
3 forty grams shall be guilty of a Class IC felony; or

4 (c) At least ten grams but less than twenty-eight grams
5 shall be guilty of a Class ID felony.

6 (9) Any person who violates subsection (1) of this
7 section with respect to heroin or any mixture or substance
8 containing a detectable amount of heroin in a quantity of:

9 (a) One hundred forty grams or more shall be guilty of a
10 Class IB felony;

11 (b) At least twenty-eight grams but less than one hundred
12 forty grams shall be guilty of a Class IC felony; or

13 (c) At least ten grams but less than twenty-eight grams
14 shall be guilty of a Class ID felony.

15 (10) Any person who violates subsection (1) of this
16 section with respect to amphetamine, its salts, optical isomers,
17 and salts of its isomers, or with respect to methamphetamine, its
18 salts, optical isomers, and salts of its isomers, in a quantity of:

19 (a) One hundred forty grams or more shall be guilty of a
20 Class IB felony;

21 (b) At least twenty-eight grams but less than one hundred
22 forty grams shall be guilty of a Class IC felony; or

23 (c) At least ten grams but less than twenty-eight grams
24 shall be guilty of a Class ID felony.

25 (11) Any person knowingly or intentionally possessing
26 marijuana weighing more than one ounce but not more than one pound
27 shall be guilty of a Class III misdemeanor.

1 (12) Any person knowingly or intentionally possessing
2 marijuana weighing more than one pound shall be guilty of a Class
3 IV felony.

4 (13) Any person knowingly or intentionally possessing
5 marijuana weighing one ounce or less shall:

6 (a) For the first offense, be guilty of an infraction,
7 receive a citation, be fined three hundred dollars, and be assigned
8 to attend a course as prescribed in section 29-433 if the judge
9 determines that attending such course is in the best interest of
10 the individual defendant;

11 (b) For the second offense, be guilty of a Class IV
12 misdemeanor, receive a citation, and be fined four hundred dollars
13 and may be imprisoned not to exceed five days; and

14 (c) For the third and all subsequent offenses, be guilty
15 of a Class IIIA misdemeanor, receive a citation, be fined five
16 hundred dollars, and be imprisoned not to exceed seven days.

17 (14) Any person convicted of violating this section,
18 if placed on probation, shall, as a condition of probation,
19 satisfactorily attend and complete appropriate treatment and
20 counseling on drug abuse provided by a program authorized under
21 the Nebraska Behavioral Health Services Act or other licensed drug
22 treatment facility.

23 (15) Any person convicted of violating this section, if
24 sentenced to the Department of Correctional Services, shall attend
25 appropriate treatment and counseling on drug abuse.

26 (16) Any person knowingly or intentionally possessing a
27 firearm while in violation of subsection (1) of this section shall
1 be punished by the next higher penalty classification than the
2 penalty prescribed in subsection (2), (7), (8), (9), or (10) of
3 this section, but in no event shall such person be punished by a
4 penalty greater than a Class IB felony.

5 (17) A person knowingly or intentionally in possession
6 of money used or intended to be used to facilitate a violation
7 of subsection (1) of this section shall be guilty of a Class IV
8 felony.

9 (18) In addition to the penalties provided in this
10 section:

11 (a) If the person convicted or adjudicated of violating
12 this section is younger than twenty-one years of age and has one or
13 more licenses or permits issued under the Motor Vehicle Operator's
14 License Act:

15 (i) For the first offense, the court may, as a part of
16 the judgment of conviction or adjudication, (A) impound any such
17 licenses or permits for thirty days and (B) require such person to
18 attend a drug education class;

19 (ii) For a second offense, the court may, as a part of
20 the judgment of conviction or adjudication, (A) impound any such
21 licenses or permits for ninety days and (B) require such person
22 to complete no fewer than twenty and no more than forty hours of
23 community service and to attend a drug education class; and

24 (iii) For a third or subsequent offense, the court may,
25 as a part of the judgment of conviction or adjudication, (A)
26 impound any such licenses or permits for twelve months and (B)
27 require such person to complete no fewer than sixty hours of
1 community service, to attend a drug education class, and to submit
2 to a drug assessment by a licensed alcohol and drug counselor; and

3 (b) If the person convicted or adjudicated of violating
4 such section is younger than twenty-one years of age and does not
5 have a permit or license issued under the Motor Vehicle Operator's
6 License Act:

7 (i) For the first offense, the court may, as part of the
8 judgment of conviction or adjudication, (A) prohibit such person
9 from obtaining any permit or any license pursuant to the act for
10 which such person would otherwise be eligible until thirty days
11 after the date of such order and (B) require such person to attend
12 a drug education class;

13 (ii) For a second offense, the court may, as part of the
14 judgment of conviction or adjudication, (A) prohibit such person
15 from obtaining any permit or any license pursuant to the act for
16 which such person would otherwise be eligible until ninety days
17 after the date of such order and (B) require such person to
18 complete no fewer than twenty hours and no more than forty hours of
19 community service and to attend a drug education class; and

20 (iii) For a third or subsequent offense, the court may,
21 as part of the judgment of conviction or adjudication, (A) prohibit
22 such person from obtaining any permit or any license pursuant
23 to the act for which such person would otherwise be eligible
24 until twelve months after the date of such order and (B) require
25 such person to complete no fewer than sixty hours of community

26 service, to attend a drug education class, and to submit to a drug
 27 assessment by a licensed alcohol and drug counselor.

1 A copy of an abstract of the court's conviction or
 2 adjudication shall be transmitted to the Director of Motor Vehicles
 3 pursuant to sections 60-497.01 to 60-497.04.

4 2. Renumber the remaining sections, amend the repealer,
 5 and correct internal references accordingly.

SELECT FILE

LEGISLATIVE BILL 952. Senator Hadley renewed his amendment, AM2172, found on page 1012.

SPEAKER FLOOD PRESIDING

Senator White offered the following motion:
 MO93

Invoke cloture pursuant to Rule 7, Sec. 10.

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

Senator White requested a roll call vote, in reverse order, on the motion to invoke cloture.

Voting in the affirmative, 23:

Ashford	Fulton	Karpisek	Mello	Price
Conrad	Gay	Krist	Nelson	Rogert
Cook	Giese	Lathrop	Nordquist	White
Cornett	Haar	Lautenbaugh	Pankonin	
Council	Janssen	McGill	Pirsch	

Voting in the negative, 22:

Adams	Coash	Gloor	Louden	Utter
Avery	Dierks	Hadley	McCoy	Wightman
Campbell	Dubas	Hansen	Schilz	
Carlson	Fischer	Harms	Stuthman	
Christensen	Flood	Heidemann	Sullivan	

Present and not voting, 1:

Howard

Excused and not voting, 3:

Langemeier	Pahls	Wallman
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The White motion to invoke cloture failed with 23 ayes, 22 nays, 1 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 404 and 405 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 404 and 405.

SELECT FILE

LEGISLATIVE BILL 1057. ER8192, found on page 893, was adopted.

Senator Carlson renewed his amendment, AM2235, found on page 956.

The Carlson amendment was adopted with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

Senator Heidemann withdrew his amendment, AM2211, found on page 956.

Senator Heidemann renewed his amendment, AM2262, found on page 975.

The Heidemann amendment was adopted with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 728. ER8194, found on page 896, was adopted.

Senator Lautenbaugh renewed his amendment, AM2223, found on page 958.

The Lautenbaugh amendment was adopted with 32 ayes, 1 nay, 12 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 951. Senator Avery renewed his amendment, AM2061, found on page 721.

Senator Lautenbaugh renewed his amendment, FA66, found on page 735, to the Avery amendment.

Senator Lautenbaugh withdrew his amendment.

The Avery amendment was adopted with 25 ayes, 5 nays, 15 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 951A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1081. ER8189, found on page 859, was adopted.

Senator Cornett renewed her amendment, AM2224, found on page 929.

The Cornett amendment was adopted with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 948. Senator Avery renewed his motion, MO91, found on page 1012, to ask unanimous consent to bracket until April 14, 2010.

No objections. So ordered.

LEGISLATIVE BILL 965. Senator Sullivan renewed her amendment, AM2222, found on page 921.

The Sullivan amendment was adopted with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 918. ER8191, found on page 893, was adopted.

Senator Cornett renewed her amendment, AM2240, found on page 944.

The Cornett amendment was adopted with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 975. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 820. ER8196, found on page 901, was adopted.

Senator Fischer renewed her amendment, AM2264, found on page 1011.

The Fischer amendment was adopted with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 924. ER8195, found on page 901, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 701. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 970. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 864. ER8197, found on page 901, was adopted.

Senator Pirsch renewed his amendment, AM2208, found on page 940.

The Pirsch amendment was adopted with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 880. ER8198, found on page 914, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 880A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 901. ER8200, found on page 914, was adopted.

Advanced to Enrollment and Review for Engrossment.

AMENDMENTS - Print in Journal

Senator Adams filed the following amendment to LB1070:
AM2305 is available in the Bill Room.

Senator Dierks filed the following amendment to LB594:
AM2306

(Amendments to Standing Committee amendments, AM1699)

- 1 1. Insert the following new section:
- 2 Section 1. Section 28-101, Revised Statutes Supplement,
- 3 2009, is amended to read:
- 4 28-101 Sections 28-101 to 28-1356 and sections 5 to 11 of
- 5 this act shall be known and may be cited as the Nebraska Criminal

- 6 Code.
7 2. On page 16, line 8, strike "28-326" and insert
8 "28-101, 28-326,".
9 3. Renumber the remaining sections and correct internal
10 references accordingly.

UNANIMOUS CONSENT - Add Cointroducer

Senator Rogert asked unanimous consent to add his name as cointroducer to LR419. No objections. So ordered.

VISITORS

Visitors to the Chamber were 90 fourth-grade students and teachers from Morton Elementary, Lexington; 9 twelfth-grade students and teacher from Sutherland; members of Santee 4-H Club Oyate Teca from Santee; members of 4-H Youth and Adults in Action from Nebraska City; and Senator Pankonin's brother-in-law, Dr. Alan Nissen, from Lincoln.

The Doctor of the Day was Dr. Michael Schooff from Papillion.

ADJOURNMENT

At 7:21 p.m., on a motion by Senator Price, the Legislature adjourned until 9:00 a.m., Thursday, March 25, 2010.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-EIGHTH DAY - MARCH 25, 2010**LEGISLATIVE JOURNAL****ONE HUNDRED FIRST LEGISLATURE
SECOND SESSION****FORTY-EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, March 25, 2010

PRAYER

The prayer was offered by Chaplain Larry Ramsey, BSDC All Faiths Chapel, Beatrice.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Janssen presiding.

The roll was called and all members were present except Senators Campbell, Coash, Cornett, Dierks, Karpisek, Krist, Lautenbaugh, Pirsch, Sullivan, and White who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-seventh day was approved.

RESOLUTION

LEGISLATIVE RESOLUTION 430. Introduced by Christensen, 44.

PURPOSE: The purpose of this interim study is to examine Nebraska's laws regarding a person's right to self-defense by the use of force as outlined in sections 28-1406 to 28-1416 and in the proposed changes contained in LB 889, which was introduced in 2010, specifically identifying, as it pertains to the use of force in the home, a workplace, or an occupied vehicle, areas to strengthen the right to self-defense for Nebraska residents. The use of force to protect one's self or another from death, bodily harm, or other forcible felonies may include the use of deadly force. The right to defend one's self in the home, a workplace, or an occupied vehicle by the use of reasonable force, which may include deadly force, is generally called the Castle Doctrine. This study shall include, but not be limited to:

(1) An examination of Nebraska's laws regarding one's right to self-defense by the use of force as outlined in sections 28-1406 to 28-1416 and the proposed changes in LB 889, primarily as they pertain to the use of force in the home, a workplace, or an occupied vehicle;

(2) The review of Castle Doctrine laws in other states and how they may be applied in Nebraska;

(3) The review of the concept of presumption as presented in section 6 of LB 889;

(4) An examination of the use of "forcible felony" as presented in LB 889;

(5) An examination of subsection (2) of section 28-1416 to make recommendations on how to provide better protections for Nebraska residents against civil actions seeking a remedy for the use of force which is justified under Nebraska law; and

(6) The development of other potential policy changes, if needed, to strengthen the right to self-defense within the home, a workplace, or an occupied vehicle in Nebraska.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

AMENDMENT - Print in Journal

Senator Council filed the following amendment to LB742:

FA69

Strike the enacting clause.

GENERAL FILE

LEGISLATIVE BILL 1105. Title read. Considered.

Committee AM2147, found on page 803, was considered.

Senator Council renewed her amendment, AM2241, found on page 942, to the committee amendment.

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

Senator Council requested a roll call vote on her amendment.

Voting in the affirmative, 30:

Adams	Coash	Dubas	Harms	Pankonin
Ashford	Conrad	Fulton	Howard	Rogert
Avery	Cook	Giese	Lathrop	Sullivan
Campbell	Cornett	Haar	McGill	Wallman
Carlson	Council	Hadley	Mello	White
Christensen	Dierks	Hansen	Nordquist	Wightman

Voting in the negative, 13:

Flood	Janssen	Louden	Price	Utter
Gay	Langemeier	McCoy	Schilz	
Gloor	Lautenbaugh	Pirsch	Stuthman	

Present and not voting, 4:

Fischer	Heidemann	Nelson	Pahls
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Excused and not voting, 2:

Karpisek	Krist
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The Council amendment was adopted with 30 ayes, 13 nays, 4 present and not voting, and 2 excused and not voting.

Senator Council requested a roll call vote on the committee amendment, as amended.

Voting in the affirmative, 28:

Adams	Coash	Fulton	Howard	Sullivan
Ashford	Conrad	Giese	Lathrop	Wallman
Avery	Cook	Haar	McGill	White
Campbell	Council	Hadley	Mello	Wightman
Carlson	Dierks	Hansen	Nordquist	
Christensen	Dubas	Harms	Rogert	

Voting in the negative, 17:

Cornett	Gloor	Lautenbaugh	Pirsch	Utter
Fischer	Heidemann	McCoy	Price	
Flood	Janssen	Nelson	Schilz	
Gay	Langemeier	Pankonin	Stuthman	

Present and not voting, 2:

Louden	Pahls
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Excused and not voting, 2:

Karpisek Krist

The committee amendment, as amended, was adopted with 28 ayes, 17 nays, 2 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Council moved for a call of the house. The motion prevailed with 40 ayes, 0 nays, and 9 not voting.

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

Voting in the affirmative, 22:

Adams	Coash	Dubas	McGill	White
Ashford	Conrad	Fulton	Mello	Wightman
Avery	Cook	Giese	Nordquist	
Campbell	Council	Haar	Rogert	
Carlson	Dierks	Lathrop	Wallman	

Voting in the negative, 22:

Christensen	Hadley	Janssen	Nelson	Sullivan
Fischer	Hansen	Langemeier	Pankonin	Utter
Flood	Harms	Lautenbaugh	Pirsch	
Gay	Heidemann	Louden	Schilz	
Gloor	Howard	McCoy	Stuthman	

Excused and not voting, 5:

Cornett	Karpisek	Krist	Pahls	Price
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Failed to advance to Enrollment and Review Initial with 22 ayes, 22 nays, and 5 excused and not voting.

The Chair declared the call raised.

RESOLUTIONS

LEGISLATIVE RESOLUTION 431. Introduced by Haar, 21.

PURPOSE: To study how private sources of money given to public institutions should be disclosed. This study should look at how private money is being directed to public bodies. It should also seek to find out information about private money donated to the state, local governing bodies, and higher education and how it currently is reported. This study should seek ways to ensure public budgets are transparent so that the public knows where its tax money is going and what the influence of private money has on public bodies. This study should also look into whether

disclosure of private money could be required of all governmental institutions and whether such disclosure could be done in a way that protects donor anonymity and does not harm institutions.

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

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 432. Introduced by Haar, 21.

PURPOSE: To look at Nebraska's child support collection methods. The study should gather information on the amount of child support in arrears in Nebraska and by county, the amount of interest owed, the number of children affected by child support in arrears both currently and over the age of nineteen, the number of noncustodial parents in arrears, and the amount of arrears owed to the state for aid to dependent children payments. The study should look into what role the Department of Health and Human Services has in arrearages and whether the system is working in a timely manner for custodial parents. The study should also look at the current statutory scheme on child support collection and what the roles are for county attorneys. The study should also look at what other tools are or should be made available to county attorneys and judges and what other states are doing with relation to child support collection.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 433. Introduced by Haar, 21.

PURPOSE: To study student expression in Nebraska's public schools. This study should seek to find what policies currently exist on student expression in the public schools, including policies in relation to the state curricular guidelines for citizenship education. This study should then consult interested parties and establish best practices for student expression policies based on current Nebraska policies and policies from school districts in

other states. The study should also seek out any deficiencies in current policies and how those policies could be changed to avoid unnecessary and illegal violations of student expression. Finally, the study should examine state laws on student expression and make recommendations to the Legislature on any statutory changes for Nebraska.

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

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 434. Introduced by Nordquist, 7; Coash, 27; Stuthman, 22.

PURPOSE: The purpose of this resolution is to study the factors contributing to childhood obesity, as well as its consequences. The issues addressed by the study should include, but not be limited to:

(1) An examination of the factors contributing to childhood obesity in underserved and low-income populations;

(2) An examination of the costs of childhood obesity, both in terms of medical expenses and physical well-being;

(3) An analysis of methods to increase access to safe places for children to exercise and participate in physical activity; and

(4) An analysis of ways to increase children's access to nutritious meals.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 435. Introduced by Dubas, 34; Dierks, 40; Fischer, 43; Sullivan, 41.

PURPOSE: The purpose of this resolution is to study issues relating to oil and natural gas pipelines in the State of Nebraska and issues raised during consideration of LB 755, which was introduced in 2010. The study shall include, but not be limited to, an examination of issues relating to liability, restoration of property, and regulatory oversight.

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

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 436. Introduced by Gay, 14; Heidemann, 1.

PURPOSE: The purpose of this resolution is to review, assess, and provide recommendations relating to the implementation of the Nebraska Health Care Funding Act. The issues addressed by the study shall include, but not be limited to, the distribution of funding under the act, the outcomes achieved from such funding, and the future sustainability of the Nebraska Health Care Cash Fund.

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

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

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 437. Introduced by Pankonin, 2.

PURPOSE: To study issues related to levy exceptions and budget exceptions as they are used with interlocal agreements.

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

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

BILL ON FIRST READING

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

LEGISLATIVE BILL 1002A. Introduced by Loudon, 49.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1002, One Hundred First Legislature, Second Session, 2010.

VISITORS

Visitors to the Chamber were 45 fourth-grade students and teachers from Ackerman Elementary, Omaha; 8 twelfth-grade students and teacher from Sutherland; 40 fourth-grade students from Fillmore Central, Geneva; 13 fourth-grade students and teacher from Cornerstone Christian School, Bellevue; and Angie Stenger, Cathy Maly, Haylie Bable, Lydee Jo Krueger, and Jessica Walker from Norfolk.

RECESS

At 12:04 p.m., on a motion by Senator Sullivan, the Legislature recessed until 1:30 p.m.

AFTER RECESS

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

ROLL CALL

The roll was called and all members were present except Senator Pahls who was excused; and Senators Cook, Cornett, Council, Dierks, Heidemann, Krist, Loudon, and Mello who were excused until they arrive.

SENATOR ROBERT PRESIDING**GENERAL FILE**

LEGISLATIVE BILL 780. Title read. Considered.

Committee AM2064, found on page 743, was considered.

Pending.

COMMITTEE REPORTS
 Enrollment and Review

LEGISLATIVE BILL 950. Placed on Select File with amendment.
 ER8219 is available in the Bill Room.

LEGISLATIVE BILL 918A. Placed on Select File.

LEGISLATIVE BILL 507. Placed on Select File with amendment.
 ER8218

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 28-323, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 28-323 (1) A person commits the offense of domestic
- 6 assault in the third degree if he or she:
- 7 (a) Intentionally and knowingly causes bodily injury to
- 8 his or her intimate partner; ~~or~~
- 9 (b) ~~Places, by physical menace, his or her~~ Threatens an
- 10 intimate partner in fear of with imminent bodily injury; or;
- 11 (c) Threatens an intimate partner in a menacing manner.
- 12 (2) A person commits the offense of domestic assault in
- 13 the second degree if he or she intentionally and knowingly causes
- 14 bodily injury to his or her intimate partner with a dangerous
- 15 instrument.
- 16 (3) A person commits the offense of domestic assault in
- 17 the first degree if he or she intentionally and knowingly causes
- 18 serious bodily injury to his or her intimate partner.
- 19 (4) Violation of ~~subsection (1) subdivision (1)(a) or~~
- 20 (b) of this section is a Class I misdemeanor, except that for
- 21 any second or subsequent violation of such subsection within
- 22 twelve years after the date of the current conviction, subsequent
- 23 violation of subdivision (1)(a) or (b) of this section, any person
- 1 so offending ~~against the same intimate partner~~ is guilty of a Class
- 2 IV felony.
- 3 (5) Violation of subdivision (1)(c) of this section is a
- 4 Class I misdemeanor.
- 5 ~~(5)-(6)~~ Violation of subsection (2) of this section is
- 6 a Class IIIA felony, except that for any second or subsequent
- 7 violation of such subsection, ~~within twelve years after the date of~~
- 8 ~~the current conviction,~~ any person so offending ~~against the same~~
- 9 ~~intimate partner~~ is guilty of a Class III felony.
- 10 ~~(6)-(7)~~ Violation of subsection (3) of this section is
- 11 a Class III felony, except that for any second or subsequent
- 12 violation under such subsection, ~~within twelve years after the date~~
- 13 ~~of the current conviction,~~ any person so offending ~~against the same~~
- 14 ~~intimate partner~~ is guilty of a Class II felony.
- 15 ~~(7)-(8)~~ For purposes of this section, intimate partner
- 16 means a spouse; a former spouse; persons who have a child in

17 common whether or not they have been married or lived together
 18 at any time; and persons who are or were involved in a dating
 19 relationship. For purposes of this subsection, dating relationship
 20 means frequent, intimate associations primarily characterized by
 21 the expectation of affectional or sexual involvement, but does not
 22 include a casual relationship or an ordinary association between
 23 persons in a business or social context.

24 Sec. 2. Original section 28-323, Reissue Revised Statutes
 25 of Nebraska, is repealed.

26 2. On page 1, lines 3 and 4, strike "in the third
 27 degree".

(Signed) Jeremy Nordquist, Chairperson

AMENDMENTS - Print in Journal

Senator Cornett filed the following amendment to LB877:
 AM2304

(Amendments to Standing Committee amendments, AM1877)

1 1. On page 1, strike line 12, show the old matter
 2 as stricken, and insert "Only the county assessor, the Tax
 3 Commissioner, or the Property Tax Administrator may appeal the
 4 granting of such an"; and in line 18 after the period insert
 5 "If the county assessor, Tax Commissioner, or Property Tax
 6 Administrator appeals a county board of equalization's final
 7 decision granting an exemption from property taxation, the person,
 8 corporation, or organization granted such exemption by the county
 9 board of equalization shall be made a party to the appeal and shall
 10 be issued a notice of the appeal by the Tax Equalization and Review
 11 Commission within thirty days after the appeal is filed.".

12 2. On page 3, line 3, strike "exemption of real or
 13 personal property" and insert "granting or denying of an exemption
 14 of real or personal property to the Tax Equalization and Review
 15 Commission. If the Tax Commissioner or Property Tax Administrator
 16 files such an appeal, the person, corporation, or organization
 17 granted or denied the exemption by the county board of equalization
 18 shall be made a party to the appeal and shall be issued a notice
 19 of the appeal by the Tax Equalization and Review Commission within
 20 thirty days after the appeal is filed"; and in line 6 before
 21 "exemption" insert "granting or denying of an".

22 3. On page 18, line 5, strike "upon request" and show as
 1 stricken; in line 6 after the period insert "Within seven days of
 2 issuing a decision and order, the commission shall electronically
 3 publish such decision and order on a web site maintained by the
 4 commission that is accessible to the general public. The full
 5 text of final decisions and orders entered after a hearing by
 6 the commission or a panel of commissioners shall be published on
 7 the web site. Final decisions and orders that are entered on a
 8 dismissal by the appellant or petitioner or by agreement of the

9 parties may be published on the web site in a summary manner
 10 identifying the parties, the case number, and the basis for the
 11 final decision and order."; and strike lines 18 through 23 and
 12 insert:
 13 "(3) The Tax Commissioner or the Property Tax
 14 Administrator shall have thirty days after a final decision of the
 15 commission to appeal the commission's decision.".

Senator Adams filed the following amendment to LB1071:
 AM2323

(Amendments to E & R amendments, ER8199)

- 1 1. Strike section 27.
- 2 2. On page 88, line 16, strike "33" and insert "32"; in
- 3 line 17 strike "34" and insert "33"; in line 19 strike "35" and
- 4 insert "34"; and in line 21 strike "33, and 47" and insert "32, and
- 5 46".
- 6 3. On page 89, line 1, after the fourth comma insert
- 7 "and"; and in lines 1 and 2 strike "and 79-1241.03,".
- 8 4. Renumber the remaining sections and correct internal
- 9 references accordingly.

RESOLUTIONS

LEGISLATIVE RESOLUTION 438. Introduced by Pahls, 31.

PURPOSE: The purpose of this resolution is to study whether the Nebraska Trust Company Act should be amended to allow trust companies and depository financial institutions with trust departments to use certificates of deposit to comply with requirements of state law to pledge securities with the Department of Banking and Finance for the protection of trust funds under their control. The study should include an examination of issues raised during consideration of LB 752 (Pahls, Pirsch), which was introduced in 2010 and referenced to the Banking, Commerce and Insurance Committee. In order to carry out the purpose of this resolution, the study committee should seek the assistance of the Department of Banking and Finance and should consider the input of interested persons as the committee deems necessary and beneficial.

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

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 439. Introduced by Pahls, 31.

PURPOSE: The purpose of this resolution is to review recent changes in federal law regarding health care insurance and to identify administrative and legislative responses which Nebraska will need to make.

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

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 780. Committee AM2064, found on page 743 and considered in this day's Journal, was renewed.

PRESIDENT SHEEHY PRESIDING

Pending.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 728. Placed on Final Reading.

LEGISLATIVE BILL 1002. Placed on Final Reading.

LEGISLATIVE BILL 1057. Placed on Final Reading.
ST9088

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

1. In the Heidemann amendment, AM2262, on page 2, line 2, "Treasure" has been struck and "Treasurer" inserted.

2. On page 1, the matter beginning with the second "to" in line 1 though line 4 and all amendments thereto have been struck and "to amend sections 46-2,137 and 46-753, Reissue Revised Statutes of Nebraska; to create the Republican River Basin Water Sustainability Task Force; to provide for expenses, powers, and duties; to provide a termination date; to create a fund; to provide for transfers of funds; to harmonize provisions; to repeal the original sections; and to declare an emergency." inserted.

(Signed) Jeremy Nordquist, Chairperson

AMENDMENTS - Print in Journal

Senator Council filed the following amendment to LB842:
AM2301

- 1 1. On page 3, line 2, strike the new matter, reinstate
- 2 the stricken period, and after the reinstated period insert "The
- 3 case shall be treated as an open, ongoing matter until all
- 4 evidence, reports, and other relevant material which has been
- 5 assembled are transferred to a prosecuting attorney appointed
- 6 pursuant to subdivision (b) of this subsection:
- 7 (b) Except as provided in subdivision (d) of this
- 8 subsection, as soon as practicable, the court shall appoint a
- 9 prosecuting attorney who shall be the county attorney or a member
- 10 of his or her staff who has had at least five years experience in
- 11 criminal litigation, including felony litigation. The prosecuting
- 12 attorney shall select a team of three peace officers, trained to
- 13 investigate homicides, from jurisdictions outside the jurisdiction
- 14 where the death occurred. The team shall examine all evidence
- 15 concerning the cause of death and present the findings of its
- 16 investigation to the prosecuting attorney;"; in lines 15 and 18
- 17 strike the new matter and reinstate the stricken matter; and after
- 18 line 18 insert the following new subdivision:
- 19 "(d) The court need not appoint a prosecuting attorney in
- 20 those cases in which the death has been certified by a licensed
- 21 practicing physician to be from natural causes and that finding is
- 22 presented to a grand jury."

Senator Council filed the following amendment to LB961:
AM2311

(Amendments to E & R amendments, ER8213)

- 1 1. On page 6, line 20, strike the new matter.
- 2 2. On page 7, strike lines 16 through 27.
- 3 3. On page 8, strike line 1; and strike beginning with
- 4 "No" in line 20 through line 22.

Senator Council filed the following amendment to LB510:
AM2229

(Amendments to E & R amendments, ER8203)

- 1 1. Strike section 6 and insert the following new section:
- 2 Sec. 4. Section 81-1451, Revised Statutes Supplement,
- 3 2009, is amended to read:
- 4 81-1451 The Violence Prevention Cash Fund is created.
- 5 The fund shall be administered by the Nebraska Commission on Law
- 6 Enforcement and Criminal Justice. The State Treasurer shall credit
- 7 to the fund such money as is transferred to the fund by the
- 8 Legislature, donated as gifts, bequests, or other contributions
- 9 to such fund from public or private entities, ~~and~~ made available
- 10 by any department or agency of the United States if so directed
- 11 by such department or agency, and remitted pursuant to section

12 83-184 and section 1 of this act. Any money in the fund available
 13 for investment shall be invested by the state investment officer
 14 pursuant to the Nebraska Capital Expansion Act and the Nebraska
 15 State Funds Investment Act.

16 2. On page 2, line 6, strike "Reentry" and insert
 17 "Violence Prevention".

18 3. On page 5, strike beginning with the second comma in
 19 line 17 through line 18 and insert a period; and in line 20 strike
 20 "section" and insert "sections 81-1451 and".

21 4. Renumber the remaining sections accordingly.

Senator Adams filed the following amendment to LB1072:
 AM2298

(Amendments to Standing Committee amendments, AM2194)

- 1 1. On page 35, strike beginning with "The" in line 11
- 2 through the period in line 13; in line 14 strike "such amounts" and
- 3 insert "the amounts provided in subsection (1) of this section";
- 4 and in line 17 strike "of each year" and insert "2010".

RESOLUTIONS

LEGISLATIVE RESOLUTION 440. Introduced by Giese, 17.

PURPOSE: The purpose of this interim study is to examine issues related to mobile home parks. The topics addressed by this interim study shall include, but not be limited to:

(1) A review of federal and state agencies that have the authority to regulate mobile homes and mobile home parks;

(2) A review of the current inspection process for mobile homes and mobile home parks under the Uniform Standard Code for Manufactured Homes and Recreational Vehicles;

(3) An examination of the potential health and safety hazards unique to mobile home parks;

(4) A review of the condemnation procedures available for political subdivisions to address mobile homes which present a public health or safety hazard; and

(5) A review of common taxation and other issues that arise during transfer of mobile home ownership.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 441. Introduced by Flood, 19.

WHEREAS, Rotary International is an organization of more than one million two hundred thousand members and more than thirty-three thousand local Rotary clubs worldwide; and

WHEREAS, one of these local clubs, the Norfolk Rotary Club, has been serving its community in a variety of ways since its founding in 1920; and

WHEREAS, the Norfolk Rotary Club has made a true difference in people's lives through the actions and efforts of its members, all of whom embody the organization's motto of "service above self"; and

WHEREAS, the Norfolk Rotary Club is celebrating its ninetieth anniversary on March 30, 2010.

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

1. That the Legislature honors and congratulates the Norfolk Rotary Club on its ninetieth anniversary.
2. That a copy of this resolution be sent to the Norfolk Rotary Club.

Laid over.

LEGISLATIVE RESOLUTION 442. Introduced by Fischer, 43.

PURPOSE: The purpose of this resolution is to study the issues and matters within the jurisdiction of the Transportation and Telecommunications Committee of the Legislature.

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

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 443. Introduced by Fischer, 43.

PURPOSE: The purpose of this resolution is to review and monitor the progress of the National Broadband Plan proposed by the Federal Communications Commission (FCC) on March 16, 2010. The plan's goals and recommendations include:

- (1) Connecting one hundred million households to affordable 100 megabits per second service;

(2) Affordable access in every American community to ultra-high-speed broadband of at least 1 gigabit per second at anchor institutions such as schools, hospitals, and military installations;

(3) Making 500 megahertz of spectrum newly available for licensed and unlicensed use;

(4) Moving the nation's broadband adoption rates from roughly sixty-five percent to more than ninety percent; and

(5) Bringing affordable broadband to rural communities and vulnerable populations by transitioning existing Universal Service Fund support from analog technologies to digital infrastructure.

The study shall monitor the progression of the plan's implementation by the FCC and other federal agencies to determine the plan's impact upon existing Nebraska telecommunications policy. In carrying out the purpose of this study, the committee may seek the input and assistance of broadband service providers, the Public Service Commission, and other interested entities.

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

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 780. Senator Lathrop offered the following amendment to the committee amendment:

AM2351

(Amendments to Standing Committee amendments, AM2064)

- 1 1. Insert the following amendment:
- 2 "2. On page 5, line 21, after "act" insert "and before
- 3 June 30, 2013.".

The Lathrop amendment was adopted with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

Committee AM2064, found on page 743 and considered in this day's Journal, as amended, was renewed.

The committee amendment, as amended, was adopted with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 594. Title read. Considered.

Committee AM1699, found on page 978, was considered.

Senator Dierks renewed his amendment, AM2306, found on page 1039, to the committee amendment.

Pending.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 951. Placed on Final Reading.

ST9089

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

1. On page 1, line 1, "32-808" has been struck and "32-604, 32-808, 32-915" inserted; and in line 3 "holding multiple offices, early voting, and provisional ballots; to require postsecondary educational institutions to provide information on" has been inserted after the first "to".

2. On page 2, lines 3 and 8; page 3, line 21; and page 5, line 8, "4" has been struck and "6" inserted.

LEGISLATIVE BILL 951A. Placed on Final Reading.

LEGISLATIVE BILL 965. Placed on Final Reading.

LEGISLATIVE BILL 1081. Placed on Final Reading.

ST9087

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

1. In the Cornett amendment, AM2224, on page 2, subdivision (6) has been renumbered as subdivision (7) and subdivision (7) has been renumbered as subdivision (6).

2. In the E & R amendments, ER8189, on page 9, line 22, "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" has been inserted before "adopt" and "to provide for use of the Job Training Cash Fund; to repeal the original section;" has been inserted after the semicolon.

(Signed) Jeremy Nordquist, Chairperson

GENERAL FILE

LEGISLATIVE BILL 594. The Dierks amendment, AM2306, found on page 1039 and considered in this day's Journal, to the committee amendment, was renewed.

SENATOR PRICE PRESIDING**PRESIDENT SHEEHY PRESIDING**

Pending.

RESOLUTIONS

LEGISLATIVE RESOLUTION 444. Introduced by Carlson, 38.

PURPOSE: The purpose of this resolution is to examine how the law of division fences and the law of trespass affect the ability of landowners to carry out necessary management of trees and other vegetation within and encroaching upon a division fence. It is the goal of this resolution to identify common-law privileges that may exist for entry upon land for purposes of abatement of vegetation within and in immediate proximity to a fence to correct or avoid damage to or dislocation of the fence or impairment of the function of the fence. The resolution shall seek to identify any appropriate revisions to the law of division fences to facilitate resolution between neighboring landowners regarding vegetation issues associated with the construction, maintenance, and repair of division fences.

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

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 445. Introduced by Carlson, 38.

PURPOSE: The purpose of this resolution is to examine the capabilities and resources available to the Department of Agriculture to meet the response protocols of state and federal livestock disease eradication programs. The study shall examine recent experience in livestock disease response, including that associated with the incidences of bovine tuberculosis detected in a Nebraska herd in 2009 and a South Dakota herd this year, for analysis of the adequacy of disease response resources and preparedness of state government and Nebraska's livestock industry. The study shall seek to identify reasonably anticipated livestock disease incident scenarios and to recommend investments in disease prevention and response infrastructure to optimize resiliency to future livestock disease challenges.

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

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 446. Introduced by Carlson, 38.

PURPOSE: The purpose of this resolution is to examine options for a long-term management framework for vegetation within streambeds and immediate riparian areas to maintain streamflow conveyance and other associated benefits. The study shall provide a forum to receive any related recommendations of prioritized vegetation management goals and objectives, and of plans and policies to achieve these objectives, of the Riparian Vegetation Management Task Force. It is a purpose of the study to identify benefited stakeholders in vegetation management projects funded in whole or in part through grants awarded under section 2-958.02 and to develop a framework for cooperative efforts among such stakeholders to develop and to carry out long-term vegetation management objectives.

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

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 447. Introduced by Carlson, 38.

PURPOSE: Media attention and policy debates are increasingly driven by criticisms of modern agricultural practices and food distribution systems. The purpose of this resolution is to compile and synthesize available research and academic literature and to solicit objective expert viewpoints regarding food safety, food security, resource stewardship, farm economy welfare, and other societal benefits and trade-offs associated with various agricultural production and marketing methodologies and philosophies.

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

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 448. Introduced by Carlson, 38; Langemeier, 23.

PURPOSE: The purpose of this resolution is to examine and recommend funding alternatives to continue the Water Resources Cash Fund established by LB 701 during the 2007 legislative session. The study shall review the needs addressed by the Water Resources Cash Fund and projects and initiatives that have been funded in whole or in part by the fund.

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

1. That the Agriculture Committee and Natural Resources Committee of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

AMENDMENTS - Print in Journal

Senator Campbell filed the following amendment to LB999:
AM2321

- 1 1. On page 2, line 7, strike "on".

Senator Lathrop filed the following amendment to LB779:
AM2316 is available in the Bill Room.

Senator Haar filed the following amendment to LB1014:
AM2342

- 1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:
3 Section 1. (1) The Teacher Performance Pay Fund is
4 created. The Board of Educational Lands and Funds shall remit only
5 the income from solar and wind energy leases on school lands to the
6 State Treasurer for credit to the fund. The costs of administration
7 related to the income from leases of school lands shall be deducted
8 from the fund in the manner provided in section 72-232.02. The
9 fund may also consist of any gifts, grants, or bequests made to
10 the fund. The fund shall be used for the support and maintenance
11 of the common schools in each public school district in the
12 state by increasing public school teacher salaries to provide for
13 a higher quality of education. Any money in the fund available
14 for investment shall be invested by the state investment officer

15 pursuant to the Nebraska Capital Expansion Act and the Nebraska
16 State Funds Investment Act.

17 For purposes of this section, lease means any lease,
18 easement, covenant, or other such contractual arrangement.

19 (2) If the amount credited to the Teacher Performance Pay
20 Fund from solar and wind energy leases on school lands exceeds the
21 sum of ten million dollars at the end of any calendar year, the
22 State Treasurer shall transfer such amount in excess of ten million
23 dollars from the Teacher Performance Pay Fund to the temporary
1 school fund.

2 (3) Beginning January 15, 2016, and on or before the
3 third Monday in January of each year thereafter, the State
4 Treasurer shall make a complete exhibit of all money belonging to
5 the Teacher Performance Pay Fund, excluding any amount transferred
6 under subsection (2) of this section, and deliver such exhibit duly
7 certified to the Commissioner of Education. On or before February
8 25 after such delivery, the Commissioner of Education shall make
9 the apportionment of such funds to each school district according
10 to the pro rata enumeration of children who are five through
11 eighteen years of age in each district last returned from the
12 school district. The calculation of apportionment for each school
13 fiscal year shall include any corrections to the prior school
14 fiscal year's apportionment.

15 (4) The Commissioner of Education shall certify the
16 amount of the apportionment of the Teacher Performance Pay Fund
17 as provided in subsection (3) of this section to the Director of
18 Administrative Services. The Director of Administrative Services
19 shall draw a warrant on the State Treasurer in favor of the
20 various districts for the respective amounts so certified by the
21 Commissioner of Education.

22 (5) Each school district shall use the funds received
23 under subsection (4) of this section for teacher performance
24 pay. For purposes of this section, teacher performance pay is
25 a systematic process for measuring teachers' performance and
26 linking the measurements to changes in teacher pay. Indicators
27 of teacher performance may include, but are not limited to,
1 improving professional skills and knowledge, classroom performance
2 or instructional behavior, and instructional outcomes. Teacher
3 performance pay may include predetermined bonus amounts and payout
4 criteria. Each school district that receives funds under subsection
5 (4) of this section for teacher performance pay shall utilize such
6 funds as a supplement to the salary schedule provided in local
7 collective-bargaining agreements. For purposes of distribution of
8 such funds only, the Legislature finds that teacher performance
9 pay measurements, criteria, and payout amounts are mandatory topics
10 of collective bargaining. If a school district that receives funds
11 under subsection (4) of this section has not included a system
12 for teacher performance pay within its local collective-bargaining
13 agreement, such funds shall be returned to the State Treasurer

14 within one month of receipt of such funds. The State Treasurer
 15 shall immediately credit any funds returned under this subsection
 16 to the Teacher Performance Pay Fund.

17 (6) The Teacher Performance Pay Fund shall terminate
 18 on June 30, 2020, unless at least seventy-five percent of the
 19 school districts receiving funds for teacher performance pay
 20 pursuant to subsection (4) of this section have included a system
 21 for distribution of such funds within their respective local
 22 collective-bargaining agreements by January 1, 2020. To determine
 23 whether the fund shall terminate, the Commissioner of Education,
 24 on or after January 1, 2020, shall collect data from each school
 25 district to determine whether at least seventy-five percent of the
 26 school districts have included a system for distribution of funds
 27 received for teacher performance pay pursuant to subsection (4)
 1 of this section within their respective local collective-bargaining
 2 agreements. If the required percentage has not been met, the
 3 commissioner shall notify the State Treasurer. The State Treasurer
 4 shall then transfer any amounts credited to the fund from solar
 5 and wind energy leases on school lands from the Teacher Performance
 6 Pay Fund to the temporary school fund and transfer any remaining
 7 unexpended balance in the Teacher Performance Pay Fund to the
 8 General Fund on June 30, 2020, and the Teacher Performance Pay Fund
 9 shall thereafter terminate.

10 Sec. 2. Section 79-1007.13, Reissue Revised Statutes of
 11 Nebraska, is amended to read:

12 79-1007.13 The department shall calculate a special
 13 receipts allowance for each district equal to the amount of
 14 special education, state ward, and accelerated or differentiated
 15 curriculum program receipts and the receipts from the Teacher
 16 Performance Pay Fund included in local system formula resources
 17 under subdivisions (7), (8), (16), ~~and (17)~~, and (18) of section
 18 79-1018.01 attributable to the school district.

19 Sec. 3. Section 79-1018.01, Reissue Revised Statutes of
 20 Nebraska, is amended to read:

21 79-1018.01 Except as otherwise provided in this section,
 22 local system formula resources include other actual receipts
 23 available for the funding of general fund operating expenditures
 24 as determined by the department for the second school fiscal
 25 year immediately preceding the school fiscal year in which aid
 26 is to be paid. Receipts from the Community Improvements Cash Fund
 27 and receipts acquired pursuant to the Low-Level Radioactive Waste
 1 Disposal Act shall not be included. Other actual receipts include:

- 2 (1) Public power district sales tax revenue;
- 3 (2) Fines and license fees;
- 4 (3) Tuition receipts from individuals, other districts,
- 5 or any other source except receipts derived from adult education,
- 6 receipts derived from summer school tuition, receipts derived from
- 7 early childhood education tuition, and receipts from educational
- 8 entities as defined in section 79-1201.01 for providing distance

9 education courses through the Distance Education Council until July
 10 1, 2008, and the Educational Service Unit Coordinating Council on
 11 and after July 1, 2008, to such educational entities;

12 (4) Transportation receipts;

13 (5) Interest on investments;

14 (6) Other miscellaneous noncategorical local receipts,
 15 not including receipts from private foundations, individuals,
 16 associations, or charitable organizations;

17 (7) Special education receipts;

18 (8) Special education receipts and non-special education
 19 receipts from the state for wards of the court and wards of the
 20 state;

21 (9) All receipts from the temporary school fund.

22 Beginning with the calculation of aid for school fiscal year
 23 2002-03 and each school fiscal year thereafter, receipts from
 24 the temporary school fund shall only include receipts pursuant
 25 to section 79-1035 and the receipt of funds pursuant to section
 26 79-1036 for property leased for a public purpose as set forth in
 27 subdivision (1)(a) of section 77-202;

1 (10) Motor vehicle tax receipts received on or after
 2 January 1, 1998;

3 (11) Pro rata motor vehicle license fee receipts;

4 (12) Other miscellaneous state receipts excluding revenue
 5 from the textbook loan program authorized by section 79-734;

6 (13) Impact aid entitlements for the school fiscal year
 7 which have actually been received by the district to the extent
 8 allowed by federal law;

9 (14) All other noncategorical federal receipts;

10 (15) All receipts pursuant to the enrollment option
 11 program under sections 79-232 to 79-246;

12 (16) Receipts under the federal Medicare Catastrophic
 13 Coverage Act of 1988, as such act existed on May 8, 2001, as
 14 authorized pursuant to sections 43-2510 and 43-2511 but only to the
 15 extent of the amount the local system would have otherwise received
 16 pursuant to the Special Education Act; ~~and~~

17 (17) Receipts for accelerated or differentiated
 18 curriculum programs pursuant to sections 79-1106 to 79-1108.03;
 19 and-

20 (18) Receipts from the Teacher Performance Pay Fund
 21 pursuant to section 1 of this act.

22 Sec. 4. Section 79-1028.01, Revised Statutes Supplement,
 23 2009, is amended to read:

24 79-1028.01 (1) For ~~school fiscal year 2008-09 and each~~
 25 ~~school fiscal year, thereafter,~~ a school district may exceed its
 26 maximum general fund budget of expenditures minus the special
 27 education budget of expenditures by a specific dollar amount for:

1 (a) Expenditures for repairs to infrastructure damaged by
 2 a natural disaster which is declared a disaster emergency pursuant
 3 to the Emergency Management Act;

4 (b) Expenditures for judgments, except judgments or
 5 orders from the Commission of Industrial Relations, obtained
 6 against a school district which require or obligate a school
 7 district to pay such judgment, to the extent such judgment is not
 8 paid by liability insurance coverage of a school district;

9 (c) Expenditures pursuant to the Retirement Incentive
 10 Plan authorized in section 79-855 or the Staff Development
 11 Assistance authorized in section 79-856;

12 (d) Expenditures of incentive payments or base fiscal
 13 year incentive payments to be received in such school fiscal year
 14 pursuant to section 79-1011;

15 (e) Expenditures of amounts received from educational
 16 entities as defined in section 79-1201.01 for providing distance
 17 education courses through the Educational Service Unit Coordinating
 18 Council to such educational entities;

19 (f) Either (i) the first and second school fiscal years
 20 the district will be participating in Network Nebraska for the
 21 full school fiscal year or (ii) school fiscal year 2008-09, if
 22 the school district participated in Network Nebraska for all of
 23 school fiscal year 2007-08, for the difference of the estimated
 24 expenditures for such school fiscal year for telecommunications
 25 services, access to data transmission networks that transmit data
 26 to and from the school district, and the transmission of data on
 27 such networks as such expenditures are defined by the department
 1 for purposes of the distance education and telecommunications
 2 allowance minus the dollar amount of such expenditures for the
 3 second school fiscal year preceding the first full school fiscal
 4 year the district participates in Network Nebraska;

5 (g) Expenditures to pay another school district for the
 6 transfer of land from such other school district;

7 (h) Expenditures in school fiscal years 2009-10 through
 8 2013-14 to pay for employer contributions pursuant to subsection
 9 (2) of section 79-958 to the School Retirement System of the
 10 State of Nebraska to the extent that such expenditures exceed the
 11 employer contributions under such subsection that would have been
 12 made at a contribution rate of seven and thirty-five hundredths
 13 percent; ~~and~~

14 (i) Expenditures in school fiscal years 2009-10 through
 15 2013-14 to pay for school district contributions pursuant to
 16 subdivision (1)(c)(i) of section 79-9,113 to the Class V School
 17 Employees Retirement System to the extent that such expenditures
 18 exceed the school district contributions under such subdivision
 19 that would have been made at a contribution rate of seven and
 20 thirty-seven hundredths percent; ~~and~~

21 ~~(2) For school fiscal year 2009-10 and each school fiscal~~
 22 ~~year thereafter, a school district may exceed its maximum general~~
 23 ~~fund budget of expenditures minus the special education budget of~~
 24 ~~expenditures by a specific dollar amount for (a) expenditures~~

25 (j) Expenditures for sums agreed to be paid by a school
 26 district to certificated employees in exchange for a voluntary
 27 termination occurring prior to July 1, 2009; ~~and (b) expenditures~~

1 (k) Expenditures for new elementary attendance sites in
 2 the first year of operation or the first year of operation after
 3 being closed for at least one school year if such elementary
 4 attendance site will most likely qualify for the elementary site
 5 allowance in the immediately following school fiscal year as
 6 determined by the state board; ~~and-~~

7 (l) Expenditures in school fiscal years 2016-17 and
 8 2017-18 of amounts received from the Teacher Performance Pay Fund
 9 pursuant to section 1 of this act.

10 ~~(3)-(2)~~ The state board shall approve, deny, or modify
 11 the amount allowed for any exception to the maximum general fund
 12 budget of expenditures minus the special education budget of
 13 expenditures pursuant to this section.

14 Sec. 5. Section 79-1035.02, Reissue Revised Statutes of
 15 Nebraska, is amended to read:

16 79-1035.02 The temporary school fund is the holding fund
 17 to which (1) the net income from the school lands, except for the
 18 income less costs of administration derived from solar and wind
 19 energy leases on school lands which is credited to the Teacher
 20 Performance Pay Fund under section 1 of this act, (2) the interest,
 21 dividends, and any other income from the permanent school fund,
 22 ~~the net income from the school lands,~~ and (3) the money from all
 23 other sources required or provided by law are credited as described
 24 in Article VII, section 9, of the Constitution of Nebraska. The
 25 entire balance of the temporary school fund, including all interest
 26 and any other income therefrom, shall be exclusively used for the
 27 support and maintenance of the common schools in each public school
 1 district in the state as the Legislature provides, in accordance
 2 with Article VII, section 9, of the Constitution of Nebraska, and
 3 shall be distributed to each public school district annually.

4 Sec. 6. Original sections 79-1007.13, 79-1018.01, and
 5 79-1035.02, Reissue Revised Statutes of Nebraska, and section
 6 79-1028.01, Revised Statutes Supplement, 2009, are repealed.

Senator Rogert filed the following amendment to LB817:
 AM2314

(Amendments to AM2308)

1 1. Strike amendment 1 and insert the following new
 2 amendment:

3 1. Insert the following new section:

4 Sec. 3. Section 69-2431, Reissue Revised Statutes of
 5 Nebraska, is amended to read:

6 69-2431 In order to insure an applicant's initial
 7 compliance with sections 69-2430 and 69-2433, the applicant for
 8 a permit to carry a concealed handgun shall be fingerprinted by
 9 the Nebraska State Patrol and a check made of his or her criminal

10 history record information maintained by the Federal Bureau of
 11 Investigation through the Nebraska State Patrol. ~~The criminal~~
 12 ~~history record information check under the Concealed Handgun Permit~~
 13 ~~Act is for initial compliance only. In order to insure continuing~~
 14 ~~compliance with sections 69-2430 and 69-2433 and compliance for~~
 15 ~~renewal pursuant to section 69-2436, a check shall be made of~~
 16 ~~a permitholder's criminal history record information through the~~
 17 National Instant Criminal Background Check System.

Senator Avery filed the following amendment to LB779:
 AM2268

(Amendments to Standing Committee amendments, AM2038)

- 1 1. Insert the following new sections:
- 2 Section 1. Section 13-503, Revised Statutes Supplement,
- 3 2009, is amended to read:
- 4 13-503 For purposes of the Nebraska Budget Act, unless
- 5 the context otherwise requires:
- 6 (1) Governing body shall mean the governing body of
- 7 any county agricultural society, elected county fair board, joint
- 8 airport authority formed under the Joint Airport Authorities
- 9 Act, city or county airport authority, bridge commission created
- 10 pursuant to section 39-868, cemetery district, city, village,
- 11 municipal county, community college, community redevelopment
- 12 authority, county, drainage or levee district, educational
- 13 service unit, rural or suburban fire protection district,
- 14 historical society, hospital district, irrigation district,
- 15 learning community, natural resources district, nonprofit county
- 16 historical association or society for which a tax is levied under
- 17 subsection (1) of section 23-355.01, public building commission,
- 18 railroad transportation safety district, reclamation district,
- 19 road improvement district, rural water district, school district,
- 20 sanitary and improvement district, township, offstreet parking
- 21 district, transit authority, metropolitan utilities district,
- 22 Educational Service Unit Coordinating Council, and political
- 1 subdivision with the authority to have a property tax request, with
- 2 the authority to levy a toll, or that receives state aid;
- 3 (2) Levying board shall mean any governing body which has
- 4 the power or duty to levy a tax;
- 5 (3) Fiscal year shall mean the twelve-month period used
- 6 by each governing body in determining and carrying on its financial
- 7 and taxing affairs;
- 8 (4) Tax shall mean any general or special tax levied
- 9 against persons, property, or business for public purposes as
- 10 provided by law but shall not include any special assessment;
- 11 (5) Auditor shall mean the Auditor of Public Accounts;
- 12 (6) Cash reserve shall mean funds required for the period
- 13 before revenue would become available for expenditure but shall not
- 14 include funds held in any special reserve fund;

15 (7) Public funds shall mean all money, including nontax
 16 money, used in the operation and functions of governing bodies.
 17 For purposes of a county, city, or village which has a lottery
 18 established under the Nebraska County and City Lottery Act, only
 19 those net proceeds which are actually received by the county, city,
 20 or village from a licensed lottery operator shall be considered
 21 public funds, and public funds shall not include amounts awarded as
 22 prizes;

23 (8) Adopted budget statement shall mean a proposed budget
 24 statement which has been adopted or amended and adopted as provided
 25 in section 13-506. Such term shall include additions, if any, to an
 26 adopted budget statement made by a revised budget which has been
 27 adopted as provided in section 13-511;

1 (9) Special reserve fund shall mean any special fund
 2 set aside by the governing body for a particular purpose and not
 3 available for expenditure for any other purpose. Funds created
 4 for (a) the retirement of bonded indebtedness, (b) the funding
 5 of employee pension plans, (c) the purposes of the Political
 6 Subdivisions Self-Funding Benefits Act, (d) the purposes of the
 7 Local Option Municipal Economic Development Act, (e) voter-approved
 8 sinking funds, or (f) statutorily authorized sinking funds shall be
 9 considered special reserve funds;

10 (10) Biennial period shall mean the two fiscal years
 11 comprising a biennium commencing in odd-numbered or even-numbered
 12 years used by a city in determining and carrying on its financial
 13 and taxing affairs; and

14 (11) Biennial budget shall mean a budget by a city of
 15 the primary or metropolitan class that adopts a charter provision
 16 providing for a biennial period to determine and carry on the
 17 city's financial and taxing affairs.

18 Sec. 13. Section 14-501.01, Reissue Revised Statutes of
 19 Nebraska, is amended to read:

20 14-501.01 A city of the metropolitan class may adopt
 21 biennial budgets for biennial periods if such budgets are provided
 22 for by a city charter provision. For purposes of this section:

23 (1) Biennial budget means a budget that provides for a
 24 biennial period to determine and carry on the city's financial and
 25 taxing affairs; and

26 (2) Biennial period means the two fiscal years comprising
 27 a biennium commencing in odd-numbered or even-numbered years.

1 Sec. 14. Section 15-801, Reissue Revised Statutes of
 2 Nebraska, is amended to read:

3 15-801 A city of the primary class may adopt biennial
 4 budgets for biennial periods if such budgets are provided for by a
 5 city charter provision. For purposes of this section:

6 (1) Biennial budget means a budget that provides for a
 7 biennial period to determine and carry on the city's financial and
 8 taxing affairs; and

- 9 (2) Biennial period means the two fiscal years comprising
 10 a biennium commencing in odd-numbered or even-numbered years.
 11 2. Renumber the remaining sections and correct the
 12 repealer accordingly.

GENERAL FILE

LEGISLATIVE BILL 594. The Dierks amendment, AM2306, found on page 1039 and considered in this day's Journal, to the committee amendment, was renewed.

SPEAKER FLOOD PRESIDING

Senator Dierks moved for a call of the house. The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

Senator Dierks requested a roll call vote on his amendment.

Voting in the affirmative, 32:

Adams	Dubas	Harms	McCoy	Sullivan
Carlson	Fischer	Heidemann	Mello	Utter
Christensen	Flood	Karpisek	Nelson	Wallman
Coash	Gay	Krist	Pankonin	Wightman
Cornett	Gloor	Langemeier	Pirsch	
Council	Hadley	Lathrop	Price	
Dierks	Hansen	Louden	Rogert	

Voting in the negative, 6:

Avery	Conrad	Haar
Campbell	Cook	McGill

Present and not voting, 1:

Giese

Excused and not voting, 10:

Ashford	Howard	Lautenbaugh	Pahls	Stuthman
Fulton	Janssen	Nordquist	Schilz	White

The Dierks amendment was adopted with 32 ayes, 6 nays, 1 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

Pending.

RESOLUTIONS**LEGISLATIVE RESOLUTION 449.** Introduced by Mello, 5.

PURPOSE: The purpose of this interim study is to examine energy efficiency financing options and sources of funds for residential, commercial, and industrial property owners. The study shall also examine the concepts of Property Assessed Clean Energy financing, and performance contracting financing and the required steps necessary to implement these programs at the municipal and state levels.

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

1. That the Urban Affairs Committee of the Legislature and the Natural Resources Committee of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 450. Introduced by Mello, 5.

PURPOSE: The purpose of this interim study is to examine the establishment of an electronic waste recycling program in Nebraska, with the goal of adopting legislation that would establish such an electronic waste recycling program.

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

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 451. Introduced by Mello, 5.

PURPOSE: The purpose of this study is to examine issues relating to the Small Business Regulatory Flexibility Act proposed by LB 709 in 2010. The bill would have required state agencies to consider the economic impact on small businesses before passing new rules and regulations, would have required agencies to consider less burdensome alternatives, would have set up judicial review of agency compliance with the rulemaking procedures,

and would have required state government to periodically review existing rules and regulations to ensure they are not excessive.

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

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

AMENDMENT - Print in Journal

Senator Coash filed the following amendment to LB779:
AM2324

(Amendments to Standing Committee amendments, AM2038)

- 1 1. Insert the following sections:
 2 Sec. 12. Sections 12 to 17 of this act shall be known and
 3 may be cited as the Agritourism Insurance Act.
 4 Sec. 13. For purposes of the Agritourism Insurance Act:
 5 (1) Liability insurance means liability insurance
 6 providing a minimum coverage of not less than one million dollars
 7 written by an insurance company authorized to do business in this
 8 state or obtained through a licensed surplus lines producer;
 9 (2) Agritourism activities means activities that allows
 10 persons who are members of the general public to view or
 11 participate in (a) rural activities that are carried out on a
 12 farm or ranch, including farming, ranching, hunting, fishing, and
 13 historic, cultural, or natural attractions, and (b) outfitting when
 14 vessels or inner tubes are rented for use on public or private
 15 streams; and
 16 (3) Small agritourism business means a private individual
 17 or a private entity that provides agritourism activities and
 18 derives or anticipates deriving net income of not more than five
 19 hundred thousand dollars annually.
 20 Sec. 14. The intent of the Agritourism Insurance Act is
 21 to encourage the development of small agritourism businesses and
 22 to encourage small agritourism businesses to acquire and maintain
 1 liability insurance by granting such businesses a tax credit as
 2 provided in the act.
 3 Sec. 15. The Agritourism Insurance Fund is created. The
 4 fund shall consist of funds transferred from the Local Civic,
 5 Cultural, and Convention Center Financing Fund as provided in
 6 section 13-2704. As soon after December 31 each year as possible,
 7 the Department of Economic Development shall certify the amount of
 8 income tax credits granted under section 16 of this act in the

9 prior calendar year to the State Treasurer who shall transfer such
10 amount from the Agritourism Insurance Fund to the General Fund. Any
11 money in the Agritourism Insurance Fund available for investment
12 shall be invested by the state investment officer pursuant to
13 the Nebraska Capital Expansion Act and the Nebraska State Funds
14 Investment Act.

15 Sec. 16. (1) Beginning January 1, 2011, a small
16 agritourism business that acquires and maintains liability
17 insurance may apply to the Department of Economic Development for a
18 refundable income tax credit as provided in this section.

19 (2) The application shall include (a) written evidence
20 from the business that such business meets the requirements for
21 being a small agritourism business and has acquired liability
22 insurance, (b) the cost of the liability insurance to the business,
23 and (c) an affidavit stating that the small agritourism business
24 intends to maintain such insurance for at least one year after
25 the tax credit is granted. If the liability insurance is not
26 so maintained, the small agritourism business shall repay to the
27 department the amount of the credit received with interest. The
1 department shall remit such repayment to the State Treasurer for
2 credit to the Agritourism Insurance Fund.

3 (3) The department shall grant the tax credit to
4 qualified applicants as the applications are received. A small
5 agritourism business may apply for the tax credit for a maximum
6 of five years, which shall be consecutive. The refundable income
7 tax credit is an amount equal to fifty percent of the cost of the
8 liability insurance to the business, not to exceed two thousand
9 dollars annually. A small agritourism business shall reapply each
10 year a tax credit is sought under the Agritourism Insurance Act.

11 (4) The total amount of tax credits granted per year
12 under this section shall not exceed one hundred thousand dollars
13 from the Agritourism Insurance Fund. If the limitation is reached,
14 the department shall so notify applicants of any applications
15 received thereafter.

16 Sec. 17. The Department of Economic Development may adopt
17 and promulgate rules and regulations to carry out the Agritourism
18 Insurance Act.

19 Sec. 18. Section 77-2715.07, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 77-2715.07 (1) There shall be allowed to qualified
22 resident individuals as a nonrefundable credit against the income
23 tax imposed by the Nebraska Revenue Act of 1967:

24 (a) A credit equal to the federal credit allowed under
25 section 22 of the Internal Revenue Code; and

26 (b) A credit for taxes paid to another state as provided
27 in section 77-2730.

1 (2) There shall be allowed to qualified resident
2 individuals against the income tax imposed by the Nebraska Revenue
3 Act of 1967:

4 (a) For returns filed reporting federal adjusted
5 gross incomes of greater than twenty-nine thousand dollars, a
6 nonrefundable credit equal to twenty-five percent of the federal
7 credit allowed under section 21 of the Internal Revenue Code of
8 1986, as amended;

9 (b) For returns filed reporting federal adjusted gross
10 income of twenty-nine thousand dollars or less, a refundable credit
11 equal to a percentage of the federal credit allowable under section
12 21 of the Internal Revenue Code of 1986, as amended, whether or
13 not the federal credit was limited by the federal tax liability.
14 The percentage of the federal credit shall be one hundred percent
15 for incomes not greater than twenty-two thousand dollars, and
16 the percentage shall be reduced by ten percent for each one
17 thousand dollars, or fraction thereof, by which the reported
18 federal adjusted gross income exceeds twenty-two thousand dollars;

19 (c) A refundable credit as provided in section 77-5209.01
20 for individuals who qualify for an income tax credit as a qualified
21 beginning farmer or livestock producer under the Beginning Farmer
22 Tax Credit Act for all taxable years beginning or deemed to begin
23 on or after January 1, 2006, under the Internal Revenue Code of
24 1986, as amended;

25 (d) A refundable credit for individuals who qualify for
26 an income tax credit under the Nebraska Advantage Microenterprise
27 Tax Credit Act or the Nebraska Advantage Research and Development
1 Act; and

2 (e) A refundable credit equal to ten percent of the
3 federal credit allowed under section 32 of the Internal Revenue
4 Code of 1986, as amended.

5 (3) There shall be allowed to all individuals as a
6 nonrefundable credit against the income tax imposed by the Nebraska
7 Revenue Act of 1967:

8 (a) A credit for personal exemptions allowed under
9 section 77-2716.01;

10 (b) A credit for contributions to certified community
11 betterment programs as provided in the Community Development
12 Assistance Act. Each partner, each shareholder of an electing
13 subchapter S corporation, each beneficiary of an estate or trust,
14 or each member of a limited liability company shall report his or
15 her share of the credit in the same manner and proportion as he
16 or she reports the partnership, subchapter S corporation, estate,
17 trust, or limited liability company income; and

18 (c) A credit for investment in a biodiesel facility as
19 provided in section 77-27,236.

20 (4) There shall be allowed as a credit against the income
21 tax imposed by the Nebraska Revenue Act of 1967:

22 (a) A credit to all resident estates and trusts for taxes
23 paid to another state as provided in section 77-2730;

24 (b) A credit to all estates and trusts for contributions
25 to certified community betterment programs as provided in the
26 Community Development Assistance Act; and

27 (c) A refundable credit for individuals who qualify for
1 an income tax credit as an owner of agricultural assets under the
2 Beginning Farmer Tax Credit Act for all taxable years beginning
3 or deemed to begin on or after January 1, 2009, under the
4 Internal Revenue Code of 1986, as amended. The credit allowed
5 for each partner, shareholder, member, or beneficiary of a
6 partnership, corporation, limited liability company, or estate
7 or trust qualifying for an income tax credit as an owner of
8 agricultural assets under the Beginning Farmer Tax Credit Act
9 shall be equal to the partner's, shareholder's, member's, or
10 beneficiary's portion of the amount of tax credit distributed
11 pursuant to subsection (4) of section 77-5211.

12 (5)(a) For all taxable years beginning on or after
13 January 1, 2007, and before January 1, 2009, under the Internal
14 Revenue Code of 1986, as amended, there shall be allowed to each
15 partner, shareholder, member, or beneficiary of a partnership,
16 subchapter S corporation, limited liability company, or estate or
17 trust a nonrefundable credit against the income tax imposed by
18 the Nebraska Revenue Act of 1967 equal to fifty percent of the
19 partner's, shareholder's, member's, or beneficiary's portion of the
20 amount of franchise tax paid to the state under sections 77-3801 to
21 77-3807 by a financial institution.

22 (b) For all taxable years beginning on or after January
23 1, 2009, under the Internal Revenue Code of 1986, as amended,
24 there shall be allowed to each partner, shareholder, member, or
25 beneficiary of a partnership, subchapter S corporation, limited
26 liability company, or estate or trust a nonrefundable credit
27 against the income tax imposed by the Nebraska Revenue Act of 1967
1 equal to the partner's, shareholder's, member's, or beneficiary's
2 portion of the amount of franchise tax paid to the state under
3 sections 77-3801 to 77-3807 by a financial institution.

4 (c) Each partner, shareholder, member, or beneficiary
5 shall report his or her share of the credit in the same manner
6 and proportion as he or she reports the partnership, subchapter S
7 corporation, limited liability company, or estate or trust income.
8 If any partner, shareholder, member, or beneficiary cannot fully
9 utilize the credit for that year, the credit may not be carried
10 forward or back.

11 (6) A refundable credit for individuals or entities who
12 qualify for an income tax credit under the Agritourism Insurance
13 Act. Each partner, each shareholder of an electing subchapter S
14 corporation, each beneficiary of an estate or trust, or each member
15 of a limited liability company shall report his or her share of the
16 credit in the same manner and proportion as he or she reports the
17 partnership, subchapter S corporation, estate, trust, or limited
18 liability company income.

19 Sec. 19. Section 77-2717, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 77-2717 (1)(a) The tax imposed on all resident estates
22 and trusts shall be a percentage of the federal taxable income
23 of such estates and trusts as modified in section 77-2716, plus
24 a percentage of the federal alternative minimum tax and the
25 federal tax on premature or lump-sum distributions from qualified
26 retirement plans. The additional taxes shall be recomputed by (i)
27 substituting Nebraska taxable income for federal taxable income,
1 (ii) calculating what the federal alternative minimum tax would
2 be on Nebraska taxable income and adjusting such calculations for
3 any items which are reflected differently in the determination of
4 federal taxable income, and (iii) applying Nebraska rates to the
5 result. The federal credit for prior year minimum tax, after the
6 recomputations required by the Nebraska Revenue Act of 1967, and
7 the credits provided in the Nebraska Advantage Microenterprise Tax
8 Credit Act and the Nebraska Advantage Research and Development Act
9 shall be allowed as a reduction in the income tax due. A refundable
10 income tax credit shall be allowed for all resident estates and
11 trusts under the Nebraska Advantage Microenterprise Tax Credit Act,
12 ~~and the Nebraska Advantage Research and Development Act; and the~~
13 Agritourism Insurance Act.

14 (b) The tax imposed on all nonresident estates and trusts
15 shall be the portion of the tax imposed on resident estates and
16 trusts which is attributable to the income derived from sources
17 within this state. The tax which is attributable to income derived
18 from sources within this state shall be determined by multiplying
19 the liability to this state for a resident estate or trust with
20 the same total income by a fraction, the numerator of which is
21 the nonresident estate's or trust's Nebraska income as determined
22 by sections 77-2724 and 77-2725 and the denominator of which is
23 its total federal income after first adjusting each by the amounts
24 provided in section 77-2716. The federal credit for prior year
25 minimum tax, after the recomputations required by the Nebraska
26 Revenue Act of 1967, reduced by the percentage of the total income
27 which is attributable to income from sources outside this state,
1 and the credits provided in the Nebraska Advantage Microenterprise
2 Tax Credit Act and the Nebraska Advantage Research and Development
3 Act shall be allowed as a reduction in the income tax due. A
4 refundable income tax credit shall be allowed for all nonresident
5 estates and trusts under the Nebraska Advantage Microenterprise Tax
6 Credit Act, ~~and the Nebraska Advantage Research and Development~~
7 ~~Act; and the Agritourism Insurance Act.~~

8 (2) In all instances wherein a fiduciary income tax
9 return is required under the provisions of the Internal Revenue
10 Code, a Nebraska fiduciary return shall be filed, except that a
11 fiduciary return shall not be required to be filed regarding a
12 simple trust if all of the trust's beneficiaries are residents of
13 the State of Nebraska, all of the trust's income is derived from

14 sources in this state, and the trust has no federal tax liability.
15 The fiduciary shall be responsible for making the return for the
16 estate or trust for which he or she acts, whether the income be
17 taxable to the estate or trust or to the beneficiaries thereof.
18 The fiduciary shall include in the return a statement of each
19 beneficiary's distributive share of net income when such income is
20 taxable to such beneficiaries.

21 (3) The beneficiaries of such estate or trust who are
22 residents of this state shall include in their income their
23 proportionate share of such estate's or trust's federal income and
24 shall reduce their Nebraska tax liability by their proportionate
25 share of the credits as provided in the Nebraska Advantage
26 Microenterprise Tax Credit Act and the Nebraska Advantage Research
27 and Development Act. There shall be allowed to a beneficiary a
1 refundable income tax credit under the Agritourism Insurance Act
2 and the Beginning Farmer Tax Credit Act for all taxable years
3 beginning or deemed to begin on or after January 1, 2001, under the
4 Internal Revenue Code of 1986, as amended.

5 (4) If any beneficiary of such estate or trust is a
6 nonresident during any part of the estate's or trust's taxable
7 year, he or she shall file a Nebraska income tax return which
8 shall include (a) in Nebraska adjusted gross income that portion
9 of the estate's or trust's Nebraska income, as determined under
10 sections 77-2724 and 77-2725, allocable to his or her interest
11 in the estate or trust and (b) a reduction of the Nebraska tax
12 liability by his or her proportionate share of the credits as
13 provided in the Nebraska Advantage Microenterprise Tax Credit Act
14 and the Nebraska Advantage Research and Development Act and shall
15 execute and forward to the fiduciary, on or before the original due
16 date of the Nebraska fiduciary return, an agreement which states
17 that he or she will file a Nebraska income tax return and pay
18 income tax on all income derived from or connected with sources in
19 this state, and such agreement shall be attached to the Nebraska
20 fiduciary return for such taxable year.

21 (5) In the absence of the nonresident beneficiary's
22 executed agreement being attached to the Nebraska fiduciary return,
23 the estate or trust shall remit a portion of such beneficiary's
24 income which was derived from or attributable to Nebraska sources
25 with its Nebraska return for the taxable year. The amount of
26 remittance, in such instance, shall be the highest individual
27 income tax rate determined under section 77-2715.02 multiplied by
1 the nonresident beneficiary's share of the estate or trust income
2 which was derived from or attributable to sources within this
3 state. The amount remitted shall be allowed as a credit against the
4 Nebraska income tax liability of the beneficiary.

5 (6) The Tax Commissioner may allow a nonresident
6 beneficiary to not file a Nebraska income tax return if the
7 nonresident beneficiary's only source of Nebraska income was his or
8 her share of the estate's or trust's income which was derived from

9 or attributable to sources within this state, the nonresident did
10 not file an agreement to file a Nebraska income tax return, and
11 the estate or trust has remitted the amount required by subsection
12 (5) of this section on behalf of such nonresident beneficiary. The
13 amount remitted shall be retained in satisfaction of the Nebraska
14 income tax liability of the nonresident beneficiary.

15 (7) For purposes of this section, unless the context
16 otherwise requires, simple trust shall mean any trust instrument
17 which (a) requires that all income shall be distributed currently
18 to the beneficiaries, (b) does not allow amounts to be paid,
19 permanently set aside, or used in the tax year for charitable
20 purposes, and (c) does not distribute amounts allocated in the
21 corpus of the trust. Any trust which does not qualify as a simple
22 trust shall be deemed a complex trust.

23 (8) For purposes of this section, any beneficiary of an
24 estate or trust that is a grantor trust of a nonresident shall be
25 disregarded and this section shall apply as though the nonresident
26 grantor was the beneficiary.

27 Sec. 20. Section 77-2734.03, Reissue Revised Statutes of
1 Nebraska, is amended to read:

2 77-2734.03 (1)(a) For taxable years commencing prior to
3 January 1, 1997, any (i) insurer paying a tax on premiums and
4 assessments pursuant to section 77-908 or 81-523, (ii) electric
5 cooperative organized under the Joint Public Power Authority Act,
6 or (iii) credit union shall be credited, in the computation of
7 the tax due under the Nebraska Revenue Act of 1967, with the
8 amount paid during the taxable year as taxes on such premiums and
9 assessments and taxes in lieu of intangible tax.

10 (b) For taxable years commencing on or after January 1,
11 1997, any insurer paying a tax on premiums and assessments pursuant
12 to section 77-908 or 81-523, any electric cooperative organized
13 under the Joint Public Power Authority Act, or any credit union
14 shall be credited, in the computation of the tax due under the
15 Nebraska Revenue Act of 1967, with the amount paid during the
16 taxable year as (i) taxes on such premiums and assessments included
17 as Nebraska premiums and assessments under section 77-2734.05 and
18 (ii) taxes in lieu of intangible tax.

19 (c) For taxable years commencing or deemed to commence
20 prior to, on, or after January 1, 1998, any insurer paying a tax on
21 premiums and assessments pursuant to section 77-908 or 81-523 shall
22 be credited, in the computation of the tax due under the Nebraska
23 Revenue Act of 1967, with the amount paid during the taxable year
24 as assessments allowed as an offset against premium and related
25 retaliatory tax liability pursuant to section 44-4233.

26 (2) There shall be allowed to corporate taxpayers a
27 tax credit for contributions to community betterment programs as
1 provided in the Community Development Assistance Act.

2 (3) There shall be allowed to corporate taxpayers a
3 refundable income tax credit under the Beginning Farmer Tax Credit

4 Act for all taxable years beginning or deemed to begin on or
5 after January 1, 2001, under the Internal Revenue Code of 1986, as
6 amended.

7 (4) The changes made to this section by Laws 2004, LB
8 983, apply to motor fuels purchased during any tax year ending
9 or deemed to end on or after January 1, 2005, under the Internal
10 Revenue Code of 1986, as amended.

11 (5) There shall be allowed to corporate taxpayers
12 refundable income tax credits under the Nebraska Advantage
13 Microenterprise Tax Credit Act and the Nebraska Advantage Research
14 and Development Act.

15 (6) There shall be allowed to corporate taxpayers a
16 nonrefundable income tax credit for investment in a biodiesel
17 facility as provided in section 77-27,236.

18 (7) There shall be allowed to corporate taxpayers a
19 refundable income tax credit for small agritourism businesses as
20 provided in the Agritourism Insurance Act.

21 2. On page 14, line 9, before "Any" insert "The State
22 Treasurer shall transfer thirty percent of money credited to the
23 Local Civic, Cultural, and Convention Center Financing Fund, up to
24 one hundred thousand dollars per calendar year, to the Agritourism
25 Insurance Fund.".

26 3. On page 16, line 14, strike "and" and after the last
27 comma insert "77-2715.07, 77-2717, and 77-2734.03,".

1 4. Renumber the remaining sections accordingly.

GENERAL FILE

LEGISLATIVE BILL 594. Senator Conrad offered the following
amendment to the committee amendment:

AM2317

(Amendments to Standing Committee amendments, AM1699)

1 1. Strike sections 6 to 10 and insert the following new
2 section:

3 Sec. 6. Section 28-327.01, Revised Statutes Supplement,
4 2009, is amended to read:

5 28-327.01 (1) The Department of Health and Human Services
6 shall cause to be published the following easily comprehensible
7 printed materials:

8 (a) Geographically indexed materials designed to inform
9 the woman of public and private agencies and services available to
10 assist a woman through pregnancy, upon childbirth, and while the
11 child is dependent, including adoption agencies and agencies and
12 services for prevention of unintended pregnancies, which materials
13 shall include a comprehensive list of the agencies available,
14 a description of the services they offer, and a description of
15 the manner, including telephone numbers and addresses in which
16 such agencies may be contacted or printed materials including a
17 toll-free, twenty-four-hour-a-day telephone number which may be

18 called to orally obtain such a list and description of agencies in
 19 the locality of the caller and of the services they offer;

20 (b) Materials designed to inform the woman of the
 21 probable anatomical and physiological characteristics of the
 22 unborn child at two-week gestational increments from the time
 1 when a woman can be known to be pregnant to full term, including
 2 pictures or drawings representing the development of unborn
 3 children at the two-week gestational increments, and any relevant
 4 information on the possibility of the unborn child's survival.
 5 Any such pictures or drawings shall contain the dimensions of
 6 the unborn child and shall be realistic and appropriate for the
 7 stage of pregnancy depicted. The materials shall be objective,
 8 nonjudgmental, and designed to convey only accurate scientific
 9 information about the unborn child at the various gestational ages,
 10 ~~The materials shall also contain objective information describing~~
 11 ~~the methods of abortion procedures commonly employed, and contain~~
 12 ~~the medical risks commonly associated with each such procedure. The~~
 13 materials shall also contain objective information regarding the
 14 psychological effects of abortion, whether negative or positive,
 15 for which there is a statistical association for one or more
 16 outcomes such that there is less than a five percent probability (P
 17 < .05) that such statistical association is due to chance. Such
 18 information on psychological effects shall have been published in
 19 any peer-reviewed journals indexed by the United States National
 20 Library of Medicine's search services (PubMed or MEDLINE) or in
 21 any journal included in the Thomson Reuters Master Journal List
 22 not less than twelve months prior to the date of publication
 23 of the materials, and these materials will objectively explain
 24 the difference between statistical association and causation. The
 25 department shall perform these searches, review new studies, and
 26 republish the materials annually to reflect the most recent data;
 27 ~~and, the possible detrimental psychological effects of abortion,~~
 1 ~~the medical risks commonly associated with abortion, and the~~
 2 ~~medical risks commonly associated with carrying a child to term;~~
 3 ~~and~~

4 (c) A comprehensive list of health care providers,
 5 facilities, and clinics that offer to have ultrasounds performed by
 6 a person at least as qualified as a registered nurse licensed under
 7 the Uniform Credentialing Act, including and specifying those that
 8 offer to perform such ultrasounds free of charge. The list shall be
 9 arranged geographically and shall include the name, address, hours
 10 of operation, and telephone number of each entity.

11 (2) The materials shall be printed in a typeface large
 12 enough to be clearly legible.

13 (3) The materials required under this section shall be
 14 available from the department upon the request by any person,
 15 facility, or hospital for an amount equal to the cost incurred by
 16 the department to publish the materials.

17 2. On page 1, line 9; page 2, line 22; and page 15, line

- 18 5, strike "to 10" and insert "and 5".
- 19 3. On page 8, line 13, strike "may" and show as stricken;
- 20 and in line 14 after "choose" insert "and may describe the
- 21 psychological effects of abortion".
- 22 4. On page 10, line 2, after the semicolon insert "and";
- 23 and strike lines 3 through 27.
- 24 5. On page 11, strike lines 1 through 6; in line 7 strike
- 25 "(c)" and insert "(b)"; in lines 10 and 22 strike "(7)" and insert
- 26 "(5)"; and in line 19 strike "(8)" and insert "(6)".
- 27 6. On page 12, line 4, strike "the following damages:"
- 1 and insert "damages."; and strike lines 5 through 11.
- 2 7. On page 16, line 8, strike the last "and" and insert a
- 3 comma; and in line 9 after the first comma insert "and 28-327.01,".
- 4 8. Renumber the remaining sections accordingly.

Pending.

RESOLUTIONS

LEGISLATIVE RESOLUTION 452. Introduced by Mello, 5; Conrad, 46; Fulton, 29; Hansen, 42; Harms, 48; Heidemann, 1; Nelson, 6; Nordquist, 7; Wightman, 36.

WHEREAS, in 2009 the Legislature adopted LR 224 which called for the establishment of a task force known as the Budget Reform Task Force; and

WHEREAS, the task force was to terminate on June 30, 2010; and

WHEREAS, the task force was to issue a report no later than June 30, 2010.

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

1. The Budget Reform Task Force shall continue in existence until December 31, 2010.

2. The task force shall issue a report of its findings and recommendations to the Legislature no later than December 31, 2010.

Laid over.

LEGISLATIVE RESOLUTION 453. Introduced by Council, 11; Carlson, 38.

PURPOSE: The purpose of this resolution is to examine what are described as "food deserts" or areas where access to healthy, affordable food choices is limited. The study shall review recent United States Department of Agriculture research articles and other literature on the topic to develop definitions and methodologies for identifying the existence of food deserts in Nebraska and to inform public policy discussions on the topic. It is further the goal of the study to identify potential policy interventions in order to increase access to and utilization of nutritious food choices for residents of underserved areas.

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

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 594. The Conrad amendment, AM2317, found in this day's Journal, to the committee amendment, was renewed.

Pending.

AMENDMENTS - Print in Journal

Senator Conrad filed the following amendments to LB594:

AM2327

(Amendments to Standing Committee amendments, AM1699)

- 1 1. On page 2, line 9, after the semicolon insert "and";
- 2 and strike beginning with the semicolon in line 15 through "health"
- 3 in line 18.

AM2328

(Amendments to Standing Committee amendments, AM1699)

- 1 1. On page 3, strike beginning with "to" in line 6
- 2 through "chance" in line 8.

AM2329

(Amendments to Standing Committee amendments, AM1699)

- 1 1. On page 5, strike beginning with "Self-induced" in
- 2 line 2 through "(13)" in line 5; and in line 8 strike "(14)" and
- 3 insert "(13)".
- 4 2. On page 6, line 5, strike "(15)" and insert "(14)".

AM2330

(Amendments to Standing Committee amendments, AM1699)

- 1 1. Strike section 4.
- 2 2. Renumber the remaining sections and correct internal
- 3 references accordingly.

AM2331

(Amendments to Standing Committee amendments, AM1699)

- 1 1. On page 12, line 5, strike the paragraphing and "(1)";
- 2 and strike beginning with the semicolon in line 5 through "28-327"
- 3 in line 11.

AM2332

(Amendments to Standing Committee amendments, AM1699)

- 1 1. On page 12, line 9, strike "a preponderance of" and
- 2 insert "clear and convincing".

AM2333

(Amendments to Standing Committee amendments, AM1699)

- 1 1. On page 12, line 23, strike "twenty-four hours" and
- 2 insert "one hour".

AM2334

(Amendments to Standing Committee amendments, AM1699)

- 1 1. Strike section 8.
- 2 2. Renumber the remaining sections and correct internal
- 3 references accordingly.

AM2335

(Amendments to Standing Committee amendments, AM1699)

- 1 1. On page 13, strike lines 14 through 21; in line 22
- 2 strike "(4)" and insert "(3)"; and in line 26 strike "(5)" and
- 3 insert "(4)".
- 4 2. On page 14, line 7, strike "(6)" and insert "(5)".

AM2336

(Amendments to Standing Committee amendments, AM1699)

- 1 1. On page 13, line 25, after the semicolon insert "and";
- 2 and strike lines 26 and 27.
- 3 2. On page 14, strike lines 1 through 6; and in line 7
- 4 strike "(6)" and insert "(5)".

AM2338

(Amendments to Standing Committee amendments, AM1699)

- 1 1. On page 13, line 25, after the semicolon insert "and".
- 2 2. On page 14, line 6, strike "; and" and insert an
- 3 underscored period; and strike lines 7 through 15.

AM2339

(Amendments to Standing Committee amendments, AM1699)

- 1 1. On page 14, strike beginning with "(1)" in line 16
- 2 through line 20; in line 21 strike "(2)" and insert "(1)"; and in
- 3 line 24 strike "(3)" and insert "(2)".

GENERAL FILE

LEGISLATIVE BILL 594. The Conrad amendment, AM2317, found in this day's Journal, to the committee amendment, was renewed.

Senator Conrad moved for a call of the house. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Senator Conrad requested a record vote on her amendment.

Voting in the affirmative, 9:

Avery	Conrad	Council	Haar	McGill
Campbell	Cook	Giese	Karpisek	

Voting in the negative, 27:

Adams	Flood	Heidemann	McCoy	Schilz
Carlson	Gay	Janssen	Mello	Utter
Christensen	Gloor	Krist	Nelson	Wallman
Dierks	Hadley	Langemeier	Pankonin	
Dubas	Hansen	Lathrop	Pirsch	
Fischer	Harms	Lautenbaugh	Price	

Present and not voting, 4:

Coash	Louden	Sullivan	Wightman
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Excused and not voting, 9:

Ashford	Fulton	Nordquist	Rogert	White
Cornett	Howard	Pahls	Stuthman	

The Conrad amendment lost with 9 ayes, 27 nays, 4 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Senator Conrad renewed her amendment, AM2327, found in this day's Journal, to the committee amendment.

SENATOR SULLIVAN PRESIDING**SPEAKER FLOOD PRESIDING**

The Conrad amendment lost with 5 ayes, 20 nays, 15 present and not voting, and 9 excused and not voting.

Senator Conrad withdrew her amendment, AM2328, found in this day's Journal.

Senator Conrad renewed her amendment, AM2329, found in this day's Journal, to the committee amendment.

The Conrad amendment lost with 7 ayes, 23 nays, 9 present and not voting, and 10 excused and not voting.

Senator Conrad renewed her amendment, AM2330, found in this day's Journal, to the committee amendment.

The Conrad amendment lost with 6 ayes, 22 nays, 11 present and not voting, and 10 excused and not voting.

Senator Conrad withdrew her amendments, AM2331, AM2332, AM2333, and AM2334, found in this day's Journal.

Senator Conrad renewed her amendment, AM2335, found in this day's Journal, to the committee amendment.

The Conrad amendment lost with 8 ayes, 24 nays, 10 present and not voting, and 7 excused and not voting.

Senator Conrad withdrew her amendments, AM2336, AM2338, and AM2339, found in this day's Journal.

Committee AM1699, found on page 978 and considered in this day's Journal, as amended, was renewed.

Senator Dierks moved for a call of the house. The motion prevailed with 42 ayes, 0 nays, and 7 not voting.

The committee amendment, as amended, was adopted with 34 ayes, 7 nays, 1 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 7 nays, 1 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

VISITORS

Visitors to the Chamber were students and teachers from colleges of Social Work from across the state; 43 fourth-grade students and teachers from Ackerman Elementary, Millard; and 22 fourth-grade students and teacher from Sutton.

The Doctor of the Day was Dr. Randy Kohl from Firth.

ADJOURNMENT

At 9:27 p.m., on a motion by Senator Wightman, the Legislature adjourned until 9:00 a.m., Friday, March 26, 2010.

Patrick J. O'Donnell
Clerk of the Legislature

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

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

PRAYER

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

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Flood presiding.

The roll was called and all members were present.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-eighth day was approved.

RESOLUTION

LEGISLATIVE RESOLUTION 454. Introduced by Gay, 14.

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

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

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

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

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

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature on or before December 31, 2010.

Referred to the Executive Board.

REPORT OF REGISTERED LOBBYISTS

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

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

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

REPORTS

The following reports were received by the Legislature:

Auditor of Public Accounts

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

Retirement Systems, Public Employees

Annual Plan Review

BILLS ON FINAL READING

Dispense With Reading at Large

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

The following bill was put upon final passage:

LEGISLATIVE BILL 935. With Emergency Clause.

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

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

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

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

The following bills were read and put upon final passage:

LEGISLATIVE BILL 317.

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

section.

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

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

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

LEGISLATIVE BILL 1106. With Emergency Clause.

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

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

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

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

LEGISLATIVE BILL 1106A.

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

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

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

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

LEGISLATIVE BILL 1090. With Emergency Clause.

A BILL FOR AN ACT relating to claims against the state; to appropriate funds for the payment of certain claims; to provide for payment of the claims; to authorize agencies to write off certain claims as prescribed; and to declare an emergency.

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

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

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

LEGISLATIVE BILL 1091.

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

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 49:

Adams	Council	Hadley	Lautenbaugh	Price
Ashford	Dierks	Hansen	Louden	Rogert
Avery	Dubas	Harms	McCoy	Schilz
Campbell	Fischer	Heidemann	McGill	Stuthman
Carlson	Flood	Howard	Mello	Sullivan
Christensen	Fulton	Janssen	Nelson	Utter
Coash	Gay	Karpisek	Nordquist	Wallman
Conrad	Giese	Krist	Pahls	White
Cook	Gloor	Langemeier	Pankonin	Wightman
Cornett	Haar	Lathrop	Pirsch	

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB888 with 44 ayes, 0 nays, and 5 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 888.

A BILL FOR AN ACT relating to limited liability companies; to amend sections 9-614, 67-248.02, 70-1903, 77-2704.57, 77-2716, and 77-2734.01, Reissue Revised Statutes of Nebraska, and sections 21-2601 and 21-2654, Revised Statutes Supplement, 2009; to adopt the Nebraska Uniform Limited Liability Company Act; to terminate the Limited Liability Company Act; to provide applicability; to change provisions relating to charging orders involving limited liability companies; to harmonize provisions; to provide an operative date; to provide severability; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 49:

Adams	Council	Hadley	Lautenbaugh	Price
Ashford	Dierks	Hansen	Louden	Rogert
Avery	Dubas	Harms	McCoy	Schilz
Campbell	Fischer	Heidemann	McGill	Stuthman
Carlson	Flood	Howard	Mello	Sullivan
Christensen	Fulton	Janssen	Nelson	Utter
Coash	Gay	Karpisek	Nordquist	Wallman
Conrad	Giese	Krist	Pahls	White
Cook	Gloor	Langemeier	Pankonin	Wightman
Cornett	Haar	Lathrop	Pirsch	

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 888A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 888, One Hundred First Legislature, Second Session, 2010.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 49:

Adams	Council	Hadley	Lautenbaugh	Price
Ashford	Dierks	Hansen	Louden	Rogert
Avery	Dubas	Harms	McCoy	Schilz
Campbell	Fischer	Heidemann	McGill	Stuthman
Carlson	Flood	Howard	Mello	Sullivan
Christensen	Fulton	Janssen	Nelson	Utter
Coash	Gay	Karpisek	Nordquist	Wallman
Conrad	Giese	Krist	Pahls	White
Cook	Gloor	Langemeier	Pankonin	Wightman
Cornett	Haar	Lathrop	Pirsch	

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB571 with 44 ayes, 0 nays, and 5 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 571.

A BILL FOR AN ACT relating to consumer protection; to amend sections 45-335, 45-336, and 60-1411.02, Revised Statutes Cumulative Supplement, 2008, and sections 45-1002 and 45-1024, Revised Statutes Supplement, 2009; to adopt the Guaranteed Asset Protection Waiver Act; to change provisions relating to installment sales, installment loans, and regulation of the motor vehicle industry; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 49:

Adams	Council	Hadley	Lautenbaugh	Price
Ashford	Dierks	Hansen	Louden	Rogert
Avery	Dubas	Harms	McCoy	Schilz
Campbell	Fischer	Heidemann	McGill	Stuthman
Carlson	Flood	Howard	Mello	Sullivan
Christensen	Fulton	Janssen	Nelson	Utter
Coash	Gay	Karpisek	Nordquist	Wallman
Conrad	Giese	Krist	Pahls	White
Cook	Gloor	Langemeier	Pankonin	Wightman
Cornett	Haar	Lathrop	Pirsch	

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 943. With Emergency Clause.

A BILL FOR AN ACT relating to the Civil Service Act; to amend sections 19-1825 and 19-1826, Reissue Revised Statutes of Nebraska; to provide for the merger of civil service commissions as prescribed; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 49:

Adams	Council	Hadley	Lautenbaugh	Price
Ashford	Dierks	Hansen	Louden	Rogert
Avery	Dubas	Harms	McCoy	Schilz
Campbell	Fischer	Heidemann	McGill	Stuthman
Carlson	Flood	Howard	Mello	Sullivan
Christensen	Fulton	Janssen	Nelson	Utter
Coash	Gay	Karpisek	Nordquist	Wallman
Conrad	Giese	Krist	Pahls	White
Cook	Gloor	Langemeier	Pankonin	Wightman
Cornett	Haar	Lathrop	Pirsch	

Voting in the negative, 0.

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

RESOLUTION ON FINAL READING

The following resolution was read and put upon final passage:

LEGISLATIVE RESOLUTION 297CA.

THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 2010 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article XIII, section 2:

XIII-2 Notwithstanding any other provision in the Constitution, the Legislature may authorize any county or incorporated city or village, including cities operating under home rule charters, to acquire, own, develop, and lease real and personal property suitable for use by manufacturing or industrial enterprises and to issue revenue bonds for the purpose of defraying the cost of acquiring and developing such property by construction, purchase, or otherwise. The Legislature may also authorize such county, city, or village to acquire, own, develop, and lease real and personal property suitable for use by enterprises as determined by law if such property is located in blighted areas as determined by law and to issue revenue bonds for the purpose of defraying the cost of acquiring and developing or financing such property by construction, purchase, or otherwise. Such bonds shall not become general obligation bonds of the governmental subdivision by which such bonds are issued. Any real or personal property acquired, owned, developed, or used by any such county, city, or village pursuant to this section shall be subject to taxation to the same extent as private property during the time it is leased to or held by private interests, notwithstanding the provisions of Article VIII, section 2, of the Constitution. The acquiring, owning, developing, and leasing of such property shall be deemed for a public purpose, but the governmental subdivision shall not have the right to acquire such property by condemnation. The principal of and interest on any bonds issued may be secured by a pledge of the lease and the revenue therefrom and by mortgage upon such property. No such governmental subdivision shall have the power to operate any such property as a business or in any manner except as the lessor thereof.

Notwithstanding any other provision in the Constitution, the Legislature may also authorize any incorporated city or village, including cities operating under home rule charters, to appropriate ~~from local sources of~~

~~revenue~~—such funds as may be deemed necessary for an economic or industrial development project or program subject to approval by a vote of a majority of the registered voters of such city or village voting upon the question. ~~For purposes of this provision, funds from local sources of revenue shall mean funds raised from general taxes levied by the city or village and shall not include any funds received by the city or village which are derived from state or federal sources.~~ Subject to such vote, funds may be derived from property tax, local option sales tax, or any other general tax levied by the city or village or generated from municipally owned utilities or grants, donations, or state and federal funds received by the city or village subject to any restrictions of the grantor, donor, or state or federal law.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to change the powers of municipalities relating to fund sources for economic or industrial development.

For

Against.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the resolution pass?' "

Voting in the affirmative, 47:

Adams	Dubas	Harms	McCoy	Schilz
Avery	Fischer	Heidemann	McGill	Stuthman
Campbell	Flood	Howard	Mello	Sullivan
Carlson	Fulton	Janssen	Nelson	Utter
Christensen	Gay	Karpisek	Nordquist	Wallman
Coash	Giese	Krist	Pahls	White
Conrad	Gloor	Langemeier	Pankonin	Wightman
Cook	Haar	Lathrop	Pirsch	
Cornett	Hadley	Lautenbaugh	Price	
Council	Hansen	Louden	Regot	

Voting in the negative, 0.

Present and not voting, 2:

Ashford Dierks

A constitutional three-fifths majority having voted in the affirmative, the resolution was declared passed for the general election.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 1051. With Emergency Clause.

A BILL FOR AN ACT relating to the Abstracters Act; to amend sections 76-545, 76-547, and 76-550, Reissue Revised Statutes of Nebraska; to change provisions relating to certificate terms, fees, and rosters of abstracters; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 49:

Adams	Council	Hadley	Lautenbaugh	Price
Ashford	Dierks	Hansen	Louden	Rogert
Avery	Dubas	Harms	McCoy	Schilz
Campbell	Fischer	Heidemann	McGill	Stuthman
Carlson	Flood	Howard	Mello	Sullivan
Christensen	Fulton	Janssen	Nelson	Utter
Coash	Gay	Karpisek	Nordquist	Wallman
Conrad	Giese	Krist	Pahls	White
Cook	Gloor	Langemeier	Pankonin	Wightman
Cornett	Haar	Lathrop	Pirsch	

Voting in the negative, 0.

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 727.

A BILL FOR AN ACT relating to courts; to amend section 24-730, Reissue Revised Statutes of Nebraska; to change provisions relating to compensation of retired judges for temporary duty; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 49:

Adams	Council	Hadley	Lautenbaugh	Price
Ashford	Dierks	Hansen	Louden	Rogert
Avery	Dubas	Harms	McCoy	Schilz
Campbell	Fischer	Heidemann	McGill	Stuthman
Carlson	Flood	Howard	Mello	Sullivan
Christensen	Fulton	Janssen	Nelson	Utter
Coash	Gay	Karpisek	Nordquist	Wallman
Conrad	Giese	Krist	Pahls	White
Cook	Gloor	Langemeier	Pankonin	Wightman
Cornett	Haar	Lathrop	Pirsch	

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 763.

A BILL FOR AN ACT relating to asbestos-related liabilities; to adopt the Successor Asbestos-Related Liability Act.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

Adams	Dierks	Hansen	Louden	Rogert
Ashford	Dubas	Harms	McCoy	Schilz
Avery	Fischer	Heidemann	McGill	Stuthman
Campbell	Flood	Howard	Mello	Sullivan
Carlson	Fulton	Janssen	Nelson	Wallman
Christensen	Gay	Karpisek	Nordquist	White
Coash	Giese	Krist	Pahls	Wightman
Cook	Gloor	Langemeier	Pankonin	
Cornett	Haar	Lathrop	Pirsch	
Council	Hadley	Lautenbaugh	Price	

Voting in the negative, 1:

Conrad

Present and not voting, 1:

Utter

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1087.

A BILL FOR AN ACT relating to schools; to amend sections 79-215, 79-1113, 79-1124, 79-1125.01, and 79-1142, Reissue Revised Statutes of Nebraska, and section 79-1110, Revised Statutes Supplement, 2009; to change provisions relating to payments for educational services as prescribed; to define and redefine terms under the Special Education Act; to harmonize provisions; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 49:

Adams	Council	Hadley	Lautenbaugh	Price
Ashford	Dierks	Hansen	Louden	Rogert
Avery	Dubas	Harms	McCoy	Schilz
Campbell	Fischer	Heidemann	McGill	Stuthman
Carlson	Flood	Howard	Mello	Sullivan
Christensen	Fulton	Janssen	Nelson	Utter
Coash	Gay	Karpisek	Nordquist	Wallman
Conrad	Giese	Krist	Pahls	White
Cook	Gloor	Langemeier	Pankonin	Wightman
Cornett	Haar	Lathrop	Pirsch	

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

RESOLUTION ON FINAL READING

The following resolution was read and put upon final passage:

LEGISLATIVE RESOLUTION 284CA.

THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 2010 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article IV, sections 1 and 3:

IV-1 The executive officers of the state shall be the Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, ~~State Treasurer,~~ Attorney General, and the heads of such other executive departments as set

forth herein or as may be established by law. The Legislature may provide for the placing of the above named officers as heads over such departments of government as it may by law establish.

The Governor, Lieutenant Governor, Attorney General, Secretary of State, ~~and Auditor of Public Accounts, and State Treasurer~~ shall be chosen at the general election held in November 1974, and in each alternate even-numbered year thereafter, for a term of four years and until their successors shall be elected and qualified.

Each candidate for Governor shall select a person to be the candidate for Lieutenant Governor on the general election ballot. In the general election one vote shall be cast jointly for the candidates for Governor and Lieutenant Governor. The Governor shall be ineligible to the office of Governor for four years next after the expiration of two consecutive terms for which he or she was elected.

The records, books, and papers of all executive officers shall be kept at the seat of government. Executive officers shall reside within the State of Nebraska during their respective terms of office. Officers in the executive department of the state shall perform such duties as may be provided by law.

The heads of all executive departments established by law, other than those to be elected as provided herein, shall be appointed by the Governor, with the consent of a majority of all members elected to the Legislature, but officers so appointed may be removed by the Governor. Subject to the provisions of this Constitution, the heads of the various executive or civil departments shall have power to appoint and remove all subordinate employees in their respective departments.

~~IV-3 The treasurer shall be ineligible to the office of treasurer, for two years next after the expiration of two consecutive terms for which he was elected.~~

The term of office of the State Treasurer elected at the general election at which this constitutional amendment passes shall end on January 8, 2015, at which time the office shall be abolished.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to abolish the office of the State Treasurer on January 8, 2015.

For

Against.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the resolution pass?'"

Voting in the affirmative, 38:

Adams	Cornett	Gloor	Langemeier	Pirsch
Ashford	Council	Haar	Lathrop	Rogert
Avery	Dierks	Hadley	McCoy	Utter
Campbell	Dubas	Harms	McGill	Wallman
Carlson	Fischer	Heidemann	Mello	White
Christensen	Flood	Howard	Nordquist	Wightman
Conrad	Gay	Karpisek	Pahls	
Cook	Giese	Krist	Pankonin	

Voting in the negative, 8:

Coash	Janssen	Louden	Schilz
Hansen	Lautenbaugh	Nelson	Stuthman

Present and not voting, 3:

Fulton	Price	Sullivan
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A constitutional three-fifths majority having voted in the affirmative, the resolution was declared passed for the general election.

BILLS ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB1036 with 37 ayes, 1 nay, and 11 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1036.

A BILL FOR AN ACT relating to anatomical gifts; to amend sections 60-494, 60-495, 60-2907, 71-531, 71-4813, 71-4814, 71-4816, and 71-4822, Reissue Revised Statutes of Nebraska, and sections 23-1825, 23-1826, 23-1827, 23-1828, 23-1829, 23-1830, 23-1831, 23-1832, and 60-493, Revised Statutes Cumulative Supplement, 2008; to adopt the Revised Uniform Anatomical Gift Act; to provide penalties; to change provisions relating to coroners, issuance of operators' licenses and state identification cards, human immunodeficiency virus infection tests, hospital protocols, and the Donor Registry of Nebraska; to repeal the Uniform Anatomical Gift Act and provisions related to hospital protocols; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 71-4801, 71-4802, 71-4803, 71-4804, 71-4805, 71-4806, 71-4807, 71-4809, 71-4810, 71-4811, 71-4812, 71-4815, 71-4817, and 71-4818, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure

having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

Adams	Council	Hadley	Louden	Rogert
Ashford	Dierks	Hansen	McCoy	Schilz
Avery	Dubas	Harms	McGill	Stuthman
Campbell	Fischer	Heidemann	Mello	Sullivan
Carlson	Flood	Janssen	Nelson	Utter
Christensen	Fulton	Karpisek	Nordquist	Wallman
Coash	Gay	Krist	Pahls	White
Conrad	Giese	Langemeier	Pankonin	Wightman
Cook	Gloor	Lathrop	Pirsch	
Cornett	Haar	Lautenbaugh	Price	

Voting in the negative, 0.

Present and not voting, 1:

Howard

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 919. With Emergency Clause.

A BILL FOR AN ACT relating to cities of the first class; to amend section 17-301, Reissue Revised Statutes of Nebraska; to change and eliminate procedures and population requirements for reorganization of cities of the first class as cities of the second class; to require a plan to increase a city's population; to repeal the original section; to outright repeal section 17-305.01, Reissue Revised Statutes of Nebraska; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 49:

Adams	Council	Hadley	Lautenbaugh	Price
Ashford	Dierks	Hansen	Louden	Rogert
Avery	Dubas	Harms	McCoy	Schilz
Campbell	Fischer	Heidemann	McGill	Stuthman
Carlson	Flood	Howard	Mello	Sullivan
Christensen	Fulton	Janssen	Nelson	Utter
Coash	Gay	Karpisek	Nordquist	Wallman
Conrad	Giese	Krist	Pahls	White
Cook	Gloor	Langemeier	Pankonin	Wightman
Cornett	Haar	Lathrop	Pirsch	

Voting in the negative, 0.

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 935, 317, 1106, 1106A, 1090, 1091, 888, 888A, 571, 943, LR297CA, LBs 1051, 727, 763, 1087, LR284CA, LBs 1036, and 919.

RESOLUTIONS

LEGISLATIVE RESOLUTION 455. Introduced by Stuthman, 22.

WHEREAS, the Leigh High School speech team won the D2-2 District Speech Championship for 2010; and

WHEREAS, the Leigh High School speech team scored 134 points to win the championship and qualified nine individuals to compete at the state competition; and

WHEREAS, the Legislature should recognize the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates the Leigh High School speech team on winning the D2-2 District Speech Championship for 2010.

2. That a copy of this resolution be sent to the Leigh High School speech team and their coach, Gailen Volquardsen.

Laid over.

LEGISLATIVE RESOLUTION 456. Introduced by Stuthman, 22.

WHEREAS, the Howells High School speech team won the D1-1 District Speech Championship for 2010; and

WHEREAS, the Howells High School speech team scored 138 points to win the championship and qualified thirteen individuals to compete at the state competition; and

WHEREAS, the Legislature should recognize the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates the Howells High School speech team on winning the D1-1 District Speech Championship for 2010.

2. That a copy of this resolution be sent to the Howells High School speech team and their coach, Traci Sindelar.

Laid over.

LEGISLATIVE RESOLUTION 457. Introduced by Stuthman, 22.

WHEREAS, the Lindsay Holy Family High School speech team won the D2-3 District Speech Championship for 2010; and

WHEREAS, the Lindsay Holy Family High School speech team scored 101.5 points to win the championship and qualified eleven individuals to compete at the state competition; and

WHEREAS, the Legislature should recognize the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates the Lindsay Holy Family High School speech team on winning the D2-3 District Speech Championship for 2010.

2. That a copy of this resolution be sent to the Lindsay Holy Family High School speech team and their coach, China Wiese.

Laid over.

LEGISLATIVE RESOLUTION 458. Introduced by Stuthman, 22.

WHEREAS, Beth Langdon was crowned the 2010 Clarkson Czech Slovak Queen; and

WHEREAS, Beth Langdon, a senior at Clarkson High School, read a dramatic account of the emigration of her ancestors for the talent portion of the competition; and

WHEREAS, the Legislature should recognize the achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates Beth Langdon for being crowned the 2010 Clarkson Czech Slovak Queen.

2. That a copy of this resolution be sent to Beth Langdon.

Laid over.

SELECT FILE

LEGISLATIVE BILL 510. ER8203, found on page 971, was adopted.

Senator Council renewed her amendment, AM2229, found on page 1053.

SENATOR COOK PRESIDING

Pending.

COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 780. Placed on Select File.

(Signed) Jeremy Nordquist, Chairperson

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 701. Placed on Final Reading.

LEGISLATIVE BILL 820. Placed on Final Reading.

ST9091

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E & R amendments, ER8196, on page 1, line 2, "section" has been struck and "sections 60-6,289 and" inserted; in line 3 "height restrictions for vehicles and" has been inserted after the second "to"; and in line 5 "section" has been struck and "sections" inserted.

LEGISLATIVE BILL 864. Placed on Final Reading.

LEGISLATIVE BILL 880. Placed on Final Reading.

ST9086

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E & R amendments, ER8198, on page 12, the matter beginning with "the" in line 26 through "testing" in line 27 has been struck and "provisions relating to common and permissible fireworks" inserted.

LEGISLATIVE BILL 880A. Placed on Final Reading.

LEGISLATIVE BILL 901. Placed on Final Reading.

LEGISLATIVE BILL 918. Placed on Final Reading.

ST9090

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, line 2, "77-5719," has been inserted after "77-5715,".

LEGISLATIVE BILL 924. Placed on Final Reading.

LEGISLATIVE BILL 970. Placed on Final Reading.

LEGISLATIVE BILL 975. Placed on Final Reading.

(Signed) Jeremy Nordquist, Chairperson

COMMITTEE REPORT

Natural Resources

The Natural Resources Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Perry Van Newkirk - Nebraska Oil and Gas Conservation Commission

Aye: 8 Senators Carlson, Cook, Dubas, Fischer, Haar, Langemeier, McCoy, Schilz. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Chris Langemeier, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 459. Introduced by Nordquist, 7.

PURPOSE: The purpose of this resolution is to study Nebraska's level of preparedness for emergencies and disasters, especially in relation to the state's children. The study should examine Nebraska's statutes, rules, and regulations in terms of:

(1) Establishing child care licensure requirements that ensure robust emergency preparedness and response plans for shelter-in-place, evacuation, communication, family reunification, and considerations for children with special needs;

(2) Implementing continuity of operation plans within foster care, group residential homes, and juvenile detention facilities that provide adequate shelter and services to children during and after a disaster;

(3) Improving school disaster preparedness and building the resilience of teachers, parents, and children;

(4) Ensuring that state and local emergency stockpiles include sufficient amounts of pediatric supplies and medications, including antivirals to treat influenza in the event of a pandemic;

(5) Requiring development of comprehensive long-term disaster recovery plans that prioritize the reestablishment of schools and child care facilities, supervised after-school programs, and access to medical care and mental health services for all children; and

(6) Creating other necessary or advisable statutes, rules, or regulations that improve the welfare of children during and after disasters.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Humans Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 460. Introduced by Nordquist, 7.

PURPOSE: The purpose of this resolution is to study issues relating to the implementation and funding of the medicaid state plan amendment or waiver passed for secure residential and subacute behavioral health services as a component of LB 603 of 2009.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee and the Appropriations Committee of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of their study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 461. Introduced by Cook, 13; McGill, 26.

PURPOSE: The purpose of this study is to examine the federal Americans with Disabilities Act of 1990 as it relates to parking accessibility for handicapped or disabled persons. The study should include Nebraska statutes, rules, and regulations governing handicapped and disabled parking permits and business practices relating to parking spaces for handicapped or disabled persons. Specific attention should be given to obstructions such as snow piles, flower sales, construction equipment, and trash containers which are placed in handicapped parking spaces which violate statutory

requirements that such spaces be exclusively used for parking by handicapped or disabled persons. The study should include recommendations for enforcement of accessibility of such parking spaces and removal of obstructions.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 462. Introduced by Coash, 27.

PURPOSE: The purpose of this interim study is to examine the issues of payment responsibility and payment rates for medical care of county inmates and those in emergency protective custody. The issues to be addressed by this interim study shall include, but not be limited to:

(1) Whether hospitals or counties should pay for the medical care of those in custody;

(2) If a county should pay, an examination of whether it should be the county of the inmate's residence, the county where the crime was committed or warrant was issued, the county where the correctional facility is located, or the county where the inmate is injured on work release;

(3) Whether there is a need for a statewide interlocal agreement among counties regarding such payment; and

(4) Once a payer is established, an examination of what reimbursement rate should be used.

The parties to be involved in this study shall include, but not be limited to: The Nebraska Association of County Officials; the Nebraska Hospital Association; law enforcement, including the Nebraska Sheriff's Association and the Department of Correctional Services; the Office of the Ombudsman; regional behavioral health authorities; the League of Nebraska Municipalities; and the director of the Division of Behavioral Health of the Department of Health and Human Services.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 463. Introduced by Mello, 5; Harms, 48.

PURPOSE: The purpose of this interim study is to examine the feasibility of implementing a program similar to the StateStat management accountability process used for executive agencies in the State of Maryland. This interim study would examine the feasibility of a requirement that state agencies submit a report to the Appropriations Committee of the Legislature as part of their annual budget that includes a strategic plan and performance measurement report.

Specifically, this report would include the following metrics: Adopt a strategic plan and establish operational goals; adopt comprehensive performance measures and citizen satisfaction measures; collect and analyze data on a timely basis; participate in performance review; and regularly assess strategic plans and current progress made to meet stated goals.

This interim study will examine whether Nebraska state agencies are currently meeting the aforementioned requirements, their ability to meet the aforementioned requirements, the resources required to do so, and the steps necessary to implement a StateStat program for the State of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 464. Introduced by Giese, 17.

PURPOSE: The purpose of this interim study is to examine staffing requirements for nursing homes. The issues addressed by this interim study shall include, but not be limited to:

(1) An examination of current minimum staffing requirements under the Nebraska Nursing Home Act and other state and federal laws;

(2) A review of minimum staffing ratios adopted in other states, including ratios expressed as an hours per resident day (hprd) standard, ratios based on the number of staff per resident, and ratios based on the number of staff per resident bed, occupied or otherwise; and

(3) An examination of the possible correlation between increased staffing hours and increased quality of care in nursing homes.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 26, 2010, at 10:20 a.m. were the following: LBs 935e, 317, 1106e, 1106A, 1090e, 1091, 888, 888A, 571, 943e, 1051e, 727, 763, 1087, 1036, and 919e.

(Signed) Jamie Kruse
Clerk of the Legislature's Office

PRESENTED TO THE SECRETARY OF STATE

Presented to the Secretary of State on March 26, 2010, at 10:23 a.m. were the following: LRs 297CA and 284CA.

(Signed) Jamie Kruse
Clerk of the Legislature's Office

EXPLANATION OF VOTES

Had I been present, I would have voted "aye" on the advancement of LBs 594 and 780 to Enrollment and Review Initial.

(Signed) Arnie Stuthman

AMENDMENTS - Print in Journal

Senator Utter filed the following amendment to LB779:
AM2345

(Amendments to AM2316)

- 1 1. On page 9, line 5, after "(2)" insert "(a)"; and after
- 2 line 16 insert:
- 3 "(b) The amount to be appropriated for distribution as
- 4 state assistance to a political subdivision under this subsection
- 5 after the tenth year shall be reduced to fifty percent of the
- 6 amount calculated under subdivision (a) of this subsection. The
- 7 remaining fifty percent shall be transferred to the General Fund.".
- 8 2. On page 10, line 4, after "appropriation" insert "and
- 9 transfer".

Senator Campbell filed the following amendment to LB999:
AM2366

1 1. Strike original section 2 and insert the following new
2 section:

3 Sec. 2. (1) The Legislature finds that Nebraska's general
4 acute and critical access hospitals provide a foundation of health
5 care throughout the state. This long-established means of providing
6 health care is changing. Because health care delivery is evolving,
7 it is important to assess needs in Nebraska and determine whether
8 licensure and regulation should be changed to reflect current and
9 future practices.

10 (2) The department shall not accept an application or
11 issue a license for a new hospital beginning on September 1,
12 2010, and continuing through August 31, 2011, except that this
13 prohibition shall not apply to an application for a license as a
14 critical access hospital.

15 (3) The Health and Human Services Committee of the
16 Legislature shall study health care in Nebraska. The study shall
17 include, but not be limited to:

18 (a) A comparison of the roles of Nebraska's general acute
19 hospitals, critical access hospitals, ambulatory surgical centers,
20 and other limited service facilities, such as physician-owned
21 hospitals and investor-owned hospitals, and the impact of such
22 hospitals, centers, and facilities on access to services, quality
23 of health care, and cost, including medicaid costs and insurance
1 premiums;

2 (b) Compliance with the federal Emergency Medical
3 Treatment and Active Labor Act, 42 U.S.C. 1395, as such act existed
4 on January 1, 2010;

5 (c) Referral practices;

6 (d) Ownership disclosure;

7 (e) Uncompensated and under-compensated patient care;

8 (f) Joint ventures among or between hospitals,

9 physicians, and investors;

10 (g) Reinvestment in facilities;

11 (h) Examination and definition of community benefits;

12 (i) Clarification and definition of limited service

13 facilities, such as physician-owned hospitals and investor-owned
14 hospitals, and other definitions as needed; and

15 (j) The impact of federal health care reform on the items
16 in subdivisions (a) through (i) of this subsection.

17 (4) The committee shall seek information from resources,
18 including, but not limited to, physicians; representatives of
19 hospitals, ambulatory surgical centers, physician-owned hospitals,
20 investor-owned hospitals, public health agencies, the department,
21 and allied professions such as behavioral health service providers,
22 nurses, pharmacists, and emergency care providers; businesses;
23 consumers; insurers; communities; the Legislative Fiscal Analyst;
24 and the office of Legislative Research.

25 (5) The committee shall report its findings to the
 26 Legislature by December 31, 2010.

Senator Cornett filed the following amendment to LB999:
 AM2374

- 1 1. On page 2, lines 7 and 8, strike "September 1, 2010"
- 2 and insert "January 1, 2011".

Senator Rogert filed the following amendment to LB945:
 AM2367

- 1 1. On page 4, line 6, strike "3 points" and insert "2
- 2 points".
- 3 2. On page 5, line 25, strike "Two hundred" and insert
- 4 "Fifty".
- 5 3. On page 6, line 1, strike "Three" and insert "One";
- 6 and in line 2 strike "Five hundred" and insert "One hundred fifty".

Senator Hansen filed the following amendment to LB999:
 AM2280

- 1 1. On page 2, line 10, after "hospital" insert "or an
- 2 application for a license relating to any hospital project which
- 3 has begun construction prior to July 1, 2010,".

SELECT FILE

LEGISLATIVE BILL 510. The Council amendment, AM2229, found on page 1053 and considered in this day's Journal, was renewed.

Senator Wallman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Senator Council requested a roll call vote on her amendment.

The Council amendment lost with 22 ayes, 13 nays, 13 present and not voting, and 1 excused and not voting.

Senator Pirsch offered the following amendment:
 AM2372

(Amendments to E & R amendments, ER8203)

- 1 1. Strike section 6.
- 2 2. On page 2, line 1, strike "seventy-five percent of";
- 3 and strike beginning with "and" in line 5 through "Fund" in line 6.
- 4 3. On page 5, strike beginning with the last comma in
- 5 line 17 through "83" in line 18.
- 6 4. Renumber the remaining sections accordingly.

SPEAKER FLOOD PRESIDING

Passed over.

LEGISLATIVE BILL 1070. ER8204, found on page 974, was adopted.

Senator Adams withdrew his amendment, AM2305, found on page 1039.

Senator Adams offered the following amendment:
AM2347 is available in the Bill Room.

The Adams amendment was adopted with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

RESOLUTIONS

LEGISLATIVE RESOLUTION 465. Introduced by Rogert, 16; Hansen, 42; Janssen, 15; Krist, 10; Mello, 5; Nordquist, 7; White, 8.

PURPOSE: The purpose of this resolution is to study the benefits associated with constructing another nuclear power plant in Fort Calhoun, Nebraska. The Fort Calhoun Station is a nuclear power plant owned and operated by the Omaha Public Power District and is located on the west bank of the Missouri River nineteen miles north of Omaha.

Since the 1970's, there are new reactor designs that have been created, and there are multiple safeguards that have been put into place to ensure safety. The United States Nuclear Regulatory Commission regulates one hundred four nuclear power plants in the nation, including the Fort Calhoun Station. The Commission exists for the purpose of ensuring safety for the citizenry and the environment while enabling the use of radioactive material for public benefit.

The nuclear power industry in the United States has one of the lowest rates for accidents per worker at the nuclear power plants. In 2008, the rate held at 0.13 industrial accidents per two hundred thousand worker-hours, which is significantly lower than the 0.24 rate in 2005.

In 1957, the Price-Anderson Act established financial liability to ensure that each reactor company is liable for approximately one hundred million dollars in damages in the event of a reactor accident. As a result of this act as amended, in combination with the advent of computer technology, communication and accountability at the nuclear power plants have progressed and evolved over time.

Nuclear power is consistent, available, environmentally clean, safe, and cost effective. It does not produce harmful carbon dioxide emissions nor does it deplete our natural resources. Nuclear power has a long production life, and the power that is produced has the potential for reprocessing as is done in France, Japan, and Russia.

In February 2010, the eight billion dollars of federal loan guarantees under the administration of President Barack Obama will fund the construction of two nuclear reactors in the State of Georgia. This will open up immediate opportunities to construct nuclear power plants all over the nation, thereby

reducing greenhouse gases associated with global warming and, at the same time, revitalize our economy through the creation of jobs during the construction and operation of nuclear power plants.

It is estimated that the construction of the two nuclear reactors in Georgia will create three thousand five hundred jobs and eight hundred fifty permanent jobs during their operation.

For these reasons, it is important to conduct a study on the benefits associated with building another nuclear power plant in Fort Calhoun, Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 466. Introduced by Campbell, 25.

PURPOSE: The purpose of this resolution is to study the operation and accomplishments of the Drug Use Review and preferred drug list activities of the Division of Medicaid and Long-Term Care of the Department of Health and Human Services. The issues addressed by this study shall include, but not be limited to:

(1) Reviewing the manner of operation of each of these activities to determine if they are achieving the results for which they are intended and the manner of doing so, including an analysis of the interaction between the two processes and an inquiry regarding the availability of the most effective medication therapy to Nebraska medicaid recipients;

(2) With regard to the preferred drug list activity, identifying any drug cost savings that have been achieved to this point, taken against (a) the costs of carrying out the activity and (b) the savings associated with prior utilization control programs in order to determine the net savings accomplished by the preferred drug list; and

(3) With regard to the preferred drug list activity, identifying the appropriate role of the pharmaceutical and therapeutics committee.

The study may involve interested parties, both public and private.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 467. Introduced by Gay, 14; Campbell, 25; Gloor, 35; Heidemann, 1; Mello, 5; Nordquist, 7; Pahls, 31.

PURPOSE: The purpose of this interim study is to conduct research and provide recommendations for implementing the federal Patient Protection and Affordable Care Act. The interim study will examine health care financing and delivery under the act to determine the impact on health care coverage for all Nebraskans.

This study shall be conducted by a select committee consisting of two members of the Appropriations Committee of the Legislature appointed by the chairperson of the committee, two members of the Banking, Commerce and Insurance Committee of the Legislature appointed by the chairperson of the committee, two members of the Health and Human Services Committee of the Legislature appointed by the chairperson of the committee, and three additional members who are not members of such committees, with one member appointed by each chairperson of such committees. The chairperson of the select committee shall be the chairperson of the Health and Human Services Committee unless he or she is not appointed to the select committee, in which case the chairperson of the select committee shall be one of the two members of the Health and Human Services Committee who were appointed to the select committee, selected by the chairperson of the Health and Human Services Committee.

In conducting the study, the select committee shall consult with employers, small businesses, consumers, insurers, health care providers, the Department of Health and Human Services, the Department of Insurance, and other interested parties. Issues considered by the select committee may include, but shall not be limited to:

(1) The effect of the federal Patient Protection and Affordable Care Act on Nebraska;

(2) The role of employer-sponsored insurance and public programs in providing health care coverage for Nebraskans; and

(3) Available funding options to ensure a financially sustainable and affordable health care system.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a select committee of the Legislature shall be designated as provided in this resolution to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature on or before December 31, 2010.

Referred to the Executive Board.

AMENDMENTS - Print in Journal

Senator Gay filed the following amendment to LB999:

AM2363

- 1 1. On page 2, line 7, after "hospital" insert "that
- 2 does not accept patients under the medical assistance program
- 3 established under section 68-903".

Senator Conrad filed the following amendment to LB999:

AM2361

- 1 1. On page 2, line 7, after "hospital" insert "that does
- 2 not have an emergency room".

Senator Ashford filed the following amendment to LB510:

AM2377

(Amendments to E & R amendments, ER8203)

- 1 1. On page 2, line 1, strike "seventy-five" and insert
- 2 "fifty"; and in line 5 strike "and shall distribute" and insert "
- 3 twenty-five percent of such funds to the Violence Prevention Cash
- 4 Fund, and".

MOTION - Print in Journal

Senator Ashford filed the following motion to LB510:

MO94

Bracket until April 14, 2010.

AMENDMENTS - Print in Journal

Senator Karpisek filed the following amendment to LB999:

AM2360

- 1 1. On page 2, line 7, after "hospital" insert "in any
- 2 city of the primary class".

Senator Karpisek filed the following amendment to LB712:

AM2355

(Amendments to Standing Committee amendments, AM2288)

- 1 1. Insert the following new sections:
- 2 Sec. 7. Section 28-1006, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 28-1006 (1) It shall be the duty of the sheriff, a police
- 5 officer, or the Nebraska State Patrol to make prompt investigation
- 6 of and arrest for any violation of section 28-1005.
- 7 (2) Any animal, equipment, device, or other property
- 8 or things involved in any violation of section 28-1005 shall be
- 9 subject to seizure, and disposition may be made in accordance

10 with the method of disposition directed for contraband in ~~section~~
 11 sections 29-818 and 29-820.

12 (3) Any animal involved in any violation of section
 13 28-1005 shall be subject to seizure. Distribution or disposition
 14 ~~may shall~~ be made as provided in section 29-818 and in such manner
 15 as the court may direct. The court may give preference to adoption
 16 alternatives through humane societies or comparable institutions
 17 and to the protection of such animal's welfare. For a humane
 18 society or comparable institution to be considered as an adoption
 19 alternative under this subsection, it must first be licensed by
 20 the Department of Agriculture as having passed the inspection
 21 requirements in the Commercial Dog and Cat Operator Inspection
 22 Act and paid the fee for inspection under the act. The court may
 1 prohibit an adopting or purchasing party from selling such animal
 2 for a period not to exceed one year.

3 (4) In addition to any other sentence given for a
 4 violation of section 28-1005, the sentencing court may order the
 5 defendant to reimburse a public or private agency for expenses
 6 incurred in conjunction with the care, impoundment, or disposal,
 7 including adoption, of an animal involved in the violation of
 8 such section. Whenever the court believes that such reimbursement
 9 may be a proper sentence or the prosecuting attorney requests,
 10 the court shall order that the presentence investigation report
 11 include documentation regarding the nature and amount of the
 12 expenses incurred. The court may order that reimbursement be made
 13 immediately, in specified installments, or within a specified
 14 period of time, not to exceed five years after the date of
 15 judgment.

16 Sec. 8. Section 28-1012, Reissue Revised Statutes of
 17 Nebraska, is amended to read:

18 28-1012 (1) Any law enforcement officer who has reason
 19 to believe that an animal has been abandoned or is being cruelly
 20 neglected or cruelly mistreated may seek a warrant authorizing
 21 entry upon private property to inspect, care for, or impound the
 22 animal.

23 (2) Any law enforcement officer who has reason to believe
 24 that an animal has been abandoned or is being cruelly neglected or
 25 cruelly mistreated may issue a citation to the owner as prescribed
 26 in sections 29-422 to 29-429.

27 (3) Any animal, equipment, device, or other property or
 1 things involved in a violation of section 28-1009 or 28-1010 shall
 2 be subject to seizure and distribution or disposition ~~may shall~~
 3 be made under section 29-818 and in such manner as the court may
 4 direct.

5 (4) Any animal involved in a violation of section
 6 28-1009 or 28-1010 shall be subject to seizure. Distribution
 7 or disposition ~~may shall~~ be made under section 29-818 and in such
 8 manner as the court may direct. The court may consider adoption
 9 alternatives through humane societies or comparable institutions

10 and the protection of such animal's welfare. For a humane
11 society or comparable institution to be considered as an adoption
12 alternative under this subsection, it must first be licensed by
13 the Department of Agriculture as having passed the inspection
14 requirements in the Commercial Dog and Cat Operator Inspection
15 Act and paid the fee for inspection under the act. The court may
16 prohibit an adopting or purchasing party from selling such animal
17 for a period not to exceed one year.

18 (5) Any law enforcement officer acting under this section
19 shall not be liable for damage to property if such damage is not
20 the result of the officer's negligence.

21 Sec. 9. Section 28-1019, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 28-1019 (1)(a) If a person is convicted of a Class IV
24 felony under section 28-1005 or 28-1009, the sentencing court shall
25 order such person not to own, possess, or reside with any animal
26 for at least five years after the date of conviction, but such time
27 restriction shall not exceed fifteen years. Any person violating
1 such court order shall be guilty of a Class I misdemeanor.

2 (b) If a person is convicted of a Class I misdemeanor
3 under subdivision (2)(a) of section 28-1009 or a Class III
4 misdemeanor under section 28-1010, the sentencing court may order
5 such person not to own, possess, or reside with any animal after
6 the date of conviction, but such time restriction, if any, shall
7 not exceed five years. Any person violating such court order shall
8 be guilty of a Class IV misdemeanor.

9 (c) Any animal involved in a violation of a court order
10 under subdivision (a) or (b) of this subsection shall be subject
11 to seizure by law enforcement. Distribution or disposition shall be
12 made under section 29-818.

13 (2) This section shall not apply to any person convicted
14 under section 28-1005 or 28-1009 if a licensed physician confirms
15 in writing that ownership or possession of or residence with an
16 animal is essential to the health of such person.

17 Sec. 10. Section 29-818, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 29-818 ~~Property~~ (1) Except for pet animals or equines
20 as provided in subsection (2) of this section, property seized
21 under a search warrant or validly seized without a warrant shall
22 be safely kept by the officer seizing the same unless otherwise
23 directed by the judge or magistrate, and shall be so kept so long
24 as necessary for the purpose of being produced as evidence on any
25 trial. Property seized may not be taken from the officer having it
26 in custody by replevin or other writ so long as it is or may be
27 required as evidence in any trial, nor may it be so taken in any
1 event where a complaint has been filed in connection with which
2 the property was or may be used as evidence, and the court in
3 which such complaint was filed shall have exclusive jurisdiction
4 for disposition of the property or funds and to determine rights

5 therein, including questions respecting the title, possession,
6 control, and disposition thereof.

7 (2)(a) Any pet animal or equine seized under a search
8 warrant or validly seized without a warrant may be kept by the
9 officer seizing the same on the property of the person who owns,
10 keeps, harbors, maintains, or controls such pet animal or equine.

11 (b) When any pet animal or equine is seized or held the
12 court shall provide the person who owns, keeps, harbors, maintains,
13 or controls such pet animal or equine with notice that a hearing
14 will be had and specify the date, time, and place of such hearing.
15 Such notice shall be served by personal or residential service or
16 by certified mail. If such notice cannot be served by such methods,
17 service may be made by publication in the county where such pet
18 animal or equine was seized. Such publication shall be made after
19 application and order of the court. Unless otherwise determined and
20 ordered by the court, the date of such hearing shall be no later
21 than ten days after the seizure.

22 (c) At the hearing the court shall determine the
23 disposition of the pet animal or equine and if the court determines
24 that any pet animal or equine shall not be returned, the court
25 shall order the person from whom the pet animal or equine was
26 seized to pay all expenses for the support and maintenance of
27 the pet animal or equine, including expenses for shelter, food,
1 veterinary care, and board, necessitated by the possession of the
2 pet animal or equine. At the hearing, the court shall also consider
3 the person's ability to pay for the expenses of the pet animal
4 or equine and the amount of such payments. Payments shall be for
5 a succeeding thirty-day period with the first payment due on or
6 before the tenth day following the hearing. Payments for each
7 subsequent succeeding thirty-day period, if any, shall be due on or
8 before the tenth day of such period.

9 (d) If a person becomes delinquent in his or her payments
10 for the expenses of the pet animal or equine, the court shall hold
11 a hearing to determine the disposition of the seized pet animal or
12 equine. Notice of such hearing shall be given to the person who
13 owns, keeps, harbors, maintains, or controls such pet animal or
14 equine and to any lienholder or security interest holder of record
15 as provided in subdivision (b) of this subsection.

16 (e) An appeal may be entered within ten days after a
17 hearing under subdivision (c) or (d) of this subsection. Any person
18 filing an appeal shall post a bond sufficient to pay all costs of
19 care of the pet animal or equine for thirty days. Such payment will
20 be required for each succeeding thirty-day period until the appeal
21 is final.

22 (f) Should the person be found not guilty, all funds paid
23 for the expenses of the pet animal or equine shall be returned to
24 the person.

25 (g) For purposes of this subsection:

26 (i) Pet animal means any domestic dog, domestic cat, mini
 27 pig, domestic rabbit, domestic ferret, domestic rodent, bird except
 1 a bird raised as an agricultural animal and specifically excluding
 2 any bird possessed under a license issued by the State of Nebraska
 3 or the United States Fish and Wildlife Service, nonlethal aquarium
 4 fish, nonlethal invertebrate, amphibian, turtle, nonvenomous snake
 5 that will not grow to more than eight feet in length at maturity,
 6 or such other animal as may be specified and for which a permit
 7 shall be issued by an animal control authority after inspection and
 8 approval, except that any animal forbidden to be sold, owned, or
 9 possessed by federal or state law is not a pet animal; and

10 (ii) Equine means a horse, pony, donkey, mule, hinny, or
 11 llama.

12 (h) This section shall not preempt, and shall not be
 13 construed to preempt, any ordinance of a city of the metropolitan
 14 class.

15 2. Renumber the remaining sections and correct internal
 16 references accordingly.

17 3. Correct the operative date and repealer sections so
 18 that the sections added by this amendment become operative three
 19 calendar months after the adjournment of this legislative session.

Senator McCoy filed the following amendment to LB999:
 AM2359

- 1 1. On page 2, line 7, after "hospital" insert "in any
- 2 city of the metropolitan class".

Senator Lautenbaugh filed the following amendment to LB999:
 AM2357

- 1 1. On page 2, strike beginning with the comma in line 8
- 2 through "hospital" in line 10.

UNANIMOUS CONSENT - Add Cointroducer

Senator Giese asked unanimous consent to add his name as cointroducer to
 LR451. No objections. So ordered.

VISITORS

Visitors to the Chamber were members of Leadership Columbus from
 Columbus; 36 fourth-grade students and teachers from St. Mary's and
 St. Matthew Schools, Bellevue; 42 eleventh- and twelfth-grade students and
 teachers from Elwood; 18 fourth-grade students and sponsors from
 Maxwell; members of Louisville Nebraska Care Center Advisory Board;
 and members of Collaborative Industries from Lincoln.

The Doctor of the Day was Dr. Hans Dethlefs from La Vista.

ADJOURNMENT

At 12:07 p.m., on a motion by Senator Dierks, the Legislature adjourned until 10:00 a.m., Monday, March 29, 2010.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTIETH DAY - MARCH 29, 2010
LEGISLATIVE JOURNAL
ONE HUNDRED FIRST LEGISLATURE
SECOND SESSION
FIFTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, March 29, 2010

PRAYER

The prayer was offered by Reverend Clint Poppe, Good Shepherd Lutheran Church, Lincoln.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Sheehy presiding.

The roll was called and all members were present except Senator Pahls who was excused; and Senator Coash who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-ninth day was approved.

ATTORNEY GENERAL'S OPINION

Opinion 10008

DATE: March 26, 2010

SUBJECT: Concealed Handgun Permit Act; Municipal Regulation
Of Concealed Handguns.

REQUESTED BY: Senator Mark R. Christensen
Nebraska State Legislature

WRITTEN BY: Jon Bruning, Attorney General
Charles E. Lowe, Assistant Attorney General

You have asked for this office's opinion on several questions dealing with the authority of cities and villages to require the registration of handguns owned or possessed by individuals who have permits to carry concealed handguns under the Concealed Handgun Permit Act. Essentially all of your questions come down to the issue of whether or not, under Neb. Rev. Stat.

§ 18-1703 (Supp. 2009), a city may require a permitholder under the act to register his or her handgun in order to own, possess or transport it in that city. You note particularly that the issue has arisen in the city of Omaha which has a municipal code provision requiring that all "concealable firearms" be registered with the chief of police before they may be owned or possessed within the city.

We will first provide some historical background for the present issue and then address the specific questions you ask.

Background

The Concealed Handgun Permit Act was passed by the Legislature during its session in 2006 and went into effect on January 1, 2007. The act, as subsequently amended, is codified at Neb. Rev. Stat. §§ 69-2427 through 69-2448 (2009). While the act rather clearly states that a permit issued under that act allowing the permitholder to carry a concealed handgun "is valid throughout the state" and that a "permitholder may carry a concealed handgun anywhere in Nebraska" except for certain specified locations and in certain specified situations, §§ 69-2436 and 69-2441(1)(a), the Legislature did not amend or repeal other statutory provisions which gave all incorporated cities and villages the authority to ban the carrying of concealed weapons within their boundaries. Thus, a disagreement soon arose over the question of whether cities and villages could continue to ban the carrying of concealed weapons within their boundaries even by permitholders under the act.

In Op. Att'y Gen. No. 09001 (Jan. 18, 2009), we dealt with this issue and opined that, at least as to permitholders under the Concealed Handgun Permit Act, the act preempted the authority of cities and villages to ban the carrying of concealed handguns. Accordingly, it was our view that cities and villages could continue to ban the carrying of concealed weapons, except that they could not do so in connection with concealed handguns carried by individuals who had permits to do so under the act.

Subsequently, to make its intent in this regard clear, the Legislature enacted LB 430 during its session in 2009. That bill specifically amended the statutes giving cities and villages the authority to prohibit the carrying of concealed weapons to except from that authority "the carrying of a concealed handgun in compliance with the Concealed Handgun Permit Act." Neb. Rev. Stat. §§ 14-102(6), 15-255, 16-227 and 17-556 (Supp. 2009). In short, these amendments make clear that cities and villages may not prohibit or impose punishment for the carrying of a concealed handgun by a permitholder.

In addition to amending the statutes that allow cities and villages to ban the carrying of concealed weapons so as to make clear that any such bans cannot be applied to permitholders under the Concealed Handgun Permit Act, LB 430 also contained a provision which was clearly designed to

remove any authority cities and villages might otherwise have to regulate the ownership or possession of concealed handguns by permit holders under the act. Section 5 of LB 430, now codified at Neb. Rev. Stat. § 18-1703 (Supp. 2009), reads as follows:

Cities and villages shall not have the power to regulate the ownership, possession, or transportation of a concealed handgun, as such ownership, possession, or transportation is authorized under the Concealed Handgun Permit Act, except as expressly provided by state law. Any existing city or village ordinance, permit, or regulation regulating the ownership, possession, or transportation of a concealed handgun, as such ownership, possession, or transportation is authorized under the act, is declared to be null and void as against any permit holder possessing a valid permit under the act.

It is in this context that you ask your series of questions, which we will discuss and respond to below.

Discussion of Specific Questions

Question 1

Your first question is: "Does a city ordinance requiring registration of handguns fall under the category of ownership or possession as used in Neb. Rev. Stat. § 18-1703 (Supp. 2009)?"

Like all statutes, the language of § 18-1703 is to be given its plain and ordinary meaning. There is no need for statutory "interpretation to ascertain the meaning of statutory words which are plain, direct, and unambiguous." State ex rel. Amanda M. v. Justin T., 279 Neb. 273, 278, 777 N.W. 2d 565, 569 (2010).

Giving § 18-1703 its plain and ordinary meaning, it appears to us that the answer to your first question is "yes." If a city ordinance requires registration of handguns in order to own or possess them within the city's boundaries or other areas over which it may have authority, then § 18-1703 would come into play. It seems clear that requiring registration in order to own or possess a handgun would constitute "regulation" of such ownership or possession. In other words, such an ordinance would directly place an additional burden or regulation on the ownership or possession of a handgun. And any such additional municipal "regulation" of the ownership or possession of handguns by permit holders under the act is plainly barred by the language of § 18-1703.

Of course, a city ordinance regarding registration that does not compel the registration of handguns in order to own or possess them within the city would not conflict with § 18-1703. Likewise, a city firearm registration ordinance that specifically exempts permit holders under the Concealed Handgun Permit Act from any registration requirement in order to own or

possess handguns within the city would also not be prohibited by that statute.

Question 2

Your second question is: "Does Neb. Rev. Stat. § 18-1703 (Supp. 2009) prohibit the City of Omaha from enforcing Sec. 20-251 through Sec. 20-258 of the Municipal Code of the City of Omaha, requiring the registration of all handguns (concealable firearms), against a Nebraska Concealed Handgun Permit holder?"

Section 20-251(a) of the Omaha Municipal Code states:

It shall be unlawful for any person to own, have possession of, or maintain control over any concealable firearm which has not been registered to said person with the chief of police in accordance with this division [Division 2], except when such possession or control is with the knowledge and express consent of the person in whose name such concealable firearm is registered.

In § 20-191 of the Omaha Municipal Code the term "concealable firearm" is defined as being a "firearm having a barrel less than 18 inches in length." Sections 20-253, 20-254 and 20-257 of the code give the chief of police authority to deny registration permits in certain circumstances and to revoke registration permits that have been issued. There appears to be nothing in Division 2 or elsewhere in the code that exempts permitholders under the Concealed Handgun Permit Act from the registration requirements of § 20-251(a).

As discussed above in connection with Question 1, a city ordinance such as Omaha's § 20-251(a) which requires registration of a handgun before it may be owned or possessed within the city and which does not exempt permitholders under the Concealed Handgun Permit Act from such requirement is in conflict with § 18-1703 since it regulates the ownership and possession of handguns by permitholders above and beyond the regulations imposed on them by the act. Accordingly, in our opinion, under § 18-1703 Omaha's handgun registration requirement is null and void to the extent it purports to impose such requirement on permitholders under the Concealed Handgun Permit Act.

Question 3

Your third question reads as follows: "Does Neb. Rev. Stat. § 18-1703 (Supp. 2009) prohibit the enforcement of Sec. 20-251 through Sec. 20-258 of the Municipal Code of the City of Omaha on a concealed handgun permit permitholder who purchases a handgun in the jurisdiction of the City of Omaha?"

We are not certain what the genesis of this particular inquiry is or what

particular concern you have. We can, of course, envision a situation in which an individual residing in, for example, Imperial could travel to and purchase a handgun in Omaha; and, for as long as that individual remained within Omaha he or she would own and have possession of that handgun in that city. Nonetheless, it is unclear to us that the firearm registration provisions of the Omaha Municipal Code would even apply to such an individual.

Even if such provisions of the Omaha Municipal Code would apply, however, it seems to us that our response to Question 2 above would control that situation. In other words, if the individual purchasing a handgun in Omaha is a permit holder under the Concealed Handgun Permit Act, then he or she would not be subject to the registration requirement.

Question 4

Your fourth question actually contains two different inquiries. The first of these two inquiries is: "If the City of Omaha cannot enforce Sec. 20-251 through 20-258 of the Municipal Code of the City of Omaha on a Nebraska concealed handgun permit holder because of Neb. Rev. Stat. § 18-1703 (Supp. 2009), does this apply to all concealed handgun permit holders, no matter in what city or village in Nebraska they reside?"

We are not certain what the word "this" contained in the second clause of your question is supposed to refer to. If "this" refers to the specific conclusion that Omaha cannot enforce its registration requirement against a permit holder under the Concealed Handgun Permit Act, then, obviously, Omaha cannot enforce its registration requirement against a permit holder no matter where he or she resides. On the other hand, if "this" refers to some general conclusion that city or village handgun registration requirements are unenforceable against permit holders, the answer to your question would depend to some degree on the particular language of any such city or village ordinance. Our response to Question 1 above sets forth what we believe the guiding principles to be in this regard.

The second of your inquiries under Question 4 is: "How does this apply to concealed carry permit holders from states which Nebraska recognizes pursuant to Neb. Rev. Stat. § 69-2448 (Supp. 2009)?"

Again, we are not certain what the "this" in this question refers to. Nonetheless, suffice it to say that the same rules as discussed above would apply to concealed carry permit holders from other states who fall within the parameters of § 69-2448.

Section 69-2448 states in pertinent part:

A valid license or permit to carry a concealed handgun issued by any other state or the District of Columbia shall be recognized as valid in this state under the Concealed Handgun Permit Act if (1) the holder of the

license or permit is not a resident of Nebraska and (2) the Attorney General has determined that the standards for issuance of such license or permit by such state or the District of Columbia are equal to or greater than the standards imposed by the act.

This section, therefore, makes clear that so long as the individual holding the permit or license from another state is not a resident of Nebraska and the state which issued the permit or license has standards for such issuance that are at least as strict as Nebraska's (as determined by the Attorney General), then such permitholder has all the rights and duties that are given to Nebraska permitholders under the act. The provisions of § 18-1703 would apply equally in instances involving permitholders whose permits or licenses to carry concealed handguns were issued by another state, so long as the requirements of § 69-2448 have been met.

Question 5

Your fifth question reads as follows: "If the City of Omaha does have the authority to enforce Sec. 20-251 through Sec. 20-258 of the Municipal Code of the City of Omaha in whole or in part against concealed handgun permit holders, does LB 1033 (2010) amending Neb. Rev. Stat. § 18-1703 (Supp. 2009) prohibit such enforcement of the ordinance?"

LB 1033, which was offered by you during the 2010 session of the Legislature, would amend § 18-1703 to add "registration" to the list of things a city or village could not regulate as against permitholders under the Concealed Handgun Permit Act. The "Introducer's Statement of Intent" for LB 1033 indicates that the bill is being offered to eliminate confusion over the interpretation of § 18-1703 and to make clear the intent of that section to prohibit registration requirements, as well as other city and village ordinances that impact on the ownership, possession or transportation of concealed handguns by permitholders. LB 1033, therefore, would clarify that Omaha's registration requirements could not be enforced against a permitholder.¹

While, as discussed above, it is our view that under § 18-1703 as it currently exists Omaha does not have the authority to enforce its registration requirements as against permitholders under the Concealed Handgun Permit Act, we also recognize that city officials and/or the Nebraska courts might disagree with our conclusion. Moreover, it never hurts to spell out legislative intent as clearly and precisely as possible in the language of the statute itself. Therefore, enactment of your proposed LB 1033, with the possible changes we have suggested in footnote 1, would be helpful in ensuring that § 18-1703 is interpreted as prohibiting cities and villages from requiring permitholders under the act to register their handguns.

Conclusion

It is our opinion that any city or village ordinance requiring the

registration of a handgun in order to own or possess the handgun in that city or village and not exempting from the registration requirement permitholders under the Concealed Handgun Permit Act is prohibited by § 18-1703 and is null and void as it may be applied against any such permitholder. Since Omaha's requirement that all "concealable firearms" be registered, as established by sections 20-251 through 20-258 of the Omaha Municipal Code, does mandate such registration in order to own or possess a "concealable firearm" in that city and contains no exception to that requirement for permitholders under the act, we believe Omaha's registration requirement runs afoul of § 18-1703 as it may be applied against any such permitholders.

Enactment of pending LB 1033, with changes along the lines of those suggested in footnote 1, would confirm our opinion and make clear to city officials and the courts the Legislature's intent that, under § 18-1703, cities and villages may not compel permitholders under the Concealed Handgun Permit Act to register their handguns in order to own, possess or transport them within a city's or village's boundaries.

¹We note that LB 1033, as drafted, could still leave some confusion because, based on the grammar and syntax, it would state that cities and villages "shall not have the power to regulate . . . registration of concealed handguns." We are not certain what "regulating registration" would entail or how such a construct would be interpreted. Therefore, we believe the intent would be better stated if the first sentence of the bill were changed to read as follows: "Cities and villages shall not have the power to regulate the ownership, possession, or transportation of a concealed handgun, as such ownership, possession, or transportation is authorized under the Concealed Handgun Permit Act, except as expressly provided by state law, and shall not have the power to require registration of a concealed handgun owned, possessed or transported by a permitholder under the Concealed Handgun Permit Act." A similar conforming change could be made to the second sentence of the bill.

Sincerely yours,
JON BRUNING
Attorney General
(Signed) Charles E. Lowe
Assistant Attorney General

cc: Patrick J. O'Donnell
Clerk of the Legislature

17-107-20

NOTICE OF COMMITTEE HEARING
Transportation and Telecommunications

Room 1113

Tuesday, April 6, 2010 1:00 p.m.

Patrick Meuret - Nebraska Railway Council
Michael Shannon - Nebraska Railway Council

(Signed) Deb Fischer, Chairperson

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 407, 408, and 410 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 407, 408, and 410.

ANNOUNCEMENT

The Chair announced today is Senator Krist's birthday.

MOTIONS - Approve Appointments

Senator Gay moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 1027:

Foster Care Review Board
Marcia Anderson
Gabiella "Gay" McTate

Voting in the affirmative, 37:

Adams	Fischer	Harms	McCoy	Stuthman
Avery	Fulton	Howard	McGill	Utter
Carlson	Gay	Janssen	Mello	Wallman
Christensen	Giese	Karpisek	Pankonin	White
Conrad	Gloor	Krist	Pirsch	Wightman
Cook	Haar	Langemeier	Price	
Council	Hadley	Lautenbaugh	Rogert	
Dierks	Hansen	Louden	Schilz	

Voting in the negative, 0.

Present and not voting, 10:

Ashford	Cornett	Flood	Lathrop	Nordquist
Campbell	Dubas	Heidemann	Nelson	Sullivan

Excused and not voting, 2:

Coash	Pahls
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The appointments were confirmed with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

Senator Gay moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 1028:

Commission for the Deaf and Hard of Hearing

Raymond Meester

Susan Petersen

Voting in the affirmative, 38:

Adams	Flood	Heidemann	Louden	Schilz
Avery	Fulton	Howard	McCoy	Stuthman
Carlson	Gay	Janssen	McGill	Sullivan
Conrad	Gloor	Karpisek	Mello	Utter
Cook	Haar	Krist	Pankonin	Wallman
Cornett	Hadley	Langemeier	Pirsch	White
Council	Hansen	Lathrop	Price	
Fischer	Harms	Lautenbaugh	Rogert	

Voting in the negative, 0.

Present and not voting, 9:

Ashford	Christensen	Dubas	Nelson	Wightman
Campbell	Dierks	Giese	Nordquist	

Excused and not voting, 2:

Coash	Pahls
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The appointments were confirmed with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

Senator Gay moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 1028:

Child Abuse Prevention Fund Board

Camille Ohri

Voting in the affirmative, 36:

Carlson	Giese	Karpisek	Mello	Sullivan
Christensen	Gloor	Krist	Nordquist	Utter
Conrad	Haar	Langemeier	Pankonin	Wallman
Cook	Hadley	Lathrop	Pirsch	White
Council	Hansen	Lautenbaugh	Price	
Fischer	Harms	Louden	Rogert	
Flood	Howard	McCoy	Schilz	
Gay	Janssen	McGill	Stuthman	

Voting in the negative, 0.

Present and not voting, 11:

Adams	Campbell	Dubas	Nelson
Ashford	Cornett	Fulton	Wightman
Avery	Dierks	Heidemann	

Excused and not voting, 2:

Coash	Pahls
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The appointment was confirmed with 36 ayes, 0 nays, 11 present and not voting, and 2 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 1002A. Title read. Considered.

Senator Utter offered the following amendment:

AM2401

- 1 1. Strike original section 1 and insert the following new
- 2 section:
- 3 Section 1. There is hereby appropriated \$41,990 from the
- 4 General Fund for FY2010-11 to the Commission on Indian Affairs, for
- 5 Program 584, to aid in carrying out the provisions of Legislative
- 6 Bill 1002, One Hundred First Legislature, Second Session, 2010.
- 7 Total expenditures for permanent and temporary salaries
- 8 and per diems from funds appropriated in this section shall not
- 9 exceed \$31,192 for FY2010-11.

Pending.

AMENDMENTS - Print in Journal

Senator Carlson filed the following amendment to LB999:

AM2362

- 1 1. On page 2, line 7, after "hospital" insert "in any
- 2 city with a population of twenty thousand inhabitants or less".

Senator Pankonin filed the following amendment to LB950:
AM2353

(Amendments to E & R amendments, ER8219)

1 1. Strike sections 4 and 25 and insert the following new
2 sections:

3 Sec. 4. Section 23-2310.04, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 23-2310.04 (1) The County Employees Defined Contribution
6 Retirement Expense Fund is created. The fund shall be credited
7 with money ~~forfeited pursuant to section 23-2319.01 and with money~~
8 from the retirement system assets and income sufficient to pay the
9 pro rata share of administrative expenses incurred as directed by
10 the board for the proper administration of the County Employees
11 Retirement Act and necessary in connection with the administration
12 and operation of the retirement system, except as provided in
13 sections 23-2308.01, 23-2309.01, ~~23-2310~~, and 23-2310.05. Any money
14 in the fund available for investment shall be invested by the state
15 investment officer pursuant to the Nebraska Capital Expansion Act
16 and the Nebraska State Funds Investment Act.

17 (2) The County Employees Cash Balance Retirement Expense
18 Fund is created. The fund shall be credited with money forfeited
19 pursuant to section 23-2319.01 and with money from the retirement
20 system assets and income sufficient to pay the pro rata share of
21 administrative expenses incurred as directed by the board for
22 the proper administration of the County Employees Retirement
1 Act and necessary in connection with the administration and
2 operation of the retirement system, except as provided in sections
3 23-2308.01, 23-2309.01, ~~23-2310~~, and 23-2310.05. Any money in the
4 fund available for investment shall be invested by the state
5 investment officer pursuant to the Nebraska Capital Expansion Act
6 and the Nebraska State Funds Investment Act.

7 Sec. 25. Section 84-1314, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 84-1314 (1) The State Employees Defined Contribution
10 Retirement Expense Fund is created. The fund shall be credited
11 with money ~~forfeited pursuant to section 84-1321.01 and with money~~
12 from the retirement system assets and income sufficient to pay
13 the pro rata share of administrative expenses incurred as directed
14 by the board for the proper administration of the State Employees
15 Retirement Act and necessary in connection with the administration
16 and operation of the retirement system, except as provided in
17 sections 84-1309.02, 84-1310.01, ~~84-1311~~, and 84-1311.03. Any money
18 in the fund available for investment shall be invested by the state
19 investment officer pursuant to the Nebraska Capital Expansion Act
20 and the Nebraska State Funds Investment Act.

21 (2) The State Employees Cash Balance Retirement Expense
22 Fund is created. The fund shall be credited with money forfeited
23 pursuant to section 84-1321.01 and with money from the retirement

24 system assets and income sufficient to pay the pro rata share
 25 of administrative expenses incurred as directed by the board
 26 for the proper administration of the State Employees Retirement
 27 Act and necessary in connection with the administration and
 1 operation of the retirement system, except as provided in sections
 2 84-1309.02, 84-1310.01, ~~84-1311~~, and 84-1311.03. Any money in the
 3 fund available for investment shall be invested by the state
 4 investment officer pursuant to the Nebraska Capital Expansion Act
 5 and the Nebraska State Funds Investment Act.

RESOLUTIONS

LEGISLATIVE RESOLUTION 468. Introduced by Mello, 5.

PURPOSE: The purpose of this resolution is to study the impact of the State of Nebraska's potential adoption of the 2009 International Energy Conservation Code. This study will specifically analyze the potential financial impacts and energy savings to state agencies.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 469. Introduced by Mello, 5.

PURPOSE: The purpose of this interim study is to examine the economic development program options available for municipalities. Programs that are already operational in municipalities as well as those in the development stages will be reviewed, and additionally, programs in municipalities across the nation that have met with success in economic development program implementation will also be examined.

The goal of this interim study is to determine what statutory changes and modifications of existing programs in Nebraska could be implemented to benefit local municipal economic development efforts.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 470. Introduced by Avery, 28.

PURPOSE: The purpose of this interim study is to examine the issue of how political subdivisions may be impacted by the 2010 United States Census. Over the years much legislation has been adopted containing population thresholds. In particular, this interim study will examine the public policy ramifications of these population thresholds and the impact of the 2010 United States Census data on certain political subdivisions such as counties and cities.

County and city officials, along with other interested parties, will be invited to participate in this interim study.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 471. Introduced by Avery, 28.

PURPOSE: The purpose of this interim study is to examine any issues within the jurisdiction of the Government, Military and Veterans Affairs Committee which may arise during the interim.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 472. Introduced by Avery, 28.

PURPOSE: The purpose of this interim study is to examine the issue of using electronic and digital signatures on initiative and referendum petitions. In 2010, LB 1059 was heard by the Government, Military and Veterans Affairs Committee. The bill required the Secretary of State to design a

system to allow electors to use digital or electronic signatures to sign initiative and referendum petitions via the Internet.

The issues to be examined by the interim study will include, but are not limited to, determining what other states are doing regarding digital and electronic signatures for initiative and referendum petitions and studying the current technology in this area and whether the current technology will allow for the safe and secure use of such signatures on initiative and referendum petitions.

Representatives of the Secretary of State's office and county officials, along with other interested parties, will be invited to participate in this interim study.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 473. Introduced by Carlson, 38; Dubas, 34; Hansen, 42; Langemeier, 23; Schilz, 47; Wightman, 36.

PURPOSE: The purpose of this resolution is to study the correlative rights doctrine relating to the use of ground water and clarify a definition for Nebraska statutes. The study should include past references in Nebraska statutes and court opinions, as well as the use of the term in other jurisdictions. The study should also include different interpretations of the term as it may apply to a "normal" year compared to a "water short" year.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 474. Introduced by Carlson, 38; Dubas, 34; Hansen, 42; Langemeier, 23; Schilz, 47; Wightman, 36.

PURPOSE: The purpose of this resolution is to study aquifer depletions in the State of Nebraska. The focus of the study will be on the sustainability of

aquifers to assure an adequate water supply many generations into the future. The study should include an examination of how to eliminate long-term depletions through good stewardship, as well as potential ways to accelerate recharge for sustainability. The study should emphasize local plans to solve local water challenges.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 475. Introduced by Dubas, 34; Carlson, 38.

PURPOSE: The purpose of this resolution is to study issues related to restricted use chemical application and the need to improve systems of notification of pesticide applications. The goal of the study is to identify methods to improve the way that information flows between applicators and owners of sensitive locations to reduce incidences of conflict and to enable adjacent landowners, utility operators, and others who may access or work near recently treated areas to reduce risk of accidental exposures. The study shall include, but not be limited to, an examination of regulatory notification requirements and application of available information systems to facilitate notification.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 476. Introduced by Janssen, 15.

WHEREAS, Ross H. Rasmussen of Hooper, Nebraska, was a distinguished member of the Legislature, serving from 1961 to 1968; and

WHEREAS, Senator Rasmussen served his country as an officer in World War II, receiving the Bronze Star for valor in action; and

WHEREAS, Senator Rasmussen married Alice Willa Hoegemeyer on October 19, 1943, and was a proud husband and father; and

WHEREAS, Senator Rasmussen was a groundbreaking farmer and agricultural educator to countless friends and students; and

WHEREAS, Senator Rasmussen passed away on March 24, 2010.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature extends its sympathy to the family of Ross H. Rasmussen.

2. That the Legislature expresses its gratitude for Ross H. Rasmussen's service to his community, state, and nation.

3. That a copy of this resolution be sent to the family of Ross H. Rasmussen.

Laid over.

LEGISLATIVE RESOLUTION 477. Introduced by Nebraska Retirement Systems Committee: Pankonin, 2, Chairperson; Heidemann, 1; Karpisek, 32; Louden, 49; Mello, 5; Nordquist, 7.

PURPOSE: The purpose of this resolution is to study the issues related to the sustainability of public retirement plans.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Nebraska Retirement Systems Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 478. Introduced by Christensen, 44.

PURPOSE: The purpose of this study is to examine proposals to create a statewide water planning commission or agency focusing on the development of a statewide water plan to manage Nebraska's water resources. Prior to Laws 2000, LB 900, which merged the Department of Water Resources and the Nebraska Natural Resources Commission, regulation and planning were separate. Currently, the Department of Natural Resources (DNR) is responsible for both regulation and planning. This study shall investigate how the creation of an independent entity focused on planning for Nebraska's future water uses by removing the planning responsibilities from DNR may bring a better balance between regulation and planning of our water resources and how best to establish and structure such a water planning entity. This study shall include, but not be limited to:

(1) An examination of LB 1016, introduced in 2010, and other proposals to provide a statewide water planning entity;

- (2) How such a water planning entity should be established or structured;
- (3) How integrated management plans could be used in a statewide plan;
- (4) What a statewide water plan should include; and
- (5) An examination of what purposes and goals should be given to such a water planning entity, such as recommendations for the planning of future water uses across Nebraska, maintaining and maximizing current water supplies, creating a plan to manage water resources to encourage economic health and prosperity, forecasting, and how to create more flexibility and efficiency within our water management.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 1002A. The Utter amendment, AM2401, found in this day's Journal, was renewed.

Senator Utter withdrew his amendment.

Senator Heidemann offered the following amendment:

AM2414

- 1 1. On page 2, lines 1 and 10, strike "\$100,000" and
- 2 insert "\$25,000".

The Heidemann amendment was adopted with 39 ayes, 1 nay, 8 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 8 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 918A. Advanced to Enrollment and Review for Engrossment.

MOTION - Return LB817 to Select File

Senator Rogert moved to return LB817 to Select File for his specific amendment, AM2314, found on page 1065.

The Rogert motion to return prevailed with 38 ayes, 0 nays, 10 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 817. The Rogert specific amendment, AM2314, found on page 1065, was adopted with 42 ayes, 0 nays, 6 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

MOTION - Return LB817 to Select File

Senator Christensen moved to return LB817 to Select File for the following specific amendment:

AM2415

(Amendments to Standing Committee amendments, AM1964)

- 1 1. Insert the following new section:
- 2 Sec. 2. Section 18-1703, Revised Statutes Supplement,
- 3 2009, is amended to read:
- 4 18-1703 Cities and villages shall not have the power
- 5 to regulate the ownership, possession, or transportation of a
- 6 concealed handgun, as such ownership, possession, or transportation
- 7 is authorized under the Concealed Handgun Permit Act, except as
- 8 expressly provided by state law, and shall not have the power
- 9 to require registration of a concealed handgun owned, possessed,
- 10 or transported by a permitholder under the act. Any existing
- 11 city or village ordinance, permit, or regulation regulating the
- 12 ownership, possession, or transportation of a concealed handgun,
- 13 as such ownership, possession, or transportation is authorized
- 14 under the act, except as expressly provided under state law, and
- 15 any existing city or village ordinance, permit, or regulation
- 16 requiring the registration of a concealed handgun owned, possessed,
- 17 or transported by a permitholder under the act, is declared to be
- 18 null and void as against any permitholder possessing a valid permit
- 19 under the act.
- 20 Sec. 5. Section 69-2427, Reissue Revised Statutes of
- 21 Nebraska, is amended to read:
- 22 69-2427 Sections 69-2427 to 69-2448 and section 6 of this
- 1 act shall be known and may be cited as the Concealed Handgun Permit
- 2 Act.
- 3 Sec. 6. The Nebraska State Patrol shall inform each
- 4 permitholder, upon the issuance or renewal of a permit to carry a
- 5 concealed handgun, that if a handgun, or other firearm, owned by
- 6 such permitholder is lost or stolen, the permitholder should notify
- 7 his or her county sheriff or local police department of that fact.
- 8 2. Renumber the remaining sections and correct the
- 9 repealer section accordingly.

The Christensen motion to return prevailed with 41 ayes, 1 nay, 6 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 817. The Christensen specific amendment, AM2415, found in this day's Journal, was adopted with 42 ayes, 2 nays, 4 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 594. Placed on Select File with amendment. ER8220 is available in the Bill Room.

(Signed) Jeremy Nordquist, Chairperson

COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 1070. Placed on Final Reading.

ST9092

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Adams amendment, AM2347:

a. On page 3, line 21, "subsection" has been struck, shown as stricken, and "subdivision" inserted;

b. On page 15, line 11, an underscored comma has been inserted after "community"; and

c. On page 28, line 18, the first "the" has been struck and "this" inserted.

2. On page 1, the matter beginning with "learning" in line 1 through line 6 and all amendments thereto have been struck and "education; to amend sections 70-651.04, 77-1736.06, 77-3442, 79-527, 79-1007.05, 79-1036, 79-1242, 79-2111, 79-2112, and 79-2115, Reissue Revised Statutes of Nebraska, and sections 32-546.01, 79-528, 79-1073, 79-1073.01, 79-1241.03, 79-2104, and 79-2110, Revised Statutes Supplement, 2009; to change provisions relating to expense reimbursement for members of learning community coordinating councils, learning community tax levies, distribution of tax proceeds, school reporting, educational service unit funding, focus schools, focus programs, magnet schools, and elementary learning centers; to provide for use of certain funds received by learning communities as prescribed; to harmonize provisions; to provide a duty for the Revisor of Statutes; to repeal the original sections; and to declare an emergency." inserted.

(Signed) Jeremy Nordquist, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 479. Introduced by Ashford, 20.

PURPOSE: To investigate and review matters and issues which are within the jurisdiction of the Judiciary Committee of the Legislature.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 480. Introduced by Langemeier, 23.

WHEREAS, the David City High School speech team won the 2010 Class C-1 State Speech title, finishing twenty-six points ahead of runner-up Raymond Central; and

WHEREAS, this marks David City's second straight state title in Class C-1 and third in school history; and

WHEREAS, the David City High School speech team was propelled to victory by five first-place finishes; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates the David City High School speech team on winning the 2010 Class C-1 State Speech title.

2. That a copy of this resolution be sent to the speech team and their coach, Jarod Ockander.

Laid over.

LEGISLATIVE RESOLUTION 481. Introduced by Dubas, 34.

PURPOSE: The purpose of this resolution is to study the practice of prescribed burning. The study shall include, but not be limited to, the following issues:

(1) The purpose and necessity of "prescribed" or "controlled" burns;

(2) The function of prescribed burning in managing plant and animal communities;

(3) The status of prescribed burning law in Nebraska and other states;

(4) The status and issues surrounding prescribed burning laws in local government;

- (5) The required knowledge of the surrounding natural resources and wildlife habitats to conduct prescribed burning;
- (6) Public interest in allowing or prohibiting prescribed burns;
- (7) Fire management best practices; and
- (8) Any correlative educational or legal issues.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 482. Introduced by Pahls, 31.

PURPOSE: The demographics of Nebraska's population are changing. In the last decade there has been a dramatic shift of population from the rural areas to the urban areas. This change is expected to continue through the next decade and longer. The shift has dramatic consequences in employment opportunities, generation of tax revenue, placement of retail services, resources for business opportunities, changes in school enrollment, and availability of governmental services for every area of the state.

Changes in the rural areas are accompanied by and, in some cases, exacerbated by technological and economic changes in the agricultural industry. The number of family-operated and owned farms and ranches is dropping. Farms and ranches are growing in size. The average age of farmers and ranchers is getting older and the number of farmers and ranchers is declining. The farm and ranch economy is increasingly influenced by national and international issues outside the control of state government. Corporate interests and out-of-state operators and investors are playing an increasing role in Nebraska agriculture.

Nebraska's urban areas continue to grow, and the issues they face resemble the kind of issues that large metropolitan areas face in other states: Poverty; crime; urban sprawl; a decrease in lifestyle in inner city neighborhoods; the loss of jobs; an increased need for training workers in new and developing trades and industries; neighborhood redevelopment needs; greater infrastructure needs; building new schools and health care facilities; and development of recreational venues for youth and adults. The purpose of this resolution is to study these issues, and such study shall include, but not be limited to:

- (1) A determination of the amount of state and local tax revenue generated in the rural and urban areas of the state;
- (2) A determination of the amount of state and local revenue needs of rural and urban areas of the state;

(3) A determination of how the needs can be met and what changes need to be made in the current revenue distribution to anticipate the changes in demographics; and

(4) An analysis of what governmental services may need to be consolidated or eliminated as a result of population shifts.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature's Planning Committee shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 483. Introduced by Pahls, 31.

PURPOSE: Motor vehicle insurance fraud is one area in which Nebraska consumers may be vulnerable, given evidence of increased unethical and fraudulent activities of medical providers engaging in solicitation of accident victims. Most notable is the utilization of runners or cappers accessing accident reports used for overzealous telemarketing and solicitation of victims for potentially unnecessary treatment by chiropractic clinics.

The risk to Nebraska consumers arises when victims of accidents are solicited to visit chiropractic clinics for a free evaluation, which is often followed by a succession of follow-up visits paid for by property and casualty insurance coverage. These services may drain bodily injury benefits as well as other coverage.

Other states, including Minnesota, Missouri, Michigan, Connecticut, Kentucky, Texas, Ohio, and Pennsylvania, have introduced or passed legislation to address chiropractic solicitation, the use of runners or cappers, telemarketing abuses, and other issues. The purpose of this resolution is to study these issues and determine whether similar legislation is needed in Nebraska. The study committee shall seek the input of insurers, the Department of Insurance, the Board of Chiropractic, the Nebraska Chiropractic Physicians Association, and other interested parties as the committee deems necessary and beneficial.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 484. Introduced by Fischer, 43.

PURPOSE: The purpose of this interim study is to conduct an analysis of what is currently considered a reasonable fee by the towing industry for a tow from a private lot, any past state regulation of the industry, and whether the Public Service Commission is equipped to handle towing disputes and to determine what is a reasonable fee in a towing dispute.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 485. Introduced by Howard, 9; Adams, 24; Ashford, 20; Dubas, 34; Gay, 14; Gloor, 35; Hadley, 37; Nordquist, 7; Pirsch, 4; Wallman, 30.

PURPOSE: The purpose of this interim study is to examine: The shortage of social workers in central and western Nebraska who hold master's degrees; available educational opportunities or resources for citizens of these underserved areas who are interested in pursuing graduate social work education that would address such shortage; the level of unmet mental health needs in rural communities; and the services that social workers who hold master's degrees can provide to address that need. This interim study is intended to seek solutions to the critical workforce gap and to make recommendations on how best to address it. The study will seek to involve all interested parties and organizations that have a stake in such issue.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 486. Introduced by McGill, 26.

PURPOSE: To examine the issues of health, safety, and working conditions of Nebraska meat and poultry workers and to identify opportunities to strengthen Nebraska law related to ensuring safe and dignified working conditions. Nebraska's meat industries are some of the most important industries in the state. For this reason, and because safe food comes from a safe workplace, we have a public interest in ensuring that working conditions live up to basic community standards. Unfortunately, federal data from the Bureau of Labor Statistics in 2007 indicates that injury rates in meatpacking are more than double that of United States manufacturing as a whole. Furthermore, the United States Government Accountability Office reports that these numbers underreport actual injury rates. Nebraska was a leader in addressing the health, safety, and conditions of its workforce by passing a first-of-its-kind state law, the Nebraska Meatpacking Industry Workers Bill of Rights. Because data indicates that conditions are not sufficiently improved almost a decade later, it is time to revisit this issue. The study should include, but is not limited to:

(1) A review of current health, safety, and working conditions, including: Injury rates; work speed, including line speed and maintenance of full staffing; ability to use the bathroom; the right to choose one's own doctor when injured; payment for all time worked; safety training and equipment; verbal supervisory abuse; sexual harassment and abuse; and positive health and safety policies and practices that seem to be making a difference; and

(2) Identifying opportunities to strengthen Nebraska's health, safety, and wage enforcement oversight, workers' compensation laws, and other Nebraska laws and regulations related to ensuring safe and dignified working conditions.

The study should hear from a variety of stakeholders, most importantly Nebraska workers in settings where they can speak freely without company management or supervisors present, but also including workers' compensation attorneys, community and health organizations, union representatives, company management, and government agencies.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 487. Introduced by Mello, 5; Cornett, 45.

PURPOSE: The purpose of this interim study is to examine the impact of adopting tax incentives for films, television shows, commercials, music, web-based content, or Internet-delivered content produced in metropolitan and nonmetropolitan areas of Nebraska.

This study shall include an examination of how the following factors are influencing the film, television, commercial, music, web-based, and Internet-delivered industries:

- (1) Types and numbers of jobs in Nebraska created by these industries;
- (2) Amount of revenue generated in Nebraska by these industries;
- (3) Tax incentives other states are offering to attract these industries; and
- (4) Tax incentives Nebraska could offer to attract these industries.

The primary focus of the study will be to find ways to encourage future job growth and economic development in Nebraska's film, television, commercial, music, web-based, and Internet-delivered industries.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 488. Introduced by Wightman, 36; Ashford, 20; Nelson, 6.

PURPOSE: The purpose of this resolution is to analyze and compare the provisions of LB 756 (2010), a bill to adopt the Nebraska Uniform Real Property Transfer on Death Act, with current Nebraska law. The Uniform Real Property Transfer on Death Act was adopted by the National Conference of Commissioners on Uniform State Laws in July 2009. Thirteen states had legislation authorizing "transfer on death deeds" prior to adoption of the uniform act. LB 756 contains the uniform act with substantial modifications applicable to the State of Nebraska. The study shall be a section-by-section analysis and comparison of the proposed Nebraska legislation, together with additional relevant considerations and recommendations. In order to carry out the purpose of this resolution, the committee should seek the assistance of professors at the University of Nebraska College of Law and the Creighton University School of Law and other interested persons as the committee deems necessary and beneficial. The goal of the study is to provide a reliable understanding of the implications of adopting a Nebraska Uniform Real Property Transfer on Death Act.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 489. Introduced by Schilz, 47.

PURPOSE: The purpose of this resolution is to study the possibility of raising revenue from misdemeanors and felonies or from other sources to help fund a potential grant program for rural emergency medical services. The study shall examine similar grant programs in other states, particularly the grant program described in section 26-8a-207 of the Utah Code.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 490. Introduced by Schilz, 47.

PURPOSE: The purpose of this resolution is to study the issue of imposing a limitation on how much a school's state aid can change from one year to the next, expressed in terms of a percentage.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 491. Introduced by Schilz, 47.

PURPOSE: The purpose of this resolution is to study the possibility of requiring a boating education course in order to reduce the number of accidents occurring on the waters of this state. The study shall include, but not be limited to, an examination of the subject matter that might be offered or required as part of any such boating education course.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 492. Introduced by Schilz, 47.

PURPOSE: The purpose of this resolution is to study the issues relating to adding a fiftieth senator to the Legislature.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

AMENDMENTS - Print in Journal

Senator Gay filed the following amendment to LB999:
AM2395

(Amendments to AM2366)

- 1 1. On page 1, line 11, after "hospital" insert "that
- 2 does not accept patients under the medical assistance program
- 3 established under section 68-903".

Senator Hansen filed the following amendment to LB999:
AM2400

(Amendments to AM2366)

- 1 1. On page 1, line 14, after "hospital" insert "or an
- 2 application from any hospital project which has begun construction
- 3 prior to July 1, 2010".

Senator Cornett filed the following amendment to LB999:
AM2389

(Amendments to AM2366)

- 1 1. On page 1, lines 11 and 12, strike "September 1, 2010"
- 2 and insert "January 1, 2011".

UNANIMOUS CONSENT - Add Cointroducer

Senator Rogert asked unanimous consent to add his name as cointroducer to LB999. No objections. So ordered.

VISITORS

Visitors to the Chamber were Senator Utter's son and grandson, Ward and Andrew Utter, from Devon, Pennsylvania; Senator Hadley's wife, Marilyn Hadley, from Kearney and Randall and Betty Stuefen from Vermillion, South Dakota; 96 fourth-grade students and teachers from St. Wenceslaus School, Omaha; and 45 fourth-grade students and teachers from Lincoln Elementary, Beatrice.

RECESS

At 12:03 p.m., on a motion by Senator Carlson, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Sheehy presiding.

ROLL CALL

The roll was called and all members were present except Senator Pahls who was excused; and Senators Ashford, Campbell, Coash, Cook, Dierks, and Loudon who were excused until they arrive.

RESOLUTIONS

LEGISLATIVE RESOLUTION 493. Introduced by McGill, 26.

PURPOSE: The purpose of this resolution is to study whether there are enough resources currently present in schools to detect and treat mental illness in school-age children. The study should include an examination of issues raised during the Legislature's enactment and subsequent amendment of the state's "safe haven" law in 2008 and issues raised during consideration of LB 603, which was passed in 2009. Possible topics to be covered may include the availability of school counselors in elementary, middle, and high schools and consideration of mental health examinations, similar to physical health examinations required at certain levels of schooling. In order to carry out the purpose of this resolution, the study committee should seek the assistance of the State Department of Education and the Department of Health and Human Services and should consider the input of interested persons as the committee deems necessary and beneficial.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 494. Introduced by Giese, 17.

PURPOSE: To study the effect of Nebraska's workers' compensation statutes on businesses, other than agricultural operations, that employ only related employees. The issues to be addressed by this interim study shall include, but not be limited to:

(1) A review of the requirements for compliance under the Nebraska Workers' Compensation Act for businesses which employ only related employees;

(2) An examination of business classifications under workers' compensation insurance policies and their effect on businesses which employ only related employees; and

(3) A review of excepted occupations under the Nebraska Workers' Compensation Act and the application of those exceptions to businesses that employ only related employees.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 495. Introduced by Giese, 17.

PURPOSE: The purpose of this interim study is to examine district probation offices. The issues addressed by this interim study shall include, but not be limited to:

(1) An examination of the process used by the Office of Probation Administration to draw probation district boundaries and designate the principal office within each probation district;

(2) A review of the allocation of district probation office expenses between the state and counties; and

(3) An examination of the budget process for probation districts which include multiple counties, with emphasis on the disparity of budget-setting

authority between the counties and the reimbursement of office expenses for the principal office within the probation district.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 496. Introduced by Cornett, 45.

PURPOSE: The purpose of this resolution is to study issues relating to state and local taxation of wind energy electrical generation facilities. The issues addressed by this study shall include, but not be limited to:

(1) Limitations placed on state and local taxation by the commerce clause of the United States Constitution, including the United States Supreme Court's "dormant" commerce clause jurisprudence, with respect to all types of taxes that could conceivably be imposed on such facilities or in connection with such facilities, including property taxes and excise taxes, such as income taxes, sales and use taxes, production taxes, and other excise taxes;

(2) The classification of wind energy property as real property, personal property, and fixtures, including trade fixtures, and the Nebraska Supreme Court's jurisprudence with respect to the classification of property as real property, personal property, and fixtures, including trade fixtures;

(3) Whether taxation of wind energy property should be centrally assessed property, locally assessed property, or both as may be necessary or appropriate; and

(4) The distribution of state and local tax revenue that may be derived from the imposition of any types of taxes that could conceivably be imposed lawfully on such facilities or in connection with such facilities.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 497. Introduced by Cornett, 45; McGill, 26.

PURPOSE: The purpose of this resolution is to study urban and commercial area development laws, policies, and programs which exist in Nebraska and alternative laws, policies, and programs which exist in other states.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Revenue Committee and Urban Affairs Committee of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of their study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 498. Introduced by Cornett, 45.

PURPOSE: The purpose of this resolution is to study the Tax Expenditure Reporting Act and suggest additional duties or information to be reported under the act.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 499. Introduced by Cornett, 45.

PURPOSE: The purpose of this resolution is to study tax laws, policies, and programs that address the tax burdens of low-income persons and households.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 500. Introduced by Cornett, 45.

PURPOSE: The purpose of this resolution is to study the tax laws, policies, and programs of the State of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

SELECT FILE

LEGISLATIVE BILL 1109. ER8215, found on page 987, was adopted.

Senator Conrad offered the following amendment:

AM2419

(Amendments to E & R amendments, ER8215)

- 1 1. On page 3, lines 12 and 13, strike "the effective date
- 2 of this act" and insert "July 6, 2010".

The Conrad amendment was adopted with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1109A. Advanced to Enrollment and Review for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 931. Title read. Considered.

Committee AM2047, found on page 717, was considered.

Senator Sullivan renewed the Sullivan-Utter amendment, AM2248, found on page 1006, to the committee amendment.

The Sullivan-Utter amendment was adopted with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

Senator Harms offered the following amendment to the committee amendment:

AM2411

(Amendments to Standing Committee amendments, AM2047)

- 1 1. On page 12, line 22; page 15, line 2; page 21, line 4;
- 2 page 24, line 12; page 25, line 25; page 28, line 25; page 30, line

- 3 12; and page 32, line 24, before "community" insert "or".
- 4 2. On page 12, line 23; page 15, line 3; page 21, line
5 5; page 24, lines 12 through 13; page 25, line 26; page 28, lines
6 25 through 26; page 30, lines 12 through 13; and page 32, lines 24
7 through 25, strike "or junior college," and show as stricken.
- 8 3. On page 17, line 21, before "community" insert "or"
9 and strike "or junior college," and show as stricken.
- 10 4. On page 25, line 3, before "community" insert "or"; in
11 lines 3 through 4 strike ", or junior college;", show as stricken,
12 and insert an underscored semicolon; in line 7 before "community"
13 insert "or"; and in line 8 strike ", or junior college" and show as
14 stricken.

The Harms amendment was adopted with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

The committee amendment, as amended, was adopted with 37 ayes, 2 nays, 9 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 1 nay, 14 present and not voting, and 1 excused and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 501. Introduced by Campbell, 25; Ashford, 20; Gay, 14; Mello, 5; Nordquist, 7.

PURPOSE: The purpose of this resolution is to study costs to the state and infant and child health outcomes associated with not providing prenatal services through the Nebraska medicaid program to low-income women in Nebraska. The study shall include, but not be limited to, an examination of:

- (1) Reduced medical payments made by the state as a result of ending prenatal services to low-income women;
- (2) Increased post-delivery medical service costs directly related to not providing prenatal care, including costs related to low birth weight infants, premature births, and other health problems associated with a lack of prenatal care, including increased expenditures in the Kids Connection program;
- (3) Costs of providing emergency medicaid for labor and delivery or pregnancy complications, including a comparison of past expenditures in the state's emergency medicaid program; and
- (4) Financial impact to health care providers.

The study shall include data from both the public and private sectors.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a select committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution. The select committee shall consist of three members of the Health and Human

Services Committee of the Legislature appointed by the chairperson of the committee, three members of the Judiciary Committee of the Legislature appointed by the chairperson of the committee, and three additional members of the Legislature to be appointed by the chairpersons of the Health and Human Services Committee and the Judiciary Committee. The chairperson of the select committee shall be the chairperson of the Health and Human Services Committee unless he or she is not appointed to the select committee, in which case the chairperson of the select committee shall be one of the three members of the Health and Human Services Committee who were appointed to the select committee, selected by the chairperson of the Health and Human Services Committee.

2. That the select committee shall upon the conclusion of its study make a preliminary report of its findings, together with its recommendations, to the Legislature on or before October 1, 2010. A final report shall be due on or before December 31, 2010.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 502. Introduced by Wallman, 30.

PURPOSE: The purpose of this resolution is to review the status of trauma care in Nebraska. The study shall include, but not be limited to, the availability and viability of trauma care services in Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 503. Introduced by Conrad, 46.

PURPOSE: The purpose of this resolution is to study whether Nebraska should enact the Revised Uniform Unincorporated Nonprofit Associations Act (2008) as approved and recommended to the states by the National Conference of Commissioners on Uniform State Laws. In order to carry out the purpose of this resolution, the committee should seek and consider the input of interested persons, including the practicing bar, as it deems necessary and beneficial.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 504. Introduced by Cornett, 45; Adams, 24; Dierks, 40; Hadley, 37; Pirsch, 4; Utter, 33.

PURPOSE: The purpose of this resolution is to study the policies and programs for addressing property tax relief, including existing and alternative policies.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 505. Introduced by Cornett, 45; Adams, 24; Dierks, 40; Hadley, 37; Pirsch, 4; Utter, 33.

PURPOSE: The purpose of this resolution is to examine issues relating to making the Local Civic, Cultural, and Convention Center Financing Act applicable to county governments. The issues addressed by this study shall include, but not be limited to:

(1) Whether cities should be the only beneficiaries available under the Local Civic, Cultural, and Convention Center Financing Act for qualified projects; and

(2) Whether sufficient funds would be available to help finance projects under the Local Civic, Cultural, and Convention Center Financing Act for qualified projects of cities and counties.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 506. Introduced by Cornett, 45; Adams, 24; Dierks, 40; Hadley, 37; Pirsch, 4; Utter, 33.

PURPOSE: The purpose of this resolution is to study state and local property tax valuation and exemption protest and appeal processes and procedures. The issues addressed by this study shall include, but not be limited to:

(1) The standard or standards of review and related jurisprudence used or relied upon by various tax tribunals and courts of law, including the Tax Equalization and Review Commission, the Court of Appeals, the Supreme Court, quasi-judicial tax tribunals in other states, and judicial tax tribunals in other states;

(2) The burden of proof used or relied upon by various tax tribunals, including the Tax Equalization and Review Commission and quasi-judicial and judicial tax tribunals in other states, to determine whether any rebuttable presumption pertaining to the standard or standards of review has or have been rebutted;

(3) The rules of practice and procedure governing the conduct of property tax protests and appeals in Nebraska and other states, including, but not limited to, rules of practice and procedure governing formal and informal protests and appeals, prehearing conferences, hearings, and rehearings, and rules of evidence applicable to formal and informal protests and appeals, including rules governing admissibility of evidence and direct examination and cross-examination of aggrieved parties and witnesses; and

(4) Whether the Legislature should consider proposing a legislative resolution for a constitutional amendment or amendments that would either:

(a) Abolish the Tax Equalization and Review Commission and establish (i) a different state government board or commission to perform the statewide equalization function, with right of judicial review, and (ii) a tax court established under the Constitution of Nebraska to hear and decide all property tax valuation and exemption protests and appeals, with right of judicial review; or

(b) Limit the power and responsibility of the Tax Equalization and Review Commission solely to performing the statewide equalization function and eliminate its power and responsibility to hear property tax protests and appeals and transfer that function to a tax court established under the Constitution of Nebraska, with right of judicial review.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 507. Introduced by Lautenbaugh, 18.

PURPOSE: The purpose of this resolution is to examine ways to streamline all levels of government, including, but not limited to, elimination, consolidation, or reassignment. The study should examine all facets and departments of state, county, and local governments. The Executive Board of the Legislative Council shall create a task force to carry out this interim study.

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 be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the board shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 508. Introduced by Lautenbaugh, 18.

PURPOSE: The purpose of this resolution is to examine the availability of land for hunters in the State of Nebraska, as well as the effectiveness of various programs to encourage hunting and the opening of public and personal lands for hunting. The Executive Board of the Legislative Council shall create a task force to carry out this interim study.

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 be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the board shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 509. Introduced by Howard, 9.

PURPOSE: In 2008, Nebraska implemented ACCESS Nebraska, representing a significant change in public benefits processing. Over a year into this process, it is important to understand the impact of this change on clients.

The purpose of this interim study is to explore the implementation of ACCESS Nebraska, particularly as it relates to client experience and system functioning over time. The study shall include the following information for the years 2007, 2008, 2009, and 2010 as it relates to ACCESS Nebraska programs:

- (1) The number of active cases on January 31 for each year by program and by service area;

(2) Benefit processing time periods, by program and by service area, broken out by 0-7 days, 8-30 days, 31-45 days, 46-60 days, and over 60 days on the date of January 31 of each year. For cases pending beyond the requisite time limit, for example, beyond 30 days for the Supplemental Nutrition Assistance Program or 45 days for medicaid, provide a summary of reasons for the pending status;

(3) Total number of applications by program and service area from the elderly, disabled, and non-English speakers for each year;

(4) Total number of new approvals by program and service area of the elderly, disabled, and non-English speakers for January of each year for the full fiscal year;

(5) A description of the approval and denial procedure or policy for requests for in-person applications, including, but not limited to, how caseworkers determine when an in-person interview will be conducted and whether the caseworker will go to the client or the client to the caseworker;

(6) Total number of applications completed overall, total number of applications started and not completed, and total number of online applications completed online by office, kiosk, or community-based partner location for each year;

(7) Total number of recertifications completed overall, total number of recertifications online, and the number of recertifications started online but not completed for each year and for January of each year, as well as the starting date of notice to clients to begin recertification online;

(8) Current office map for the Department of Health and Human Services and complete staffing pattern for each year;

(9) Caseworker average caseload by region for each year;

(10) The current accuracy rate for Supplemental Nutrition Assistance Program benefits;

(11) Total amount of funding expended in each year for community-based partner trainings, staff, technology, equipment, or for other purposes; and

(12) A list of community-based partners identified with computer, printer, and scanner technology available.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Appropriations Committee and the Health and Human Services Committee of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of their study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 1002A. Placed on Select File.

(Signed) Jeremy Nordquist, Chairperson

AMENDMENTS - Print in Journal

Senator McCoy filed the following amendment to LB999:
AM2391

(Amendments to AM2366)

- 1 1. On page 1, line 11, after "hospital" insert "in any
- 2 city of the metropolitan class".

Senator Karpisek filed the following amendment to LB999:
AM2392

(Amendments to AM2366)

- 1 1. On page 1, line 11, after "hospital" insert "in any
- 2 city of the primary class".

GENERAL FILE

LEGISLATIVE BILL 1072. Title read. Considered.

Committee AM2194, found on page 935, was considered.

Senator Adams renewed his amendment, AM2298, found on page 1054, to the committee amendment.

The Adams amendment was adopted with 37 ayes, 0 nays, 11 present and not voting, and 1 excused and not voting.

The committee amendment, as amended, was adopted with 42 ayes, 0 nays, 6 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 6 present and not voting, and 1 excused and not voting.

AMENDMENTS - Print in Journal

Senator Cornett filed the following amendment to LB999:
AM2397

(Amendments to AM2366)

- 1 1. On page 1, line 20, strike "and" and strike "such as";
- 2 and in line 21 after the first occurrence of "hospitals" insert an
- 3 underscored comma.

Senator Carlson filed the following amendment to LB999:
AM2394

(Amendments to AM2366)

- 1 1. On page 1, line 11, after "hospital" insert "in any
- 2 city with a population of twenty thousand inhabitants or less".

Senator Conrad filed the following amendment to LB999:
AM2393

(Amendments to AM2366)

- 1 1. On page 1, line 11, after "hospital" insert "that does
- 2 not have an emergency room".

Senator Gay filed the following amendment to LB999:
AM2399

(Amendments to AM2366)

- 1 1. On page 2, line 26, strike "2010" and insert "2012".

CONFLICT OF INTEREST STATEMENT

Pursuant to Rule 1, Sec. 19, Senator Mello has filed a Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act. The statement is on file in the Clerk of the Legislature's Office.

RESOLUTIONS

LEGISLATIVE RESOLUTION 510. Introduced by Pirsch, 4.

PURPOSE: The purpose of this interim study is to examine issues relating to refunds of local option sales taxes under the Nebraska Advantage Act. The issues addressed by this study shall include, but not be limited to:

- (1) Advance notice to local governments of the dollar amount of refunds of local option sales taxes paid that must be refunded to taxpayers;
- (2) The time within which a local government must refund local option sales taxes paid by taxpayers; and
- (3) Enacting legislation that would allow local governments that must refund local option sales taxes to pay such refunds in installments over a fixed period of time if such local governments would face a hardship by being required to immediately refund the full amount owed in one refund payment.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 511. Introduced by Pirsch, 4.

PURPOSE: The purpose of this resolution is to examine issues pertaining to expanding the Local Civic, Cultural, and Convention Center Financing Act so that financial incentives under the act could be used to help employers create new jobs in small communities in the state that have suffered from a declining population.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 779. Title read. Considered.

Committee AM2038, found on page 725, was considered.

Senator Avery renewed his amendment, AM2268, found on page 1066, to the committee amendment.

Senator Avery withdrew his amendment.

SENATOR LANGEMEIER PRESIDING

The committee amendment was adopted with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

Senator Lathrop renewed his amendment, AM2316, found on page 1060.

Senator Utter withdrew his amendment, AM2345, found on page 1109.

Senator Avery offered the following amendment to the Lathrop amendment: AM2375

(Amendments to AM2316)

1 1. Insert the following new sections:

2 Section 1. Section 13-503, Revised Statutes Supplement,
3 2009, is amended to read:

4 13-503 For purposes of the Nebraska Budget Act, unless
5 the context otherwise requires:

6 (1) Governing body shall mean the governing body of
7 any county agricultural society, elected county fair board, joint
8 airport authority formed under the Joint Airport Authorities

9 Act, city or county airport authority, bridge commission created
10 pursuant to section 39-868, cemetery district, city, village,
11 municipal county, community college, community redevelopment
12 authority, county, drainage or levee district, educational
13 service unit, rural or suburban fire protection district,
14 historical society, hospital district, irrigation district,
15 learning community, natural resources district, nonprofit county
16 historical association or society for which a tax is levied under
17 subsection (1) of section 23-355.01, public building commission,
18 railroad transportation safety district, reclamation district,
19 road improvement district, rural water district, school district,
20 sanitary and improvement district, township, offstreet parking
21 district, transit authority, metropolitan utilities district,
22 Educational Service Unit Coordinating Council, and political
1 subdivision with the authority to have a property tax request, with
2 the authority to levy a toll, or that receives state aid;

3 (2) Levying board shall mean any governing body which has
4 the power or duty to levy a tax;

5 (3) Fiscal year shall mean the twelve-month period used
6 by each governing body in determining and carrying on its financial
7 and taxing affairs;

8 (4) Tax shall mean any general or special tax levied
9 against persons, property, or business for public purposes as
10 provided by law but shall not include any special assessment;

11 (5) Auditor shall mean the Auditor of Public Accounts;

12 (6) Cash reserve shall mean funds required for the period
13 before revenue would become available for expenditure but shall not
14 include funds held in any special reserve fund;

15 (7) Public funds shall mean all money, including nontax
16 money, used in the operation and functions of governing bodies.
17 For purposes of a county, city, or village which has a lottery
18 established under the Nebraska County and City Lottery Act, only
19 those net proceeds which are actually received by the county, city,
20 or village from a licensed lottery operator shall be considered
21 public funds, and public funds shall not include amounts awarded as
22 prizes;

23 (8) Adopted budget statement shall mean a proposed budget
24 statement which has been adopted or amended and adopted as provided
25 in section 13-506. Such term shall include additions, if any, to an
26 adopted budget statement made by a revised budget which has been
27 adopted as provided in section 13-511;

1 (9) Special reserve fund shall mean any special fund
2 set aside by the governing body for a particular purpose and not
3 available for expenditure for any other purpose. Funds created
4 for (a) the retirement of bonded indebtedness, (b) the funding
5 of employee pension plans, (c) the purposes of the Political
6 Subdivisions Self-Funding Benefits Act, (d) the purposes of the
7 Local Option Municipal Economic Development Act, (e) voter-approved

8 sinking funds, or (f) statutorily authorized sinking funds shall be
9 considered special reserve funds;

10 (10) Biennial period shall mean the two fiscal years
11 comprising a biennium commencing in odd-numbered or even-numbered
12 years used by a city in determining and carrying on its financial
13 and taxing affairs; and

14 (11) Biennial budget shall mean a budget by a city of
15 the primary or metropolitan class that adopts a charter provision
16 providing for a biennial period to determine and carry on the
17 city's financial and taxing affairs.

18 Sec. 16. Section 14-501.01, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 14-501.01 A city of the metropolitan class may adopt
21 biennial budgets for biennial periods if such budgets are provided
22 for by a city charter provision. For purposes of this section:

23 (1) Biennial budget means a budget that provides for a
24 biennial period to determine and carry on the city's financial and
25 taxing affairs; and

26 (2) Biennial period means the two fiscal years comprising
27 a biennium commencing in odd-numbered or even-numbered years.

1 Sec. 17. Section 15-801, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 15-801 A city of the primary class may adopt biennial
4 budgets for biennial periods if such budgets are provided for by a
5 city charter provision. For purposes of this section:

6 (1) Biennial budget means a budget that provides for a
7 biennial period to determine and carry on the city's financial and
8 taxing affairs; and

9 (2) Biennial period means the two fiscal years comprising
10 a biennium commencing in odd-numbered or even-numbered years.

11 2. Renumber the remaining sections and correct the
12 repealer accordingly.

The Avery amendment was adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Senator Lathrop offered the following amendment to his amendment:
AM2407

(Amendments to AM2316)

1 1. On page 9, line 5, after "(2)" insert "(a)"; and after
2 line 16 insert:

3 "(b) The amount to be appropriated for distribution as
4 state assistance to a political subdivision under this subsection
5 for any one year after the tenth year shall not exceed the highest
6 such amount appropriated under subdivision (2)(a) of this section
7 during any one year of the first ten years of such appropriation.
8 If seventy percent of the state sales tax revenue as described
9 in subdivision (2)(a) of this section exceeds the amount to be
10 appropriated under this subdivision, such excess funds shall be

11 transferred to the General Fund."

12 2. On page 10, line 4, after "appropriation" insert "and

13 transfer".

SENATOR CARLSON PRESIDING

The Lathrop amendment was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Pending.

COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 918A. Placed on Final Reading.

(Signed) Jeremy Nordquist, Chairperson

MOTION - Print in Journal

Senator Council filed the following motion to LB987:

MO95

Suspend Rule 7, Section 3(d) to permit consideration of AM2418.

AMENDMENTS - Print in Journal

Senator Council filed the following amendment to LB987:

AM2418

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new section:
- 3 Section 1. (1) The Lead-Based Paint Hazard Control
- 4 Program is created. The Department of Economic Development shall
- 5 award a grant to a city of the metropolitan class in the amount of
- 6 two hundred thousand dollars, contingent upon formal notification
- 7 by the United States Department of Housing and Urban Development
- 8 that it intends to award a grant to a city of the metropolitan
- 9 class to carry out the federal Residential Lead-Based Paint Hazard
- 10 Reduction Act of 1992, Title X, Section 1011, Public Law 102-550,
- 11 as such act existed on the effective date of this act.
- 12 (2) It is the intent of the Legislature to provide a
- 13 one-time appropriation for the Lead-Based Paint Hazard Control
- 14 Program with lapsed funding from the Legislative Council from the
- 15 Nebraska Health Care Cash Fund.
- 16 (3) This section terminates on June 30, 2011.

Senator Adams filed the following amendment to LB1071:
AM2403

(Amendments to E & R amendments, ER8199)

- 1 1. Strike section 28.
- 2 2. On page 88, line 16, strike "33" and insert "32"; in
- 3 line 17 strike "34" and insert "33"; in line 19 strike "35" and
- 4 insert "34"; and in line 21 strike "33, and 47" and insert "32, and
- 5 46".
- 6 3. On page 89, line 1, after the fourth comma insert
- 7 "and"; and in lines 1 and 2 strike "and 79-1241.03,".
- 8 4. Renumber the remaining sections and correct internal
- 9 references accordingly.

Senator Karpisek filed the following amendment to LB999:
AM2396

(Amendments to AM2366)

- 1 1. On page 1, strike lines 10 through 14; and in line 15
- 2 strike "(3)" and insert "(2)".
- 3 2. On page 2, line 17, strike "(4)" and insert "(3)"; and
- 4 in line 25 strike "(5)" and insert "(4)".

RESOLUTIONS

LEGISLATIVE RESOLUTION 512. Introduced by McGill, 26.

PURPOSE: The purpose of this resolution is to examine the responsibilities of Nebraska nonprofit corporations and health care delivery systems when implementing LB 403, which was passed in 2009.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 513. Introduced by Gay, 14.

PURPOSE: (1) The purpose of this interim study is to review and assess the implementation of the Nebraska Behavioral Health Services Act by the Division of Behavioral Health of the Department of Health and Human Services and, if appropriate, provide recommendations for legislation to strengthen the enactment of the act.

(2) The Nebraska Behavioral Health Services Act states that:

(a) The division is the chief behavioral health authority for the State of Nebraska and shall direct the administration and coordination of the public behavioral health system, including, but not limited to:

(i) Administration and management of the state regional centers and any other facilities and programs operated by the division;

(ii) Integration and coordination of the public behavioral health system;

(iii) Comprehensive statewide planning for the provision of an appropriate array of community-based services and continuum of care;

(iv) Regional budgets and audits of regional behavior health authorities;

(v) Development and management of data and information systems;

(vi) Prioritization and approval of all expenditures and reimbursement methodologies for behavioral health services and fees to be paid by consumers of such services;

(vii) Cooperation with the department in the licensure and regulation of behavioral health professions, programs, and facilities;

(viii) Cooperation with the department in the provision of behavior health services under the medical assistance program and audits of behavior health programs and services; and

(ix) Promotion of activities in research and education to improve the quality of behavioral health services, recruitment and retention of behavioral health professionals, and access to behavioral health programs and services; and

(b) The department shall adopt and promulgate rules and regulations to carry out the act.

(3) The interim study shall be conducted by the Health and Human Services Committee of the Legislature in consultation with the Department of Health and Human Services, the Division of Behavioral Health, the state advisory committees created in sections 71-814 to 71-816, the Children's Behavioral Health Oversight Committee of the Legislature, the Legislative Performance Audit Committee, the Behavioral Health Support Foundation, the Magellan Partnership Quality Improvement Team, the report of the Children's Behavioral Health Oversight Committee of the Legislature, and participation of other stakeholders representing state and local government, professionals, provider organizations, consumers, consumer advocates, and other parties, and information, deemed helpful to the Health and Human Services Committee.

(4) Issues to be considered by the Health and Human Services Committee for the interim study may include, but shall not be limited to:

(a) The division's completion of a strategic plan for continuing reform and transformation of the public behavior health system in accordance with the Nebraska Behavioral Health Services Act, including, but not limited to:

(i) The development of an enhanced performance measurement system to gather data that is aggregated for systemwide use in planning, monitoring performance, and supporting decisionmaking, especially the best use of funding, including the adoption and use of standard performance measurement instruments and a consumer assessment tool specifically geared to outcomes associated with evidence-based practices;

(ii) The evaluation and analysis of timely consumer access to behavioral health services and standards and adjustments to comply with service capacity and efficiencies; and

(iii) Optimizing the use of available funding for behavioral health services by initiating regulatory reform to reduce redundancy, costs, and burdens in the delivery system that do not impact service delivery but achieve reduced costs; and

(b) The department's completion of the development of rules and regulations to:

(i) Implement the Nebraska Behavioral Health Services Act; and

(ii) Integrate state and federal regulations across and between the Division of Behavioral Health, the Division of Public Health, and the Division of Medicaid and Long-Term Care of the Department of Health and Human Services, including medicaid rehabilitation options.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 514. Introduced by Harms, 48.

PURPOSE: The economic downturn has contributed to instability in Nebraska's workforce, particularly for lower-educated workers. Many such Nebraska workers are seeking to engage in adult education programs to improve their employability in a tough economy. In fact, the United States Department of Education finds that sixty percent of adult education programs in Nebraska currently have waiting lists. The purpose of this interim study is to examine Nebraska's capacity to best serve lower-educated workers through adult education programs. Nebraska's adult education programs serve a broad range of students with a variety of goals and needs. However, the current economic context provides an opportunity to examine ways to specifically serve adult education participants that have the goal of increasing their education level in order to gain employment or move up in the workforce. The study shall include, but not be limited to, an examination of the following issues:

(1) An identification of the needs of lower-educated individuals engaging in adult education programs specifically for the purpose of gaining better employment;

(2) The number of adult education students who require more extensive basic education services before they will be able to engage in work search or employment;

(3) Ways that Nebraska's adult education programs could better meet the demand for services, specifically for individuals seeking adult education in order to gain a better job;

(4) Whether the efforts of Nebraska's community colleges in providing adult basic education programs are being financially supported at an appropriate level to meet the demand that exists for these services;

(5) Ways that Nebraska's adult education instructors could be better supported to serve adult education students in need of education relating to employability; and

(6) A review of best practices from other states that could be implemented to help move more Nebraskans into higher education and better jobs.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 515. Introduced by Rogert, 16.

PURPOSE: The purpose of this study is to examine the benefits associated with the pulse oximetry procedure performed on newborns that may provide early detection and diagnosis of congenital heart disease.

Pulse oximetry is a procedure that is quick, inexpensive, and noninvasive. It may detect congenital heart disease in newborns if the defects elude a prenatal ultrasound performed at eighteen to twenty weeks gestation or a physical examination within the first twenty-four hours after birth. In addition, researchers have found that half of serious congenital heart defects may be missed during routine examinations after birth.

Congenital heart defects may occur in approximately one of every one hundred ten births and are noted to be the leading cause of newborn and infant deaths. If congenital heart disease is not detected early in the newborn, the death rate is high. Pulse oximetry is a noninvasive test which may detect seventy-five percent of critical congenital heart defects.

For these reasons, it is important to conduct a study that examines the benefits associated with the pulse oximetry procedure.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 516. Introduced by Fischer, 43.

PURPOSE: The purpose of this study is to analyze the current Vehicle Titling and Registration (VTR) System that is developed and maintained by the Department of Motor Vehicles. VTR is used by all ninety-three counties for the titling and registration of Nebraska's approximately 2.1 million vehicles. VTR is also the system through which all motor vehicle taxes, motor vehicle fees, motor vehicle registration fees, motor vehicle sales taxes, motor vehicle wheel taxes, and other assorted motor vehicle fees are collected.

The study will consider the capabilities and limitations of VTR, technological advancements and uses in other states since VTR was developed and implemented in Nebraska in the early 1990s, and the estimated cost and potential sources of funding for a replacement system.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 517. Introduced by Campbell, 25.

PURPOSE: The purpose of this study is to review the operations and usefulness of the Regulation of Health Professions Act, sections 71-6201 to 72-6229. The act has been in existence for twenty-five years and has never been revisited by the Legislature despite significant changes in the health care field and in the delivery of health care. The issues addressed by this interim study shall include, but not be limited to:

(1) Is the act, known as the 407 program, fulfilling its original purpose of providing for the Legislature valuable information for the purpose of making informed legislative decisions regarding the licensure and scope of practice of regulated health professionals;

(2) Are provisions and procedures utilized by the Division of Public Health in administering the act fair and impartial to the parties involved in the reviews;

(3) Are the criteria set out in law for the review of proposals for initial licensure of a health profession and the expansion of the scope of practice of an already licensed health profession central to the interests and concerns of the Legislature in the review and consideration of such proposals;

(4) Are the well-being and safety of consumers adequately reflected by the review criteria in statute as administered by the Division of Public Health and are those interests appropriately balanced in relation to advantages of enabling consumer access to new services, technology, or providers; and

(5) The act authorized the Division of Public Health to promulgate regulations for the conduct of 407 reviews, though such regulations have never been promulgated. Would the 407 program be well served by the promulgation of such regulations at this time.

The study may involve interested parties, both public and private, and should include at least one public hearing for the purpose of receiving public comment on the 407 program and the history and adequacy of its operations.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature and shall prepare for introduction in the One Hundred Second Legislature such legislation as may be appropriate.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 518. Introduced by Campbell, 25.

PURPOSE: The purpose of this study is to review the efficiency associated with the fact that the Department of Motor Vehicles is the sole entity associated with the enrollment of applicants for the issuance of driver licenses, permits, and state identification cards and the collection of fees.

The study will identify the impacts on driver licensing services including, but not limited to, federal laws, federal rules and regulations, customer demographics, and cost.

The study will analyze the efficacy of the driver licensing service centers of the Department of Motor Vehicles in relation to the existing service in each county.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 519. Introduced by Pirsch, 4.

PURPOSE: The purpose of this study is to examine issues relating to Firearms Freedom Acts which have been enacted or introduced by several state legislatures. The acts declare that the federal government has no jurisdiction to regulate the manufacture and sales of firearms or ammunition within a state, so long as those activities do not cross state lines, causing them to enter federal jurisdiction under the interstate commerce clause of the U.S. Constitution.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 520. Introduced by Janssen, 15.

PURPOSE: The study should examine the impact of illegal immigration on the state's budget. The Congressional Budget Office released a report in December 2007 (Pub. No. 2500) entitled "The Impact of Unauthorized Immigrants on the Budgets of State and Local Governments". Estimates were made of such impact to several states, including Iowa, Minnesota, Missouri, and New Mexico in the areas of education, health care, and law enforcement. Information of the impact on Nebraska's budget was incomplete. The Legislature would benefit from a better estimate of the impact on the state's budget and a better estimate of the number of illegal immigrants residing in Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 521. Introduced by Janssen, 15.

PURPOSE: The purpose of this interim study is to examine whether Nebraska should repeal statutory provisions that allow persons not lawfully present in the United States to pay resident tuition at Nebraska postsecondary educational institutions.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 522. Introduced by Janssen, 15.

PURPOSE: Examine the legality of the State of Nebraska knowingly offering state benefits to illegal immigrants. As part of the study, the committee shall consider its recommendations from its report from LR 362 (2008) and track activities occurring as a result of the passage of Laws 2009, LB 403.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 523. Introduced by Haar, 21.

PURPOSE: The Legislature passed LB 436 in 2009, which established a statewide net metering policy. This study will examine the impact of the passage of LB 436. Issues to be studied include but are not limited to:

(1) Whether it has stimulated investments in renewable energy equipment by electrical consumers;

(2) Whether increasing the rated capacity cap to 100 KWs would increase consumer investments in renewable energy;

(3) Whether increasing the system capacity cap to two percent would increase consumer investments in renewable energy;

(4) Whether statewide interconnection standards should be established; and

(5) The impact of Laws 2009, LB 436, on Nebraska's public utilities.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 524. Introduced by Haar, 21.

PURPOSE: To study regulation of renewable energy generation in other states and in regional transmission organizations. The study should look at three main areas: (1) Other states' decertification procedures, how the state penalizes bad actors, and the state's decommissioning requirements; (2) the expanding role of regional transmission organizations in the marketing and sale of power across state lines; and (3) small and community wind initiatives in other states and how public power can further initiatives in renewable energy that provide power to Nebraska communities to encourage economic development. If necessary, the committee may use the Nebraska Statewide Wind Integration Study conducted by the Nebraska Power Association and the National Renewable Energy Laboratory.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 525. Introduced by Haar, 21.

PURPOSE: To study Nebraska's laws on unlawful intrusion, stalking, and criminal trespass and LB 707 introduced by Senator Haar in 2010. This study should look at these statutes individually and collectively to see what gaps there are in Nebraska law with regards to window peeping and similar criminal activities. The study should look for ways to strengthen the law to catch perpetrators who fall between the gaps. Finally, the committee should make suggestions on changing any or all of these statutes or suggesting a new statute to cover areas of concern. The committee shall examine such laws in other states or localities that could be used as a model for modification of our existing laws or creating new laws.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 526. Introduced by Avery, 28.

PURPOSE: This study will examine the governing structure and function of Nebraska's higher education system, including:

- (1) The effect of streamlining redundant activities within each system;
- (2) The degree of efficiency within each system;
- (3) Possible cost savings associated with merging all governing structures;
- (4) Improvement of higher education administration and oversight; and
- (5) Overall improvement of higher education for Nebraska's students.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 527. Introduced by Karpisek, 32.

PURPOSE: To study issues under the jurisdiction of the General Affairs Committee which may arise during the interim.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the General Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 528. Introduced by Karpisek, 32.

PURPOSE: To study issues regarding area restrictions in the Nebraska Liquor Control Act. This study should include, but not be limited to:

- (1) A review of the area restrictions found in section 53-177, specifically subsection (1) of section 53-177, which prohibits the granting of liquor licenses within one hundred fifty feet of "any church, school, hospital, or

home for aged or indigent persons or for veterans, their wives or children" and subsection (2) of section 53-177, which prohibits the sale for "consumption on the premises within three hundred feet from the campus of any college or university in the state";

(2) A consideration of whether the terms in section 53-177 are adequately defined and whether it is appropriate to remove or add terms to such section;

(3) A consideration of the potential impact on the area if alcohol could be purchased or consumed within one hundred fifty feet of the locations listed in section 53-177;

(4) A consideration of the potential impact alcohol-related environmental messages send to prospective students and their parents if alcoholic liquor retail sales are permitted, without restrictions, within the core of a campus or within close proximity to campus-approved housing;

(5) A consideration of policies and procedures that are flexible enough to support economic development and provide new opportunities for retail growth, yet recognize the impact of selling and serving alcoholic liquor adjacent to academic facilities or campus-approved housing;

(6) A consideration of whether a definition of a campus is still relevant and if so, consider what that definition should be. This should recognize that a one-size-fits-all definition may not apply to all colleges and universities. It will also be important to differentiate between residential campuses, undergraduate and graduate programs, the electronic uses employed by campuses offering classes, and other such issues that impact the changing nature of education and the populations they serve;

(7) A consideration of allowing colleges or universities to grant waivers for the service of alcoholic liquor at locations that are not in conflict with the academic mission of the institution, yet provide an important social gathering place for populations affiliated with campus; and

(8) A consideration of ways to reduce the number of applications for special designated licenses for the service of alcoholic liquor on or near campuses as well as on or near those locations listed in subsection (1) of section 53-177.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the General Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 779. Senator Utter offered the following amendment to the Lathrop amendment:
AM2406

(Amendments to AM2316)

- 1 1. On page 9, strike lines 5 through 16 and insert the
2 following new subdivisions:
3 "(2)(a) It is the intent of the Legislature to
4 appropriate from the fund money to be distributed to any political
5 subdivision for which an application for state assistance under the
6 Sports Arena Facility Financing Assistance Act has been approved
7 (i) during the first ten years of such appropriation, an amount not
8 to exceed seventy percent and (ii) during the final ten years of
9 such appropriation, an amount not to exceed thirty-five percent of
10 the state sales tax revenue collected by retailers doing business
11 at eligible sports arena facilities on sales at such facilities,
12 state sales tax revenue collected on primary and secondary box
13 office sales of admissions to such facilities, and new state
14 sales tax revenue collected by nearby retailers and sourced under
15 sections 77-2703.01 to 77-2703.04 to a location within six hundred
16 yards of the eligible facility.
17 (b) During the final ten years of the appropriation under
18 subdivision (a) of this subsection, thirty-five percent of the
19 state sales tax revenue described in such subdivision shall be
20 transferred to the General Fund."
- 21 2. On page 10, strike lines 3 through 6 and insert the
22 following new subdivisions:
1 "(6)(a) The thirty percent of state sales tax revenue
2 remaining after the appropriation in subdivision (2)(a)(i) of this
3 section shall be appropriated to the Local Civic, Cultural, and
4 Convention Center Financing Fund.
5 (b) Fifteen percent of state sales tax revenue remaining
6 after the appropriation in subdivision (2)(a)(ii) of this section
7 shall be appropriated to the Local Civic, Cultural, and Convention
8 Center Financing Fund. The remaining fifty percent of state sales
9 tax revenue as determined under subdivision (1)(a) of section 12 of
10 this act shall be transferred to the General Fund."

Senator Utter moved for a call of the house. The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Senator Utter requested a roll call vote on his amendment.

Voting in the affirmative, 6:

Fischer	Heidemann	Stuthman
Gloor	Pankonin	Utter

Voting in the negative, 28:

Ashford	Cook	Haar	Louden	Sullivan
Avery	Cornett	Karpisek	McGill	Wallman
Campbell	Council	Krist	Mello	White
Carlson	Dubas	Langemeier	Nordquist	Wightman
Christensen	Flood	Lathrop	Rogert	
Conrad	Giese	Lautenbaugh	Schilz	

Present and not voting, 9:

Adams	Hadley	Harms	McCoy	Pirsch
Dierks	Hansen	Howard	Nelson	

Excused and not voting, 6:

Coash	Gay	Pahls
Fulton	Janssen	Price

The Utter amendment lost with 6 ayes, 28 nays, 9 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

The Lathrop amendment, AM2316, found on page 1060 and considered in this day's Journal, as amended, was renewed.

The Lathrop amendment, as amended, was adopted with 36 ayes, 0 nays, 6 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 6 present and not voting, and 7 excused and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 529. Introduced by Pirsch, 4.

WHEREAS, speeding in residential neighborhoods represents the single greatest complaint to police departments in the United States; and

WHEREAS, the death rate per million miles driven on residential streets is almost three times the death rate on other streets and highways; and

WHEREAS, motor vehicle crashes are the leading cause of death for children two through fourteen years of age.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature recognizes the seriousness of speeding in residential neighborhoods with respect to causing injury and death to children.

2. That the Legislature declares May 1, 2010, as "Keep Kids Alive Drive 25 Day."

Laid over.

LEGISLATIVE RESOLUTION 530. Introduced by Mello, 5; Carlson, 38; Council, 11; Dierks, 40; Dubas, 34; Karpisek, 32; Price, 3; Schilz, 47; Wallman, 30.

WHEREAS, the foundation of Nebraska agriculture, farm and livestock production, occurs on 47,200 farms representing 45.6 million acres of farm land in our state; and

WHEREAS, the acres of farm land in our state amount to ninety-two and one-half percent of the state's total land area; and

WHEREAS, Nebraska's farmers', ranchers', and livestock producers' ten leading commodities for cash receipts are cattle and calves, corn, soybeans, hogs, wheat, chicken eggs, dairy products, hay, dry beans, and sorghum grain, representing ninety-eight percent of the state's total cash receipts; and

WHEREAS, Nebraska's farmers, ranchers, and livestock producers are first in the nation for commercial red meat production, first in the nation for Great Northern bean production, and first in the nation for popcorn production; and

WHEREAS, Nebraska's farm and ranch families are stewards of the land, contributing to the health, beauty, productivity, and quality of our state's water, soil, and forest resources for the benefit of all Nebraskans; and

WHEREAS, the agriculture, ranching, and farming sector is the core of our state's financial health and economy, generating a financial output of over \$25.6 billion annually; and

WHEREAS, the Nebraska farmer, a symbol of strength and strong moral fiber, has displayed ingenuity in times of prosperity and perseverance in the face of hardships while supplying our state, nation, and world with an abundance of high quality agricultural goods and products; and

WHEREAS, the State of Nebraska maintains a proactive role in supporting family farmers and encouraging the succession of new young farmers in an effort to raise awareness of the positive contribution farmers make in providing the necessary food and fiber of everyday life.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature recognizes the importance of farmers to the State of Nebraska.

2. That the Legislature designates July 31, 2010, as Farmer Appreciation Day in Nebraska.

Laid over.

LEGISLATIVE RESOLUTION 531. Introduced by Gay, 14; Price, 3.

WHEREAS, Joni Jones, a longtime resident of Sarpy County, has been an active member of the community and a dedicated public servant; and

WHEREAS, Joni Jones was appointed to the Papillion City Council in 1998, was elected to the Papillion City Council in 2000, and was reelected to the Papillion City Council in 2004 and served on the council through 2006; and

WHEREAS, Joni Jones has been a member of the Sarpy County Board of Commissioners since 2007 and currently serves as the board's chairperson; and

WHEREAS, Joni Jones has served as a representative on the Sarpy/Cass Department of Health and Wellness Board of Health and is the Second Vice President of Sarpy Republican Women.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates Sarpy County Commissioner Joni Jones for her success and many accomplishments in public service.

2. That a copy of this resolution be sent to Sarpy County Commissioner Joni Jones.

Laid over.

LEGISLATIVE RESOLUTION 532. Introduced by Krist, 10.

WHEREAS, lung cancer is the leading cause of cancer death in both men and women in both the State of Nebraska and the United States; and

WHEREAS, lung cancer will take the lives of more Nebraskans each year than breast, prostate, colon, liver, and pancreatic cancer combined; and

WHEREAS, nationwide, former smokers and people who have never smoked comprise the majority of new cases of lung cancer each year; and

WHEREAS, nationwide, seventy percent of new lung cancer cases will be diagnosed at a late stage, with only a fifteen percent five-year survival rate; and

WHEREAS, a coordinated and comprehensive research effort is required to achieve increases in lung cancer survival rates; and

WHEREAS, early lung cancer diagnosis and management protocols exist, yet they have not been embraced as the standard of care; and

WHEREAS, funding for lung cancer research falls far short of that for other less-fatal diseases; and

WHEREAS, statistics show that veterans have a twenty-five percent greater chance of getting lung cancer than the general population; and

WHEREAS, tobacco addiction and exposure to other lung cancer carcinogens such as Agent Orange and other herbicides and battlefield emissions are serious problems among military personnel and war veterans; and

WHEREAS, the Lung Cancer Alliance is the only national nonprofit organization dedicated solely to patient support and advocacy for people living with lung cancer and those at risk for the disease.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature recognizes November 2010 as Lung Cancer Awareness Month in Nebraska.

2. That during November 2010 communities are encouraged to participate in activities designed to increase public awareness of lung cancer.

3. That Nebraskans are encouraged to do all they can to make lung cancer a national public health priority and offer compassion to people with lung cancer.

4. That a copy of this resolution be sent to the National Cancer Alliance.

Laid over.

LEGISLATIVE RESOLUTION 533. Introduced by Urban Affairs Committee: McGill, 26, Chairperson; Coash, 27; Cook, 13; Krist, 10; Lathrop, 12; Rogert, 16; White, 8.

PURPOSE: The purpose of this interim study is to examine the State Natural Gas Regulation Act. The March 2009 report issued by the Auditor of Public Accounts raised concerns about the costs that the office of public advocate has incurred because of natural gas rate increase cases and appeals. LB 811 (2010) raised issues concerning appeals under the act. The study shall focus on, but not be limited to, the effect of the act on Nebraska's ratepayers since the adoption of the act, the issues examined in the March 2009 report by the Auditor of Public Accounts, and appeals from orders of the Public Service Commission under the act.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 534. Introduced by Conrad, 46.

PURPOSE: The purpose of this study is to examine any and all aspects of the Nebraska Economic Forecasting Advisory Board.

The study shall include, but not be limited to: The reasons the board was established; the history of the board; an examination and evaluation of the information and other resources used by the board to make their recommendations, including if and how ex parte communications are utilized and an inquiry as to whether or not those communications should be disclosed; the background, knowledge, and expertise required or considered when making appointments to the board; the timeline for board meetings

and deliberations in comparison to the relevant timelines and deadlines utilized in state budget deliberations; the historical accuracy of revenue forecasts by the board in comparison to actual revenue receipts; a comparative analysis of other states' mechanisms, procedures, and policies for conducting economic forecasts; and the extent historically to which the Legislature and Governor have relied on the forecasts recommended by the board to make budget decisions and adjustments.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Appropriations and Revenue Committees of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of their study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 535. Introduced by Conrad, 46.

PURPOSE: The Nebraska State Patrol is a multidimensional law enforcement agency established by legislative mandate in 1937. The State Patrol's responsibilities have expanded from traffic enforcement and accident investigations to include criminal and drug investigations, safety education, truck safety and regulation, liquor enforcement, the central repository for criminal histories and fingerprints, and the criminalistic laboratory, which is charged with the duty to provide scientific laboratory services to the various local, state, and federal law enforcement agencies throughout the state.

The purpose of this study is to evaluate and identify the objectives of the Criminalistics Laboratory Division of the Nebraska State Patrol and to evaluate and identify necessary revenue and funding issues needed to support the goals, objectives, and operation of the division as a stand-alone entity and in the broader context of the sound and efficient provision of Nebraska's public safety, law enforcement, criminal investigation, and judicial systems.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Appropriations and Judiciary Committees of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of their study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

AMENDMENTS - Print in Journal

Senator Hadley filed the following amendment to LB420:
AM1528

(Amendments to Final Reading Second copy)

- 1 1. Strike the original sections and insert the following
2 new sections:
3 Section 1. Section 77-2704.12, Reissue Revised Statutes
4 of Nebraska, is amended to read:
5 77-2704.12 (1) Sales and use taxes shall not be imposed
6 on the gross receipts from the sale, lease, or rental of
7 and the storage, use, or other consumption in this state of
8 purchases by (a) any nonprofit organization created exclusively
9 for religious purposes, (b) any nonprofit organization providing
10 services exclusively to the blind, (c) any nonprofit private
11 educational institution established under sections 79-1601 to
12 79-1607, or (d) any nonprofit private college or university
13 established under sections 85-1101 to 85-1111, ~~(e) any nonprofit~~
14 ~~(i) hospital, (ii) health clinic when two or more hospitals or~~
15 ~~the parent corporations of the hospitals own or control the health~~
16 ~~clinic for the purpose of reducing the cost of health services or~~
17 ~~when the health clinic receives federal funds through the United~~
18 ~~States Public Health Service for the purpose of serving populations~~
19 ~~that are medically underserved, (iii) skilled nursing facility,~~
20 ~~(iv) intermediate care facility, (v) assisted living facility, (vi)~~
21 ~~intermediate care facility for the mentally retarded, (vii) nursing~~
22 ~~facility, (viii) home health agency, (ix) hospice or hospice~~
1 ~~service, or (x) respite care service licensed under the Health Care~~
2 ~~Facility Licensure Act, (f)~~
3 (2) Sales and use taxes shall not be imposed on the
4 gross receipts from the sale, lease, or rental of and the
5 storage, use, or other consumption in this state of purchases
6 by (a) any nonprofit licensed child-caring agency, (g) (b) any
7 nonprofit licensed child placement agency, or (h) (c) any nonprofit
8 organization certified by the Department of Health and Human
9 Services to provide community-based services for persons with
10 developmental disabilities. The exemptions in this subsection are
11 limited to purchases made for use in the exempt health care
12 activities or services that are licensed or certified by the
13 Department of Health and Human Services.
14 (3) Sales and use taxes shall not be imposed on the gross
15 receipts from the sale, lease, or rental of and the storage, use,
16 or other consumption in this state of purchases by any nonprofit
17 licensed hospital. The exemption in this subsection is limited to
18 purchases made for use at the facility or the portion of a facility
19 that is licensed under the Health Care Facility Licensure Act,
20 for use in the exempt health care activities or services that are
21 licensed under the act, or for use at a nonprofit health clinic
22 exempt under subsection (4) of this section.

23 (4)(a) Sales and use taxes shall not be imposed on the
24 gross receipts from the sale, lease, or rental of and the storage,
25 use, or other consumption in this state of purchases by any
26 nonprofit health clinic if one or more nonprofit hospitals or the
27 parent corporations of the nonprofit hospitals own or control the
1 nonprofit health clinic for the purpose of reducing the cost of
2 health services or if the nonprofit health clinic receives federal
3 funds through the United States Public Health Service for the
4 purpose of serving populations that are medically underserved.

5 (b) For purposes of this subsection, nonprofit health
6 clinic means:

7 (i) Rural health clinic as defined by 42 U.S.C. 1395x,
8 as such section existed on January 1, 2010, and organized not for
9 profit; or

10 (ii) Health clinic as defined in section 71-416 and
11 organized not for profit.

12 (c) The exemptions in this subsection are limited to
13 purchases made by a nonprofit health clinic for use at the
14 nonprofit health clinic.

15 (5) Sales and use taxes shall not be imposed on the gross
16 receipts from the sale, lease, or rental of and the storage, use,
17 or other consumption in this state of purchases by any nonprofit
18 licensed (a) nursing facility, (b) skilled nursing facility, (c)
19 assisted-living facility, (d) intermediate care facility, (e)
20 intermediate care facility for the mentally retarded, (f) home
21 health agency, (g) hospice or hospice service, or (h) respite care
22 service. The exemptions in this subsection are limited to purchases
23 made for use at the facility or the portion of a facility that is
24 licensed under the Health Care Facility Licensure Act or for use
25 in the exempt health care activities or services licensed under the
26 act.

27 ~~(2)-(6)~~ Any organization listed in ~~subsection (4)~~
1 subsections (1) through (5) of this section shall apply for
2 an exemption on forms provided by the Tax Commissioner. The
3 application shall be approved and a numbered certificate of
4 exemption received by the applicant organization in order to be
5 exempt from the sales and use tax.

6 ~~(3)-(7)~~ The appointment of purchasing agents shall
7 be recognized for the purpose of altering the status of the
8 construction contractor as the ultimate consumer of building
9 materials which are physically annexed to the structure and
10 which subsequently belong to the owner of the organization or
11 institution. The appointment of purchasing agents shall be in
12 writing and occur prior to having any building materials annexed
13 to real estate in the construction, improvement, or repair. The
14 contractor who has been appointed as a purchasing agent may apply
15 for a refund of or use as a credit against a future use tax
16 liability the tax paid on inventory items annexed to real estate

17 in the construction, improvement, or repair of a project for a
18 licensed not-for-profit institution.

19 ~~(4)-(8)~~ Any organization listed in ~~subsection (4)~~
20 subsections (1) through (5) of this section which enters into a
21 contract of construction, improvement, or repair upon property
22 annexed to real estate without first issuing a purchasing agent
23 authorization to a contractor or repairperson prior to the building
24 materials being annexed to real estate in the project may apply to
25 the Tax Commissioner for a refund of any sales and use tax paid by
26 the contractor or repairperson on the building materials physically
27 annexed to real estate in the construction, improvement, or repair.

1 ~~(5)-(9)~~ Any person purchasing, storing, using, or
2 otherwise consuming building materials in the performance of any
3 construction, improvement, or repair by or for any institution
4 enumerated in ~~subsection (4)~~ subsections (1) through (5) of this
5 section which is licensed upon completion although not licensed at
6 the time of construction or improvement, which building materials
7 are annexed to real estate and which subsequently belong to the
8 owner of the institution, shall pay any applicable sales or use
9 tax thereon. Upon becoming licensed and receiving a numbered
10 certificate of exemption, the institution organized not for profit
11 shall be entitled to a refund of the amount of taxes so paid in
12 the performance of such construction, improvement, or repair and
13 shall submit whatever evidence is required by the Tax Commissioner
14 sufficient to establish the total sales and use tax paid upon
15 the building materials physically annexed to real estate in the
16 construction, improvement, or repair.

17 Sec. 2. This act becomes operative on July 1, 2010.

18 Sec. 3. Original section 77-2704.12, Reissue Revised
19 Statutes of Nebraska, is repealed.

20 Sec. 4. Since an emergency exists, this act takes effect
21 when passed and approved according to law.

22 2. On page 1, strike line 2 and insert "77-2704.12,
23 Reissue Revised Statutes of Nebraska;".

Senator Ashford filed the following amendment to LB800:
AM2385

(Amendments to E & R amendments, ER8201)

1 1. On page 5, line 9, strike "43-248" and insert "section
2 6 of this act".

3 2. On page 10, line 16, strike beginning with "as"
4 through "43-248"; and in line 17 before the period insert "as
5 provided in section 43-248".

6 3. On page 13, line 16, after the second comma insert
7 "and"; and in line 17 strike beginning with the comma through
8 "any".

9 4. On page 21, line 3, after "and" insert "deliver, if
10 necessary, to the probation officer and"; and strike beginning with
11 "and" in line 4 through line 5, show as stricken, and insert an

12 underscored period.

13 5. On page 39, line 5, strike "or" and after "(3)(b)"
14 insert ", or (4)"; and in line 18 after "impounded" insert "or a
15 juvenile is prohibited from obtaining a license or permit".

16 6. On page 46, line 12, after the second occurrence
17 of "to" insert "the Nebraska Commission on Law Enforcement and
18 Criminal Justice and, if the record includes impoundment or
19 prohibition to obtain a license or permit pursuant to section
20 23 of this act, to the Department of Motor Vehicles and to".

21 7. On page 48, line 14, strike "a department" and insert
22 "the Department of Health and Human Services"; and in line 17
1 strike "placed with" and insert "served by".

2 8. On page 54, line 11, strike "district" and insert
3 "principal office of the school district"; and in line 23 strike
4 "other person", show as stricken, and insert "the school principal
5 or a member of the school administrative staff".

6 9. On page 55, line 15, strike "another person", show
7 as stricken, and insert "the school principal or a member of the
8 school administrative staff" and after "the" insert "school"; and
9 in line 19 strike "other person", show as stricken, and insert "the
10 school principal or a member of the school administrative staff".

11 10. On page 57, line 5, strike "the", show as stricken,
12 and insert "such"; in line 6 strike "to the commissioner" and show
13 as stricken; strike beginning with "Each" in line 7 through line 16
14 and show as stricken; in line 20 after "any" insert "long-term";
15 in line 23 after "officials" insert ", other than law enforcement
16 officials employed by or contracted with by the school district as
17 school resource officers"; and strike beginning with "The" in line
18 25 through line 27 and insert "A school district that is a member
19 of a learning community shall also provide the learning community
20 coordinating council with a copy of such report on or before the
21 date the report is due to the commissioner".

22 11. On page 58, strike line 1.

GENERAL FILE

LEGISLATIVE BILL 712. Title read. Considered.

Committee AM2288, found on page 1028, was considered.

SPEAKER FLOOD PRESIDING

Senator Karpisek renewed his amendment, AM2355, found on page 1115, to the committee amendment.

The Karpisek amendment was adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

The committee amendment, as amended, was adopted with 32 ayes, 0 nays,

12 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 1014. Senator Haar withdrew his amendments AM2237 and AM2342, found on pages 993 and 1060.

Senator Fischer offered the following amendment:
AM2417

1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:
3 Section 1. Unless subsection (5) of section 79-1035
4 applies, for school fiscal year 2016-17 and each school fiscal
5 year thereafter, each school district shall utilize the amount
6 of apportionment funds specified in the notice provided by the
7 Commissioner of Education pursuant to subsection (4) of section
8 79-1035 for the purpose of teacher performance pay. For purposes
9 of this section, teacher performance pay is a systematic process
10 for measuring teachers' performance and linking the measurements
11 to changes in teacher pay. Indicators of teacher performance may
12 include, but are not limited to, improving professional skills
13 and knowledge, classroom performance or instructional behavior,
14 and instructional outcomes. Teacher performance pay may include
15 predetermined bonus amounts and payout criteria. Each school
16 district shall utilize the amount of funds specified in the notice
17 provided by the Commissioner of Education pursuant to subsection
18 (4) of section 79-1035 as a supplement to the salary schedule
19 provided in local collective-bargaining agreements. For purposes of
20 distribution of such funds only, the Legislature finds that teacher
21 performance pay measurements, criteria, and payout amounts are
22 mandatory topics of collective bargaining. If a school district has
23 not included a system for teacher performance pay within its local
1 collective-bargaining agreement, the amount of funds specified in
2 the notice provided by the Commissioner of Education pursuant to
3 subsection (4) of section 79-1035 shall be returned to the State
4 Treasurer within one month of receipt of such funds. The State
5 Treasurer shall immediately credit any funds returned under this
6 section to the temporary school fund.

7 Sec. 2. Section 79-1018.01, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 79-1018.01 Except as otherwise provided in this section,
10 local system formula resources include other actual receipts
11 available for the funding of general fund operating expenditures
12 as determined by the department for the second school fiscal
13 year immediately preceding the school fiscal year in which aid
14 is to be paid. Receipts from the Community Improvements Cash Fund
15 and receipts acquired pursuant to the Low-Level Radioactive Waste
16 Disposal Act shall not be included. Other actual receipts include:

- 17 (1) Public power district sales tax revenue;
- 18 (2) Fines and license fees;
- 19 (3) Tuition receipts from individuals, other districts,
- 20 or any other source except receipts derived from adult education,
- 21 receipts derived from summer school tuition, receipts derived from
- 22 early childhood education tuition, and receipts from educational
- 23 entities as defined in section 79-1201.01 for providing distance
- 24 education courses through the Distance Education Council until July
- 25 1, 2008, and the Educational Service Unit Coordinating Council on
- 26 and after July 1, 2008, to such educational entities;
- 27 (4) Transportation receipts;
- 1 (5) Interest on investments;
- 2 (6) Other miscellaneous noncategorical local receipts,
- 3 not including receipts from private foundations, individuals,
- 4 associations, or charitable organizations;
- 5 (7) Special education receipts;
- 6 (8) Special education receipts and non-special education
- 7 receipts from the state for wards of the court and wards of the
- 8 state;
- 9 (9) All receipts from the temporary school fund.
- 10 Beginning with the calculation of aid for school fiscal year
- 11 2002-03 and each school fiscal year thereafter, receipts from the
- 12 temporary school fund shall only include (a) receipts pursuant
- 13 to section 79-1035, to the extent that such receipts for the
- 14 calculation of aid for school fiscal year 2018-19 and each school
- 15 fiscal year thereafter are not returned to the temporary school
- 16 fund pursuant to section 1 of this act, and (b) the receipt of
- 17 funds pursuant to section 79-1036 for property leased for a public
- 18 purpose as set forth in subdivision (1)(a) of section 77-202;
- 19 (10) Motor vehicle tax receipts received on or after
- 20 January 1, 1998;
- 21 (11) Pro rata motor vehicle license fee receipts;
- 22 (12) Other miscellaneous state receipts excluding revenue
- 23 from the textbook loan program authorized by section 79-734;
- 24 (13) Impact aid entitlements for the school fiscal year
- 25 which have actually been received by the district to the extent
- 26 allowed by federal law;
- 27 (14) All other noncategorical federal receipts;
- 1 (15) All receipts pursuant to the enrollment option
- 2 program under sections 79-232 to 79-246;
- 3 (16) Receipts under the federal Medicare Catastrophic
- 4 Coverage Act of 1988, as such act existed on May 8, 2001, as
- 5 authorized pursuant to sections 43-2510 and 43-2511 but only to the
- 6 extent of the amount the local system would have otherwise received
- 7 pursuant to the Special Education Act; and
- 8 (17) Receipts for accelerated or differentiated
- 9 curriculum programs pursuant to sections 79-1106 to 79-1108.03.
- 10 Sec. 3. Section 79-1028.01, Revised Statutes Supplement,
- 11 2009, is amended to read:

12 79-1028.01 (1) For ~~school fiscal year 2008-09 and each~~
 13 school fiscal year, ~~thereafter~~, a school district may exceed its
 14 maximum general fund budget of expenditures minus the special
 15 education budget of expenditures by a specific dollar amount for:

16 (a) Expenditures for repairs to infrastructure damaged by
 17 a natural disaster which is declared a disaster emergency pursuant
 18 to the Emergency Management Act;

19 (b) Expenditures for judgments, except judgments or
 20 orders from the Commission of Industrial Relations, obtained
 21 against a school district which require or obligate a school
 22 district to pay such judgment, to the extent such judgment is not
 23 paid by liability insurance coverage of a school district;

24 (c) Expenditures pursuant to the Retirement Incentive
 25 Plan authorized in section 79-855 or the Staff Development
 26 Assistance authorized in section 79-856;

27 (d) Expenditures of incentive payments or base fiscal
 1 year incentive payments to be received in such school fiscal year
 2 pursuant to section 79-1011;

3 (e) Expenditures of amounts received from educational
 4 entities as defined in section 79-1201.01 for providing distance
 5 education courses through the Educational Service Unit Coordinating
 6 Council to such educational entities;

7 (f) Either (i) the first and second school fiscal years
 8 the district will be participating in Network Nebraska for the
 9 full school fiscal year or (ii) school fiscal year 2008-09, if
 10 the school district participated in Network Nebraska for all of
 11 school fiscal year 2007-08, for the difference of the estimated
 12 expenditures for such school fiscal year for telecommunications
 13 services, access to data transmission networks that transmit data
 14 to and from the school district, and the transmission of data on
 15 such networks as such expenditures are defined by the department
 16 for purposes of the distance education and telecommunications
 17 allowance minus the dollar amount of such expenditures for the
 18 second school fiscal year preceding the first full school fiscal
 19 year the district participates in Network Nebraska;

20 (g) Expenditures to pay another school district for the
 21 transfer of land from such other school district;

22 (h) Expenditures in school fiscal years 2009-10 through
 23 2013-14 to pay for employer contributions pursuant to subsection
 24 (2) of section 79-958 to the School Retirement System of the
 25 State of Nebraska to the extent that such expenditures exceed the
 26 employer contributions under such subsection that would have been
 27 made at a contribution rate of seven and thirty-five hundredths
 1 percent; ~~and~~

2 (i) Expenditures in school fiscal years 2009-10 through
 3 2013-14 to pay for school district contributions pursuant to
 4 subdivision (1)(c)(i) of section 79-9,113 to the Class V School
 5 Employees Retirement System to the extent that such expenditures
 6 exceed the school district contributions under such subdivision

7 that would have been made at a contribution rate of seven and
 8 thirty-seven hundredths percent;

9 ~~(2) For school fiscal year 2009-10 and each school fiscal~~
 10 ~~year thereafter, a school district may exceed its maximum general~~
 11 ~~fund budget of expenditures minus the special education budget of~~
 12 ~~expenditures by a specific dollar amount for (a) expenditures~~

13 ~~(j) Expenditures for sums agreed to be paid by a school~~
 14 ~~district to certificated employees in exchange for a voluntary~~
 15 ~~termination occurring prior to July 1, 2009; and (b) expenditures~~

16 ~~(k) Expenditures for new elementary attendance sites in~~
 17 ~~the first year of operation or the first year of operation after~~
 18 ~~being closed for at least one school year if such elementary~~
 19 ~~attendance site will most likely qualify for the elementary site~~
 20 ~~allowance in the immediately following school fiscal year as~~
 21 ~~determined by the state board; and-~~

22 ~~(l) Expenditures in school fiscal years 2016-17 and~~
 23 ~~2017-18 of amounts specified in the notice provided by the~~
 24 ~~Commissioner of Education pursuant to subsection (4) of section~~
 25 ~~79-1035 for teacher performance pay.~~

26 ~~(3)-(2) The state board shall approve, deny, or modify~~
 27 ~~the amount allowed for any exception to the maximum general fund~~
 1 ~~budget of expenditures minus the special education budget of~~
 2 ~~expenditures pursuant to this section.~~

3 Sec. 4. Section 79-1035, Reissue Revised Statutes of
 4 Nebraska, is amended to read:

5 79-1035 ~~(4)-(1)(a)~~ The State Treasurer shall, each year
 6 on or before the third Monday in January, make a complete exhibit
 7 of all money belonging to the permanent school fund and the
 8 temporary school fund as returned to him or her from the several
 9 counties, together with the amount derived from other sources,
 10 and deliver such exhibit duly certified to the Commissioner of
 11 Education.

12 ~~(b) Unless subsection (5) of this section applies,~~
 13 ~~beginning in 2016 and each year thereafter, the exhibit required~~
 14 ~~in subdivision (1)(a) of this section shall include a separate~~
 15 ~~accounting, not to exceed an amount of ten million dollars, of the~~
 16 ~~income from solar and wind energy leases on school lands. The Board~~
 17 ~~of Educational Lands and Funds shall provide the State Treasurer~~
 18 ~~with the information necessary to make the exhibit required by this~~
 19 ~~subsection. Separate accounting shall not be made for income from~~
 20 ~~solar or wind energy leases on school lands that exceeds the sum of~~
 21 ~~ten million dollars.~~

22 ~~(2) On or before February 25 following receipt of the~~
 23 ~~exhibit from the State Treasurer pursuant to subsection (1) of this~~
 24 ~~section, the Commissioner of Education shall make the apportionment~~
 25 ~~of the temporary school fund to each school district as follows:~~
 26 ~~From the whole amount there shall be paid to those districts in~~
 27 ~~which there are school or saline lands, which lands are used for a~~
 1 ~~public purpose, an amount in lieu of tax money that would be raised~~

2 if such lands were taxable, to be fixed in the manner prescribed
3 in section 79-1036; and the remainder shall be apportioned to the
4 districts according to the pro rata enumeration of children who are
5 five through eighteen years of age in each district last returned
6 from the school district. The calculation of apportionment for
7 each school fiscal year shall include any corrections to the prior
8 school fiscal year's apportionment.

9 ~~(2)~~(3) The Commissioner of Education shall certify
10 the amount of the apportionment of the temporary school fund as
11 provided in subsection ~~(4)~~(2) of this section to the Director
12 of Administrative Services. The Director of Administrative Services
13 shall draw a warrant on the State Treasurer in favor of the
14 various districts for the respective amounts so certified by the
15 Commissioner of Education.

16 (4) Unless subsection (5) of this section applies,
17 beginning with the calculation of apportionment in 2016 and for
18 each year thereafter, the Commissioner of Education shall specify
19 the amount of the apportionment to each district attributable to
20 income from solar or wind energy leases on school lands that is
21 included in the separate accounting provided in subdivision (1)(b)
22 of this section. The Commissioner of Education shall notify each
23 district of such amount within five days after certification of the
24 apportionment required pursuant to subsection (3) of this section.
25 Such amount shall be used by the district for teacher performance
26 pay pursuant to section 1 of this act.

27 (5) The separate accounting described in subdivision
1 (1)(b) of this section and the notification from the Commissioner
2 of Education described in subsection (4) of this section shall
3 not commence in 2016 unless at least seventy-five percent of the
4 school districts receiving funds under this section have included
5 a system for teacher performance pay within their respective local
6 collective-bargaining agreements by January 1, 2014. To determine
7 whether the separate accounting and notification shall commence,
8 the Commissioner of Education, on or after January 1, 2014, shall
9 collect data from each school district to determine whether at
10 least seventy-five percent of the school districts have included a
11 system for teacher performance pay within their respective local
12 collective-bargaining agreements. If the required percentage has
13 not been met, the commissioner shall notify the State Treasurer,
14 and the separate accounting described in subdivision (1)(b) of this
15 section and the notification from the Commissioner of Education
16 described in subsection (4) of this section shall not commence in
17 2016.

18 (6) For purposes of this section, lease means any lease,
19 easement, covenant, or other such contractual arrangement.

20 Sec. 5. Original sections 79-1018.01 and 79-1035, Reissue
21 Revised Statutes of Nebraska, and section 79-1028.01, Revised
22 Statutes Supplement, 2009, are repealed.

Pending.

RESOLUTIONS

LEGISLATIVE RESOLUTION 536. Introduced by Dierks, 40.

PURPOSE: The purpose of this resolution is to examine gross receipts taxation in other states.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 537. Introduced by Council, 11; Cook, 13; Gloor, 35; Langemeier, 23; Lathrop, 12; McGill, 26; Mello, 5; Nordquist, 7; Sullivan, 41; Wallman, 30.

WHEREAS, Chancellor Smith, a senior at Omaha North High School, was recently named the Boys and Girls Club's Nebraska Youth of the Year; and

WHEREAS, Chancellor is an honor student, president of his senior class, captain of the varsity football team, and a member of the student newspaper staff; and

WHEREAS, Chancellor works with younger boys at the Boys and Girls Club, serving as a role model for these youth; and

WHEREAS, Chancellor has developed a program for older kids called Passport to Adulthood to offer them alternatives to the lure of gangs and other distractions; and

WHEREAS, Chancellor plans to continue his work with kids as a child developmental therapist; and

WHEREAS, Chancellor will travel to Chicago in July to compete for Youth of the Year for the Midwest Region, with the hopes of competing for the distinction as National Youth of the Year.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates Chancellor Smith on being named the Boys and Girls Club's Nebraska Youth of the Year.

2. That the Legislature sends good wishes to Chancellor Smith as he competes for National Youth of the Year.

3. That a copy of this resolution be sent to Chancellor Smith.

Laid over.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 987A. Introduced by Council, 11; Cook, 13; Krist, 10; Lathrop, 12; Mello, 5; Nordquist, 7.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2009, First Special Session, LB 1, section 15; to appropriate funds to aid in carrying out the provisions of Legislative Bill 987, One Hundred First Legislature, Second Session, 2010; to repeal the original section; and to declare an emergency.

GENERAL FILE

LEGISLATIVE BILL 1014. The Fischer amendment, AM2417, found in this day's Journal, was renewed.

The Fischer amendment was adopted with 36 ayes, 1 nay, 4 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 2 nays, 4 present and not voting, and 8 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 538. Introduced by Pirsch, 4.

WHEREAS, in 1976 the Nebraska Legislature passed Legislative Resolution 106 that read as follows:

"LEGISLATIVE RESOLUTION 106.

WHEREAS, with each passing year this nation becomes more deeply in debt as its expenditures grossly and repeatedly exceed available revenue, so that the public debt now exceeds hundreds of billions of dollars; and

WHEREAS, the annual federal budget continually demonstrates an unwillingness or inability of both the legislative and executive branches of the federal government to curtail spending to conform to available revenue; and

WHEREAS, unified budgets do not reflect actual spending because of the exclusion of special outlays which are not included in the budget nor subject to the legal public debt limit; and

WHEREAS, knowledgeable planning, fiscal prudence, and plain good sense require that the budget reflect all federal spending and be in balance; and

WHEREAS, believing that fiscal irresponsibility at the federal level, with the inflation which results from this policy, is the greatest threat which faces our nation, we firmly believe that constitutional restraint is necessary to bring the fiscal discipline needed to restore financial responsibility; and

WHEREAS, under article V of the Constitution of the United States, amendments to the federal Constitution may be proposed by the Congress whenever two-thirds of both houses deem it necessary, or on the application of the Legislatures of two-thirds of the several states, the Congress shall call a constitutional convention for the purpose of proposing amendments. We believe such action is vital.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That this body proposes to the Congress of the United States that procedures be instituted in the Congress to add a new article to the Constitution of the United States, and that the State of Nebraska requests the Congress to prepare and submit to the several states an amendment to the Constitution of the United States, requiring in the absence of a national emergency that the total of all federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated federal revenue for that fiscal year.

2. That, alternatively, this Legislature makes application and requests that the Congress of the United States call a constitutional convention for the specific and exclusive purpose of proposing an amendment to the Constitution of the United States requiring in the absence of a national emergency that the total of all federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated federal revenue for that fiscal year.

3. That this Legislature also proposes that the Legislatures of each of the several states comprising the United States apply to the Congress requesting the enactment of an appropriate amendment to the federal Constitution; or requiring the Congress to call a constitutional convention for proposing such an amendment to the federal Constitution.

4. That the Clerk of the Legislature transmit a copy of this resolution to the President of the Senate of the United States, the Speaker of the House of Representatives of the United States, each member of the Nebraska Congressional delegation, the Secretaries of State and the Legislatures of each of the several states, and the Secretary of State for the State of Nebraska."; and

WHEREAS, the national debt has continued to grow and has generated concern from economists, legislators, and taxpayers across the country.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. The Legislature remains committed to seeking a federal balanced budget.

2. The Clerk of the Legislature shall transmit a copy of this resolution to the President of the Senate of the United States, the Speaker of the House of Representatives of the United States, each member of the Nebraska Congressional delegation, the Secretaries of State and the Legislatures of each of the several states, and the Secretary of State for the State of Nebraska.

Laid over.

UNANIMOUS CONSENT - Add Cointroducer

Senator Giese asked unanimous consent to add his name as cointroducer to LR510. No objections. So ordered.

VISITORS

Visitors to the Chamber were 39 fourth-grade students and teachers from Louisville; 112 fourth-grade students and teachers from Wheeler Elementary, Omaha; and Senator Dubas' son and grandchildren, Ron, Mya, and Cameron Dubas, from Waverly.

The Doctor of the Day was Dr. David Minnick from Broken Bow.

ADJOURNMENT

At 6:57 p.m., on a motion by Senator Schilz, the Legislature adjourned until 9:00 a.m., Tuesday, March 30, 2010.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-FIRST DAY - MARCH 30, 2010
LEGISLATIVE JOURNAL
ONE HUNDRED FIRST LEGISLATURE
SECOND SESSION
FIFTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 30, 2010

PRAYER

The prayer was offered by Reverend Dwight Ford, Grace City Church, Omaha.

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 Krist who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the fiftieth day was approved.

AMENDMENT - Print in Journal

Senator Loudon filed the following amendment to LB1002:
AM2434

(Amendments to Final Reading copy)

- 1 1. On page 4, line 12, strike "one hundred" and insert
- 2 "twenty-five".

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Section 8, LR538 was referred to the Reference Committee.

BILLS ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 836.

A BILL FOR AN ACT relating to wildlife management; to amend sections 37-448 and 37-559, Reissue Revised Statutes of Nebraska, and sections 37-201 and 37-523, Revised Statutes Supplement, 2009; to authorize the extension of existing deer hunting seasons as prescribed; to change certain hunting and trapping restrictions; to provide for the destruction of mountain lions and other predators as prescribed; to define a term; to provide for permits and the use of certain fees; 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, 46:

Adams	Council	Hadley	Louden	Schilz
Ashford	Dierks	Hansen	McCoy	Sullivan
Avery	Dubas	Harms	Mello	Utter
Campbell	Fischer	Heidemann	Nelson	Wallman
Carlson	Flood	Howard	Nordquist	White
Christensen	Fulton	Janssen	Pahls	Wightman
Coash	Gay	Karpisek	Pankonin	
Conrad	Giese	Langemeier	Pirsch	
Cook	Gloor	Lathrop	Price	
Cornett	Haar	Lautenbaugh	Rogert	

Voting in the negative, 1:

Stuthman

Present and not voting, 1:

McGill

Excused and not voting, 1:

Krist

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB879 with 41 ayes, 2 nays, 5 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 879. With Emergency Clause.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 9-1,101, 66-719, 77-1784, 77-2701.38, 77-2711, 77-2712.03, 77-2756, 77-2789, 77-2790, 77-2794, 77-2796, 77-27,100, 77-27,119, 77-5725, 77-5726, 77-5735, and 81-8,128, Reissue Revised Statutes of Nebraska, section 60-484, Revised Statutes Cumulative Supplement, 2008, and section 49-801.01, Revised Statutes Supplement, 2009; to update references to the Internal Revenue Code of 1986; to change provisions relating to waiver of interest, the streamlined sales and use tax agreement, electronic fund transfers, income tax withholding, overpayments of tax, failure to file, penalties, certain appeal procedures, certain tax incentives, and funding; to require the Department of Motor Vehicles to provide certain information to the Department of Revenue as prescribed; to provide for publication of delinquent taxpayer lists, disclosure of certain information to the Department of Labor, and applicability; to eliminate a provision relating to electronic filings and payments; to harmonize provisions; to provide a duty for the Revisor of Statutes; to provide operative dates; to repeal the original sections; to outright repeal section 77-2769.02, Reissue Revised Statutes of Nebraska; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 48:

Adams	Council	Hadley	Louden	Rogert
Ashford	Dierks	Hansen	McCoy	Schilz
Avery	Dubas	Harms	McGill	Stuthman
Campbell	Fischer	Heidemann	Mello	Sullivan
Carlson	Flood	Howard	Nelson	Utter
Christensen	Fulton	Janssen	Nordquist	Wallman
Coash	Gay	Karpisek	Pahls	White
Conrad	Giese	Langemeier	Pankonin	Wightman
Cook	Gloor	Lathrop	Pirsch	
Cornett	Haar	Lautenbaugh	Price	

Voting in the negative, 0.

Excused and not voting, 1:

Krist

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 882.

A BILL FOR AN ACT relating to agriculture; to amend section 54-744, Revised Statutes Supplement, 2009; to change provisions relating to disposal of dead animals; to provide a penalty; to provide an operative date; 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, 48:

Adams	Council	Hadley	Louden	Rogert
Ashford	Dierks	Hansen	McCoy	Schilz
Avery	Dubas	Harms	McGill	Stuthman
Campbell	Fischer	Heidemann	Mello	Sullivan
Carlson	Flood	Howard	Nelson	Utter
Christensen	Fulton	Janssen	Nordquist	Wallman
Coash	Gay	Karpisek	Pahls	White
Conrad	Giese	Langemeier	Pankonin	Wightman
Cook	Gloor	Lathrop	Pirsch	
Cornett	Haar	Lautenbaugh	Price	

Voting in the negative, 0.

Excused and not voting, 1:

Krist

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 937. With Emergency Clause.

A BILL FOR AN ACT relating to learning community coordinating councils; to amend section 32-546.01, Revised Statutes Supplement, 2009; to terminate provisions relating to per diems; 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, 38:

Campbell	Fischer	Hansen	Lautenbaugh	Schilz
Carlson	Flood	Harms	Louden	Stuthman
Christensen	Fulton	Heidemann	McCoy	Sullivan
Coash	Gay	Howard	Nelson	Utter
Conrad	Giese	Janssen	Pankonin	Wallman
Cornett	Gloor	Karpisek	Pirsch	Wightman
Dierks	Haar	Langemeier	Price	
Dubas	Hadley	Lathrop	Rogert	

Voting in the negative, 8:

Adams	Cook	McGill	Nordquist
Ashford	Council	Mello	Pahls

Present and not voting, 2:

Avery	White
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Excused and not voting, 1:

Krist

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 937A. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2009, First Special Session, LB 1, section 227; to change appropriations to aid in carrying out the provisions of Legislative Bill 937, One Hundred First Legislature, Second Session, 2010; 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, 38:

Avery	Dubas	Hadley	Lathrop	Schilz
Campbell	Fischer	Hansen	Lautenbaugh	Stuthman
Carlson	Flood	Harms	Louden	Sullivan
Christensen	Fulton	Heidemann	McCoy	Utter
Coash	Gay	Howard	Pankonin	Wallman
Conrad	Giese	Janssen	Pirsch	Wightman
Cornett	Gloor	Karpisek	Price	
Dierks	Haar	Langemeier	Rogert	

Voting in the negative, 9:

Adams	Cook	McGill	Nelson	Pahls
Ashford	Council	Mello	Nordquist	

Present and not voting, 1:

White

Excused and not voting, 1:

Krist

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 LB956 with 45 ayes, 1 nay, 2 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 956. With Emergency Clause.

A BILL FOR AN ACT relating to the Nebraska Scholarship Act; to amend sections 9-836.01, 85-1901, 85-1902, 85-1903, 85-1907, 85-1908, 85-1909, 85-1911, 85-1912, 85-1913, 85-1914, 85-1915, 85-1917, 85-1918, 85-1919, and 85-1920, Reissue Revised Statutes of Nebraska, section 85-1412, Revised Statutes Supplement, 2009, and section 9-812, Revised Statutes Supplement, 2009, as amended by section 1, Legislative Bill 2, One Hundred First Legislature, First Special Session, 2009; to rename the act and a fund; to redefine terms; to change provisions relating to awards; to harmonize provisions; 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	Council	Hadley	Louden	Rogert
Ashford	Dierks	Hansen	McCoy	Schilz
Avery	Dubas	Harms	McGill	Stuthman
Campbell	Fischer	Heidemann	Mello	Sullivan
Carlson	Flood	Howard	Nelson	Utter
Christensen	Fulton	Janssen	Nordquist	Wallman
Coash	Gay	Karpisek	Pahls	White
Conrad	Giese	Langemeier	Pankonin	Wightman
Cook	Gloor	Lathrop	Pirsch	
Cornett	Haar	Lautenbaugh	Price	

Voting in the negative, 0.

Excused and not voting, 1:

Krist

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 LB1018 with 42 ayes, 1 nay, 5 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1018.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 18-2506, Reissue Revised Statutes of Nebraska; to adopt the Nebraska Advantage Transformational Tourism and Redevelopment Act; to restrict the use of municipal initiative and referendum on action permitted by the act; 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, 48:

Adams	Council	Hadley	Louden	Rogert
Ashford	Dierks	Hansen	McCoy	Schilz
Avery	Dubas	Harms	McGill	Stuthman
Campbell	Fischer	Heidemann	Mello	Sullivan
Carlson	Flood	Howard	Nelson	Utter
Christensen	Fulton	Janssen	Nordquist	Wallman
Coash	Gay	Karpisek	Pahls	White
Conrad	Giese	Langemeier	Pankonin	Wightman
Cook	Gloor	Lathrop	Pirsch	
Cornett	Haar	Lautenbaugh	Price	

Voting in the negative, 0.

Excused and not voting, 1:

Krist

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 728.

A BILL FOR AN ACT relating to offenses against children; to amend section 29-119, Reissue Revised Statutes of Nebraska; to adopt the Exploited Children's Civil Remedy Act; to redefine a term with respect to plea agreements; 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	Hansen	McCoy	Schilz
Ashford	Dubas	Harms	McGill	Stuthman
Avery	Fischer	Heidemann	Mello	Sullivan
Campbell	Flood	Howard	Nelson	Utter
Carlson	Fulton	Janssen	Nordquist	Wallman
Christensen	Gay	Karpisek	Pahls	White
Coash	Giese	Langemeier	Pankonin	Wightman
Conrad	Gloor	Lathrop	Pirsch	
Cook	Haar	Lautenbaugh	Price	
Cornett	Hadley	Louden	Rogert	

Voting in the negative, 1:

Council

Excused and not voting, 1:

Krist

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 951.

A BILL FOR AN ACT relating to elections; to amend sections 32-101, 32-604, 32-808, 32-915, and 32-939, Reissue Revised Statutes of Nebraska; to change provisions relating to holding multiple offices, early voting, and provisional ballots; to require postsecondary educational institutions to provide information on early voting; to harmonize provisions; to repeal the original sections; and to outright repeal section 32-939.01, 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, 32:

Adams	Cook	Hadley	Lathrop	Rogert
Ashford	Cornett	Hansen	McCoy	Sullivan
Avery	Council	Harms	McGill	White
Campbell	Dubas	Heidemann	Mello	Wightman
Carlson	Gay	Howard	Nordquist	
Christensen	Giese	Karpisek	Pahls	
Conrad	Haar	Langemeier	Pankonin	

Voting in the negative, 11:

Coash	Flood	Lautenbaugh	Stuthman
Dierks	Fulton	Nelson	Utter
Fischer	Janssen	Schilz	

Present and not voting, 5:

Gloor	Louden	Pirsch	Price	Wallman
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Excused and not voting, 1:

Krist

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 951A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 951, 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, 37:

Adams	Cornett	Giese	Karpisek	Pankonin
Ashford	Council	Haar	Langemeier	Rogert
Avery	Dierks	Hadley	Lathrop	Sullivan
Campbell	Dubas	Hansen	McCoy	White
Carlson	Fischer	Harms	McGill	Wightman
Christensen	Flood	Heidemann	Mello	
Conrad	Fulton	Howard	Nordquist	
Cook	Gay	Janssen	Pahls	

Voting in the negative, 2:

Stuthman Wallman

Present and not voting, 9:

Coash	Lautenbaugh	Nelson	Price	Utter
Gloor	Louden	Pirsch	Schilz	

Excused and not voting, 1:

Krist

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1057. With Emergency Clause.

A BILL FOR AN ACT relating to water resources; to amend sections 46-2,137 and 46-753, Reissue Revised Statutes of Nebraska; to create the Republican River Basin Water Sustainability Task Force; to provide for expenses, powers, and duties; to provide a termination date; to create a fund; to provide for transfers of funds; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 48:

Adams	Council	Hadley	Louden	Rogert
Ashford	Dierks	Hansen	McCoy	Schilz
Avery	Dubas	Harms	McGill	Stuthman
Campbell	Fischer	Heidemann	Mello	Sullivan
Carlson	Flood	Howard	Nelson	Utter
Christensen	Fulton	Janssen	Nordquist	Wallman
Coash	Gay	Karpisek	Pahls	White
Conrad	Giese	Langemeier	Pankonin	Wightman
Cook	Gloor	Lathrop	Pirsch	
Cornett	Haar	Lautenbaugh	Price	

Voting in the negative, 0.

Excused and not voting, 1:

Krist

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Return LB742 to Select File

Senator Council moved to return LB742 to Select File for her specific amendment, FA69, found on page 1042.

Senator Council withdrew her motion to return.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 742.

A BILL FOR AN ACT relating to government; to provide requirements for settled claims and settlement agreements; to provide that settled claims and settlement agreements are public records; and to define terms.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 48:

Adams	Council	Hadley	Louden	Rogert
Ashford	Dierks	Hansen	McCoy	Schilz
Avery	Dubas	Harms	McGill	Stuthman
Campbell	Fischer	Heidemann	Mello	Sullivan
Carlson	Flood	Howard	Nelson	Utter
Christensen	Fulton	Janssen	Nordquist	Wallman
Coash	Gay	Karpisek	Pahls	White
Conrad	Giese	Langemeier	Pankonin	Wightman
Cook	Gloor	Lathrop	Pirsch	
Cornett	Haar	Lautenbaugh	Price	

Voting in the negative, 0.

Excused and not voting, 1:

Krist

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

ATTORNEY GENERAL'S OPINION

Opinion 10009

DATE: March 29, 2010

SUBJECT: LB 1102 Constitutionality of Legislation Authorizing Wagering on "Historic Horseraces."

REQUESTED BY: Senator Beau McCoy
Senator Tony Fulton
Nebraska Legislature

WRITTEN BY: Jon Bruning, Attorney General
L. Jay Bartel, Assistant Attorney General

You have each requested our opinion regarding the constitutionality of LB 1102. The bill as introduced proposes to amend Neb. Rev. Stat. § 2-1203.01 (2007) to authorize the State Racing Commission ["Commission"] to "[l]icense and regulate parimutuel wagering on historic horseraces. . . ." LB 1102, § 1.¹ Neb. Const. art. III, § 24, permits the Legislature to enact "laws providing for the licensing and regulation of wagering on the results of horseraces, wherever run, either within or outside of the state, by the parimutuel method, when such wagering is conducted by licensees within a licensed racetrack enclosure." Your requests regarding the constitutionality of LB 1102 raise the following issues:

1. Does Neb. Const. art. III, § 24, allow the Legislature to authorize wagering on historic horseraces?

2. Is the horse race wagering which may be authorized under Neb. Const. art. III, § 24, limited to wagering on live horse races?
3. Is wagering using an electronic historic horseracing terminal a method of parimutuel wagering on horse races which may be permitted under Neb. Const. art. III, § 24?
4. Does LB 1102, as introduced, constitute an impermissible delegation of legislative authority?

In addition, Senator Fulton has requested that we address: (1) whether the enactment of LB 1102 will allow Native American tribes to engage in additional gaming on tribal lands involving wagering on historic horseraces; and (2) if passage of the bill will allow Native American tribes to engage in such gaming, whether the state would have the authority to regulate such gaming conducted on tribal lands.

A. Wagering on "Historic Horseraces" Through "Instant Racing Terminals."

While LB 1102 as introduced proposes to authorize the Commission to license and regulate wagering on "historic horseraces," it provides no definition of the term or explanation of the manner in which such wagering would occur. The Introducer's Statement of Intent on LB 1102, however, states the bill "would allow Nebraska licensed horse racing premises the ability to install and operate Instant Racing Terminals." Committee Records on LB 1102, 101st Leg., 2nd Sess., Introducer's Statement of Intent 1 (February 10, 2010).

The wagering on "historic horseraces" which would be authorized under LB 1102 thus appears to refer to the patented wagering system known as "Instant Racing."² "Instant Racing" was developed as a joint venture between Amtote International and RaceTech, LLC. The "Instant Racing" system allows bettors to wager on the results of previously run or "historic" races through electronic "Instant Racing Terminals" ["IRTs"]. The machines reportedly can access over 200,000 historic races. Wagers are made by coin or currency. Players can utilize limited Daily Racing Form past performance data (i.e. winning percentages, average earnings per start, trainer and jockey success, etc.) provided in graphic form before making their selections. The data is provided in such a way that bettors cannot identify the exact race. The machines contain a video screen which allows bettors to view the entire race after placing their wagers, or only a short clip of the stretch run of the race.

Wagering generally is limited to selections involving the order of finish of the first three horses, such as selecting the first three finishers in order, the top two finishers, or the winner and any two of the top three finishers. Variations on such wagering are provided for under the Association of

Racing Commissioners International Model Rules for Instant Racing. RaceTech promotes the product as a true parimutuel wagering system. The machines are connected to the same wagering pool and wagers are processed through a central totalisator. Unlike most parimutuel wagering, where many wagers are made on a single race, Instant Racing involves wagers on many different races.³ Winners receive graduated payoffs based on their correct selection of the order of finish. Payoffs are also determined by timing - the bettor who hits first receives the highest payoff.

In appearance and operation, IRTs resemble slot machines or video lottery devices. The "bells and whistles" associated with slot machines or video lottery devices are all present (except for the pull-handle). The machines are the same height and design as a slot machine, and include flashing buttons, blinking lights, video display, and, in some cases, program numbers spin on the video display like cherries or other figures on a slot or video lottery machine. The machines also can include a "Quick Pick" feature where bettors allow the machine to select at random three numbers to be bet on a race. Pictures of IRTs on the Amtote website illustrate the physical appearance of the machines and their resemblance to slot machines or video lottery devices.

B. Legality of IRTs Under Nebraska Law.

You have asked us to address the constitutionality of the wagering on historic horseraces which would be authorized under LB 1102. This requires consideration of several issues, each of which are addressed below.

1. Does Neb. Const. art. III, § 24, allow the Legislature to authorize wagering on historic horseraces through IRTs?

Art. III, § 24 of the Nebraska Constitution, contains a general prohibition against the Legislature's authorization of "any game of chance or any lottery or gift enterprise when the consideration for a chance to participate involves the payment of money for the purchase of property, services, or a chance or admission ticket or requires an expenditure of substantial effort or time." Neb. Const. art. III, § 24(1). The constitutional provision contains certain exceptions to this general prohibition, one of which allows the Legislature to authorize parimutuel wagering on horse races. Specifically, art. III, § 24(4), provides, in relevant part:

Nothing in this section shall be construed to prohibit (a) the enactment of laws providing for the licensing and regulation of wagering on the results of horseraces, wherever run, either within or outside of the state, by the parimutuel method, when such wagering is conducted by licensees within a licensed racetrack enclosure. . . .

The Nebraska Constitution was amended in 1934 to allow the Legislature to authorize parimutuel wagering on horseracing. The constitutional amendment was necessitated by Nebraska Supreme Court decisions holding

that parimutuel wagering on horse races was a form of "gambling" and a "lottery" or "game of chance" prohibited under the Nebraska Constitution. *State ex rel. Sorenson v. Ak-Sar-Ben Exposition Co.*, 118 Neb. 851, 226 N.W. 705 (1929), permanent injunction entered *State ex rel. Sorenson v. Ak-Sar-Ben Exposition Co.*, 121 Neb. 248, 236 N.W. 736 (1931). Following adoption of the constitutional amendment, the Legislature enacted statutes legalizing parimutuel wagering on horse races in 1935. See *Comp. Stat. §§ 2-1501 to 2-1519 (Supp. 1935)*. This legislation is substantially similar to the current statutes governing parimutuel wagering on live racing within licensed racetrack enclosures. Compare *Comp. Stat. §§ 2-1504, 2-1505, 2-1507, and 2-1516 (Supp. 1935)* with *Neb. Rev. Stat. §§ 2-1204, 2-1205, 2-1207, and 2-1216 (2007)*. The statutes governing parimutuel wagering were amended in 1987 to authorize "intrastate" simulcasting. 1987 Neb. Laws, LB 708 (codified at *Neb. Rev. Stat. §§-1224 to 2-1227 (Supp. 1987)*). Because of uncertainty as to whether the language in art. III, § 24, was sufficient to allow intrastate simulcasting, and recognition that the Constitution could not be construed to permit the Legislature to authorize interstate simulcasting, a constitutional amendment to specifically allow simulcast wagering was proposed in 1988. *Committee Records on LR 15CA, 90th Leg., 1st Sess. 37 (March 23, 1987)*.⁴ The legislative history of LR 15CA indicates the amendment was intended to expand parimutuel wagering to allow simulcast wagering on live horseraces run both inside and outside the state, retaining the requirement that the wagering be conducted only within licensed racetrack enclosures.⁵ The amendment was approved by a majority of voters at the 1988 general election.

The Nebraska Supreme Court has recognized the following general rules governing the interpretation of constitutional provisions:

The intent and understanding of [the] framers [of a constitutional provision] and the people who adopted it as expressed in the instrument is the main inquiry in construing it. . . . The words of a constitutional provision will be interpreted and understood in their most natural and obvious meaning unless the subject indicates or the text suggests they are used in a technical sense. The court may not supply any supposed omission, or add words to or take words from the provision as framed. It must be construed as a whole, and no part will be rejected as meaningless or surplusage, if it can be avoided. If the meaning is clear, the court will give to it the meaning that obviously would be accepted and understood by the layman. . . . It is permissible to consider the facts of history in determining the meaning of the language of the Constitution. . . . It is also appropriate and helpful to consider, in connection with the historical background, the evil and mischief attempted to be remedied, the objects sought to be accomplished, and the scope of the remedy its terms imply.

State ex rel. Spire v. Beermann, 235 Neb. 384, 389-90, 455 N.W.2d 749, 752 (1990) (quoting *State ex rel. State Railway Comm'n v. Ramsey*, 151 Neb. 333, 340-41, 37 N.W.2d 502, 508 (1949) (citations omitted)).

The Supreme Court has further recognized that the terms and provisions of the Constitution must be read in a manner which reflects changed circumstances:

A Constitution is intended to meet and be applied to any conditions and circumstances as they arise in the course of the progress of the community. The terms and provisions are constantly expanded and enlarged by construction to meet the advancing affairs of men. While the powers granted thereby do not change, they do apply in different periods to all things to which they are in their nature applicable.

State ex rel. State Railway Comm'n v. Ramsey, 235 Neb. at 338, 37 N.W.2d at 506.

Art. III, § 24(4), authorizes legislation "providing for the licensing and regulation of wagering on the results of horse races, wherever run, either within or outside of the state, by the parimutuel method, when such wagering is conducted by licensees within a licensed racetrack enclosure. . . ." If wagering on "historic horseraces" by use of IRTs is construed to be "wagering on the results of horse races", is done "by the parimutuel method", and is "conducted by licensees within a licensed racetrack enclosure", it could be argued that it conforms to the language of art. III, § 24(4) and thus may be authorized by the Legislature. Moreover, as this form of wagering no doubt did not exist when the Constitution was amended to authorize parimutuel wagering on horse races in 1934, or in 1988 when simulcast wagering was approved, recognizing the Legislature's power to authorize wagering on "historic horseraces" could be viewed as consistent with the principle that constitutional terms and provisions are "expanded and enlarged by construction to meet the advancing affairs of men." State ex rel. State Railway Comm'n v. Ramsey, 235 Neb. at 338, 37 N.W.2d at 506.

The history of the Nebraska constitutional provision allowing the Legislature to permit parimutuel wagering on horse races, however, appears to support only authorizing the enactment of statutes such as those currently in place, providing for parimutuel wagering on live races conducted within Nebraska licensed racetrack enclosures or live races simulcast from other racetracks inside or outside Nebraska to Nebraska racetracks. While it is possible to interpret the literal language permitting the Legislature to authorize "wagering on the results of horseraces, wherever run, either within or outside of the state, by the parimutuel method . . . ," to encompass wagering at IRTs, such a construction appears to significantly expand on the intent underlying adoption of this constitutional provision. Originally, parimutuel wagering on horse racing was authorized in 1934 out of recognition of the importance of the livestock and horse breeding industries. Allowing parimutuel wagering on horse races provided a means to support and promote these industries, an important part of the state's agricultural economy. When the Constitution was amended in 1988 to authorize wagering on simulcast race events, it was done so largely to help the racing

industry in the face of competition from other gambling. Simulcast wagering, however, involves only wagering at Nebraska racetracks on live race events conducted either within or outside the State. At no time have Nebraska voters specifically indicated their approval to allow the Legislature to permit wagering on horse races run years ago utilizing electronic machines resembling slot machines or video gaming devices. Indeed, the Constitution refers only to wagering on horse races "wherever" run, not "whenever" run. Therefore, we conclude that a legislative attempt to allow IRTs at licensed Nebraska racetracks, while not clearly unconstitutional, is likely contrary to the limited grant of authority given the Legislature to permit parimutuel wagering on horse races under art. III, § 24.⁶

The Nebraska Constitution prohibits all "games of chance," and allows the Legislature to authorize only a state lottery and certain other lotteries, bingo, and parimutuel wagering on the results of horse races. Neb. Const. art. III, § 24. This constitutional provision has been construed to prohibit "casino gambling." *State ex rel. Lemon v. Gale*, 272 Neb. 295, 307, 721 N.W.2d 347, 358 (2006). It is well-established that "[t]he Legislature cannot circumvent an express provision of the Constitution by doing indirectly what it may not do directly." *Haman v. Marsh*, 237 Neb. 699, 708, 467 N.W.2d 836, 844 (1991). There is no question that the Constitution presently prohibits the Legislature from authorizing "casino gambling" which, of course, includes the use of slot machines or other video or electronic gambling devices. Given the similarity between IRTs and these impermissible gambling devices, a court may find legislation authorizing IRTs as parimutuel wagering on horse races to be an improper attempt to indirectly allow what the Constitution directly forbids.

A recent Wyoming Supreme Court decision supports the conclusion that IRTs are actually impermissible gambling devices, rather than a form of parimutuel wagering on horse races which may be permitted under art. III, § 24. *Wyoming Downs Rodeo Events, LLC v. State of Wyoming*, 134 P.3d 1223 (Wyo. 2006). The Wyoming Supreme Court stated that IRTs "look and are used like a slot machine or other similar gambling device . . .," and determined that patent documents describing the IRTs, as well as a description of their operation and photographs depicting the devices, "corroborate[d] the inescapable conclusion" that IRTs were "gambling devices" which could not be authorized by the Wyoming State Pari-Mutuel Commission. *Id.* at 1229-30. The court noted the devices could not be construed to fall within the authorization for "simulcasting," as the definition of simulcasting "suggest[ed] that pari-mutuel races are generally live events." *Id.* at 1230. Rejecting the argument that IRTs were "a mere accoutrement of pari-mutuel wagering and that the governing statutes must be construed so as to embrace new 'inventions' and 'technologies'". . . , the court stated: "[W]e are not dealing with a new technology here, we are dealing with a slot machine that attempts to mimic traditional pari-mutuel wagering. Although it may be a good try, we are not so easily beguiled." *Id.*

We believe our Supreme Court would also likely conclude that IRTs are impermissible electronic gambling devices within the prohibition against "games of chance" in art. III, § 24(1), and not a form of parimutuel wagering on horse races which may be authorized under art. III, § 24(4). By their nature and operation, IRTs are player-activated instant gaming machines which more closely resemble slot machines than horse races. Unlike wagering on actual horse races, these devices do not allow bettors to know the identity of the horse, jockey, or racetrack; at most, bettors are provided limited "handicapping" information. The wagering involved in the use of IRTs is far removed from conventional wagering on horse races conducted at a racetrack or simulcast live from other racetracks. In our view, the Nebraska Supreme Court, like the Wyoming court, would be inclined to view IRTs as "slot machine[s] that attempt[] to mimic traditional pari-mutuel wagering." 134 P.3d at 1230. Accordingly, we conclude that Neb. Const. art. III, § 24(4), likely does not permit the Legislature to authorize wagering on historic horseraces through IRTs.

2. Is the horse race wagering which may be authorized under Neb. Const. art. III, § 24, limited to wagering on live horse races?

Parimutuel wagering on horse races in Nebraska is governed by the provisions of Neb. Rev. Stat. §§ 2-1201 to 2-1246 (2007 and Supp. 2009). Enforcement of state laws and rules and regulations governing horse racing is granted to the Commission. Neb. Rev. Stat. § 2-1203.01(1) (2007). Certain entities (the State Board of Agriculture, a county fair board, a county agricultural society, "or a corporation or association of persons organized and carried on for civic purposes or which conducts a livestock exposition for the promotion of the livestock and horse-breeding industries of the state and which does not permit its members to derive personal profit from its activities by way of dividends or otherwise . . ."), may be licensed by the Commission "to conduct horseracing at a designated place within the state." Neb. Rev. Stat. § 2-1204 (2007). The license issued by the Commission must designate "the place where the race or race meetings are to be held, and the time and number of days during which racing may be conducted by such licensee." Neb. Rev. Stat. § 2-1205 (2007). Parimutuel wagering on such "live" horse racing is authorized by Neb. Rev. Stat. § 2-1207 (2007).

In addition to licensing "live" races or race meetings at which parimutuel wagering is conducted, the Commission may license racetracks to conduct intrastate and interstate simulcast wagering on horse races. Neb. Rev. Stat. §§ 2-1223 to 2-1229 (2007). "[S]imulcast" is defined to "mean the telecast of live audio and visual signals of any horserace conducted in the state for the purpose of parimutuel wagering. . . ." Neb. Rev. Stat. § 2-1225(7) (2007). (emphasis added).⁷ "Interstate simulcast" is defined to "mean parimutuel wagering at any licensed racetrack within the state on the results of any horserace conducted outside the state." Neb. Rev. Stat. § 2-1225(7) (2007).

Any licensed racetrack "which operates at least one live race meet during each calendar year . . ." may be "issued a[n] [intrastate] simulcast facility license" allowing the licensee to "display the simulcast of a horserace on which parimutuel wagering shall be allowed." Neb. Rev. Stat. § 2-1226 (2007) (emphasis added). Intrastate simulcast licensing requires execution of a written agreement between the sending and receiving tracks, which must be approved by the organization representing a majority of licensed owners and trainers at each track. Neb. Rev. Stat. § 2-1227(1) (2007). Simulcasts between racetracks in Nebraska "shall result in the combination of all wagers placed at the receiving track located in the state with the wagers placed at the sending track located in the state so as to produce common parimutuel betting pools for the calculation of odds and the determination of payouts from such pools. . . ." Neb. Rev. Stat. § 2-1227(4) (2007).

Licensed racetracks which conduct "live" racing for a certain number of days are eligible to receive interstate simulcast facility licenses. Neb. Rev. Stat. § 2-1228 (2007). "Any racetrack issued an interstate simulcast facility license may conduct the interstate simulcast of any horserace permitted under its license, and parimutuel wagering shall be allowed on such horserace." *Id.* An interstate simulcast facility license issued to a licensed racetrack in Nebraska allows the racetrack "to receive the interstate simulcast of horseraces for parimutuel wagering purposes from any track located outside of the state." Neb. Rev. Stat. § 2-1229(1) (2007). Among the factors the Commission is to consider in acting on an interstate simulcast facility license is whether "such interstate simulcast would have a significant effect upon either live racing or the simulcasting of live racing of the same type and at the same time conducted in this state. . . ." *Id.* (emphasis added).

Commission approval of an interstate simulcast facility license is conditioned upon: (1) Prior written approval of "any other racetrack issued a license . . . and conducting live racing of the same type on the same day at the same time as the proposed interstate simulcast race or races and of the organization which represented a majority of the licensed owners and trainers at the racetrack's immediately preceding live thoroughbred race meeting;" (2) Prior written approval of "any other racetrack issued a license . . . which is simulcasting the racing program of any licensee conducting live racing in this state of the same type on the same day at the same time as the proposed interstate simulcast race or races and of the organization which represented a majority of the licensed owners and trainers at the racetrack's immediately preceding live thoroughbred race meeting;" and (3) "[A] written agreement between the receiving track and the sending track located outside of the state . . . setting forth the division of all proceeds between the sending and receiving tracks and all other conditions under which such interstate simulcast will be conducted." Neb. Rev. Stat. § 2-1229(1)(a)-(c) (2007) (emphasis added). The agreement between the sending and receiving track "shall have the consent of the group representing the majority of horsepersons racing at the sending track and of the organization which represented a majority of the licensed owners and trainers at the receiving track's immediately preceding live thoroughbred race meeting." *Id.* at

§ 2-1229(1)(c) (emphasis added).

Neb. Rev. Stat. § 2-1216 (2007) provides: "The parimutuel system of wagering on the results of horseraces, when conducted within the racetrack enclosure at licensed horserace meetings . . ., shall not under any circumstances be held or construed to be unlawful, any other statutes of the State of Nebraska to the contrary notwithstanding." Parimutuel wagering on horse racing is authorized and governed by Neb. Rev. Stat. § 2-1207 (2007), which provides, in pertinent part:

(1) Within the enclosure of any racetrack where a race or race meeting licensed and conducted under sections 2-1201 to 2-1218 is held or at a racetrack licensed to simulcast races or conduct interstate simulcasting, the parimutuel method or system of wagering on the results of the respective races may be used and conducted by the licensee. . . . Under such system, the licensee may receive wagers of money from any person present at such race or racetrack receiving the simulcast race or conducting interstate simulcasting . . . by any person who may legally wager on any horse race in a race selected by such person to run first in such race, and the person so wagering shall acquire an interest in the total money so wagered on all horses in such race as first winners in proportion to the amount of money wagered by him or her. Such licensee shall issue to each person so wagering a certificate on which shall be shown the number of the race, the amount wagered, and the number or name of the horse selected by such person as first winner [After taking out authorized or required deductions from amounts wagered], . . . [t]he balance remaining on hand shall be paid out to the holders of certificates on the winning horse in the proportion that the amount wagered by each certificate holder bears to the total amount wagered on all horses in such race to run first. The licensee may likewise receive such wagers on horses selected to run second, third, or both, or in such combinations as the commission may authorize, the method, procedure, and authority and right of the licensee, as well as the deduction allowed to the licensee, to be specified with respect to wagers upon horses selected to run first. (emphasis added).

Subsection (3) of § 2-1207 further provides that "there shall be no wagering except under the parimutuel method outlined in this section."

A review of the Nebraska statutes authorizing parimutuel wagering on horse races noted above indicates the Legislature has approved only parimutuel wagering on: (1) "live" horse races conducted in Nebraska within the confines of a license racetrack; (2) "live" horse races simulcast "intrastate" from one racetrack in Nebraska to other licensed Nebraska racetracks; and (3) "live" horse races simulcast from racetracks outside Nebraska to licensed Nebraska racetracks. The statutory scheme authorizing parimutuel wagering on horse races does not permit wagering on replays of races previously run in Nebraska or elsewhere. Only wagering on live races conducted at licensed race meets in Nebraska, or wagering on live events simulcast from

within or outside Nebraska, is permitted under Nebraska's current statutes governing parimutuel wagering on horse racing.⁸

The statutes authorizing parimutuel wagering on live horse races conducted at licensed race meets in Nebraska and simulcasts of live races from other licensed Nebraska racetracks or from racetracks outside Nebraska are consistent with the Constitution's authorization of such wagering "on the results of horse races, wherever run, either within or outside of the state, by the pari-mutuel method, when such wagering is conducted by licensees within a licensed racetrack enclosure." Neb. Const. art. III, § 24. Again, the history of this constitutional provision, including the 1988 amendment to authorize simulcasting, demonstrates an intent to allow the Legislature to authorize parimutuel wagering on horse races "wherever run," either in or outside Nebraska. The voters approving the original authorization of parimutuel wagering in 1934, as well as those approving the 1988 simulcasting amendment, no doubt understood such wagering was to be made on live horse races. While the language of art. III, § 24(4) does not specifically foreclose wagering on replays of previously run or historic horse races employing electronic or video gambling devices, we conclude it is likely that wagering on "historic horseraces" through IRTs may not be authorized under art. III, § 24.⁹

3. Is wagering using an electronic historic horseracing terminal a method of parimutuel wagering on horse races which may be permitted under Neb. Const. art. III, § 24?

As stated previously, art. III, § 24(4), likely cannot be construed to allow the Legislature to authorize wagering on "historic horseraces" through IRTs. Further, while the Instant Racing system is promoted as a parimutuel wagering system, there is a question as to whether the manner in which "Instant Racing" would be conducted is truly "parimutuel" wagering. It may be true that "Instant Racing" can be said to involve parimutuel wagering in a broad sense, since there is a pooling of wagers and a distribution of amounts wagered to winners. There appears, however, to be a distinction between parimutuel wagering on traditional live and simulcast races, and Instant Racing. Unlike most parimutuel wagering on live and simulcast races, where many wagers are made on a single race or series of races, Instant Racing involves wagers on many different races. The pools also do not pertain to specific races.¹⁰ It is not clear that wagering on historic horseraces through IRTs is truly "parimutuel" in nature. In view of our conclusion that, for the reasons noted above, such wagering likely may not be authorized under art. III, § 24, it is not necessary to determine whether the particular manner in which such wagering is proposed to be conducted could be considered wagering "by the parimutuel method" as that term is used in art. III, § 24(4).¹¹

4. Does LB 1102, as Introduced, Constitute an Improper Delegation of Legislative Authority?

There may also be a question as to whether the lack of definition and standards in LB 1102's grant of authority to the Commission to authorize wagering on "historic horseraces" is an unconstitutional delegation of legislative authority. "It is a fundamental general principle that the Legislature may not delegate legislative power to an administrative or executive authority." *Schumacher v. Johanns*, 272 Neb. 346, 364, 722 N.W.2d 37, 51 (2006). "The Legislature does, however, have power to authorize an administrative or executive department to make rules and regulations to carry out an expressed legislative purpose, or for the complete operation and enforcement of a law within designated limitations." *Id.* "The limitations of the power granted and the standards by which the granted powers are to be administered must, however, be clearly and definitely stated in the authorizing act." *Id.* "Such standards may not rest on indefinite, obscure, or vague generalities, or upon extrinsic evidence not readily available." *Id.* "Where the Legislature has provided reasonable limitations and standards for carrying out delegated duties, there is no unconstitutional delegation of legislative authority." *Id.*

LB 1102 seeks to allow the Commission to "[l]icense and regulate parimutuel wagering on historic horseraces." The bill as introduced contains no definition of "historic horseraces", and no indication that it is intended to authorize wagering on previously run races through the use of IRT devices resembling slot machines or other electronic gambling devices. Perhaps this intent can be inferred from the use of the term "historic horseraces", and the Introducer's Statement of Intent that the bill "would allow Nebraska licensed horse racing premises the ability to install and operate Instant Racing Terminals." Committee Statement on LB 1102, 101st Leg., 2nd Sess., Introducer's Statement of Intent 1 (February 10, 2010). The vagueness and lack of specificity in the bill itself, however, raises a question as to whether the bill as introduced involves an improper delegation of legislative authority without adequate standards.

We note that a recently filed Judiciary Committee amendment would add several provisions to the bill, including: (1) a definition of "historic horserace" as "a form of horserace that creates a parimutuel pool from wagers placed on a horserace previously held at a licensed racetrack"; (2) a requirement that the Commission shall not issue a license for wagering on historic horseraces unless the county board of the county in which the licensed facility is located has adopted a resolution approving such wagering; (3) authority for the Commission to adopt rules and regulations to implement wagering on historic horseraces; (4) directing the Commission to require that "enough of the historic horserace [] be televised so as to maintain the integrity of such horserace before another wager may take place or before beginning another historic horserace"; (5) establishing a license fee of \$1000 for each machine used for wagering on historic horseraces to be credited to the Historic Horseracing Distribution Fund ["Fund"]; (6) imposition of a tax on gross sums wagered on historic horseraces to be credited to the Fund; and (7) a mechanism for distribution of proceeds from the Fund. AM2234, §§ 2-4 (March 16, 2010). The

Committee amendment appears to eliminate the absence of definition and standards present in the bill as initially introduced, and likely would eliminate any improper delegation of legislative authority present in the introduced bill.

5. Will the Enactment of LB 1102 Allow Native American Tribes to Engage in Gaming Utilizing IRTs on Tribal Lands?

Senator Fulton has requested us to address whether the enactment of LB 1102 will allow Native American tribes to engage in additional gaming on tribal lands involving wagering on historic horseraces through IRTs. Senator Fulton also asks whether, if passage of the bill allows tribes to engage in such gaming, the state would have the authority to regulate those devices operated on tribal lands.

The Indian Gaming Regulatory Act ["IGRA"] was enacted in 1988 for the purpose of providing a statutory basis for the operation and regulation of gaming by Indian tribes. 25 U.S.C. §§ 2701 to 2721. IGRA classifies gaming into three categories, each subject to a different regulatory scheme: (1) "Class I gaming", which includes "social games solely for prizes of minimal value or traditional forms of Indian gaming engaged in by individuals as a part of . . . tribal ceremonies or celebration"; (2) "Class II gaming", which generally includes bingo, pull-tabs, lotto, tip jars, and other games similar to bingo, non-banking card games "explicitly authorized by the laws of the State" or "not explicitly prohibited by the laws of the State" played at any location in the state, when played in conformity with any state laws and regulations, and banking card games operated on or before May 1, 1988; and (3) "Class III gaming", which means "all forms of gaming that are not class I gaming or class II gaming." 25 U.S.C. § 2703(6)-(8). Class I gaming is "within the exclusive jurisdiction of the Indian tribes." 25 U.S.C. § 2710(a)(1). Class II gaming is subject to tribal regulation with oversight by the National Indian Gaming Commission. 25 U.S.C. § 2710(d)(3)(A) and (B). Class III gaming is "lawful on Indian lands only if such activities are" authorized by a tribal ordinance or resolution, "located in a State that permits such gaming for any purpose by any person, organization or entity," and is "conducted in conformance with a Tribal-State compact entered into by the Indian Tribe and the State. . . ." 25 U.S.C. § 2710(d)(1)(A) to (C).¹²

The use of IRTs to wager on historic horseraces, not being within the definitions of Class I or Class II gaming in IGRA, would constitute a form of Class III gaming. Under IGRA, a state must negotiate for the conduct of the specific forms of Class III gaming activity the state affirmatively "permits" or authorizes others to conduct under state law. See *Cheyenne River Sioux Tribe v. State of South Dakota*, 3 F.3d 273, 279 (8th Cir. 1993) ("The 'such gaming' language in 25 U.S.C. § 2710(d)(1)(B) does not require the state to negotiate with respect to forms of gaming that it does not presently permit."). If LB 1102 becomes law and wagering on historic horseraces through IRTs is approved under the legislation, the state, absent a judicial determination that such gaming is unconstitutional, would be

obligated to negotiate a compact with any Native American Tribe seeking to conduct this form of Class III gaming on Indian lands located within the state. See Neb. Rev. Stat. § 9-1,106(1) (2007) (Requiring Governor or his or her designated representative to negotiate a tribal-state compact for Class III gaming with any Indian tribe having jurisdiction over Indian lands in Nebraska).¹³ With respect to the state's authority to regulate IRTs located on Indian lands, any state regulatory role would be a matter subject to negotiation as part of the compact process.

C. Conclusion.

In summary, we conclude that LB 1102's attempt to authorize wagering on the results of previously run horse races through the use of IRTs resembling slot machines or other video gambling devices likely does not constitute a form of parimutuel wagering which the Legislature may permit under Neb. Const. art. III, § 24(4). The use of IRT's to wager on the results of previously run horse races appears to be impermissible, as the history of this constitutional provision indicates it was intended to allow wagering on live horse races held within a Nebraska licensed racetrack enclosure or simulcast from racetracks inside or outside Nebraska to a Nebraska licensed racetrack. In view of our determination that wagering on historic horseraces using IRTs likely may not be authorized under art. III, § 24(4), it is not necessary to determine whether the pooled wagering involved in the use of IRTs is a form of "parimutuel" wagering as that term is used in the Constitution. The vagueness and lack of specificity in the introduced bill, which contains no definition of "historic horseraces" and no indication on its face that it is intended to authorize wagering on previously run races through the use of IRTs, raises a question as to whether the bill as originally drafted involves an improper delegation of legislative authority without adequate standards. The pending Judiciary Committee amendment, however, appears to eliminate any improper delegation of legislative authority present in the bill as introduced. Finally, if LB 1102 becomes law and wagering on historic horseraces through IRTs is approved under the legislation, then the state, absent a judicial determination that such gaming is unconstitutional, would be obligated to negotiate a compact with any Native American tribe seeking to conduct this form of Class III gaming on Indian lands located within the state. Any state authority to regulate IRTs operated on Indian lands would be a matter subject to negotiation as part of the compact process.

¹A pending Judiciary Committee amendment would add several provisions to the introduced bill, including a definition of "historic horserace", as well as establishment of licensing fees and taxes on gross sums wagered on historical horse races. AM2234 (filed March 16, 2010).

²The discussion of "Instant Racing" contained herein is based on information from the web site of Amtote International (www.amtote.com), the Wyoming Supreme Court's description of the system in Wyoming Downs Rodeo Events, LLC v. State, 134 P.3d 1223 (Wyo. 2006), and promotional materials issued by RaceTech, LLC.

³Not all current live or simulcast bets involve wagering on a single race. For example, in Pick Six wagering, a bettor must correctly select the first place finisher in six consecutive races to win the jackpot. If no bettor has a winning ticket, a portion of the pot is paid out to those coming closest to the winning combination, with the remainder carried forward to subsequent racing days until a Pick Six winner occurs.

⁴The Attorney General had opined that the intrastate simulcasting proposed under LB 708 was permissible under art. III, § 24, but that such opinion should not be construed to sanction legislative authority to permit interstate simulcast wagering. Op. Att'y Gen. No. 87041 (March 27, 1987). While there was some disagreement as to whether even intrastate simulcasting was permissible, there was apparently no dispute that a constitutional amendment was needed to allow interstate simulcast wagering. Committee Records on LR15CA at 37, 42-44, 49-50.

⁵The original proposed amendment included language authorizing off-track wagering at certain licensed sites. The committee amendments removed this language. Committee Records on LR 15CA, Executive Session Record of Committee Amendments at 1.

⁶The Constitution also requires that the parimutuel wagering be "conducted by licensees within a licensed racetrack enclosure. . . ." Neb. Const. art. III, § 24(4). The requirement that wagering be conducted within the confines of a licensed racetrack has led the Nebraska Supreme Court to declare unconstitutional legislative attempts to sanction betting on horse races from off-track "telercing facilities" (State ex rel. Stenberg v. Douglas Racing Corp., 246 Neb. 901, 524 N.W.2d 61 (1994)), as well as "telephonic wagering" (State ex rel. Stenberg v. Omaha Exposition and Racing, Inc., 263 Neb. 991, 644 N.W.2d 563 (2002)). This requirement does not appear to be at issue, however, as there is no indication that LB 1102 seeks to allow IRTs at any location other than within the confines of a licensed racetrack.

⁷The definition of "simulcast" as the telecast of a live horse race is consistent with the commonly understood meaning of this term, which, in this context, refers to "a closed-circuit television broadcast of an event, as a horse race, while it is taking place." "simulcast." Dictionary.com Unabridged. Random House, Inc., <http://dictionary.reference.com/browse/simulcast> (accessed March 18, 2010).

⁸The Oregon Court of Appeals recently held that the Oregon Racing Commission lacked authority to approve wagering on previously run horse races through IRTs because the Oregon Commission's statutory authority to approve mutuel wagering was limited to authorizing wagering on only live races. MEC Oregon Racing, Inc. v. Oregon Racing Comm'n, 233 Ore. App. 9, __ P.3d __ (2009).

⁹Two Alabama Attorney General Opinions have concluded that Instant Racing is permissible because parimutuel wagering on the outcome of horse or dog races involves skill and thus is not an illegal lottery. 192 Op. Att'y Gen. Ala. 42 (December 5, 2008); Op. Att'y Gen. Ala. No. 2001-114 (March 13, 2001). The Nebraska Supreme Court, however, has held that parimutuel wagering on horse races is a form of "gambling" or "lottery" or "game of chance". State ex rel. Ak-Sar-Ben Exposition Co., 118 Neb. 851, 226 N.W. 705 (1929), permanent injunction entered State ex rel. Sorenson v. Ak-Sar-Ben Exposition Co., 121 Neb. 248, 236 N.W. 736 (1931). Because of this decision, the Nebraska Constitution was amended in 1934 to authorize parimutuel wagering on horse races. Further, the Alabama Attorney General opinions assumed, without discussion, that Instant Racing involved parimutuel wagering.

¹⁰As noted in footnote 3, supra, not all wagering on live or simulcast horse races involves only a single race, including wagers such as Pick Six combinations.

¹¹With regard to the "parimutuel" nature of Instant Racing, the Maryland Attorney General concluded that wagering on video replays of "historic horse races" through IRTs was not permissible because it did not constitute parimutuel betting as authorized under the Maryland Horse Racing Act. 20 Op. Att'y Gen. Md. 244 (March 17, 2009). In addition, the Kentucky Attorney General recently determined that Instant Racing was not permissible under Kentucky's parimutuel wagering statute because it did not constitute parimutuel wagering as defined by Kentucky's Administrative Regulations. Op. Att'y Gen. Ky. 10-001 (January 5, 2010).

¹²"Indian lands" is defined in IGRA to include "all lands within the limits of any Indian reservation. . ." and lands held in trust by the United States for the benefit of any Indian tribe over which an Indian tribe exercises governmental power. 25 U.S.C. § 2703(4)(A) and (B). While IGRA generally provides that gaming shall not be conducted on Indian lands acquired by the Secretary of the Interior ["Secretary"] in trust for the benefit of an Indian tribe after October 17, 1988, there are several exceptions, including: (1) lands that are within or contiguous to the boundaries of an Indian tribe's reservation; (2) new trust lands where the Secretary has determined the gaming would not be detrimental to the surrounding community, if the Governor of the State where the gaming is conducted concurs in the Secretary's determination; and (3) lands taken in trust as part of settlement of a land claim or the restoration of lands for an Indian tribe that is restored to federal recognition. 25 U.S.C. § 2719(a) and (b)(1)(A)-(B).

¹³If such negotiations did not result in execution of a compact, the tribe could bring suit in federal district court to challenge the state's failure "to negotiate in good faith." 25 U.S.C. § 2710(d)(7)(A)(i) and 2710(d)(B)(i). If the federal district court found the state failed to negotiate in good faith, then the IGRA remedial process would be triggered to obtain a compact. 25

U.S.C. § 2710(d)(7)(B)(iii). If the state asserts the defense of sovereign immunity to the federal district court suit, the tribe could then petition the Secretary to adopt procedures for Class III gaming. 25 C.F.R. Part 291.

Very truly yours,
JON BRUNING
Attorney General
(Signed) L. Jay Bartel
Assistant Attorney General

cc: Patrick J. O'Donnell
Clerk of the Legislature

07-271-20

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 836, 879, 882, 937, 937A, 956, 1018, 728, 951, 951A, 1057, and 742.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 412, 414, 415, 416, 417, 418, and 420 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 412, 414, 415, 416, 417, 418, and 420.

GENERAL FILE

LEGISLATIVE BILL 1102. Title read. Considered.

Committee AM2234, found on page 924, was considered.

Senator Avery offered the following amendment to the committee amendment:

AM2348

(Amendments to Standing Committee amendments, AM2234)

- 1 1. On page 1, line 4, strike "a form of horserace that"
- 2 and insert "an electronic gaming device that displays a horserace
- 3 and".

SENATOR COASH PRESIDING

Pending.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 563A. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 563, One Hundred First Legislature, Second Session, 2010.

LEGISLATIVE BILL 1102A. Introduced by Giese, 17.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1102, One Hundred First Legislature, Second Session, 2010.

RESOLUTION

LEGISLATIVE RESOLUTION 539. Introduced by Fulton, 29; Coash, 27; Harms, 48; Janssen, 15; McCoy, 39; Price, 3; Schilz, 47.

WHEREAS, the Ninth Amendment to the United States Constitution states that "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people;" and

WHEREAS, the Tenth Amendment to the United States Constitution declares that "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people;" and

WHEREAS, the framers of the United States Constitution envisioned a federal government with "few and defined" delegated powers, whereby state governments retained "numerous and indefinite" powers extending "to all the objects which, in the ordinary course of affairs, concern the lives, liberties, and properties of the people, and the internal order, improvement, and prosperity of the State;" and

WHEREAS, the United States Government has historically and continues to expand its enumerated powers in a manner inconsistent with the Ninth Amendment to the United States Constitution; and

WHEREAS, the United States Government has historically and continues to assert powers not enumerated under Article I, section 8, of the United States Constitution in a manner inconsistent with the Tenth Amendment to the United States Constitution; and

WHEREAS, a balanced federalism is necessary to preserve the inherent rights of the people, from whose consent the just powers of both state and federal governments are derived.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature encourages the Congress of the United States to adhere to the principles of federalism in accord with the Ninth and Tenth Amendments to the United States Constitution.

2. That a copy of this resolution be sent to all the members of the Nebraska congressional delegation with the request that this resolution be officially entered in the Congressional Record.

3. That a copy of this resolution be sent to each state legislature within these United States of America.

Laid over.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 30, 2010, at 10:17 a.m. were the following: LBs 836, 879e, 882, 937e, 937Ae, 956e, 1018, 728, 951, 951A, 1057e, and 742.

(Signed) Jamie Kruse
Clerk of the Legislature's Office

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 817. Placed on Final Reading.

ST9085

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Rogert amendment, AM2314, section 3 has been renumbered as section 7.

2. In the Lautenbaugh amendment, AM2045, section 3 has been inserted into the Standing Committee amendment, AM1964, as section 8.

3. In the Ashford amendment, AM2203, on page 1, line 11, the comma has been struck; in line 18 "natural resources" has been struck; and in line 22 "managed" has been struck and "district-managed" inserted.

4. In the E & R amendments, ER8176, amendment 1b. has been struck.

5. On page 1, the matter beginning with "handguns" in line 1 through line 5 and all amendments thereto have been struck and "law enforcement; to amend sections 2-32,101, 69-2403, 69-2427, 69-2431, and 69-2433, Reissue Revised Statutes of Nebraska, and sections 18-1703 and 28-1212.04, Revised Statutes Supplement, 2009; to authorize natural resources districts to employ law enforcement personnel or private security services; to change city and village powers regarding registration of handguns; to change prohibitions regarding the discharge of firearms in certain cities, villages, and counties; to exempt permit holders under the Concealed Handgun Permit Act and peace officers from the requirement to obtain a certificate to purchase a handgun; to provide a duty for the Nebraska State Patrol under the act; to change requirements for a permit to carry a concealed handgun; to harmonize provisions; and to repeal the original sections." inserted.

LEGISLATIVE BILL 1109. Placed on Final Reading.
LEGISLATIVE BILL 1109A. Placed on Final Reading.

(Signed) Jeremy Nordquist, Chairperson

UNANIMOUS CONSENT - Add Cointroducer

Senator Pahls asked unanimous consent to add his name as cointroducer to LR516. No objections. So ordered.

VISITORS

Visitors to the Chamber were 24 fourth-grade students and teacher from Cedar Elementary, Beatrice; 21 fourth-grade students, teacher, and sponsors from Plattsmouth; 43 fifth-grade students, teachers, and sponsor from Christ the King School, Omaha; and 8 students, teacher, and sponsors from St. Luke's Elementary, Ogallala.

RECESS

At 12:02 p.m., on a motion by Senator Rogert, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Sheehy presiding.

ROLL CALL

The roll was called and all members were present except Senators Ashford, Campbell, Council, Dubas, Fischer, Hadley, and Loudon who were excused until they arrive.

COMMITTEE REPORT

General Affairs

The General Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Dennis Lee - State Racing Commission

Aye: 8 Senators Coash, Cook, Dierks, Dubas, Karpisek, Krist, Price, Rogert.
Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Russ Karpisek, Chairperson

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Section 8, LR539 was referred to the Reference Committee.

GENERAL FILE

LEGISLATIVE BILL 1102. The Avery amendment, AM2348, found in this day's Journal, to the committee amendment, was renewed.

Senator Wallman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Senator Avery moved for a call of the house. The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

Senator Avery requested a roll call vote on his amendment.

Voting in the affirmative, 16:

Adams	Fulton	Howard	Pirsch
Avery	Hansen	McCoy	Price
Christensen	Harms	Nelson	Sullivan
Flood	Heidemann	Pankonin	Wightman

Voting in the negative, 22:

Ashford	Giese	Langemeier	Nordquist	Wallman
Conrad	Gloor	Lathrop	Rogert	White
Cook	Haar	Lautenbaugh	Schilz	
Cornett	Janssen	McGill	Stuthman	
Council	Karpisek	Mello	Utter	

Present and not voting, 6:

Carlson	Dierks	Krist
Coash	Gay	Pahls

Excused and not voting, 5:

Campbell	Dubas	Fischer	Hadley	Louden
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The Avery amendment lost with 16 ayes, 22 nays, 6 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Senator Avery offered the following amendment to the committee amendment:

AM2349

(Amendments to Standing Committee amendments, AM2234)

- 1 1. On page 1, line 16, strike "enough" and insert "the
- 2 entire length".

Senator Avery withdrew his amendment.

Senator Avery offered the following amendment to the committee amendment:

AM2350

(Amendments to Standing Committee amendments, AM2234)

- 1 1. On page 1, line 21, strike "initial, one-time" and
- 2 insert "annual".

Senator Avery withdrew his amendment.

Senator Avery offered the following amendment to the committee amendment:

AM2352

(Amendments to Standing Committee amendments, AM2234)

- 1 1. On page 2, line 25, after the first occurrence of
- 2 "fund" insert ", not to exceed one thousand dollars annually,".

Senator Avery withdrew his amendment.

Committee AM2234, found on page 924 and considered in this day's Journal, was renewed.

Senator Price moved the previous question. The question is, "Shall the debate now close?"

Senator Price moved for a call of the house. The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

Senator Price requested a roll call vote, in reverse order, on the motion to cease debate.

Voting in the affirmative, 11:

Avery	Fulton	Heidemann	Price
Christensen	Hansen	McCoy	Wightman
Dierks	Harms	Pankonin	

Voting in the negative, 30:

Adams	Cornett	Haar	Lathrop	Pirsch
Ashford	Council	Howard	Lautenbaugh	Rogert
Carlson	Flood	Janssen	McGill	Schilz
Coash	Gay	Karpisek	Mello	Stuthman
Conrad	Giese	Krist	Nordquist	Utter
Cook	Gloor	Langemeier	Pahls	Wallman

Present and not voting, 2:

Nelson White

Excused and not voting, 6:

Campbell	Fischer	Louden
Dubas	Hadley	Sullivan

The motion to cease debate failed with 11 ayes, 30 nays, 2 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

SENATOR LANGEMEIER PRESIDING

Senator Avery reoffered his amendment, AM2349, found in this day's Journal, to the committee amendment.

Senator Karpisek moved the previous question. The question is, "Shall the debate now close?"

Senator Karpisek moved for a call of the house. The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

The motion to cease debate prevailed with 26 ayes, 2 nays, 19 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

The Avery amendment lost with 17 ayes, 26 nays, 4 present and not voting, and 2 excused and not voting.

Senator Avery reoffered his amendment, AM2350, found in this day's Journal, to the committee amendment.

SENATOR CARLSON PRESIDING

SPEAKER FLOOD PRESIDING

Pending.

EXPLANATION OF VOTES

Had I been present, I would have voted "aye" on final passage of LBs 836, 879e, 882, 937e, 937Ae, 956e, 1018, 728, 951, 951A, 1057e, and 742.

(Signed) Bob Krist

REFERENCE COMMITTEE REPORT

The Executive Board submits the following report:

LB/LR	Committee
LR538	Government, Military and Veterans Affairs
LR539	Government, Military and Veterans Affairs

(Signed) John Wightman, Chairperson
Executive Board

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 931. Placed on Select File with amendment. ER8224 is available in the Bill Room.

LEGISLATIVE BILL 1072. Placed on Select File with amendment. ER8223

1 1. In the Standing Committee amendments, AM2194, on page
2 3, line 16, after the comma insert "(i) until July 1, 2011, state
3 aid to counties paid pursuant to sections 39-2501 to 39-2520,
4 47-119.01, 60-3,184 to 60-3,190, 77-27,136, and 77-3618, insurance
5 premium tax paid to counties, and reimbursements to counties from
6 funds appropriated pursuant to section 29-3933, and (ii) beginning
7 on July 1, 2011."
8 2. On page 1, strike beginning with line 2 through
9 "colleges" in line 14 and insert "77-3442, 85-1416, 85-1418,
10 85-1502, 85-1503, 85-1511, and 85-1517, Reissue Revised Statutes
11 of Nebraska, and sections 13-518 and 13-519, Revised Statutes
12 Supplement, 2009; to redefine terms; to change provisions relating
13 to state aid and tax levy authorization and limits for community
14 colleges; to provide a termination date for membership provisions
15 for the association of community college boards and the Community
16 College Foundation and Equalization Aid Act;"

LEGISLATIVE BILL 779. Placed on Select File with amendment. ER8221 is available in the Bill Room.

(Signed) Jeremy Nordquist, Chairperson

GENERAL FILE

LEGISLATIVE BILL 1102. Senator Giese offered the following motion:
MO96

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Giese moved for a call of the house. The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

Senator Giese requested a roll call vote, in reverse order, on the motion to invoke cloture.

Voting in the affirmative, 30:

Ashford	Council	Hadley	Lautenbaugh	Rogert
Campbell	Dubas	Janssen	Louden	Schilz
Coash	Fischer	Karpisek	McGill	Stuthman
Conrad	Giese	Krist	Mello	Utter
Cook	Gloor	Langemeier	Nordquist	Wallman
Cornett	Haar	Lathrop	Pahls	White

Voting in the negative, 13:

Adams	Christensen	Harms	Nelson	Sullivan
Avery	Dierks	Howard	Pankonin	
Carlson	Hansen	McCoy	Price	

Present and not voting, 5:

Flood	Gay	Heidemann	Pirsch	Wightman
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Excused and not voting, 1:

Fulton

The Giese motion to invoke cloture failed with 30 ayes, 13 nays, 5 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

SENATOR LANGEMEIER PRESIDING

LEGISLATIVE BILL 1103. Title read. Considered.

Committee AM2063, found on page 978, was considered.

Pending.

AMENDMENTS - Print in Journal

Senator Coash filed the following amendment to LB849:
AM2431

(Amendments to Standing Committee amendments, AM2120)

- 1 1. On page 34, line 13, strike "or" and insert "and".

Senator Cornett filed the following amendment to LB877:
AM2439

(Amendments to Standing Committee amendments, AM1877)

- 1 1. On page 1, strike line 12, show the old matter
2 as stricken, and insert "Only the county assessor, the Tax
3 Commissioner, or the Property Tax Administrator may appeal the
4 granting of such an"; and in line 18 after the period insert
5 "If the county assessor, Tax Commissioner, or Property Tax
6 Administrator appeals a county board of equalization's final
7 decision granting an exemption from property taxation, the person,
8 corporation, or organization granted such exemption by the county
9 board of equalization shall be made a party to the appeal and shall
10 be issued a notice of the appeal by the Tax Equalization and Review
11 Commission within thirty days after the appeal is filed.".

- 12 2. On page 3, line 3, strike "exemption of real or
13 personal property" and insert "granting or denying of an exemption
14 of real or personal property to the Tax Equalization and Review
15 Commission. If the Tax Commissioner or Property Tax Administrator
16 files such an appeal, the person, corporation, or organization
17 granted or denied the exemption by the county board of equalization
18 shall be made a party to the appeal and shall be issued a notice
19 of the appeal by the Tax Equalization and Review Commission within
20 thirty days after the appeal is filed"; and in line 6 before
21 "exemption" insert "granting or denying of an".

- 22 3. On page 18, line 5, strike "upon request" and show as
1 stricken; in line 6 after the period insert "Within seven days of
2 issuing a decision and order, the commission shall electronically
3 publish such decision and order on a web site maintained by the
4 commission that is accessible to the general public. The full
5 text of final decisions and orders entered after a hearing by
6 the commission or a panel of commissioners shall be published on
7 the web site. Final decisions and orders that are entered (a)
8 on a dismissal by the appellant or petitioner, (b) on a default
9 order when the appellant or petitioner failed to appear, or (c)
10 by agreement of the parties may be published on the web site in
11 a summary manner identifying the parties, the case number, and
12 the basis for the final decision and order."; and strike lines 18
13 through 23 and insert:

- 14 "(3) The Tax Commissioner or the Property Tax
15 Administrator shall have thirty days after a final decision of the
16 commission to appeal the commission's decision.".

Senator Avery filed the following amendment to LB1102:

FA70

Amend AM2234

Page 1, line 22 strike "one", insert "five".

Senator Avery filed the following amendment to LB1102:

FA71

Amend AM2234

Page 3, line 2 strike "five", insert "ten".

Senator Carlson filed the following amendment to LB862:

AM2441

(Amendments to Standing Committee amendments, AM2004)

- 1 1. Insert the following new section:
- 2 Sec. 3. Section 46-739.01, Revised Statutes Supplement,
- 3 2009, is amended to read:
- 4 46-739.01 (1) Notwithstanding any other provision of law,
- 5 no district shall approve a transfer of certified water uses
- 6 or certified irrigated acres or allow a ground water user or
- 7 landowner to participate in a financial or other incentive program
- 8 established pursuant to subsection (8) of section 46-739 unless
- 9 the person seeking such transfer or participation in such program
- 10 has submitted to the district a report of title issued by an
- 11 attorney or a registered abstractor, on a form prescribed by the
- 12 district, reflecting (a) the owner and legal description of the
- 13 land from which the certified water uses or certified irrigated
- 14 acres are to be transferred or which is the subject of such program
- 15 and (b) the existence of all liens, evidenced by the filing of
- 16 a mortgage, trust deed, or other equivalent consensual security
- 17 interest, against the land from which the certified water uses
- 18 or certified irrigated acres are to be transferred or which is
- 19 the subject of such program and the name and address of each
- 20 such lienholder, if any. If the report of title reflects the
- 21 existence of any lien evidenced by the filing of a mortgage, trust
- 22 deed, or other equivalent consensual security interest, written
- 1 consent to such transfer or participation in such program shall be
- 2 obtained from each such lienholder. The district may assess a fee
- 3 against the person seeking such transfer or participation in such
- 4 program to recoup its costs in reviewing the report of title. This
- 5 subsection does not apply to a transfer of certified water uses or
- 6 certified irrigated acres resulting from: A one-time transfer of
- 7 four acres or less; participation in a financial or other incentive
- 8 program that involves the transfer, purchase, or retirement of four
- 9 acres or less; or a transfer that involves one landowner on a
- 10 single tract of land in which there is no reduction or increase in
- 11 certified water uses or certified irrigated acres and the transfer
- 12 involves an improvement in irrigation efficiency.
- 13 (2) Approval of a transfer of certified water uses or
- 14 certified irrigated acres or authorization of a ground water user

15 or landowner to participate in such financial or other incentive
 16 program by a district shall not affect the rights of any lienholder
 17 who is not reflected in the report of title and from whom the
 18 required consent was not obtained. Such a lienholder may bring an
 19 action against the person seeking such transfer or participation
 20 in such program for damages or injunctive or other relief for any
 21 injury done to the lienholder's interest in land or use of ground
 22 water resulting from such transfer or participation.

23 (3) This section does not limit the right to resort to
 24 other means of review, redress, or relief provided by law.

25 2. Renumber the remaining sections and amend the repealer
 26 accordingly.

Senator Christensen filed the following amendment to LB1102:
 FA72

Amend AM2234

On page 1 line 16 after "require" and before "enough" add "a wait of 22
 minutes and".

Senator Langemeier filed the following amendment to LB1048:
 AM2413 is available in the Bill Room.

GENERAL FILE

LEGISLATIVE BILL 1103. Senator Conrad offered the following
 amendment to the committee amendment:
 AM2432

(Amendments to Standing Committee amendments, AM2063)

- 1 1. On page 2, strike lines 9 and 10; in line 11 strike
 2 "(6)" and insert "(5)"; in line 15 strike "(7)" and insert "(6)";
 3 strike lines 18 through 21; in line 22 strike "(9)" and insert
 4 "(7)"; and in line 25 strike "(10)" and insert "(8)".
- 5 2. On page 3, line 23; and page 4, line 3, strike
 6 "post-fertilization age" and insert "viability".
- 7 3. On page 4, strike beginning with "the" in line 8
 8 through "of" in line 9; and in lines 9 and 10 strike "twenty or
 9 "more weeks" and insert "viable".
- 10 4. On page 5, strike lines 9 through 14; in line 15
 11 strike "(c)" and insert "(a)"; in lines 15 and 24 strike "probable
 12 "post-fertilization age" and insert "unborn child"; in lines 16 and
 13 25 strike "twenty or more weeks" and insert "viable"; and in line
 14 23 strike "(d)" and insert "(b)".

The Conrad amendment lost with 5 ayes, 27 nays, 9 present and not voting,
 and 8 excused and not voting.

Senator Conrad offered the following amendment to the committee amendment:

AM2425

(Amendments to Standing Committee amendments, AM2063)

- 1 1. On page 2, strike beginning with "for" in line 3
- 2 through "function" in line 8 and insert "preserve her health".
- 3 2. On page 4, lines 13 and 14; and page 5, lines 19 and
- 4 20, strike "avert serious risk of substantial and irreversible
- 5 physical impairment of a major bodily function" and insert
- 6 "preserve her health".
- 7 3. On page 4, strike beginning with "No" in line 15
- 8 through the period in line 19; and strike beginning with the second
- 9 "the" in line 24 through line 27 and insert "damage to her health".
- 10 4. On page 5, strike lines 1 through 3.
- 11 5. On page 6, strike beginning with the third "the" in
- 12 line 3 through line 5 and insert "damage to her health".

The Conrad amendment lost with 6 ayes, 27 nays, 8 present and not voting, and 8 excused and not voting.

Senator Conrad offered the following amendment to the committee amendment:

AM2423

(Amendments to Standing Committee amendments, AM2063)

- 1 1. On page 2, line 4; page 4, lines 13 and 25; and page
- 2 6, line 4, strike "physical".
- 3 2. On page 2, strike beginning with "No" in line 5
- 4 through "function" in line 8.
- 5 3. On page 4, strike beginning with "No" in line 15
- 6 through the period in line 19; and strike beginning with "No" in
- 7 line 26 through line 27.
- 8 4. On page 5, strike lines 1 through 3.

The Conrad amendment lost with 5 ayes, 29 nays, 7 present and not voting, and 8 excused and not voting.

Senator Conrad offered the following amendment to the committee amendment:

AM2424

(Amendments to Standing Committee amendments, AM2063)

- 1 1. On page 2, strike beginning with "No" in line 5
- 2 through "function" in line 8.
- 3 2. On page 4, strike beginning with "No" in line 15
- 4 through line 27.
- 5 3. On page 5, strike lines 1 through 3.

The Conrad amendment lost with 6 ayes, 31 nays, 4 present and not voting, and 8 excused and not voting.

Senator Conrad offered the following amendment to the committee amendment:

AM2430

(Amendments to Standing Committee amendments, AM2063)

- 1 1. Insert the following new section:
- 2 Sec. 13. This act becomes operative on October 15, 2010.
- 3 2. On page 7, line 9, strike "effective" and insert
- 4 "operative".
- 5 3. Renumber the remaining section accordingly.

The Conrad amendment was adopted with 40 ayes, 0 nays, 3 present and not voting, and 6 excused and not voting.

Committee AM2063, found on page 978 and considered in this day's Journal, as amended, was renewed.

The committee amendment, as amended, was adopted with 38 ayes, 4 nays, 1 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 5 nays, and 6 excused and not voting.

VISITORS

Visitors to the Chamber were 38 twelfth-grade students and teachers from Centura High School, Cairo; and Jim, Wallis, and Drew Higley from Chicago, Illinois and Kathleen Higley from Lincoln.

The Doctor of the Day was Dr. Mike Myers from Lincoln.

ADJOURNMENT

At 8:53 p.m., on a motion by Speaker Flood, the Legislature adjourned until 9:00 a.m., Wednesday, March 31, 2010.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-SECOND DAY - MARCH 31, 2010**LEGISLATIVE JOURNAL****ONE HUNDRED FIRST LEGISLATURE
SECOND SESSION****FIFTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 31, 2010

PRAYER

The prayer was offered by Pastor Bruce Davis, Saint Andrew's United Methodist Church, Omaha.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Flood presiding.

The roll was called and all members were present except Senators Campbell, Cook, and Louden who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-first day was approved.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 712. Placed on Select File with amendment.
ER8225 is available in the Bill Room.

LEGISLATIVE BILL 1014. Placed on Select File with amendment.
ER8222

- 1 1. On page 1, strike beginning with "section" in line 1
- 2 through line 5 and insert "sections 79-1018.01 and 79-1035, Reissue
- 3 Revised Statutes of Nebraska, and section 79-1028.01, Revised
- 4 Statutes Supplement, 2009; to provide for teacher performance pay;
- 5 to change local system formula resources and maximum expenditures
- 6 for purposes of the Tax Equity and Educational Opportunities
- 7 Support Act; to change provisions relating to distribution of
- 8 school funds from school lands; and to repeal the original
- 9 sections.".

(Signed) Jeremy Nordquist, Chairperson

GENERAL FILE

LEGISLATIVE BILL 411. Title read. Considered.

Senator Coash withdrew his amendment, AM666, found on page 720, First Session, 2009.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 713. Title read. Considered.

Committee AM1687, found on page 447, was considered.

Senator Gloor renewed his amendment, AM1792, found on page 505, to the committee amendment.

The Gloor amendment was adopted with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

The committee amendment, as amended, was adopted with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 252. Title read. Considered.

Committee AM1761, found on page 447, was adopted with 37 ayes, 0 nays, 11 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 7 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 759. 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 760. 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.

LEGISLATIVE BILL 732. Title read. Considered.

SENATOR STUTHMAN PRESIDING

Committee AM1727, found on page 506, was adopted with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 1047. Title read. Considered.

Committee AM1812, found on page 507, was adopted with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 706. Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 15 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 696. Title read. Considered.

Committee AM1676, found on page 513, was considered.

Senator Langemeier offered the following amendment to the committee amendment:

AM2445

(Amendments to Standing Committee amendments, AM1676)

1. On page 5, line 2, after "Act" insert "and".

The Langemeier amendment was adopted with 28 ayes, 1 nay, 18 present and not voting, and 2 excused and not voting.

The committee amendment, as amended, was adopted with 32 ayes, 1 nay, 14 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 1 nay, 14 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 978. Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 792. Title read. Considered.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 695. Title read. Considered.

Committee AM1849, found on page 539, was adopted with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 11 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 986. Title read. Considered.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 8 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 997. Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

RESOLUTION**LEGISLATIVE RESOLUTION 540.** Introduced by Janssen, 15.

WHEREAS, John M. Dick was a distinguished resident of the city of Fremont; and

WHEREAS, John M. Dick served as mayor of Fremont from 1977 to 1980. He also served on the Fremont City Council and as chairman of the Fremont Board of Public Works from 1980 to 2010; and

WHEREAS, John M. Dick was an accomplished industrial engineer and an excellent husband and father; and

WHEREAS, John M. Dick passed away on March 27, 2010.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature expresses its gratitude for John M. Dick's service to his city and his state.

2. That the Legislature extends its sympathy to the family of John M. Dick.

3. That a copy of this resolution be sent to the family of John M. Dick.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 933. Title read. Considered.

Advanced to Enrollment and Review Initial with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 813. Title read. Considered.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 852. Title read. Considered.

Advanced to Enrollment and Review Initial with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 947. Title read. Considered.

Advanced to Enrollment and Review Initial with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 993. Title read. Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 1065. Title read. Considered.

Committee AM2046, found on page 735, was adopted with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 28 ayes, 1 nay, 13 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 829. Title read. Considered.

Advanced to Enrollment and Review Initial with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 934. Title read. Considered.

Advanced to Enrollment and Review Initial with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

UNANIMOUS CONSENT - Add Cointroducer

Senator Pirsch asked unanimous consent to add his name as cointroducer to LB801. No objections. So ordered.

CONFLICT OF INTEREST STATEMENT

Pursuant to Rule 1, Sec. 19, Senator Council has filed a Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act. The statement is on file in the Clerk of the Legislature's Office.

VISITORS

Visitors to the Chamber were Bob and Kathleen Brousek from Bellevue; 48 fourth-grade students and teachers from St. Michael Elementary, Hastings; 48 twelfth-grade students and teacher from Wilber/Clatonia; Barb Wenz from North Platte; 42 fourth-grade students and teachers from Arlington; Senator Fulton's brother, Justin Fulton, from Seward; members of the Nebraska Federation of Women's Clubs and a group of tenth-grade students from across the state; Senator Carlson's cousin, Frank Carlson, from Holdrege; and 46 fourth-grade students and teachers from Pershing Elementary, Lexington.

RECESS

At 12:03 p.m., on a motion by Senator Campbell, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Senator Rogert presiding.

ROLL CALL

The roll was called and all members were present except Senator Pahls who was excused; and Senators Avery, Cornett, and Hadley who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 872. Title read. Considered.

Committee AM1985, found on page 744, was adopted with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 884. Title read. Considered.

Committee AM1615, found on page 746, was considered.

PRESIDENT SHEEHY PRESIDING

The committee amendment was adopted with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 844. Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 908. Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 1055. Title read. Considered.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 758. Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 809. Title read. Considered.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 907. Title read. Considered.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 1085. Title read. Considered.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 894. Title read. Considered.

Committee AM1958, found on page 852, was adopted with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 789. Title read. Considered.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

BILL ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB1070 with 42 ayes, 1 nay, 5 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1070. With Emergency Clause.

A BILL FOR AN ACT relating to education; to amend sections 70-651.04, 77-1736.06, 77-3442, 79-527, 79-1007.05, 79-1036, 79-1242, 79-2111, 79-2112, and 79-2115, Reissue Revised Statutes of Nebraska, and sections 32-546.01, 79-528, 79-1073, 79-1073.01, 79-1241.03, 79-2104, and 79-2110, Revised Statutes Supplement, 2009; to change provisions relating to expense reimbursement for members of learning community coordinating councils, learning community tax levies, distribution of tax proceeds, school reporting, educational service unit funding, focus schools, focus programs, magnet schools, and elementary learning centers; to provide for use of certain funds received by learning communities as prescribed; to harmonize provisions; to provide a duty for the Revisor of Statutes; 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, 47:

Adams	Council	Hadley	Lautenbaugh	Schilz
Ashford	Dierks	Hansen	Louden	Stuthman
Avery	Dubas	Harms	McCoy	Sullivan
Campbell	Fischer	Heidemann	McGill	Utter
Carlson	Flood	Howard	Mello	Wallman
Christensen	Fulton	Janssen	Nelson	White
Coash	Gay	Karpisek	Nordquist	Wightman
Conrad	Giese	Krist	Pirsch	
Cook	Gloor	Langemeier	Price	
Cornett	Haar	Lathrop	Rogert	

Voting in the negative, 0.

Present and not voting, 1:

Pankonin

Excused and not voting, 1:

Pahls

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LB1070.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 428 and 429 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 428 and 429.

MOTION - Return LB1002 to Select File

Senator Loudon moved to return LB1002 to Select File for his specific amendment, AM2434, found on page 1195.

The Loudon motion to return prevailed with 44 ayes, 0 nays, 4 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 1002. The Louden specific amendment, AM2434, found on page 1195, was adopted with 41 ayes, 1 nay, 6 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

LEGISLATIVE BILL 1002A. Advanced to Enrollment and Review for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 987. Committee AM1778, found on page 490 and considered on page 548, lost with 9 ayes, 18 nays, 20 present and not voting, and 2 excused and not voting.

Senator Heidemann withdrew his amendments, AM1831 and AM1854, found on pages 522 and 542.

Senator Council renewed her motion, MO95, found on page 1164, to suspend Rule 7, Section 3(d) to permit consideration of AM2418.

Senator Janssen moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 1 nay, and 21 not voting.

Senator Council moved for a call of the house. The motion prevailed with 44 ayes, 0 nays, and 5 not voting.

Senator Council requested a roll call vote on her motion to suspend the rules.

Voting in the affirmative, 31:

Adams	Council	Haar	Langemeier	Wallman
Ashford	Dierks	Hadley	Lathrop	White
Campbell	Dubas	Hansen	Lautenbaugh	Wightman
Coash	Flood	Harms	McGill	
Conrad	Fulton	Howard	Mello	
Cook	Gay	Karpisek	Nordquist	
Cornett	Giese	Krist	Sullivan	

Voting in the negative, 8:

Fischer	Heidemann	Nelson	Stuthman
Gloor	Janssen	Schilz	Utter

Present and not voting, 6:

Carlson McCoy Pirsch
Christensen Pankonin Price

Excused and not voting, 4:

Avery Louden Pahls Rogert

The Council motion to suspend the rules prevailed with 31 ayes, 8 nays, 6 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Council renewed her amendment, AM2418, found on page 1164.

Senator Rogert moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

The Council amendment was adopted with 40 ayes, 1 nay, 6 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 3 nays, 6 present and not voting, and 2 excused and not voting.

AMENDMENTS - Print in Journal

Senator Adams filed the following amendment to LB1072:
AM2448

(Amendments to Standing Committee amendments, AM2194)

- 1 1. On page 29, line 3, after "areas" insert "for fiscal
- 2 years prior to fiscal year 2010-11".

Senator Lathrop filed the following amendment to LB563:
AM2365 is available in the Bill Room.

Senator Lathrop filed the following amendment to LB622:
AM2462 is available in the Bill Room.

NOTICE OF COMMITTEE HEARING

Business and Labor

Room 2102

Wednesday, April 7, 2010 1:00 p.m.

AM2462 to LB622

(Signed) Steve Lathrop, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 31, 2010, at 2:35 p.m. was the following: LB1070e.

(Signed) Jamie Kruse
Clerk of the Legislature's Office

COMMITTEE REPORT

Judiciary

The Judiciary Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Candice Batton - Crime Victim's Reparations Committee
Brenda Smith - Crime Victim's Reparations Committee

Aye: 8 Senators Ashford, Christensen, Coash, Council, Lathrop, Lautenbaugh, McGill, Rogert. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Brad Ashford, Chairperson

COMMITTEE REPORTS

Judiciary

LEGISLATIVE BILL 771. Placed on General File with amendment. AM2442

- 1 1. Strike original sections 2 to 9 and insert the
- 2 following new sections:
- 3 Sec. 2. Section 28-201, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 28-201 (1) A person shall be guilty of an attempt to
- 6 commit a crime if he or she:
- 7 (a) Intentionally engages in conduct which would
- 8 constitute the crime if the attendant circumstances were as he or
- 9 she believes them to be; or
- 10 (b) Intentionally engages in conduct which, under the
- 11 circumstances as he or she believes them to be, constitutes a
- 12 substantial step in a course of conduct intended to culminate in
- 13 his or her commission of the crime.
- 14 (2) When causing a particular result is an element of
- 15 the crime, a person shall be guilty of an attempt to commit the
- 16 crime if, acting with the state of mind required to establish
- 17 liability with respect to the attendant circumstances specified in
- 18 the definition of the crime, he or she intentionally engages in
- 19 conduct which is a substantial step in a course of conduct intended
- 20 or known to cause such a result.

21 (3) Conduct shall not be considered a substantial step
 22 under this section unless it is strongly corroborative of the
 23 defendant's criminal intent.

1 (4) Criminal attempt is:

2 (a) A Class II felony when the crime attempted is a Class
 3 I, ~~Class IA, or Class IB-IA, IB, IC, or ID~~ felony;

4 (b) A Class III felony when the crime attempted is a
 5 Class II felony;

6 (c) A Class IIIA felony when the crime attempted
 7 is ~~assault in the first degree under section 28-308, sexual~~
 8 ~~assault in the second degree under section 28-320, manufacturing,~~
 9 ~~distributing, delivering, dispensing, or possessing with intent to~~
 10 ~~manufacture, distribute, deliver, or dispense controlled substances~~
 11 ~~listed in Schedule I, II, or III of section 28-405 under section~~
 12 ~~28-416 except for an exceptionally hazardous drug, a violation of~~
 13 ~~subdivision (2)(b) of section 28-416, incest under section 28-703,~~
 14 ~~child abuse under subsection (5) of section 28-707, assault on an~~
 15 ~~officer in the second degree under section 28-930, or assault by~~
 16 a confined person with a deadly or dangerous weapon under section
 17 28-932;

18 (d) A Class IV felony when the crime attempted is a Class
 19 III felony not listed in subdivision (4)(c) of this section;

20 (e) A Class I misdemeanor when the crime attempted is a
 21 Class IIIA or Class IV felony;

22 (f) A Class II misdemeanor when the crime attempted is a
 23 Class I misdemeanor; and

24 (g) A Class III misdemeanor when the crime attempted is
 25 a Class II misdemeanor.

26 Sec. 3. Section 28-309, Revised Statutes Supplement,
 27 2009, is amended to read:

1 28-309 (1) A person commits the offense of assault in the
 2 second degree if he or she:

3 (a) Intentionally or knowingly causes bodily injury to
 4 another person with a dangerous instrument;

5 (b) Recklessly causes serious bodily injury to another
 6 person with a dangerous instrument; or

7 ~~(c)(i) While during confinement or legally confined~~
 8 ~~in a jail or an adult correctional or penal institution, (ii)~~
 9 ~~while otherwise in legal custody of the Department of Correctional~~
 10 ~~Services, or in any county jail, (iii) while committed as a~~
 11 ~~dangerous sex offender under the Sex Offender Commitment Act,~~
 12 unlawfully strikes or wounds another.

13 (2) Assault in the second degree shall be a Class III
 14 felony.

15 Sec. 4. Section 28-929, Revised Statutes Supplement,
 16 2009, is amended to read:

17 28-929 (1) A person commits the offense of assault on an
 18 officer in the first degree if he or she intentionally or knowingly
 19 causes serious bodily injury to

20 (a)(i) To a peace officer, a probation officer, or an
 21 employee of the Department of Correctional Services; or
 22 (ii) To an employee of the Department of Health and Human
 23 Services, if the person committing the offense is committed as a
 24 dangerous sex offender under the Sex Offender Commitment Act; and

25 (b) The offense is committed while such officer or
 26 employee is engaged in the performance of his or her official
 27 duties.

1 (2) Assault on an officer in the first degree shall be a
 2 Class ID felony.

3 Sec. 5. Section 28-930, Revised Statutes Supplement,
 4 2009, is amended to read:

5 28-930 (1) A person commits the offense of assault on an
 6 officer in the second degree if he or she:

7 (a) Intentionally or knowingly causes bodily injury with
 8 a dangerous instrument~~to~~

9 (i)(A) To a peace officer, a probation officer, or an
 10 employee of the Department of Correctional Services; or
 11 (B) To an employee of the Department of Health and Human
 12 Services, if the person committing the offense is committed as a
 13 dangerous sex offender under the Sex Offender Commitment Act; and

14 (ii) The offense is committed while such officer or
 15 employee is engaged in the performance of his or her official
 16 duties; or

17 (b) Recklessly causes bodily injury with a dangerous
 18 instrument;~~to~~

19 (i)(A) To a peace officer, a probation officer, or an
 20 employee of the Department of Correctional Services; or
 21 (B) To an employee of the Department of Health and Human
 22 Services, if the person committing the offense is committed as a
 23 dangerous sex offender under the Sex Offender Commitment Act; and

24 (ii) The offense is committed while such officer or
 25 employee is engaged in the performance of his or her official
 26 duties.

27 (2) Assault on an officer in the second degree shall be a
 1 Class II felony.

2 Sec. 6. Section 28-931, Reissue Revised Statutes of
 3 Nebraska, is amended to read:

4 28-931 (1) A person commits the offense of assault on an
 5 officer in the third degree if he or she intentionally, knowingly,
 6 or recklessly causes bodily injury~~to~~

7 (a)(i) To a peace officer, a probation officer, or an
 8 employee of the Department of Correctional Services; or

9 (ii) To an employee of the Department of Health and Human
 10 Services, if the person committing the offense is committed as a
 11 dangerous sex offender under the Sex Offender Commitment Act; and
 12 (b) The offense is committed while such officer or
 13 employee is engaged in the performance of his or her official
 14 duties.

15 (2) Assault on an officer in the third degree shall be a
16 Class IIIA felony.

17 Sec. 7. Section 28-931.01, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 28-931.01 (1) A person commits the offense of assault on
20 an officer using a motor vehicle if he or she intentionally and
21 knowingly causes bodily injury to

22 (a)(i) To a peace officer, a probation officer, or an
23 employee of the Department of Correctional Services; or

24 (ii) To an employee of the Department of Health and Human
25 Services ~~(a)-(A)~~ by using a motor vehicle to run over or to strike
26 such officer or employee or ~~(b)-(B)~~ by using a motor vehicle to
27 collide with such officer's or employee's motor vehicle, if the
1 person committing the offense is committed as a dangerous sex
2 offender under the Sex Offender Commitment Act; and

3 (b) The offense is committed while such officer or
4 employee is engaged in the performance of his or her duties.

5 (2) Assault on an officer using a motor vehicle shall be
6 a Class IIIA felony.

7 Sec. 8. Section 28-932, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 28-932 (1) Any person (a) who is legally confined in
10 a jail or an adult correctional or penal institution, (b) who
11 is otherwise in legal custody of the Department of Correctional
12 Services, or (c) who is committed as a dangerous sex offender under
13 the Sex Offender Commitment Act, and intentionally, knowingly, or
14 recklessly causes bodily injury to another person shall be guilty
15 of a Class IIIA felony, except that if a deadly or dangerous weapon
16 is used to commit such assault he or she shall be guilty of a Class
17 III felony.

18 (2) Sentences imposed under subsection (1) of this
19 section shall be consecutive to any sentence or sentences imposed
20 for violations committed prior to the violation of subsection (1)
21 of this section and shall not include any credit for time spent in
22 custody prior to sentencing unless the time in custody is solely
23 related to the offense for which the sentence is being imposed
24 under this section.

25 Sec. 9. Section 28-933, Reissue Revised Statutes of
26 Nebraska, is amended to read:

27 28-933 ~~(4)-(1)~~(a) Any person (i) who is legally confined
1 in a jail or an adult correctional or penal institution, (ii) who
2 is otherwise in legal custody of the Department of Correctional
3 Services, or (iii) who is committed as a dangerous sex offender
4 under the Sex Offender Commitment Act and (b) who commits ~~(a)~~
5 (i) assault in the first, second, or third degree as defined in
6 sections 28-308 to 28-310, ~~(b)~~(ii) terroristic threats as defined
7 in section 28-311.01, ~~(c)~~(iii) kidnapping as defined in section
8 28-313, or ~~(d)~~(iv) false imprisonment in the first or second
9 degree as defined in sections 28-314 and 28-315, against any person

10 for the purpose of compelling or inducing the performance of any
 11 act by such person or any other person shall be guilty of a Class
 12 II felony.

13 (2) Sentences imposed under subsection (1) of this
 14 section shall be served consecutive to any sentence or sentences
 15 imposed for violations committed prior to the violation of
 16 subsection (1) of this section and shall not include any credit
 17 for time spent in custody prior to sentencing unless the time in
 18 custody is solely related to the offense for which the sentence is
 19 being imposed under this section.

LEGISLATIVE RESOLUTION 411. Reported to the Legislature for further consideration.

(Signed) Brad Ashford, Chairperson

SELECT FILE

LEGISLATIVE BILL 1071. ER8199, found on page 953, was adopted.

Senator Adams withdrew his amendment, AM2323, found on page 1051.

Senator Adams renewed his amendment, AM2403, found on page 1165.

The Adams amendment was adopted with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

Senator Adams offered the following amendment:
 AM2460 is available in the Bill Room.

The Adams amendment was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 800. ER8201, found on page 970, was adopted.

Senator Karpisek asked unanimous consent to withdraw his amendment, AM2266, found on page 1031, and replace it with his substitute amendment, AM2461. No objections. So ordered.
 AM2461

(Amendments to E & R amendments, ER8201)

- 1 1. Insert the following new section:
- 2 Sec. 4. Section 28-416, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 28-416 (1) Except as authorized by the Uniform Controlled
- 5 Substances Act, it shall be unlawful for any person knowingly or
- 6 intentionally: (a) To manufacture, distribute, deliver, dispense,
- 7 or possess with intent to manufacture, distribute, deliver, or

8 dispense a controlled substance; or (b) to create, distribute,
9 or possess with intent to distribute a counterfeit controlled
10 substance.

11 (2) Except as provided in subsections (4), (5), (7), (8),
12 (9), and (10) of this section, any person who violates subsection

13 (1) of this section with respect to: (a) A controlled substance
14 classified in Schedule I, II, or III of section 28-405 which is an
15 exceptionally hazardous drug shall be guilty of a Class II felony;
16 (b) any other controlled substance classified in Schedule I, II, or
17 III of section 28-405 shall be guilty of a Class III felony; or (c)
18 a controlled substance classified in Schedule IV or V of section
19 28-405 shall be guilty of a Class IIIA felony.

20 (3) A person knowingly or intentionally possessing a
21 controlled substance, except marijuana, unless such substance was
22 obtained directly or pursuant to a medical order issued by a
1 practitioner authorized to prescribe while acting in the course of
2 his or her professional practice, or except as otherwise authorized
3 by the act, shall be guilty of a Class IV felony.

4 (4)(a) Except as authorized by the Uniform Controlled
5 Substances Act, any person eighteen years of age or older who
6 knowingly or intentionally manufactures, distributes, delivers,
7 dispenses, or possesses with intent to manufacture, distribute,
8 deliver, or dispense a controlled substance or a counterfeit
9 controlled substance (i) to a person under the age of eighteen
10 years, (ii) in, on, or within one thousand feet of the real
11 property comprising a public or private elementary, vocational, or
12 secondary school, a community college, a public or private college,
13 junior college, or university, or a playground, or (iii) within one
14 hundred feet of a public or private youth center, public swimming
15 pool, or video arcade facility shall be punished by the next higher
16 penalty classification than the penalty prescribed in subsection
17 (2), (7), (8), (9), or (10) of this section, depending upon the
18 controlled substance involved, for the first violation and for a
19 second or subsequent violation shall be punished by the next higher
20 penalty classification than that prescribed for a first violation
21 of this subsection, but in no event shall such person be punished
22 by a penalty greater than a Class IB felony.

23 (b) For purposes of this subsection:

24 (i) Playground shall mean any outdoor facility, including
25 any parking lot appurtenant to the facility, intended for
26 recreation, open to the public, and with any portion containing
27 three or more apparatus intended for the recreation of children,
1 including sliding boards, swingsets, and teeterboards;

2 (ii) Video arcade facility shall mean any facility
3 legally accessible to persons under eighteen years of age, intended
4 primarily for the use of pinball and video machines for amusement,
5 and containing a minimum of ten pinball or video machines; and

6 (iii) Youth center shall mean any recreational facility
7 or gymnasium, including any parking lot appurtenant to the facility

8 or gymnasium, intended primarily for use by persons under eighteen
9 years of age which regularly provides athletic, civic, or cultural
10 activities.

11 (5)(a) Except as authorized by the Uniform Controlled
12 Substances Act, it shall be unlawful for any person eighteen
13 years of age or older to knowingly and intentionally employ, hire,
14 use, cause, persuade, coax, induce, entice, seduce, or coerce any
15 person under the age of eighteen years to manufacture, transport,
16 distribute, carry, deliver, dispense, prepare for delivery, offer
17 for delivery, or possess with intent to do the same a controlled
18 substance or a counterfeit controlled substance.

19 (b) Except as authorized by the Uniform Controlled
20 Substances Act, it shall be unlawful for any person eighteen years
21 of age or older to knowingly and intentionally employ, hire, use,
22 cause, persuade, coax, induce, entice, seduce, or coerce any person
23 under the age of eighteen years to aid and abet any person in
24 the manufacture, transportation, distribution, carrying, delivery,
25 dispensing, preparation for delivery, offering for delivery, or
26 possession with intent to do the same of a controlled substance or
27 a counterfeit controlled substance.

1 (c) Any person who violates subdivision (a) or (b) of
2 this subsection shall be punished by the next higher penalty
3 classification than the penalty prescribed in subsection (2), (7),
4 (8), (9), or (10) of this section, depending upon the controlled
5 substance involved, for the first violation and for a second or
6 subsequent violation shall be punished by the next higher penalty
7 classification than that prescribed for a first violation of this
8 subsection, but in no event shall such person be punished by a
9 penalty greater than a Class IB felony.

10 (6) It shall not be a defense to prosecution for
11 violation of subsection (4) or (5) of this section that the
12 defendant did not know the age of the person through whom the
13 defendant violated such subsection.

14 (7) Any person who violates subsection (1) of this
15 section with respect to cocaine or any mixture or substance
16 containing a detectable amount of cocaine in a quantity of:

17 (a) One hundred forty grams or more shall be guilty of a
18 Class IB felony;

19 (b) At least twenty-eight grams but less than one hundred
20 forty grams shall be guilty of a Class IC felony; or

21 (c) At least ten grams but less than twenty-eight grams
22 shall be guilty of a Class ID felony.

23 (8) Any person who violates subsection (1) of this
24 section with respect to base cocaine (crack) or any mixture or
25 substance containing a detectable amount of base cocaine in a
26 quantity of:

27 (a) One hundred forty grams or more shall be guilty of a
1 Class IB felony;

- 2 (b) At least twenty-eight grams but less than one hundred
3 forty grams shall be guilty of a Class IC felony; or
- 4 (c) At least ten grams but less than twenty-eight grams
5 shall be guilty of a Class ID felony.
- 6 (9) Any person who violates subsection (1) of this
7 section with respect to heroin or any mixture or substance
8 containing a detectable amount of heroin in a quantity of:
- 9 (a) One hundred forty grams or more shall be guilty of a
10 Class IB felony;
- 11 (b) At least twenty-eight grams but less than one hundred
12 forty grams shall be guilty of a Class IC felony; or
- 13 (c) At least ten grams but less than twenty-eight grams
14 shall be guilty of a Class ID felony.
- 15 (10) Any person who violates subsection (1) of this
16 section with respect to amphetamine, its salts, optical isomers,
17 and salts of its isomers, or with respect to methamphetamine, its
18 salts, optical isomers, and salts of its isomers, in a quantity of:
- 19 (a) One hundred forty grams or more shall be guilty of a
20 Class IB felony;
- 21 (b) At least twenty-eight grams but less than one hundred
22 forty grams shall be guilty of a Class IC felony; or
- 23 (c) At least ten grams but less than twenty-eight grams
24 shall be guilty of a Class ID felony.
- 25 (11) Any person knowingly or intentionally possessing
26 marijuana weighing more than one ounce but not more than one pound
27 shall be guilty of a Class III misdemeanor.
- 1 (12) Any person knowingly or intentionally possessing
2 marijuana weighing more than one pound shall be guilty of a Class
3 IV felony.
- 4 (13) Any person knowingly or intentionally possessing
5 marijuana weighing one ounce or less shall:
- 6 (a) For the first offense, be guilty of an infraction,
7 receive a citation, be fined three hundred dollars, and be assigned
8 to attend a course as prescribed in section 29-433 if the judge
9 determines that attending such course is in the best interest of
10 the individual defendant;
- 11 (b) For the second offense, be guilty of a Class IV
12 misdemeanor, receive a citation, and be fined four hundred dollars
13 and may be imprisoned not to exceed five days; and
- 14 (c) For the third and all subsequent offenses, be guilty
15 of a Class IIIA misdemeanor, receive a citation, be fined five
16 hundred dollars, and be imprisoned not to exceed seven days.
- 17 (14) Any person convicted of violating this section,
18 if placed on probation, shall, as a condition of probation,
19 satisfactorily attend and complete appropriate treatment and
20 counseling on drug abuse provided by a program authorized under
21 the Nebraska Behavioral Health Services Act or other licensed drug
22 treatment facility.

23 (15) Any person convicted of violating this section, if
24 sentenced to the Department of Correctional Services, shall attend
25 appropriate treatment and counseling on drug abuse.

26 (16) Any person knowingly or intentionally possessing a
27 firearm while in violation of subsection (1) of this section shall
1 be punished by the next higher penalty classification than the
2 penalty prescribed in subsection (2), (7), (8), (9), or (10) of
3 this section, but in no event shall such person be punished by a
4 penalty greater than a Class IB felony.

5 (17) A person knowingly or intentionally in possession
6 of money used or intended to be used to facilitate a violation
7 of subsection (1) of this section shall be guilty of a Class IV
8 felony.

9 (18) In addition to the penalties provided in this
10 section:

11 (a) If the person convicted or adjudicated of violating
12 this section is eighteen years of age or younger and has one or
13 more licenses or permits issued under the Motor Vehicle Operator's
14 License Act:

15 (i) For the first offense, the court may, as a part of
16 the judgment of conviction or adjudication, (A) impound any such
17 licenses or permits for thirty days and (B) require such person to
18 attend a drug education class;

19 (ii) For a second offense, the court may, as a part of
20 the judgment of conviction or adjudication, (A) impound any such
21 licenses or permits for ninety days and (B) require such person
22 to complete no fewer than twenty and no more than forty hours of
23 community service and to attend a drug education class; and

24 (iii) For a third or subsequent offense, the court may,
25 as a part of the judgment of conviction or adjudication, (A)
26 impound any such licenses or permits for twelve months and (B)
27 require such person to complete no fewer than sixty hours of
1 community service, to attend a drug education class, and to submit
2 to a drug assessment by a licensed alcohol and drug counselor; and

3 (b) If the person convicted or adjudicated of violating
4 such section is eighteen years of age or younger and does not
5 have a permit or license issued under the Motor Vehicle Operator's
6 License Act:

7 (i) For the first offense, the court may, as part of the
8 judgment of conviction or adjudication, (A) prohibit such person
9 from obtaining any permit or any license pursuant to the act for
10 which such person would otherwise be eligible until thirty days
11 after the date of such order and (B) require such person to attend
12 a drug education class;

13 (ii) For a second offense, the court may, as part of the
14 judgment of conviction or adjudication, (A) prohibit such person
15 from obtaining any permit or any license pursuant to the act for
16 which such person would otherwise be eligible until ninety days
17 after the date of such order and (B) require such person to

18 complete no fewer than twenty hours and no more than forty hours of
19 community service and to attend a drug education class; and

20 (iii) For a third or subsequent offense, the court may,
21 as part of the judgment of conviction or adjudication, (A) prohibit
22 such person from obtaining any permit or any license pursuant
23 to the act for which such person would otherwise be eligible
24 until twelve months after the date of such order and (B) require
25 such person to complete no fewer than sixty hours of community
26 service, to attend a drug education class, and to submit to a drug
27 assessment by a licensed alcohol and drug counselor.

1 A copy of an abstract of the court's conviction or
2 adjudication shall be transmitted to the Director of Motor Vehicles
3 pursuant to sections 60-497.01 to 60-497.04.

4 2. Renumber the remaining sections, amend the repealer,
5 and correct internal references accordingly.

SENATOR SULLIVAN PRESIDING

The Karpisek amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Senator Ashford renewed his amendment, AM2385, found on page 1184.

The Ashford amendment was adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 800A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 849. ER8209, found on page 970, was adopted.

Senator Stuthman withdrew his amendment, AM2226, found on page 939.

Senator Gay renewed his amendment, AM2297, found on page 1015.

The Gay amendment was adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Senator Coash renewed his amendment, AM2431, found on page 1230.

The Coash amendment was adopted with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 862. Senator Carlson renewed his amendment, AM2441, found on page 1231.

SENATOR ROBERT PRESIDING

The Carlson amendment was adopted with 32 ayes, 1 nay, 10 present and not voting, and 6 excused and not voting.

Senator Christensen offered the following amendment:
AM2443

(Amendments to Standing Committee amendments, AM2004)

- 1 1. On page 1, line 14, after "intent" insert "in the
- 2 plan".
- 3 2. On page 3, line 5, strike "The district", show as
- 4 stricken, and insert "A district with an integrated management plan
- 5 as described in subsection (1) of section 2-3226.01".

The Christensen amendment was adopted with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 877. ER8188, found on page 768, was adopted.

Senator Cornett withdrew her amendment, AM2304, found on page 1050.

Senator Cornett renewed her amendment, AM2439, found on page 1230.

SENATOR SULLIVAN PRESIDING

The Cornett amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

RESOLUTION

LEGISLATIVE RESOLUTION 541. Introduced by Nelson, 6; Conrad, 46; Fulton, 29; Hansen, 42; Harms, 48; Heidemann, 1; Mello, 5; Nordquist, 7; Wightman, 36.

WHEREAS, pursuant to section 85-1415, the Board of Regents of the University of Nebraska has submitted to the Coordinating Commission for Postsecondary Education a request to issue revenue bonds in an amount not to exceed \$18,000,000 for the purchase of a 480-bed student housing complex with parking at the University of Nebraska at Omaha Pacific campus. The purchase price to be paid by the university is approximately \$15,670,000; and

WHEREAS, upon its review of the request, the Coordinating Commission for Postsecondary Education has recommended approval of the request by the Legislature; and

WHEREAS, the board has submitted the request to the Legislature for its approval in accordance with sections 85-404 and 85-1415.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That pursuant to section 85-404, the Legislature approves the request for the issuance of revenue bonds in an amount not to exceed \$18,000,000 for the purchase of a 480-bed student housing complex with parking at the University of Nebraska at Omaha Pacific campus.

Laid over.

AMENDMENT - Print in Journal

Senator Council filed the following amendment to LB712:
AM2465

(Amendments to E & R amendments, ER8225)

- 1 1. Insert the following new section:
- 2 Sec. 36. Section 47-502, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 47-502 Any person sentenced to a city or county jail
- 5 shall, after the fifteenth day of his or her confinement, have his
- 6 or her term reduced ~~seven days for each fourteen consecutive days~~
- 7 one day for each day of his or her sentence during which he or she
- 8 has not committed any breach of discipline or other violation of
- 9 jail regulations. ~~The reductions authorized by this section shall~~
- 10 ~~be granted at the end of each period of fourteen days, with such~~
- 11 ~~periods to run consecutively from the date of confinement following~~
- 12 ~~sentencing.~~
- 13 2. On page 47, line 19, strike "and 43" and insert "41,
- 14 and 44".
- 15 3. On page 48, line 2, after "43-3330," insert "47-502,".
- 16 4. Renumber the remaining sections and correct internal
- 17 references accordingly.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 779A. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 779, One Hundred First Legislature, Second Session, 2010.

SELECT FILE

LEGISLATIVE BILL 801. ER8216, found on page 1021, was adopted.

Senator Fulton offered the following amendment:

AM2447

(Amendments to E & R amendments, ER8216)

- 1 1. On page 1, after line 6, insert the following new
2 subdivision:
3 "(1) Access software provider means a provider of
4 software, including client or server software, or enabling tools
5 that do any one or more of the following: (a) Filter, screen,
6 allow, or disallow content; (b) pick, choose, analyze, or digest
7 content; or (c) transmit, receive, display, forward, cache, search,
8 subset, organize, reorganize, or translate content;"; in line 7
9 strike "(1)" and insert "(2)"; in line 17 strike "(2)" and insert
10 "(3)"; in line 20 strike "(3)" and insert "(4)"; after line 22
11 insert the following new subdivision:
12 "(5) Cable operator means any person or group of persons
13 (a) who provides cable service over a cable system and directly or
14 through one or more affiliates owns a significant interest in such
15 cable system or (b) who otherwise controls or is responsible for,
16 through any arrangement, the management and operation of such a
17 cable system;"; and in line 23, strike "(4)" and insert "(6)".
18 2. On page 2, line 7, strike "(5)" and insert "(7)"; in
19 line 12 strike "(6)" and insert "(8)"; in line 16 strike "(7)" and
20 insert "(9)"; in line 18 strike "(8)" and insert "(10)"; and in
21 line 24 strike "(9)" and insert "(11)".
22 3. On page 3, line 12, strike "(10)" and insert "(12)";
1 after line 18 insert the following new subdivisions:
2 "(13) Information content provider means any person or
3 entity that is responsible, in whole or in part, for the creation
4 or development of information provided through the Internet or any
5 other interactive computer service;
6 (14) Interactive computer service means any information
7 service, system, or access software provider that provides or
8 enables computer access by multiple users to a computer server,
9 including specifically a service or system that provides access
10 to the Internet and such systems operated or services offered by
11 libraries or educational institutions;"; in line 19 strike "(11)"
12 and insert "(15)"; and in line 23 strike "(12)" and insert "(16)".
13 4. On page 4, line 1, strike "(13)" and insert "(17)"; in
14 line 9 strike "(14)" and insert "(18)"; in line 12 strike "(15)"
15 and insert "(19)"; strike lines 19 through 23; and in line 24
16 strike "(17)" and insert "(20)".
17 5. On page 5, line 9, strike "(18)" and insert "(21)"; in
18 line 19 strike "(19)" and insert "(22)"; after line 21 insert the
19 following new subdivision:

20 "(23) Telecommunications service means the offering of
 21 telecommunications for a fee directly to the public, or to such
 22 classes of users as to be effectively available directly to the
 23 public, regardless of the facilities used;"; in line 22 strike
 24 "(20)" and insert "(24)"; strike line 26; and in line 27 strike
 25 "(21)" and insert "(25)".

26 6. On page 6, line 4, strike the period, reinstate the
 27 stricken semicolon, and after the semicolon insert "and"; and after
 1 line 4 insert the following new subdivision:

2 "(26) Use or promote the use of, for purposes of
 3 subdivision (a)(12) of section 87-302, means contrive, prepare,
 4 establish, plan, operate, advertise, or otherwise induce or attempt
 5 to induce another person to participate in a pyramid promotional
 6 scheme, including a pyramid promotional scheme run through the
 7 Internet, email, or other electronic communications.".

8 7. On page 11, after line 22, insert the following new
 9 subsection:

10 "(e) Subdivision (a)(12) of section 87-302 shall not
 11 be construed to authorize a civil action against an interactive
 12 computer service, provider of telecommunications service, or cable
 13 operator for the actions of an information content provider.".

The Fulton amendment was adopted with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1094. ER8217, found on page 1021, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1094A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 842. Senator Council renewed her amendment, AM2301, found on page 1053.

Senator Council moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Senator Council requested a roll call vote on her amendment.

Voting in the affirmative, 17:

Avery	Cornett	Howard	Mello	White
Campbell	Council	Krist	Nordquist	
Conrad	Dubas	Lathrop	Sullivan	
Cook	Haar	McGill	Wallman	

Voting in the negative, 22:

Adams	Fulton	Janssen	Nelson	Utter
Carlson	Giese	Karpisek	Pankonin	Wightman
Christensen	Gloor	Langemeier	Price	
Coash	Hadley	Lautenbaugh	Schilz	
Fischer	Harms	McCoy	Stuthman	

Present and not voting, 8:

Ashford	Flood	Hansen	Pirsch
Dierks	Gay	Heidemann	Rogert

Excused and not voting, 2:

Louden	Pahls
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The Council amendment lost with 17 ayes, 22 nays, 8 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 950. ER8219, found on page 1049, was adopted.

Senator Pankonin renewed his amendment, AM2353, found on page 1131.

The Pankonin amendment was adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

AMENDMENTS - Print in Journal

Senator Langemeier filed the following amendment to LB1048:
AM2459 is available in the Bill Room.

Senator Dierks filed the following amendment to LB594:
AM2386

(Amendments to E & R amendments, ER8220)

- 1 1. On page 15, line 25, strike "such section", show
- 2 as stricken, and insert "subdivision (1), (2), (3), (7), or
- 3 (8) of section 28-327"; and in line 26 strike beginning with
- 4 "certification" through "subdivision", show as stricken, and insert
- 5 "certifications prescribed by subdivisions (4) and".

EASE

The Legislature was at ease from 5:52 p.m. until 5:55 p.m.

SELECT FILE

LEGISLATIVE BILL 510. Senator Pirsch withdrew his amendment, AM2372, found on page 1111.

Senator Ashford withdrew his amendment, AM2377, found on page 1115.

Senator Ashford withdrew his motion, MO94, found on page 1115, to bracket until April 14, 2010.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 510A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1010. ER8210, found on page 975, was adopted.

Senator Pankonin renewed his amendment, AM2249, found on page 945.

The Pankonin amendment was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 945. Senator Rogert renewed his amendment, AM2121, found on page 940.

SENATOR JANSSEN PRESIDING

Senator Wightman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 1 nay, and 19 not voting.

The Rogert amendment was adopted with 25 ayes, 16 nays, 5 present and not voting, and 3 excused and not voting.

Senator Rogert withdrew his amendment, AM2367, found on page 1111.

Senator Stuthman requested a machine vote on the advancement of the bill.

Advanced to Enrollment and Review for Engrossment with 34 ayes, 9 nays, 3 present and not voting, and 3 excused and not voting.

MOTION - Print in Journal

Senator Council filed the following motion to LB510:
MO97
Recommit to Judiciary Committee.

VISITORS

Visitors to the Chamber were 44 fourth-grade students and teachers from Hayward Elementary, Nebraska City; and Senator Dubas' daughter, Deanna Ebmeier, from Lincoln.

ADJOURNMENT

At 7:32 p.m., on a motion by Senator Mello, the Legislature adjourned until 9:00 a.m., Thursday, April 1, 2010.

Patrick J. O'Donnell
Clerk of the Legislature

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

FIFTY-FOURTH DAY - APRIL 6, 2010
LEGISLATIVE JOURNAL
ONE HUNDRED FIRST LEGISLATURE
SECOND SESSION
FIFTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 6, 2010

PRAYER

The prayer was offered by Pastor Mary Ellen Gaither, First Presbyterian Church, Humboldt.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Senator Carlson presiding.

The roll was called and all members were present except Senators Gay, Haar, Heidemann, and Loudon who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-third day was approved.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 852. Placed on Select File.

LEGISLATIVE BILL 947. Placed on Select File.

LEGISLATIVE BILL 993. Placed on Select File.

LEGISLATIVE BILL 1065. Placed on Select File with amendment.

ER8232

1. On page 1, line 1, strike "motor".

LEGISLATIVE BILL 829. Placed on Select File.

LEGISLATIVE BILL 934. Placed on Select File.

LEGISLATIVE BILL 872. Placed on Select File.

LEGISLATIVE BILL 884. Placed on Select File with amendment.

ER8231

1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 29-431, Reissue Revised Statutes of

4 Nebraska, is amended to read:

5 29-431 As used in sections 28-416, 29-422, 29-424,
6 29-425, ~~and 29-431 to 29-434, and 48-1231~~, unless the context
7 otherwise requires, ~~infraction shall mean means~~ the violation of
8 any law, ordinance, order, rule, or regulation, not including
9 those related to traffic, which is not otherwise declared to
10 be a misdemeanor or a felony. ~~Infraction shall include includes~~
11 violations of section 60-6,267.

12 Sec. 2. Section 48-1230, Revised Statutes Cumulative
13 Supplement, 2008, is amended to read:

14 48-1230 (1) Except as otherwise provided in this section,
15 each employer shall pay all wages due its employees on regular
16 days designated by the employer or agreed upon by the employer and
17 employee. Thirty days' written notice shall be given to an employee
18 before regular paydays are altered by an employer. An employer
19 may deduct, withhold, or divert a portion of an employee's wages
20 only when the employer is required to or may do so by state or
21 federal law or by order of a court of competent jurisdiction or
22 the employer has written agreement with the employee to deduct,
23 withhold, or divert.

1 (2) Within ten working days after a written request is
2 made by an employee, an employer shall furnish such employee with
3 an itemized statement listing the wages earned and the deductions
4 made from the employee's wages under subsection (1) of this section
5 for each pay period that earnings and deductions were made. The
6 statement may be in print or electronic format.

7 ~~(2)-(3)~~ Except as otherwise provided in section
8 48-1230.01:

9 (a) Whenever an employer, other than a political
10 subdivision, separates an employee from the payroll, the unpaid
11 wages shall become due on the next regular payday or within two
12 weeks of the date of termination, whichever is sooner; and

13 (b) Whenever a political subdivision separates an
14 employee from the payroll, the unpaid wages shall become due within
15 two weeks of the next regularly scheduled meeting of the governing
16 body of the political subdivision if such employee is separated
17 from the payroll at least one week prior to such meeting, or if an
18 employee of a political subdivision is separated from the payroll
19 less than one week prior to the next regularly scheduled meeting of
20 the governing body of the political subdivision, the unpaid wages
21 shall be due within two weeks of the following regularly scheduled
22 meeting of the governing body of the political subdivision.

23 Sec. 3. Section 48-1231, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 48-1231 (1) An employee having a claim for wages which
26 are not paid within thirty days of the regular payday designated or
27 agreed upon may institute suit for such unpaid wages in the proper
1 court. If an employee establishes a claim and secures judgment on
2 the claim, such employee shall be entitled to recover ~~(1)-(a)~~ the

3 full amount of the judgment and all costs of such suit and ~~(2)~~(b)
 4 if such employee has employed an attorney in the case, an amount
 5 for attorney's fees assessed by the court, which fees shall not be
 6 less than twenty-five percent of the unpaid wages. If the cause is
 7 taken to an appellate court and the plaintiff recovers a judgment,
 8 the appellate court shall tax as costs in the action, to be paid
 9 to the plaintiff, an additional amount for attorney's fees in such
 10 appellate court, which fees shall not be less than twenty-five
 11 percent of the unpaid wages. If the employee fails to recover a
 12 judgment in excess of the amount that may have been tendered within
 13 thirty days of the regular payday by an employer, such employee
 14 shall not recover the attorney's fees provided by this section. If
 15 the court finds that no reasonable dispute existed as to the fact
 16 that wages were owed or as to the amount of such wages, the court
 17 may order the employee to pay the employer's attorney's fees and
 18 costs of the action as assessed by the court.

19 (2) An employer who fails to furnish an itemized
 20 statement requested by an employee under subsection (2) of section
 21 48-1230 shall be guilty of an infraction as defined in section
 22 29-431 and shall be subject to a fine pursuant to section 29-436.

23 Sec. 4. Section 48-1232, Revised Statutes Cumulative
 24 Supplement, 2008, is amended to read:

25 48-1232 If an employee establishes a claim and secures
 26 judgment on such claim under subsection (1) of section 48-1231: (1)
 27 An amount equal to the judgment may be recovered from the employer;
 1 or (2) if the nonpayment of wages is found to be willful, an amount
 2 equal to two times the amount of unpaid wages shall be recovered
 3 from the employer. Any amount recovered pursuant to subdivision (1)
 4 or (2) of this section shall be remitted to the State Treasurer
 5 for distribution in accordance with Article VII, section 5, of the
 6 Constitution of Nebraska.

7 Sec. 5. Original sections 29-431 and 48-1231, Reissue
 8 Revised Statutes of Nebraska, and sections 48-1230 and 48-1232,
 9 Revised Statutes Cumulative Supplement, 2008, are repealed.

10 2. On page 1, line 1, strike "section" and insert
 11 "sections 29-431 and"; and in line 6 strike "remedy" and insert
 12 "penalty".

LEGISLATIVE BILL 844. Placed on Select File.

LEGISLATIVE BILL 908. Placed on Select File.

LEGISLATIVE BILL 1055. Placed on Select File with amendment.

ER8236

- 1 1. On page 1, line 1, after the first "to" insert "the";
- 2 and in line 5 strike "alphabetize" and insert "reorganize".
- 3 2. On page 12, line 4, strike "(a)" and show as stricken;
- 4 in line 5 after "she" insert "(a)"; and in line 15, after
- 5 "unemployment" insert "compensation".

LEGISLATIVE BILL 758. Placed on Select File.

LEGISLATIVE BILL 809. Placed on Select File.

LEGISLATIVE BILL 907. Placed on Select File.

LEGISLATIVE BILL 1085. Placed on Select File.

LEGISLATIVE BILL 894. Placed on Select File with amendment.
ER8235

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 28-101, Revised Statutes Supplement,
- 4 2009, is amended to read:
- 5 28-101 Sections 28-101 to 28-1356 and section 3 of this
- 6 act shall be known and may be cited as the Nebraska Criminal Code.
- 7 Sec. 2. Section 28-511.01, Reissue Revised Statutes of
- 8 Nebraska, is amended to read:
- 9 28-511.01 (1) A person commits the crime of theft by
- 10 shoplifting when he or she, with the intent of appropriating goods
- 11 or merchandise to his or her own use without paying for the ~~same~~
- 12 goods or merchandise or to deprive the owner of possession of such
- 13 property-goods or merchandise or its retail value, in whole or in
- 14 part, does any of the following:
- 15 (a) Conceals or takes possession of the goods or
- 16 merchandise of any store or retail establishment;
- 17 (b) Alters the price tag or other price marking on goods
- 18 or merchandise of any store or retail establishment;
- 19 (c) Transfers the goods or merchandise of any store or
- 20 retail establishment from one container to another;
- 21 (d) Interchanges the label or price tag from one item of
- 22 a good or of merchandise with a label or price tag for another item
- 23 of a good or of merchandise; ~~or~~
- 1 (e) Causes the cash register or other sales recording
- 2 device to reflect less than the retail price of the goods or
- 3 merchandise; ~~or~~
- 4 (f) Alters, bypasses, disables, shields, or removes any
- 5 security or alarm device attached to or housing any goods or
- 6 merchandise of any store, including the use or possession of a
- 7 security device countermeasure as defined in section 3 of this act,
- 8 prior to purchase of the goods or merchandise.
- 9 (2) In any prosecution for theft by shoplifting,
- 10 photographs of the shoplifted property may be accepted as prima
- 11 facie evidence as to the identity of the property. Such photograph
- 12 shall be accompanied by a written statement containing the
- 13 following:
- 14 (a) A description of the property;
- 15 (b) The name of the owner or owners of the property;
- 16 (c) The time, date, and location where the shoplifting
- 17 occurred;
- 18 (d) The time and date the photograph was taken;

19 (e) The name of the photographer; and

20 (f) Verification by the arresting officer.

21 The purpose of this subsection is to allow the owner
22 or owners of shoplifted property the use of such property during
23 pending criminal prosecutions.

24 Prior to allowing the use of the shoplifted property as
25 provided in this section, legal counsel for the alleged shoplifter
26 shall have a reasonable opportunity to inspect and appraise the
27 property and may file a motion for retention of the property,
1 which motion shall be granted if there is any reasonable basis for
2 believing that the photographs and accompanying affidavit may be
3 misleading.

4 Sec. 3. (1) It shall be unlawful for any person, other
5 than an authorized agent of a store or retail establishment, to
6 possess, in that store, any security device countermeasure.

7 (2) For purposes of this section, security device
8 countermeasure means a device which bypasses, disables, or removes
9 an electronic or magnetic theft alarm sensor.

10 (3) Any person violating this section is guilty of a
11 Class II misdemeanor.

12 Sec. 4. Original section 28-511.01, Reissue Revised
13 Statutes of Nebraska, and section 28-101, Revised Statutes
14 Supplement, 2009, are repealed.

LEGISLATIVE BILL 789. Placed on Select File.

LEGISLATIVE BILL 987. Placed on Select File with amendment.
ER8234

1 1. On page 1, strike beginning with "veterans" in line 1
2 through line 5 and insert "the Department of Economic Development;
3 to create the Lead-Based Paint Hazard Control Program; to state
4 intent; to provide duties; and to provide a termination date.".

LEGISLATIVE BILL 563A. Placed on Select File.

LEGISLATIVE BILL 779A. Placed on Select File.

(Signed) Jeremy Nordquist, Chairperson

MESSAGE FROM THE GOVERNOR

April 5, 2010

Patrick J. O'Donnell
 Clerk of the Legislature
 State Capitol, Room 2018
 Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 728, 742, 836, 879e, 882, 937e, 937Ae, 951, 951A, 956e, 1018, and 1057e were received in my office on March 30, 2010.

Engrossed Legislative Bill 1070e was received in my office on March 31, 2010.

These bills were signed and delivered to the Secretary of State on April 5, 2010.

Sincerely,
 (Signed) Dave Heineman
 Governor

MOTION - Approve Appointments

Senator Ashford moved the adoption of the Judiciary Committee report for the confirmation of the following appointment(s) found on page 1246:

Crime Victim's Reparations Committee

Candice Batton

Brenda Smith

Voting in the affirmative, 41:

Adams	Council	Harms	McGill	Stuthman
Ashford	Dierks	Howard	Mello	Sullivan
Avery	Dubas	Janssen	Nelson	Utter
Campbell	Fischer	Karpisek	Pahls	Wallman
Carlson	Fulton	Krist	Pankonin	White
Coash	Giese	Langemeier	Pirsch	
Conrad	Gloor	Lathrop	Price	
Cook	Hadley	Lautenbaugh	Rogert	
Cornett	Hansen	McCoy	Schilz	

Voting in the negative, 0.

Present and not voting, 4:

Christensen	Flood	Nordquist	Wightman
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Excused and not voting, 4:

Gay Haar Heidemann Louden

The appointments were confirmed with 41 ayes, 0 nays, 4 present and not voting, and 4 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 987A. Title read. Considered.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 507A. Title read. Considered.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 8 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 1048. ER8211, found on page 979, was adopted.

Senator Langemeier withdrew his amendment, AM2413, found on page 1232.

Senator Langemeier renewed his amendment, AM2459, found on page 1260.

The Langemeier amendment was adopted with 39 ayes, 0 nays, and 10 present and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1048A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 861. ER8212, found on page 980, was adopted.

Senator Karpisek renewed his amendment, AM2287, found on page 1029.

The Karpisek amendment was adopted with 35 ayes, 0 nays, and 14 present and not voting.

Senator Coash renewed his amendment, AM2163, found on page 943.

Senator Janssen moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 8 nays, and 13 not voting.

The Coash amendment was adopted with 33 ayes, 10 nays, and 6 present and not voting.

Senator Christensen offered the following amendment:

FA73

On page 1 line 19 strike 60% and add 2/3.

The Christensen amendment was adopted with 27 ayes, 2 nays, 19 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 961. ER8213, found on page 980, was adopted.

Senator Council renewed her amendment, AM2311, found on page 1053.

The Council amendment was adopted with 39 ayes, 0 nays, 9 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

RESOLUTIONS

LEGISLATIVE RESOLUTION 544. Introduced by Harms, 48; Schilz, 47.

WHEREAS, Jeremy Stevens, a history-education major at Western Nebraska Community College in Sidney, was named to the Phi Theta Kappa 2010 All-Nebraska Academic Team; and

WHEREAS, Phi Theta Kappa is the international honor society for two-year colleges, symbolizing excellence in higher education and a commitment to students; and

WHEREAS, the words Phi Theta Kappa in Greek mean wisdom, aspiration, and purity; and

WHEREAS, students must have a grade point average of 3.5 or higher to be invited to join Phi Theta Kappa; and

WHEREAS, Phi Theta Kappa introduced State Academic Teams in 1994 as a way to provide scholastic recognition to members while promoting excellence at two-year colleges; and

WHEREAS, the Phi Theta Kappa 2010 All-Nebraska Academic Team recognizes the state's two-year college scholars by saluting their academic achievement, leadership, and service; and

WHEREAS, Nebraska honored the Phi Theta Kappa 2010 All-Nebraska Academic Team with a special ceremony at the State Capitol on March 31, 2010.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates Jeremy Stevens for being named to the Phi Theta Kappa 2010 All-Nebraska Academic Team.

2. That a copy of this resolution be sent to Jeremy Stevens.

Laid over.

LEGISLATIVE RESOLUTION 545. Introduced by Harms, 48; Schilz, 47.

WHEREAS, Heather Bobo, a business administration major at Western Nebraska Community College in Sidney, was named to the Phi Theta Kappa 2010 All-Nebraska Academic Team; and

WHEREAS, Phi Theta Kappa is the international honor society for two-year colleges, symbolizing excellence in higher education and a commitment to students; and

WHEREAS, the words Phi Theta Kappa in Greek mean wisdom, aspiration, and purity; and

WHEREAS, students must have a grade point average of 3.5 or higher to be invited to join Phi Theta Kappa; and

WHEREAS, Phi Theta Kappa introduced State Academic Teams in 1994 as a way to provide scholastic recognition to members while promoting excellence at two-year colleges; and

WHEREAS, the Phi Theta Kappa 2010 All-Nebraska Academic Team recognizes the state's two-year college scholars by saluting their academic achievement, leadership, and service; and

WHEREAS, Nebraska honored the Phi Theta Kappa 2010 All-Nebraska Academic Team with a special ceremony at the State Capitol on March 31, 2010.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates Heather Bobo for being named to the Phi Theta Kappa 2010 All-Nebraska Academic Team.

2. That a copy of this resolution be sent to Heather Bobo.

Laid over.

LEGISLATIVE RESOLUTION 546. Introduced by Harms, 48.

WHEREAS, Rebecca Bell, a business administration-accounting major at Western Nebraska Community College in Scottsbluff, was named to the Phi Theta Kappa 2010 All-Nebraska Academic Team; and

WHEREAS, Phi Theta Kappa is the international honor society for two-year colleges, symbolizing excellence in higher education and a commitment to students; and

WHEREAS, the words Phi Theta Kappa in Greek mean wisdom, aspiration, and purity; and

WHEREAS, students must have a grade point average of 3.5 or higher to be invited to join Phi Theta Kappa; and

WHEREAS, Phi Theta Kappa introduced State Academic Teams in 1994 as a way to provide scholastic recognition to members while promoting excellence at two-year colleges; and

WHEREAS, the Phi Theta Kappa 2010 All-Nebraska Academic Team recognizes the state's two-year college scholars by saluting their academic achievement, leadership, and service; and

WHEREAS, Nebraska honored the Phi Theta Kappa 2010 All-Nebraska Academic Team with a special ceremony at the State Capitol on March 31, 2010.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates Rebecca Bell for being named to the Phi Theta Kappa 2010 All-Nebraska Academic Team.

2. That a copy of this resolution be sent to Rebecca Bell.

Laid over.

LEGISLATIVE RESOLUTION 547. Introduced by Harms, 48.

WHEREAS, Amber Kistler, a general studies major at Western Nebraska Community College in Scottsbluff, was named to the Phi Theta Kappa 2010 All-Nebraska Academic Team; and

WHEREAS, Phi Theta Kappa is the international honor society for two-year colleges, symbolizing excellence in higher education and a commitment to students; and

WHEREAS, the words Phi Theta Kappa in Greek mean wisdom, aspiration, and purity; and

WHEREAS, students must have a grade point average of 3.5 or higher to be invited to join Phi Theta Kappa; and

WHEREAS, Phi Theta Kappa introduced State Academic Teams in 1994 as a way to provide scholastic recognition to members while promoting excellence at two-year colleges; and

WHEREAS, the Phi Theta Kappa 2010 All-Nebraska Academic Team recognizes the state's two-year college scholars by saluting their academic achievement, leadership, and service; and

WHEREAS, Nebraska honored the Phi Theta Kappa 2010 All-Nebraska Academic Team with a special ceremony at the State Capitol on March 31, 2010.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates Amber Kistler for being named to the Phi Theta Kappa 2010 All-Nebraska Academic Team.

2. That a copy of this resolution be sent to Amber Kistler.

Laid over.

AMENDMENT - Print in Journal

Senator Heidemann filed the following amendment to LB987A:
AM2444

- 1 1. On page 2, line 23, strike the new matter and
- 2 reinstate the stricken matter.

UNANIMOUS CONSENT - Add Cointroducer

Senator Cook asked unanimous consent to add her name as cointroducer to LB987. No objections. So ordered.

VISITORS

Visitors to the Chamber were members of 155th Air Refueling Wing, Nebraska Air National Guard; 20 fourth-grade students and teacher from Wildwood Elementary, Ralston; Beth Boyle and Kathy Lodl from Scribner; members of Heartland Family Services from Omaha; and Senator Giese's parents, Bob and Pat Giese, from South Sioux City.

RECESS

At 11:54 a.m., on a motion by Senator Fischer, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Sheehy presiding.

ROLL CALL

The roll was called and all members were present except Senators Gay, Heidemann, Lathrop, Loudon, and Schilz who were excused until they arrive.

CONFLICT OF INTEREST STATEMENT

Pursuant to Rule 1, Sec. 19, Senator Pirsch has filed a Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act. The statement is on file in the Clerk of the Legislature's Office.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LR 441, 455, 456, 457, 458, 476, 480, 529, 530, 531, 532, and 537 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 441, 455, 456, 457, 458, 476, 480, 529, 530, 531, 532, and 537.

SELECT FILE

LEGISLATIVE BILL 411. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 713. ER8226, found on page 1280, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 252. ER8230, found on page 1282, was adopted.

Senator Cornett offered the following amendment:
AM2451

(Amendments to Standing Committee amendments, AM1761)

- 1 1. Strike section 2 and insert the following new section:
- 2 Sec. 2. (1) No person shall knowingly or intentionally
- 3 own or possess animal fighting paraphernalia with the intent to
- 4 commit a violation of section 28-1005.
- 5 (2)(a) For purposes of this section, except as
- 6 provided in subdivision (b) of this subsection, animal fighting
- 7 paraphernalia means equipment, products, and materials of any
- 8 kind that are used, intended for use, or designed for use in
- 9 the training, preparation, conditioning, or furtherance of the
- 10 pitting of an animal against another as defined in section 28-1004.
- 11 Animal fighting paraphernalia includes, but is not limited to, the
- 12 following:
- 13 (i) A breaking stick, which means a device designed for
- 14 insertion behind the molars of a dog for the purpose of breaking
- 15 the dog's grip on another animal or object;
- 16 (ii) A cat mill, which means a device that rotates around
- 17 a central support with one arm designed to secure a dog and one arm
- 18 designed to secure a cat, rabbit, or other small animal beyond the
- 19 grasp of the dog;
- 20 (iii) A treadmill, which means an exercise device
- 21 consisting of an endless belt on which the animal walks or runs
- 22 without changing place;
- 1 (iv) A fighting pit, which means a walled area designed
- 2 to contain an animal fight;
- 3 (v) A springpole, which means a biting surface attached
- 4 to a stretchable device, suspended at a height sufficient to
- 5 prevent a dog from reaching the biting surface while touching the
- 6 ground;

- 7 (vi) A heel, which means any edged or pointed instrument
8 designed to be attached to the leg of a fowl;
9 (vii) A boxing glove or muff, which means a fitted
10 protective covering for the spurs of a fowl; and
11 (viii) Any other instrument commonly used in the
12 furtherance of pitting an animal against another.
13 (b) Animal fighting paraphernalia does not include
14 equipment, products, or materials of any kind used by a
15 veterinarian licensed to practice veterinary medicine and surgery
16 in this state.
17 (3) Any person violating subsection (1) of this section
18 is guilty of a Class I misdemeanor.

The Cornett amendment was adopted with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 759. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 760. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 732. ER8227, found on page 1282, was adopted.

Senator Utter offered the following amendment:
AM2481

(Amendments to E & R amendments, ER8227)

- 1 1. Strike section 7.

The Utter amendment was adopted with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1047. ER8228, found on page 1284, was adopted.

Senator Nelson offered the following amendment:
FA74

On page 2, line 14, strike the word "dying."

Senator Nelson withdrew his amendment.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 706. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 696. Considered.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 978. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 792. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 695. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 986. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 997. ER8233, found on page 1284, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 933. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 813. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 852. Senator Stuthman offered the following amendment:

AM2492

- 1 1. Insert the following new section:
- 2 Sec. 2. This act becomes operative on January 1, 2011.
- 3 2. Renumber the remaining section accordingly.

The Stuthman amendment was adopted with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 947. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 993. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1065. ER8232, found on page 1287, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 829. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 934. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 872. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 884. ER8231, found on page 1287, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 844. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 908. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1055. ER8236, found on page 1289, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 758. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 809. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 907. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1085. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 894. ER8235, found on page 1290, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 789. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1072. ER8223, found on page 1228, was adopted.

Senator Adams withdrew his amendment, AM2448, found on page 1245.

Senator Adams offered the following amendment:

AM2484

(Amendments to Standing Committee amendments, AM2194)

- 1 1. On page 1, line 16; page 10, line 5; and page 32, line
- 2 14, after "2010-11" insert "and each fiscal year thereafter".
- 3 2. On page 29, line 3, after "areas" insert "for fiscal
- 4 years prior to fiscal year 2010-11".

The Adams amendment was adopted with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 712. ER8225, found on page 1235, was adopted.

Senator Council asked unanimous consent to withdraw her amendment, AM2465, found on page 1257, and replace it with her substitute amendment, AM2491. No objections. So ordered.

AM2491

(Amendments to E & R amendments, ER8225)

- 1 1. Insert the following new section:
- 2 Sec. 36. Section 47-502, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 47-502 Any person sentenced to a city or county jail
- 5 shall, after the fifteenth day of his or her confinement, have
- 6 his or her remaining term reduced seven days for each fourteen
- 7 consecutive days one day for each day of his or her sentence during
- 8 which he or she has not committed any breach of discipline or other
- 9 violation of jail regulations. The reductions authorized by this
- 10 section shall be granted at the end of each period of fourteen
- 11 days, with such periods to run consecutively from the date of
- 12 confinement following sentencing.
- 13 2. On page 47, line 19, strike "and 43" and insert "41,
- 14 and 44".
- 15 3. On page 48, line 2, after "43-3330," insert "47-502,".
- 16 4. Renumber the remaining sections and correct internal
- 17 references accordingly.

The Council amendment was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Senator Wightman offered the following amendment:

AM2482

(Amendments to E & R amendments, ER8225)

- 1 1. On page 20, line 18, after "administration" insert
- 2 "and claims filed by the Department of Health and Human Services
- 3 pursuant to section 68-919".
- 4 2. On page 47, line 18, strike "19,"; and in line 21

5 after the period insert "Section 19 of this act becomes operative
6 on January 1, 2011."

Senator Wightman asked unanimous consent to withdraw his amendment, AM2482, found in this day's Journal, and replace it with his substitute amendment, AM2489. No objections. So ordered.

AM2489

(Amendments to E & R amendments, ER8225)

1 1. On page 20, line 18, after the comma insert "except
2 for claims filed by the Department of Health and Human Services
3 pursuant to section 68-919 notwithstanding the order of payment
4 established in section 30-2487,".
5 2. On page 47, line 18, strike "19,"; and in line 21
6 after the period insert "Section 19 of this act becomes operative
7 on January 1, 2011."

The Wightman amendment was adopted with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

Senator Lautenbaugh offered the following amendment:

AM2472

(Amendments to E & R amendments, ER8225)

1 1. Insert the following new sections:
2 Sec. 7. Section 28-201, Reissue Revised Statutes of
3 Nebraska, is amended to read:
4 28-201 (1) A person shall be guilty of an attempt to
5 commit a crime if he or she:
6 (a) Intentionally engages in conduct which would
7 constitute the crime if the attendant circumstances were as he or
8 she believes them to be; or
9 (b) Intentionally engages in conduct which, under the
10 circumstances as he or she believes them to be, constitutes a
11 substantial step in a course of conduct intended to culminate in
12 his or her commission of the crime.
13 (2) When causing a particular result is an element of
14 the crime, a person shall be guilty of an attempt to commit the
15 crime if, acting with the state of mind required to establish
16 liability with respect to the attendant circumstances specified in
17 the definition of the crime, he or she intentionally engages in
18 conduct which is a substantial step in a course of conduct intended
19 or known to cause such a result.
20 (3) Conduct shall not be considered a substantial step
21 under this section unless it is strongly corroborative of the
22 defendant's criminal intent.
1 (4) Criminal attempt is:
2 (a) A Class II felony when the crime attempted is a Class
3 I, ~~Class IA, or Class IB-IA, IB, IC, or ID~~ felony;
4 (b) A Class III felony when the crime attempted is a
5 Class II felony;

6 (c) A Class IIIA felony when the crime attempted
 7 is ~~assault in the first degree under section 28-308, sexual~~
 8 ~~assault in the second degree under section 28-320, manufacturing,~~
 9 ~~distributing, delivering, dispensing, or possessing with intent to~~
 10 ~~manufacture, distribute, deliver, or dispense controlled substances~~
 11 ~~listed in Schedule I, II, or III of section 28-405 under section~~
 12 ~~28-416 except for an exceptionally hazardous drug, a violation of~~
 13 ~~subdivision (2)(b) of section 28-416, incest under section 28-703,~~
 14 ~~child abuse under subsection (5) of section 28-707, assault on an~~
 15 ~~officer in the second degree under section 28-930, or assault by~~
 16 ~~a confined person with a deadly or dangerous weapon under section~~
 17 ~~28-932;~~

18 (d) A Class IV felony when the crime attempted is a Class
 19 III felony not listed in subdivision (4)(c) of this section;

20 (e) A Class I misdemeanor when the crime attempted is a
 21 Class IIIA or Class IV felony;

22 (f) A Class II misdemeanor when the crime attempted is a
 23 Class I misdemeanor; and

24 (g) A Class III misdemeanor when the crime attempted is
 25 a Class II misdemeanor.

26 Sec. 8. Section 28-502, Reissue Revised Statutes of
 27 Nebraska, is amended to read:

1 28-502 (1) A person commits arson in the first degree if
 2 he or she intentionally damages a building or property contained
 3 within a building by starting a fire or causing an explosion
 4 when another person is present in the building at the time and
 5 either (a) the actor knows that fact, or (b) the circumstances are
 6 such as to render the presence of a person therein a reasonable
 7 probability.

8 (2) A person commits arson in the first degree if a fire
 9 is started or an explosion is caused in the perpetration of any
 10 robbery, burglary, or felony criminal mischief when another person
 11 is present in the building at the time and either (a) the actor
 12 knows that fact, or (b) the circumstances are such as to render the
 13 presence of a person therein a reasonable probability.

14 (3) Arson in the first degree is a Class II felony.

15 Sec. 9. Section 28-503, Reissue Revised Statutes of
 16 Nebraska, is amended to read:

17 28-503 (1) A person commits arson in the second degree if
 18 he or she intentionally damages a building or property contained
 19 within a building by starting a fire or causing an explosion or if
 20 a fire is started or an explosion is caused in the perpetration of
 21 any robbery, burglary, or felony criminal mischief.

22 (2) The following affirmative defenses may be introduced
 23 into evidence upon prosecution for a violation of this section:

24 (a) No person other than the accused has a security or
 25 proprietary interest in the damaged building, or, if other persons
 26 have such interests, all of them consented to his or her conduct;
 27 or

- 1 (b) The accused's sole intent was to destroy or damage
 2 the building for a lawful and proper purpose.
 3 (3) Arson in the second degree is a Class III felony.
 4 Sec. 10. Section 28-504, Reissue Revised Statutes of
 5 Nebraska, is amended to read:
 6 28-504 (1) A person commits arson in the third degree if
 7 he or she intentionally sets fire to, burns, causes to be burned,
 8 or by the use of any explosive, damages or destroys, or causes to
 9 be damaged or destroyed, any property of another person without ~~his~~
 10 such other person's consent. Such property shall not be contained
 11 within a building and shall not be, other than a building or
 12 occupied structure.
 13 (2) Arson in the third degree is a Class IV felony if the
 14 damages amount to one hundred dollars or more.
 15 (3) Arson in the third degree is a Class I misdemeanor if
 16 the damages are less than one hundred dollars.
 17 2. Renumber the remaining sections and correct internal
 18 references, the operative date section, and repealer so that the
 19 sections added by this amendment become operative three calendar
 20 months after the adjournment of this legislative session.

The Lautenbaugh amendment was adopted with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 507. Placed on Final Reading.
 ST9096

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Campbell amendment, AM2474:
 - a. Section 3 has been struck and the following new section inserted:
 Sec. 4. Sections 2, 3, and 5 of this act become operative three calendar months after the adjournment of this legislative session. The other sections of this act become operative on their effective date.
 - b. On page 1, line 11, "he or she" has been inserted after "sanctions"; and
 - c. Section 5 has been renumbered as section 6.
2. In the Howard amendment, AM2457, section 2 has been renumbered as section 3.
3. In the E & R amendments, ER8218, on page 2, line 24, "section 28-323" has been struck and "sections 28-323 and 28-707" inserted; and in line 25 "is" has been struck and "are" inserted.
4. On page 1, the matter beginning with "crimes" in line 1 through line 4 and all amendments thereto have been struck and "domestic violence; to amend sections 28-323 and 28-707, Reissue Revised Statutes of Nebraska; to provide for payment for prenatal services in certain situations; to provide

a termination date; to change provisions relating to the offense of domestic assault; to change penalties for domestic assault and child abuse as prescribed; to provide operative dates; to repeal the original sections; and to declare an emergency." inserted.

LEGISLATIVE BILL 510. Placed on Final Reading.

LEGISLATIVE BILL 510A. Placed on Final Reading.

LEGISLATIVE BILL 800. Placed on Final Reading.

ST9095

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Ashford amendment, AM2385, on page 1, line 2, "6" has been struck and "7" inserted; in line 7 "first" has been inserted after "the"; in line 9 "the juvenile" has been inserted after "deliver"; and in line 20 "23" has been struck and "24" inserted.

2. In the Karpisek amendment, AM2461, on page 8, line 4, "such" has been struck and "this" inserted.

3. In the E & R amendments, ER8201:

a. On page 1, line 21, "25 to 29" has been struck and "26 to 30" inserted;

b. On page 12, line 10, "6" has been struck and "7" inserted; in line 14 "10" has been struck and "11" inserted; and in line 21 an underscored comma has been inserted after "violence";

c. On page 14, lines 5 and 18, "9" has been struck and "10" inserted;

d. On page 41, line 14, "25 to 29" has been struck and "26 to 30" inserted; and in line 25 "25" has been struck and "26" inserted;

e. On page 43, lines 2 and 11; and page 45, line 15, "25" has been struck and "26" inserted;

f. On page 46, line 1; page 47, lines 2 and 22; and page 48, line 11, "28" has been struck and "29" inserted;

g. On page 49, the matter beginning with "9" in line 12 through "29" in line 13 has been struck and "10, 11, 24, 26, 27, 28, 29, and 30" inserted;

h. On page 58, line 16, "36" has been struck and "37" inserted; and in line 18 "28-416," has been inserted after the last comma; and

i. On page 59, in line 6, "28-416," has been inserted after the third comma; and in line 15 "additional penalties for drug-related offenses by minors," has been inserted after the comma.

LEGISLATIVE BILL 800A. Placed on Final Reading.

LEGISLATIVE BILL 801. Placed on Final Reading.

LEGISLATIVE BILL 842. Placed on Final Reading.

LEGISLATIVE BILL 849. Placed on Final Reading.

ST9097

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Standing Committee amendments, AM2120, on page 31, line 4, "subsection" has been struck and "subdivision" inserted.

LEGISLATIVE BILL 862. Placed on Final Reading.

ST9093

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, line 3, ", and section 46-739.01, Revised Statutes Supplement, 2009" has been inserted after "2008"; and in line 5 "to provide exceptions to approval requirements for transfers of certified water uses or irrigated acres or participation in certain incentive programs;" has been inserted after the semicolon.

LEGISLATIVE BILL 877. Placed on Final Reading.

LEGISLATIVE BILL 945. Placed on Final Reading.

LEGISLATIVE BILL 950. Placed on Final Reading.

LEGISLATIVE BILL 1002. Placed on Final Reading Second.

LEGISLATIVE BILL 1002A. Placed on Final Reading.

LEGISLATIVE BILL 1010. Placed on Final Reading.

LEGISLATIVE BILL 1071. Placed on Final Reading.

ST9094

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Adams amendment, AM2403, amendment 2 has been struck.
2. In the E & R amendments, ER8199:
 - a. On page 88, line 21, "26," has been inserted after the third comma;
 - b. On page 89, lines 8 and 9, "and 79-1014" has been struck and ", 79-1014, and 79-10,110" inserted; in line 25 "79-10,110, and" has been inserted after "79-1031.01,."; and in line 26 "and 79-1241.03," has been struck; and
 - c. On page 90, line 6, "American Recovery and Reinvestment Act of 2009 bonds for school facilities," has been inserted after the comma.

LEGISLATIVE BILL 1094. Placed on Final Reading.

LEGISLATIVE BILL 1094A. Placed on Final Reading.

(Signed) Jeremy Nordquist, Chairperson

COMMITTEE REPORT

Transportation and Telecommunications

The Transportation and Telecommunications Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Patrick Meuret - Nebraska Railway Council
Michael Shannon - Nebraska Railway Council

Aye: 8 Senators Campbell, Fischer, Gay, Hadley, Janssen, Lautenbaugh, Loudon, Stuthman. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Deb Fischer, Chairperson

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 507A. Placed on Select File.

LEGISLATIVE BILL 987A. Placed on Select File.

(Signed) Jeremy Nordquist, Chairperson

GENERAL FILE

LEGISLATIVE BILL 771. Title read. Considered.

Committee AM2442, found on page 1246, was adopted with 41 ayes, 0 nays, 7 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 10 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 780. Senator Gay withdrew his amendment, AM2456, found on page 1285.

Senator Carlson offered the following amendment:
AM2502

(Amendments to AM2351)

- 1 1. On page 1, line 3, strike "2013" and insert "2014".

SENATOR PRICE PRESIDING

PRESIDENT SHEEHY PRESIDING

Senator Janssen moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

The Carlson amendment was adopted with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

Senator McCoy offered the following amendment:
AM2454

- 1 1. On page 2, after line 18 insert:
- 2 "(3) If death of an employee resulting directly from
- 3 mental injury or mental illness compensable under subsection (1) of
- 4 this section occurs:
- 5 (a) Within one year after the incident resulting in such
- 6 mental injury or mental illness, compensation shall be paid to
- 7 dependents of the employee under section 48-122; and
- 8 (b) One year or more after the incident resulting in such
- 9 mental injury or mental illness, no compensation shall be paid to
- 10 dependents of the employee under section 48-122."
- 11 2. In the Standing Committee amendments, AM2064, on page
- 12 1, line 2, strike "(3)" and insert "(4)".

Senator Stuthman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 33 ayes, 1 nay, and 15 not voting.

Senator McCoy moved for a call of the house. The motion prevailed with 36 ayes, 0 nays, and 13 not voting.

Senator McCoy requested a roll call vote on his amendment.

Voting in the affirmative, 17:

Campbell	Gay	Heidemann	Pankonin	Utter
Christensen	Gloor	Janssen	Price	
Coash	Hadley	McCoy	Schilz	
Fulton	Hansen	Nelson	Stuthman	

Voting in the negative, 27:

Adams	Cornett	Giese	Lathrop	Sullivan
Ashford	Council	Haar	Lautenbaugh	Wallman
Avery	Dierks	Harms	McGill	White
Carlson	Dubas	Howard	Mello	
Conrad	Fischer	Karpisek	Nordquist	
Cook	Flood	Langemeier	Rogert	

Present and not voting, 4:

Krist Louden Pirsch Wightman

Excused and not voting, 1:

Pahls

The McCoy amendment lost with 17 ayes, 27 nays, 4 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Senator McCoy offered the following amendment:
AM2455

- 1 1. On page 2, after line 18 insert:
- 2 "(3) Notwithstanding any other provision of the Nebraska
- 3 Workers' Compensation Act, disability benefits for a claim
- 4 compensable under subsection (1) of this section shall be limited
- 5 to twenty-six weeks.".
- 6 2. In the Standing Committee amendments, AM2064, on page
- 7 1, line 2, strike "(3)" and insert "(4)".

SENATOR LANGEMEIER PRESIDING

Senator Price moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 2 nays, and 20 not voting.

Senator McCoy moved for a call of the house. The motion prevailed with 36 ayes, 0 nays, and 13 not voting.

Senator McCoy requested a roll call vote on his amendment.

Voting in the affirmative, 12:

Christensen	Fulton	McCoy	Schilz
Coash	Gay	Nelson	Stuthman
Dierks	Hansen	Price	Utter

Voting in the negative, 30:

Adams	Cook	Giese	Krist	Nordquist
Ashford	Cornett	Haar	Langemeier	Rogert
Avery	Council	Hadley	Lathrop	Sullivan
Campbell	Dubas	Harms	Lautenbaugh	Wallman
Carlson	Fischer	Howard	McGill	White
Conrad	Flood	Karpisek	Mello	Wightman

Present and not voting, 4:

Heidemann Louden Pankonin Pirsch

Excused and not voting, 3:

Gloor Janssen Pahls

The McCoy amendment lost with 12 ayes, 30 nays, 4 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Nelson offered the following amendment:
AM2488

(Amendments to AM2064)

- 1 1. On page 1, strike beginning with the first "a" in line
- 2 3 through the first comma in line 4; in line 4 strike "or paid" and
- 3 the second comma; and in line 5 strike "or paid".

The Nelson amendment lost with 4 ayes, 29 nays, 12 present and not voting, and 4 excused and not voting.

Senator Gay requested a machine vote on the advancement of the bill.

Advanced to Enrollment and Review for Engrossment with 38 ayes, 5 nays, 2 present and not voting, and 4 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 548. Introduced by Nordquist, 7; Ashford, 20; Cook, 13; Cornett, 45; Council, 11; Gay, 14; Howard, 9; Krist, 10; Lathrop, 12; Lautenbaugh, 18; McCoy, 39; Mello, 5; Nelson, 6; Pirsch, 4; Price, 3; White, 8.

WHEREAS, John D. "Jack" Diesing, Sr., of Omaha, Nebraska, died March 31, 2010, at the age of ninety-two; and

WHEREAS, Jack Diesing, Sr., graduated with bachelor's and law degrees from Creighton University and served our country as a counterespionage agent in World War II; and

WHEREAS, Jack Diesing, Sr., served as chairman of the College World Series from 1963 to 2002; and

WHEREAS, Jack Diesing, Sr., deserves much of the credit for the growth of the College World Series in Omaha and the creation of its great tradition; and

WHEREAS, Jack Diesing, Sr., contributed greatly to the city of Omaha and the quality of life for its residents; and

WHEREAS, Jack Diesing, Sr.'s accomplishments and contributions have been immortalized by CWS of Omaha, Inc., and the National Collegiate Athletic Association by creating the John D. Diesing Sr. Award, given annually to the most outstanding player of the College World Series; and

WHEREAS, Jack Diesing, Sr., is survived by his sons, John D. "Jack" Diesing, Jr., and E. Michael "Mick" Diesing, his daughter, Deborah Louise Blank, five grandchildren, and three great-grandsons.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature honors the memory of Jack Diesing, Sr., and his many contributions and achievements.

2. That the Legislature expresses and extends its sympathy and condolences to the family of Jack Diesing, Sr.

3. That a copy of this resolution be sent to the family of Jack Diesing, Sr.

Laid over.

AMENDMENTS - Print in Journal

Senator Lathrop filed the following amendment to LB563A:
AM2480

- 1 1. On page 2, lines 2 and 3, strike "Employment Security
- 2 Special Contingent" and insert "Contractor Registration Cash".

Senator Lathrop filed the following amendment to LB563:
AM2500 is available in the Bill Room.

Senator McGill filed the following amendment to LB594:
AM2496

(Amendments to E & R amendments, ER8220)

- 1 1. Insert the following new section:
- 2 Sec. 12. Section 28-327.01, Revised Statutes Supplement,
- 3 2009, is amended to read:
- 4 28-327.01 (1) The Department of Health and Human Services
- 5 shall cause to be published the following easily comprehensible
- 6 printed materials:
- 7 (a) Geographically indexed materials designed to inform
- 8 the woman of public and private agencies and services available to
- 9 assist a woman through pregnancy, upon childbirth, and while the
- 10 child is dependent, including adoption agencies and agencies and
- 11 services for prevention of unintended pregnancies, which materials
- 12 shall include a comprehensive list of the agencies available,
- 13 a description of the services they offer, and a description of
- 14 the manner, including telephone numbers and addresses in which
- 15 such agencies may be contacted or printed materials including a
- 16 toll-free, twenty-four-hour-a-day telephone number which may be
- 17 called to orally obtain such a list and description of agencies in
- 18 the locality of the caller and of the services they offer;
- 19 (b) Materials designed to inform the woman of the
- 20 probable anatomical and physiological characteristics of the unborn
- 21 child at two-week gestational increments from the time when a woman
- 22 can be known to be pregnant to full term, including pictures or

1 drawings representing the development of unborn children at the
 2 two-week gestational increments, and any relevant information on
 3 the possibility of the unborn child's survival. Any such pictures
 4 or drawings shall contain the dimensions of the unborn child and
 5 shall be realistic and appropriate for the stage of pregnancy
 6 depicted. The materials shall be objective, nonjudgmental, and
 7 designed to convey only accurate scientific information about
 8 the unborn child at the various gestational ages. The materials
 9 shall also contain objective information describing the methods of
 10 abortion procedures commonly employed, the medical risks commonly
 11 associated with each such procedure, the possible detrimental
 12 psychological effects of abortion, the medical risks commonly
 13 associated with abortion, and the medical risks commonly associated
 14 with carrying a child to term; ~~and~~

15 (c) A comprehensive list of health care providers,
 16 facilities, and clinics that offer to have ultrasounds performed by
 17 a person at least as qualified as a registered nurse licensed under
 18 the Uniform Credentialing Act, including and specifying those that
 19 offer to perform such ultrasounds free of charge. The list shall be
 20 arranged geographically and shall include the name, address, hours
 21 of operation, and telephone number of each entity; ~~and~~

22 (d) Geographically indexed materials designed to inform
 23 the woman of public and private agencies with services available to
 24 assist a woman with mental health concerns, following a risk factor
 25 evaluation. Such services shall include, but not be limited to,
 26 outpatient and crisis intervention services and crisis hotlines.
 27 The materials shall include a comprehensive list of the agencies
 1 available, a description of the services offered, and a description
 2 of the manner in which such agencies may be contacted, including
 3 addresses and telephone numbers of such agencies, as well as a
 4 toll-free, twenty-four-hour-a-day telephone number to be provided
 5 by the department which may be called to orally obtain the names of
 6 the agencies and the services they provide in the locality of the
 7 woman.

8 (2) The materials shall be printed in a typeface large
 9 enough to be clearly legible.

10 (3) The materials required under this section shall be
 11 available from the department upon the request by any person,
 12 facility, or hospital for an amount equal to the cost incurred by
 13 the department to publish the materials.

14 2. On page 17, line 19, after the first comma insert
 15 "28-327.01,".

16 3. Renumber the remaining sections accordingly.

Senator Flood filed the following amendment to LB1103:
 AM2498

(Amendments to E & R Amendments, ER8229)

1 1. On page 1, line 14, after "child" insert ", and which
 2 causes the premature termination of the pregnancy".

- 3 2. On page 4, line 8, after "when" insert "it has been
4 determined, by the physician performing or inducing the abortion or
5 by another physician upon whose determination that the physician
6 relies, that".
- 7 3. On page 5, line 8, strike ", and".
- 8 4. On page 6, line 11, after "years" insert "during which
9 this section was in effect".
- 10 5. On page 8, line 5, before "any" insert "by".

Senators Campbell, Gay, and Hadley filed the following amendment to
LB999:

AM2503

- 1 1. Strike original section 2 and insert the following new
2 sections:
- 3 Sec. 2. (1) The Legislature finds that Nebraska's general
4 acute and critical access hospitals provide a foundation of health
5 care throughout the state. This long-established means of providing
6 health care is changing. Because health care delivery is evolving,
7 it is important to assess needs in Nebraska and determine whether
8 licensure and regulation should be changed to reflect current and
9 future practices.
- 10 (2) The department shall not accept an application for or
11 issue a license for a new hospital beginning on the effective date
12 of this act and continuing through September 15, 2011, except that
13 this prohibition shall not apply to an application for or issuance
14 of a license as a critical access hospital or an application for or
15 issuance of a license for any hospital which has begun construction
16 prior to May 1, 2010.
- 17 (3) The Health and Human Services Committee of the
18 Legislature shall study health care in Nebraska. The study shall
19 include, but not be limited to:
- 20 (a) A comparison of the roles of Nebraska's general acute
21 hospitals, critical access hospitals, ambulatory surgical centers,
22 and other limited service facilities, such as physician-owned
23 hospitals and investor-owned hospitals, and the impact of such
1 hospitals, centers, and facilities on access to services, quality
2 of health care, and cost, including medicaid costs and insurance
3 premiums;
- 4 (b) Compliance with the federal Emergency Medical
5 Treatment and Active Labor Act, 42 U.S.C. 1395, as such act existed
6 on January 1, 2010;
- 7 (c) Referral practices;
- 8 (d) Ownership disclosure;
- 9 (e) Uncompensated and under-compensated patient care;
- 10 (f) Joint ventures among or between hospitals,
11 physicians, and investors;
- 12 (g) Reinvestment in facilities;
- 13 (h) Examination and definition of community benefits;

14 (i) Clarification and definition of limited service
 15 facilities, such as physician-owned hospitals and investor-owned
 16 hospitals, and other definitions as needed; and

17 (j) The impact of federal health care reform on the items
 18 in subdivisions (a) through (i) of this subsection.

19 (4) The committee shall seek information from resources,
 20 including, but not limited to, physicians; representatives of
 21 hospitals, ambulatory surgical centers, physician-owned hospitals,
 22 investor-owned hospitals, public health agencies, the department,
 23 and allied professions such as behavioral health service providers,
 24 nurses, pharmacists, and emergency care providers; businesses;
 25 consumers; insurers; communities; the Legislative Fiscal Analyst;
 26 and the office of Legislative Research.

27 (5) The committee shall report its findings to the
 1 Legislature by December 31, 2010.

2 Sec. 4. Since an emergency exists, this act takes effect
 3 when passed and approved according to law.

Senator Price filed the following amendment to LB563:
 AM2506

(Amendments to AM2500)

- 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 17.
- 7 3. On page 5, line 10, strike "or delivery service".

UNANIMOUS CONSENT - Add Cointroducer

Senator Council asked unanimous consent to add her name as cointroducer to LB987. No objections. So ordered.

VISITORS

Visitors to the Chamber were 21 fourth-grade students and teachers from Arapahoe; 30 fourth-grade students, teachers, and sponsors from Pine Creek Elementary, Bennington; 33 students and teacher from the University of Nebraska at Lincoln; Rita Sanders from Bellevue and Heidi and Katarina Stich from Frankfurt, Germany; and John and James Rundel from Trenton.

The Doctor of the Day was Dr. Roger Meyer from Utica.

ADJOURNMENT

At 5:50 p.m., on a motion by Senator Mello, the Legislature adjourned until 9:00 a.m., Wednesday, April 7, 2010.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-FIFTH DAY - APRIL 7, 2010**LEGISLATIVE JOURNAL****ONE HUNDRED FIRST LEGISLATURE
SECOND SESSION****FIFTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 7, 2010

PRAYER

The prayer was offered by Pastor Stephen Floyd, Church of the Nazarene, Falls City.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Stuthman presiding.

The roll was called and all members were present except Senators Hansen, Janssen, Lautenbaugh, and White who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-fourth day was approved.

REFERENCE COMMITTEE REPORT2010 Resolutions calling for an Interim Study

LR324	Interim study to examine the need for public utility ratepayer assistance programs in the state	Urban Affairs
LR334	Interim study to determine whether Nebraska's insurance laws should be amended to provide requirements relating to health benefit plan prescription drug coverage	Banking, Commerce and Insurance
LR372	Interim study to examine the potential effect of national health care reform proposals on Nebraska	Health and Human Services
LR384	Interim study to examine the fire sprinkler mandate contained in 2009 building codes	Urban Affairs

LR406	Interim study to determine whether Nebraska's insurance laws should be amended by adopting the Physician and Patient Prescription Protection Act	Banking, Commerce and Insurance
LR409	Interim study to examine the subject of online voter registration	Government, Military and Veterans Affairs
LR413	Interim study to determine whether the Real Property Appraiser Act should be amended to provide for regulation of appraisal management companies	Banking, Commerce and Insurance
LR419	Interim study to determine the need to create a licensing process for boat dealers in Nebraska	Transportation and Telecommunications
LR421	Interim study to examine the public employees retirement systems administered by the Public Employees Retirement Board	Nebraska Retirement Systems
LR422	Interim study to review and update the General Principles of Sound Retirement Planning	Nebraska Retirement Systems
LR423	Interim study to examine the way Nebraska awards electoral votes in presidential elections	Government, Military and Veterans Affairs
LR424	Interim study to examine whether Nebraska should update the Uniform Commercial Code, Article 9, relating to secured transactions	Banking, Commerce and Insurance
LR425	Interim study to examine issues relating to brain injuries	Health and Human Services
LR426	Interim study to examine the honeybee industry in Nebraska	Agriculture
LR427	Interim study to determine if hospitals in Nebraska are communicating their community benefit to community members and how newly licensed hospitals affect the cost of health care	Health and Human Services
LR430	Interim study to examine Nebraska's laws regarding a person's right to self-defense by the use of force and to review the Castle Doctrine laws in other states	Judiciary
LR431	Interim study to examine how private sources of money given to public institutions should be disclosed	Government, Military and Veterans Affairs
LR432	Interim study to examine Nebraska's child support collection methods	Judiciary

LR433	Interim study to examine student expression in Nebraska's public schools	Education
LR434	Interim study to examine the factors contributing to childhood obesity, as well as its consequences	Health and Human Services
LR435	Interim study to examine issues relating to oil and natural gas pipelines in the State of Nebraska	Natural Resources
LR436	Interim study to review, assess, and provide recommendations relating to the implementation of the Nebraska Health Care Funding Act	Appropriations and Health and Human Services
LR437	Interim study relating to levy exceptions and budget exceptions as they are used with interlocal agreements	Revenue
LR438	Interim study of issues arising out of LB752 regarding the Nebraska Trust Company Act	Banking, Commerce and Insurance
LR439	Interim study to review recent changes in federal law regarding health care insurance and to identify administrative and legislative responses which Nebraska will need to make	Banking, Commerce and Insurance
LR440	Interim study to examine issues relating to mobile home parks	Health and Human Services
LR442	Interim study to examine issues under the jurisdiction of the Transportation and Telecommunications Committee	Transportation and Telecommunications
LR443	Interim study to review and monitor the progress of the National Broadband Plan proposed by the Federal Communications Commission	Transportation and Telecommunications
LR444	Interim study to examine how the law of division fences and the law of trespass affect the ability of landowners to carry out necessary management of trees and other vegetation	Agriculture
LR445	Interim study to examine the capabilities and resources available to the Dept. of Agriculture to meet the response protocols of state and federal livestock disease eradication programs	Agriculture

LR446	Interim study to examine options for a long-term management framework for vegetation within streambeds and immediate riparian areas	Agriculture
LR447	Interim study to examine issues relating to modern agricultural practices and food distribution systems	Agriculture
LR448	Interim study to examine funding alternatives to continue the Water Resources Cash Fund	Agriculture and Natural Resources
LR449	Interim study to examine energy efficiency financing options and sources of funds for residential, commercial, and industrial property owners	Urban Affairs and Natural Resources
LR450	Interim study to examine the establishment of an electronic waste recycling program in Nebraska	Natural Resources
LR451	Interim study to examine issues relating to the Small Business Regulatory Flexibility Act proposed by LB709	Business and Labor
LR453	Interim study to examine what are described as food deserts or areas where access to healthy, affordable food choices is limited	Agriculture
LR454	Interim study to conduct research and provide recommendations regarding for-profit, specialty, or physician-owned hospitals	Health and Human Services
LR459	Interim study to examine Nebraska's level of preparedness for emergencies and disasters, especially in relation to the state's children	Health and Human Services
LR460	Interim study relating to the implementation and funding of the medicaid state plan amendment or waiver for secure residential and subacute behavioral health services	Health and Human Services and Appropriations
LR461	Interim study to examine the federal Americans with Disabilities Act as it relates to parking accessibility for handicapped or disabled persons	Urban Affairs

LR462	Interim study to examine the issues of payment responsibility and payment rates for medical care of county inmates and those in emergency protective custody	Health and Human Services
LR463	Interim study to examine the feasibility of implementing a program similar to the StateStat management accountability process used for executive agencies in the State of Maryland	Appropriations
LR464	Interim study to examine staffing requirements for nursing homes	Health and Human Services
LR465	Interim study to examine the benefits associated with constructing another nuclear power plant in Fort Calhoun, Nebraska	Natural Resources
LR466	Interim study to examine the operation and accomplishments of the Drug Use Review and preferred drug list activities of the Division of Medicaid and Long-Term Care of the Department of Health and Human Services	Health and Human Services
LR467	Interim study to conduct research and provide recommendations for implementing the federal Patient Protection and Affordable Care Act	Health and Human Services
LR468	Interim study to examine the impact of the State of Nebraska's potential adoption of the 2009 International Energy Conservation Code	Urban Affairs
LR469	Interim study to examine the economic development program options available for municipalities	Urban Affairs
LR470	Interim study to examine the issue of how political subdivisions may be impacted by the 2010 United State Census	Government, Military and Veterans Affairs
LR471	Interim study to examine issues under the jurisdiction of the Government, Military and Veterans Affairs Committee	Government, Military and Veterans Affairs
LR472	Interim study to examine the issue of using electronic and digital signatures on initiative and referendum petitions	Government, Military and Veterans Affairs

LR473	Interim study to examine the correlative rights doctrine relating to the use of ground water and clarify a definition for Nebraska statutes	Natural Resources
LR474	Interim study to examine aquifer depletions in the State of Nebraska	Natural Resources
LR475	Interim study to examine issues relating to restricted use chemical application and the need to improve systems of notification of pesticide applications	Agriculture
LR477	Interim study to examine the issues relating to the sustainability of public retirement plans	Nebraska Retirement Systems
LR478	Interim study to examine proposals to create a statewide water planning commission or agency focusing on the development of a statewide water plan to manage Nebraska's water resources	Natural Resources
LR479	Interim study to review matters under the jurisdiction of the Judiciary Committee	Judiciary
LR481	Interim study to examine the practice of prescribed burning such as controlled burns and the function of prescribed burning in managing plant and animal communities	Natural Resources
LR482	Interim study to examine changes in Nebraska's demographics and the effect on governmental services	Executive Board
LR483	Interim study to examine issues relating to solicitation of accident victims and motor vehicle insurance fraud	Banking, Commerce and Insurance
LR484	Interim study to examine issues relating to the towing industry	Transportation and Telecommunications
LR485	Interim study to examine issues relating to the shortage of social workers	Health and Human Services
LR486	Interim study to examine issues relating to the health, safety, and working conditions of Nebraska meat and poultry workers	Business and Labor

LR487	Interim study to examine the impact of adopting tax incentives for films, television shows, commercials, music, web-based content, or Internet-delivered content produced in Nebraska	Revenue
LR488	Interim study to analyze the provisions of LB756, a bill to adopt the Nebraska Uniform Real Property Transfer on Death Act, with current Nebraska law	Judiciary
LR489	Interim study to examine raising revenue from misdemeanors and felonies or from other sources to help fund a grant program for rural emergency medical services	Health and Human Services
LR490	Interim study to examine imposing a limitation on how much a school's state aid can change from one year to the next	Education
LR491	Interim study to examine requiring a boating education course in order to reduce the number of accidents	Natural Resources
LR492	Interim study to examine issues relating to adding a fiftieth senator to the Legislature	Government, Military and Veterans Affairs
LR493	Interim study to determine whether there are enough resources present in school to detect and treat mental illness in school-age children	Health and Human Services
LR494	Interim study to examine the effect of Nebraska's workers' compensation statutes on businesses, other than agricultural operations, that employ only related employees	Business and Labor
LR495	Interim study to examine district probation offices	Judiciary
LR496	Interim study to examine issues relating to state and local taxation of wind energy electrical generation facilities	Revenue
LR497	Interim study to examine urban and commercial area development laws, policies, and programs	Revenue and Urban Affairs
LR498	Interim study of the Tax Expenditure Reporting Act and to suggest additional duties or information to be reported under the act	Revenue

LR499	Interim study to examine tax laws, policies, and programs that address the tax burdens of low-income persons and households	Revenue
LR500	Interim study to examine the tax laws, policies, and programs of the State of Nebraska	Revenue
LR501	Interim study to examine costs to the state and infant and child outcomes associated with not providing prenatal services through the medicaid program to low-income women in Nebraska	Health and Human Services
LR502	Interim study to review the status of trauma care in Nebraska	Health and Human Services
LR503	Interim study to determine whether Nebraska should enact the Revised Uniform Unincorporated Nonprofit Associations Act	Banking, Commerce and Insurance
LR504	Interim study to examine policies and programs for addressing property tax relief, including existing and alternative policies	Revenue
LR505	Interim study to examine issues relating to making the Local Civic, Cultural, and Convention Center Financing Act applicable to county governments	Revenue
LR506	Interim study to examine state and local property tax valuation and exemption protest and appeal processes and procedures	Revenue
LR507	Interim study to examine ways to streamline all levels of government, including, but not limited to elimination, consolidation, or reassignment	Government, Military and Veterans Affairs
LR508	Interim study to examine the availability of land for hunters in the State of Nebraska	Natural Resources
LR509	Interim study to explore the implementation of ACCESS Nebraska relating to public benefits processing	Appropriations and Health and Human Services
LR510	Interim study to examine issues relating to refunds of local option sales taxes under the Nebraska Advantage Act	Revenue

LR511	Interim study to examine issues relating to expanding the Local Civic, Cultural, and Convention Center Financing Act so that incentives could be used to help employers create new jobs in small communities	Revenue
LR512	Interim study to examine the responsibilities of Nebraska nonprofit corporations and health care delivery systems when implementing LB403, 2009, relating to immigration	Health and Human Services
LR513	Interim study to review the implementation of the Nebraska Behavioral Health Services Act by the Division of Behavioral Health of the Department of Health and Human Services	Health and Human Services
LR514	Interim study to examine Nebraska's capacity to best serve lower-educated workers through adult education programs	Education
LR515	Interim study to examine the benefits associated with the pulse oximetry procedure performed on newborns	Health and Human Services
LR516	Interim study to analyze the current Vehicle and Titling Registration (VTR) System that is developed and maintained by the Department of Motor Vehicles	Transportation and Telecommunications
LR517	Interim study to review the operations and usefulness of the Regulation of Health Professions Act	Health and Human Services
LR518	Interim study to review the efficiency associated with the fact that the Department of Motor Vehicles is solely responsible for issuance of drivers' licenses, permits, and state identification cards and collection of fees	Transportation and Telecommunications
LR519	Interim study to examine issues relating to Firearms Freedom Acts which have been enacted or introduced by other state legislatures	Government, Military and Veterans Affairs
LR520	Interim study to examine the impact of illegal immigration on the state's budget	Appropriations

LR521	Interim study to examine whether Nebraska should repeal provisions allowing persons not lawfully present in the United States to pay resident tuition at postsecondary educational institutions	Education
LR522	Interim study to examine the legality of the State of Nebraska knowingly offering state benefits to illegal immigrants	Judiciary
LR523	Interim study to examine the impact of LB436 which established a statewide net metering policy	Natural Resources
LR524	Interim study to examine regulation of renewable energy generation in other states and in regional transmission organizations	Natural Resources
LR525	Interim study to examine Nebraska's laws on unlawful intrusion, stalking, and criminal trespass	Judiciary
LR526	Interim study to examine the governing structure and function of Nebraska's higher education system	Education
LR527	Interim study to examine issues under the jurisdiction of the General Affairs Committee	General Affairs
LR528	Interim study to examine issues regarding area restrictions in the Nebraska Liquor Control Act	General Affairs
LR533	Interim study to examine the State Natural Gas Regulation Act	Urban Affairs
LR534	Interim study to examine aspects of the Nebraska Economic Forecasting Advisory Board	Appropriations and Revenue
LR535	Interim study to evaluate and identify the objectives of the Criminalistics Laboratory Division of the Nebraska State Patrol	Appropriations and Judiciary
LR536	Interim study to examine gross receipts taxation in other states	Revenue

(Signed) John Wightman, Chairperson
Executive Board

SELECT FILE

LEGISLATIVE BILL 507A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 594. ER8220, found on page 1139, was adopted.

Senator Dierks renewed his amendment, AM2386, found on page 1260.

SENATOR CARLSON PRESIDING

The Dierks amendment was adopted with 33 ayes, 5 nays, 8 present and not voting, and 3 excused and not voting.

Pending.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 1048. Placed on Final Reading.
ST9098

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, lines 2 through 9 and all amendments thereto have been struck and "70-1001, 70-1001.01, 70-1013, 70-1014, 70-1014.01, 76-710.04, 77-105, 77-202, and 79-1018.01, Reissue Revised Statutes of Nebraska, and section 13-518, Revised Statutes Supplement, 2009; to define and redefine terms; to state intent regarding renewable energy facilities; to change provisions relating to hearings regarding electric generation facilities; to provide for approval of certified renewable export facilities as prescribed; to change provisions relating to eminent domain; to require registration and marking of certain wind measurement equipment; to exempt certain property from property taxation; to provide for a nameplate capacity tax as prescribed; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original sections." inserted.

LEGISLATIVE BILL 1048A. Placed on Final Reading.

(Signed) Jeremy Nordquist, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 549. Introduced by Cook, 13.

WHEREAS, Linda Reall was a longtime member of the Florence Kiwanis Club and a longtime board member of the Florence Historical Foundation; and

WHEREAS, Linda Reall volunteered for numerous community projects over the years, and the project that she was best known for was saving the historic Keirle House, which was built in 1905 in the heart of Florence; and

WHEREAS, Linda Reall spent half of her life educating troubled girls at Uta Halee Girls Village; and

WHEREAS, Linda Reall's life legacy was to encourage people to become involved, volunteer, and actively support their local community; and

WHEREAS, Linda Reall passed away on April 3, 2010.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature honors the memory of Linda Reall and her many contributions and achievements.

2. That the Legislature expresses and extends its sympathy and condolences to the family of Linda Reall.

3. That a copy of this resolution be sent to the family of Linda Reall.

Laid over.

AMENDMENT - Print in Journal

Senator Hadley filed the following amendment to LB420:
AM2479

(Amendments to Final Reading copy)

- 1 1. Strike the original sections and insert the following
2 new sections:
3 Section 1. Section 77-2704.12, Reissue Revised Statutes
4 of Nebraska, is amended to read:
5 77-2704.12 (1) Sales and use taxes shall not be imposed
6 on the gross receipts from the sale, lease, or rental of and the
7 storage, use, or other consumption in this state of purchases by
8 (a) any nonprofit organization created exclusively for religious
9 purposes, (b) any nonprofit organization providing services
10 exclusively to the blind, (c) any nonprofit private educational
11 institution established under sections 79-1601 to 79-1607, (d) any
12 nonprofit private college or university established under sections
13 85-1101 to 85-1111, (e) any nonprofit (i) hospital, (ii) health
14 clinic when two or more hospitals or the parent corporations of
15 the hospitals own or control the health clinic for the purpose of
16 reducing the cost of health services or when the health clinic
17 receives federal funds through the United States Public Health
18 Service for the purpose of serving populations that are medically
19 underserved, (iii) skilled nursing facility, (iv) intermediate care
20 facility, (v) assisted-living facility, (vi) intermediate care
21 facility for the mentally retarded, (vii) nursing facility, (viii)
22 home health agency, (ix) hospice or hospice service, or (x) respite
1 care service licensed under the Health Care Facility Licensure Act,
2 (f) any nonprofit licensed child-caring agency, (g) any nonprofit
3 licensed child placement agency, or (h) any nonprofit organization
4 certified by the Department of Health and Human Services to
5 provide community-based services for persons with developmental
6 disabilities.
7 (2) Any organization listed in subsection (1) of this
8 section shall apply for an exemption on forms provided by the

9 Tax Commissioner. The application shall be approved and a numbered
10 certificate of exemption received by the applicant organization in
11 order to be exempt from the sales and use tax.

12 (3) The appointment of purchasing agents shall be
13 recognized for the purpose of altering the status of the
14 construction contractor as the ultimate consumer of building
15 materials which are physically annexed to the structure and
16 which subsequently belong to the owner of the organization or
17 institution. The appointment of purchasing agents shall be in
18 writing and occur prior to having any building materials annexed
19 to real estate in the construction, improvement, or repair. The
20 contractor who has been appointed as a purchasing agent may apply
21 for a refund of or use as a credit against a future use tax
22 liability the tax paid on inventory items annexed to real estate
23 in the construction, improvement, or repair of a project for a
24 licensed not-for-profit institution.

25 (4) Any organization listed in subsection (1) of this
26 section which enters into a contract of construction, improvement,
27 or repair upon property annexed to real estate without first
1 issuing a purchasing agent authorization to a contractor or
2 repairperson prior to the building materials being annexed to
3 real estate in the project may apply to the Tax Commissioner for
4 a refund of any sales and use tax paid by the contractor or
5 repairperson on the building materials physically annexed to real
6 estate in the construction, improvement, or repair.

7 (5) Any person purchasing, storing, using, or
8 otherwise consuming building materials in the performance of any
9 construction, improvement, or repair by or for any institution
10 enumerated in subsection (1) of this section which is licensed upon
11 completion although not licensed at the time of construction or
12 improvement, which building materials are annexed to real estate
13 and which subsequently belong to the owner of the institution,
14 shall pay any applicable sales or use tax thereon. Upon becoming
15 licensed and receiving a numbered certificate of exemption,
16 the institution organized not for profit shall be entitled to
17 a refund of the amount of taxes so paid in the performance
18 of such construction, improvement, or repair and shall submit
19 whatever evidence is required by the Tax Commissioner sufficient
20 to establish the total sales and use tax paid upon the building
21 materials physically annexed to real estate in the construction,
22 improvement, or repair.

23 (6) Subsections (1) through (5) of this section apply to
24 transactions occurring before July 1, 2013. Subsections (7) through
25 (15) of this section apply to transactions occurring on or after
26 July 1, 2013.

27 (7) Sales and use taxes shall not be imposed on the
1 gross receipts from the sale, lease, or rental of and the storage,
2 use, or other consumption in this state of purchases by (a) any
3 nonprofit organization created exclusively for religious purposes,

4 (b) any nonprofit organization providing services exclusively
5 to the blind, (c) any nonprofit private educational institution
6 established under sections 79-1601 to 79-1607, or (d) any nonprofit
7 private college or university established under sections 85-1101 to
8 85-1111.

9 (8) Sales and use taxes shall not be imposed on the
10 gross receipts from the sale, lease, or rental of and the storage,
11 use, or other consumption in this state of purchases by (a)
12 any nonprofit licensed child-caring agency, (b) any nonprofit
13 licensed child placement agency, or (c) any nonprofit organization
14 certified by the Department of Health and Human Services to
15 provide community-based services for persons with developmental
16 disabilities. The exemptions in this subsection are limited to
17 purchases made for use in the exempt health care activities or
18 services that are licensed or certified by the Department of Health
19 and Human Services.

20 (9) Sales and use taxes shall not be imposed on the gross
21 receipts from the sale, lease, or rental of and the storage, use,
22 or other consumption in this state of purchases by any nonprofit
23 licensed hospital. The exemption in this subsection is limited to
24 purchases made for use at the facility or the portion of a facility
25 that is licensed under the Health Care Facility Licensure Act,
26 for use in the exempt health care activities or services that are
27 licensed under the act, or for use at a nonprofit health clinic
1 exempt under subsection (10) of this section.

2 (10)(a) Sales and use taxes shall not be imposed on
3 the gross receipts from the sale, lease, or rental of and the
4 storage, use, or other consumption in this state of purchases by
5 any nonprofit health clinic if one or more nonprofit hospitals or
6 the parent corporations of the nonprofit hospitals own or control
7 the nonprofit health clinic for the purpose of reducing the cost of
8 health services or if the nonprofit health clinic receives federal
9 funds through the United States Public Health Service for the
10 purpose of serving populations that are medically underserved.

11 (b) For purposes of this subsection, nonprofit health
12 clinic means:

13 (i) Rural health clinic as defined by 42 U.S.C. 1395x,
14 as such section existed on January 1, 2010, and organized not for
15 profit; or

16 (ii) Health clinic as defined in section 71-416 and
17 organized not for profit.

18 (c) The exemptions in this subsection are limited to
19 purchases made by a nonprofit health clinic for use at the
20 nonprofit health clinic.

21 (11) Sales and use taxes shall not be imposed on the
22 gross receipts from the sale, lease, or rental of and the
23 storage, use, or other consumption in this state of purchases
24 by any nonprofit licensed (a) nursing facility, (b) skilled
25 nursing facility, (c) assisted-living facility, (d) intermediate

26 care facility, (e) intermediate care facility for the mentally
27 retarded, (f) home health agency, (g) hospice or hospice service,
1 or (h) respite care service. The exemptions in this subsection are
2 limited to purchases made for use at the facility or the portion
3 of a facility that is licensed under the Health Care Facility
4 Licensure Act or for use in the exempt health care activities or
5 services licensed under the act.

6 (12) Any organization listed in subsections (7) through
7 (11) of this section shall apply for an exemption on forms provided
8 by the Tax Commissioner. The application shall be approved and
9 a numbered certificate of exemption received by the applicant
10 organization in order to be exempt from the sales and use tax.

11 (13) The appointment of purchasing agents shall be
12 recognized for the purpose of altering the status of the
13 construction contractor as the ultimate consumer of building
14 materials which are physically annexed to the structure and
15 which subsequently belong to the owner of the organization or
16 institution. The appointment of purchasing agents shall be in
17 writing and occur prior to having any building materials annexed
18 to real estate in the construction, improvement, or repair. The
19 contractor who has been appointed as a purchasing agent may apply
20 for a refund of or use as a credit against a future use tax
21 liability the tax paid on inventory items annexed to real estate
22 in the construction, improvement, or repair of a project for a
23 licensed not-for-profit institution.

24 (14) Any organization listed in subsections (7) through
25 (11) of this section which enters into a contract of construction,
26 improvement, or repair upon property annexed to real estate without
27 first issuing a purchasing agent authorization to a contractor
1 or repairperson prior to the building materials being annexed to
2 real estate in the project may apply to the Tax Commissioner for
3 a refund of any sales and use tax paid by the contractor or
4 repairperson on the building materials physically annexed to real
5 estate in the construction, improvement, or repair.

6 (15) Any person purchasing, storing, using, or
7 otherwise consuming building materials in the performance of any
8 construction, improvement, or repair by or for any institution
9 enumerated in subsections (7) through (11) of this section which
10 is licensed upon completion although not licensed at the time of
11 construction or improvement, which building materials are annexed
12 to real estate and which subsequently belong to the owner of the
13 institution, shall pay any applicable sales or use tax thereon.
14 Upon becoming licensed and receiving a numbered certificate of
15 exemption, the institution organized not for profit shall be
16 entitled to a refund of the amount of taxes so paid in the
17 performance of such construction, improvement, or repair and shall
18 submit whatever evidence is required by the Tax Commissioner
19 sufficient to establish the total sales and use tax paid upon
20 the building materials physically annexed to real estate in the

21 construction, improvement, or repair.

22 Sec. 2. Original section 77-2704.12, Reissue Revised
23 Statutes of Nebraska, is repealed.

24 2. On page 1, strike lines 2 through 6 and insert

25 "77-2704.12, Reissue Revised Statutes of Nebraska; to change
26 provisions relating to sales and use tax exemptions for certain
27 nonprofit entities; and to repeal the original section."

SELECT FILE

LEGISLATIVE BILL 594. Senator McGill withdrew her amendment, AM2496, found on page 1312.

Senator McGill offered the following amendment:
AM2509

(Amendments to E & R amendments, ER8220)

1 1. Insert the following new section:

2 Sec. 12. Section 28-327.01, Revised Statutes Supplement,
3 2009, is amended to read:

4 28-327.01 (1) The Department of Health and Human Services
5 shall cause to be published the following easily comprehensible
6 printed materials:

7 (a) Geographically indexed materials designed to inform
8 the woman of public and private agencies and services available to
9 assist a woman through pregnancy, upon childbirth, and while the
10 child is dependent, including adoption agencies and agencies and
11 services for prevention of unintended pregnancies, which materials
12 shall include a comprehensive list of the agencies available,
13 a description of the services they offer, and a description of
14 the manner, including telephone numbers and addresses in which
15 such agencies may be contacted or printed materials including a
16 toll-free, twenty-four-hour-a-day telephone number which may be
17 called to orally obtain such a list and description of agencies in
18 the locality of the caller and of the services they offer;

19 (b) Materials designed to inform the woman of the
20 probable anatomical and physiological characteristics of the unborn
21 child at two-week gestational increments from the time when a woman
22 can be known to be pregnant to full term, including pictures or
1 drawings representing the development of unborn children at the
2 two-week gestational increments, and any relevant information on
3 the possibility of the unborn child's survival. Any such pictures
4 or drawings shall contain the dimensions of the unborn child and
5 shall be realistic and appropriate for the stage of pregnancy
6 depicted. The materials shall be objective, nonjudgmental, and
7 designed to convey only accurate scientific information about
8 the unborn child at the various gestational ages. The materials
9 shall also contain objective information describing the methods of
10 abortion procedures commonly employed, the medical risks commonly
11 associated with each such procedure, the possible detrimental

12 psychological effects of abortion, the medical risks commonly
13 associated with abortion, and the medical risks commonly associated
14 with carrying a child to term; and

15 (c) A comprehensive list of health care providers,
16 facilities, and clinics that offer to have ultrasounds performed by
17 a person at least as qualified as a registered nurse licensed under
18 the Uniform Credentialing Act, including and specifying those that
19 offer to perform such ultrasounds free of charge. The list shall be
20 arranged geographically and shall include the name, address, hours
21 of operation, and telephone number of each entity.

22 (2) The printed materials shall be printed in a typeface
23 large enough to be clearly legible.

24 (3) The printed materials required under this section
25 shall be available from the department upon the request by any
26 person, facility, or hospital for an amount equal to the cost
27 incurred by the department to publish the materials.

1 (4) The Department of Health and Human Services shall
2 make available on its Internet web site a printable publication
3 of geographically indexed materials designed to inform the woman
4 of public and private agencies with services available to assist
5 a woman with mental health concerns, following a risk factor
6 evaluation. Such services shall include, but not be limited to,
7 outpatient and crisis intervention services and crisis hotlines.
8 The materials shall include a comprehensive list of the agencies
9 available, a description of the services offered, and a description
10 of the manner in which such agencies may be contacted, including
11 addresses and telephone numbers of such agencies, as well as a
12 toll-free, twenty-four-hour-a-day telephone number to be provided
13 by the department which may be called to orally obtain the names of
14 the agencies and the services they provide in the locality of the
15 woman. The department shall update the publication as necessary.

16 2. On page 17, line 19, after the first comma insert
17 "28-327.01,".

18 3. Renumber the remaining sections accordingly.

The McGill amendment was adopted with 34 ayes, 1 nay, 12 present and not voting, and 2 excused and not voting.

Senator Dierks requested a record vote on the advancement of the bill.

Voting in the affirmative, 36:

Adams	Gay	Janssen	Nelson	Sullivan
Carlson	Giese	Karpisek	Nordquist	Utter
Coash	Gloor	Krist	Pankonin	Wallman
Dierks	Hadley	Langemeier	Pirsch	Wightman
Dubas	Hansen	Lathrop	Price	
Fischer	Harms	Lautenbaugh	Rogert	
Flood	Heidemann	McCoy	Schilz	
Fulton	Howard	Mello	Stuthman	

Voting in the negative, 7:

Avery	Conrad	Council	McGill
Campbell	Cook	Haar	

Present and not voting, 4:

Ashford	Christensen	Cornett	Louden
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Excused and not voting, 2:

Pahls	White
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Advanced to Enrollment and Review for Engrossment with 36 ayes, 7 nays, 4 present and not voting, and 2 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 999. Title read. Considered.

PRESIDENT SHEEHY PRESIDING

Senator Campbell withdrew her amendment, AM2321, found on page 1060.

Senator Campbell asked unanimous consent to withdraw her amendment, AM2366, found on page 1110, and replace it with the Campbell et al. substitute amendment, AM2503, found on page 1314. No objections. So ordered.

Senator Stuthman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 34 ayes, 1 nay, and 14 not voting.

The Campbell et al. amendment was adopted with 41 ayes, 0 nays, 5 present and not voting, and 3 excused and not voting.

Senator Gay withdrew his amendments, AM2395 and AM2399, found on pages 1147 and 1160.

Senator Hansen withdrew his amendment, AM2400, found on page 1147.

Senator Cornett withdrew her amendments, AM2389, and AM2397, found on pages 1147 and 1159.

Senator McCoy withdrew his amendment, AM2391, found on page 1159.

Senator Karpisek withdrew his amendments, AM2392 and AM2396, found on pages 1159 and 1165.

Senator Carlson withdrew his amendment, AM2394, found on page 1159.

Senator Conrad withdrew her amendment, AM2393, found on page 1160.

Senator Cornett withdrew her amendment, AM2374, found on page 1111.

Senator Hansen withdrew his amendment, AM2280, found on page 1111.

Senator Gay withdrew his amendment, AM2363, found on page 1115.

Senator Conrad withdrew her amendment, AM2361, found on page 1115.

Senator Karpisek withdrew his amendment, AM2360, found on page 1115.

Senator McCoy withdrew his amendment, AM2359, found on page 1119.

Senator Lautenbaugh withdrew his amendment, AM2357, found on page 1119.

Senator Carlson withdrew his amendment, AM2362, found on page 1130.

Advanced to Enrollment and Review Initial with 41 ayes, 2 nays, 3 present and not voting, and 3 excused and not voting.

RESOLUTION

Pursuant to Rule 4, Sec. 5(b), LR540 was adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LR540.

RESOLUTION

LEGISLATIVE RESOLUTION 550. Introduced by Council, 11; Ashford, 20; Cook, 13; Krist, 10; Mello, 5; Nordquist, 7.

WHEREAS, Luigi Waites was born Lewis Waites on July 10, 1927, in Omaha, Nebraska; and

WHEREAS, a self-taught Luigi Waites began playing drums professionally at the age of twelve; and

WHEREAS, Luigi Waites performed with such greats as Ella Fitzgerald, Sarah Vaughan, Dinah Washington, Dizzy Gillespie, Jean Luc Ponty, Ramsey Lewis, Lionel Hampton, Bob Darch, and James Brown; and

WHEREAS, Luigi Waites was active in working with a wide variety of K-12 schools and colleges in sixteen states; and

WHEREAS, Luigi Waites taught and inspired young musicians for more than sixty years; and

WHEREAS, in 1960, Luigi Waites founded The Contemporaries, a multicultural, independent marching corps, which dispensed with the traditional military style marching and instead featured jazz rhythms; and

WHEREAS, Luigi Waites was named Nebraska Artist of the Year in 1996; and

WHEREAS, in honor of twenty years of service on the board of the Omaha Summer Arts Festival, the Luigi Waites Main Stage was dedicated to honor him; and

WHEREAS, the Omaha Press Club named Luigi Waites the 81st Face on the Bar Room Floor in 2000; and

WHEREAS, an honorary high school diploma was bestowed on Luigi Waites at Omaha North High School in 2003; and

WHEREAS, Luigi Waites was inducted into the Omaha Black Music Hall of Fame in 2005; and

WHEREAS, Luigi Waites was awarded the Lifetime Achievement Award at the Omaha Entertainment Awards Ceremony in 2007; and

WHEREAS, Luigi Waites was named best jazz artist at the Omaha Entertainment Awards Ceremony in 2009; and

WHEREAS, Luigi Waites and his band, Luigi Inc., have performed for more than one thousand seven hundred consecutive Sundays in Omaha; and

WHEREAS, Luigi Waites died in Omaha, Nebraska, on April 6, 2010.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature honors the memory of Luigi Waites for his talent, dedication, and service to the people of Nebraska.

2. That the Legislature expresses and extends its sympathy and condolences to the family of Luigi Waites.

3. That a copy of this resolution be sent to the family of Luigi Waites.

Laid over.

AMENDMENT - Print in Journal

Senator Flood filed the following amendment to LB771:
AM2504

(Amendments to E & R amendments, ER8237)

- 1 1. Strike section 7 and insert the following new section:
2 Sec. 7. Section 28-931.01, Reissue Revised Statutes of
3 Nebraska, is amended to read:
4 28-931.01 (1) A person commits the offense of assault on
5 an officer using a motor vehicle if
6 (a) By using a motor vehicle to run over or to strike an
7 officer or employee or by using a motor vehicle to collide with an
8 officer's or employee's motor vehicle, he or she intentionally and
9 knowingly causes bodily injury ~~to~~
10 (i) To a peace officer, a probation officer, or an
11 employee of the Department of Correctional Services; or
12 (ii) To an employee of the Department of Health and Human
13 Services if the person committing the offense is committed as a
14 dangerous sex offender under the Sex Offender Commitment Act; and
15 ~~(a) by using a motor vehicle to run over or to strike such officer~~
16 ~~or employee or (b) by using a motor vehicle to collide with such~~
17 ~~officer's or employee's motor vehicle;~~
18 (b) The offense is committed while such officer or
19 employee is engaged in the performance of his or her duties.
20 (2) Assault on an officer using a motor vehicle shall be
21 a Class IIIA felony.

WITHDRAW - Cointroducer

Senator Janssen withdrew his name as cointroducer to LB996.

VISITORS

Visitors to the Chamber were Jordan Utech from Bellevue; Todd and Logan Bell from Grand Island; Steve and Julia Ourecky from Omaha; 34 twelfth-grade students from Syracuse; 41 fourth-grade students and teachers from Howard Elementary, Fremont; 10 tenth- through twelfth-grade students and teacher from Norris School District 160, Firth; and 40 third- and fourth-grade students and teachers from Belle Ryan Elementary, Omaha.

RECESS

At 11:59 a.m., on a motion by Senator Stuthman, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Flood presiding.

ROLL CALL

The roll was called and all members were present except Senators Carlson, Cornett, Dubas, Gloor, Lathrop, and Wallman who were excused until they arrive.

COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 771. Placed on Select File with amendment. ER8237 is available in the Bill Room.

(Signed) Jeremy Nordquist, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 551. Introduced by Fischer, 43.

WHEREAS, the Stuart High School speech team won first place in Class D-2 at the 2010 Nebraska State Speech Tournament held at the University of Nebraska at Kearney on March 20, 2010; and

WHEREAS, Jordan Kunz took first place in the Entertainment category; and

WHEREAS, Caitlin Kunz took second place in the Entertainment category and third place in the Informative category; and

WHEREAS, Tomas Salinas took second place in the Humorous category; and

WHEREAS, Brittany Kaup took second place in the Poetry category; and

WHEREAS, Ms. Brenda Larabee coached the Stuart High School speech team through a successful season, ending with a State Speech title.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates the Stuart High School speech team on winning first place in Class D-2 at the 2010 Nebraska State Speech Tournament.

2. That a copy of this resolution be sent to the Stuart High School speech team and their coach, Ms. Brenda Larabee.

Laid over.

RESOLUTION

LEGISLATIVE RESOLUTION 541. Read. Considered.

Senator Ashford offered the following amendment:

FA75

Strike the existing sections and substitute the following: "The Legislature resolves that a moratorium on all new construction by all colleges and universities cease immediately until the Legislature determines this economic crisis ends."

Senator Ashford withdrew his amendment.

Senator Ashford offered the following amendment:

FA76

Add the following new language: All work on new construction projects which commence subsequent to this project at each public postsecondary education institution in Nebraska shall not begin until otherwise directed by the Legislature.

Senator Ashford withdrew his amendment.

LR541 was adopted with 43 ayes, 0 nays, 5 present and not voting, and 1 excused and not voting.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR541.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 252. Placed on Final Reading.

LEGISLATIVE BILL 411. Placed on Final Reading.

LEGISLATIVE BILL 695. Placed on Final Reading.

LEGISLATIVE BILL 696. Placed on Final Reading.

LEGISLATIVE BILL 706. Placed on Final Reading.

LEGISLATIVE BILL 713. Placed on Final Reading.

LEGISLATIVE BILL 732. Placed on Final Reading.

LEGISLATIVE BILL 759. Placed on Final Reading.

LEGISLATIVE BILL 760. Placed on Final Reading.

LEGISLATIVE BILL 792. Placed on Final Reading.

ST9101

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 22, line 17, "and" has been inserted after the semicolon.

LEGISLATIVE BILL 813. Placed on Final Reading.

LEGISLATIVE BILL 861. Placed on Final Reading.

ST9099

The following changes, required to be reported for publication in the Journal, have been made:

1. In lieu of the Christensen amendment, FA73, in the Coash amendment, AM2163, on page 1, line 19, "sixty percent" has been struck and "two-thirds" inserted.

2. In the E & R amendments, ER8212, on page 1, line 3, "9-647," has been inserted after the second comma; in line 4 "53-179," has been inserted after the last comma; and in line 11 "to provide authorization to change the hours for sales of alcoholic liquor and for the conduct of lotteries under the Nebraska County and City Lottery Act;" has been inserted after the semicolon.

3. In the Standing Committee amendments, AM2140:

a. On page 8, line 24, "9" has been struck and "10" inserted;

b. On page 9, line 7, "8, 10, 45, and 49" has been struck and "9, 11, 46, and 50" inserted;

c. On page 10, lines 14 and 20, "8 to 49" has been struck and "9 to 50" inserted; and in line 15 "56" has been struck and "57" inserted;

d. On page 33, lines 15 and 23 "56" has been struck and "57" inserted;

e. On page 34, line 27, "20" has been struck and "21" inserted;

f. On page 36, line 23; page 37, line 26; page 42, line 10; page 56, line 1; page 62, line 11; and page 71, line 11, "56" has been struck and "57" inserted;

g. On page 43, line 9, "I" has been struck and "1" inserted; in line 10 "II" has been struck and "2" inserted; in line 11 "III" has been struck and "3" inserted; in line 12 "IV" has been struck and "4" inserted; and in line 13 "V" has been struck and "5" inserted;

h. On page 65, line 25, "16 and 37" has been struck and "17 and 38" inserted;

i. On page 78, line 8, "9" has been struck and "10" inserted; and in line 18 "30" has been struck and "31" inserted;

j. On page 80, lines 7 and 16, "30" has been struck and "31" inserted;

k. On page 81, line 10, "15" has been struck and "16" inserted;

l. On page 82, line 16, "9" has been struck and "10" inserted; and

m. On page 83, line 17, "9-647," has been inserted after the second comma; and in line 19 "53-179," has been inserted after the third comma.

LEGISLATIVE BILL 933. Placed on Final Reading.

LEGISLATIVE BILL 961. Placed on Final Reading.

LEGISLATIVE BILL 978. Placed on Final Reading.

LEGISLATIVE BILL 986. Placed on Final Reading.

LEGISLATIVE BILL 997. Placed on Final Reading.

LEGISLATIVE BILL 1047. Placed on Final Reading.

(Signed) Jeremy Nordquist, Chairperson

MESSAGE FROM THE GOVERNOR

April 7, 2010

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 373, 820, 864, 880, 880A, 901e, 924, 965, 970, 975, and 1081e were received in my office on April 1, 2010.

These bills were signed and delivered to the Secretary of State on April 7, 2010.

Sincerely,
(Signed) Dave Heineman
Governor

SELECT FILE

LEGISLATIVE BILL 563. ER8214, found on page 984, was adopted.

Senator Lathrop asked unanimous consent to withdraw his amendment, AM2365, found on page 1245, and replace it with his substitute amendment, AM2500, found on page 1312. No objections. So ordered.

Senator Price renewed his amendment, AM2506, found on page 1315, to the Lathrop amendment.

SENATOR SULLIVAN PRESIDING**PRESIDENT SHEEHY PRESIDING**

Pending.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 758. Placed on Final Reading.
LEGISLATIVE BILL 789. Placed on Final Reading.
LEGISLATIVE BILL 809. Placed on Final Reading.
LEGISLATIVE BILL 829. Placed on Final Reading.
LEGISLATIVE BILL 844. Placed on Final Reading.
LEGISLATIVE BILL 852. Placed on Final Reading.
LEGISLATIVE BILL 872. Placed on Final Reading.
LEGISLATIVE BILL 884. Placed on Final Reading.
LEGISLATIVE BILL 894. Placed on Final Reading.

LEGISLATIVE BILL 907. Placed on Final Reading.
LEGISLATIVE BILL 908. Placed on Final Reading.
LEGISLATIVE BILL 934. Placed on Final Reading.
LEGISLATIVE BILL 947. Placed on Final Reading.
LEGISLATIVE BILL 993. Placed on Final Reading.
LEGISLATIVE BILL 1055. Placed on Final Reading.
LEGISLATIVE BILL 1065. Placed on Final Reading.
LEGISLATIVE BILL 1085. Placed on Final Reading.

(Signed) Jeremy Nordquist, Chairperson

COMMITTEE REPORT
 Business and Labor

LEGISLATIVE BILL 1020. Placed on General File with amendment.
 AM2512 is available in the Bill Room.

(Signed) Steve Lathrop, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 552. Introduced by Pankonin, 2.

WHEREAS, Travis John Barrett, son of Kevin and Lora Barrett and a junior at Lourdes Central Catholic High School, has completed the requirements to attain 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, Travis has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, Travis served his troop in a variety of leadership roles, including senior patrol leader, patrol leader, assistant patrol leader, historian, librarian, quartermaster, bugler, troop guide, Order of the Arrow representative, and scribe. To achieve the rank of Eagle Scout, Travis earned twenty-two merit badges and completed a community service project approved by the troop and the scout council; and

WHEREAS, for his Eagle Scout community service project, Travis landscaped the front of his church, St. Benedict's Catholic Church, to beautify the church and prevent erosion on the steep slopes of the church's property; and

WHEREAS, in addition to his scouting achievements, Travis is a member of the Academic Decathlon and speech teams at Lourdes Central Catholic High School and the 4-H Youth and Adults in Action leadership group.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates Travis John Barrett for the exemplary achievement of fulfilling the requirements for obtaining the rank of Eagle Scout.
2. That a copy of this resolution be sent to Travis John Barrett.

Laid over.

SELECT FILE

LEGISLATIVE BILL 563. The Price amendment, AM2506, found on page 1315 and considered in this day's Journal, to the Lathrop amendment, was renewed.

Senator Janssen moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 2 nays, and 20 not voting.

Senator White requested a record vote on the Price amendment.

Senator Price requested a roll call vote on his amendment.

Voting in the affirmative, 5:

Janssen	Nelson	Price	Schilz	Stuthman
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Voting in the negative, 21:

Adams	Cornett	Haar	Mello	White
Campbell	Council	Howard	Nordquist	
Carlson	Dubas	Karpisek	Rogert	
Conrad	Flood	Lathrop	Sullivan	
Cook	Giese	McGill	Wallman	

Present and not voting, 18:

Ashford	Dierks	Hansen	Lautenbaugh	Utter
Avery	Fischer	Harms	McCoy	Wightman
Christensen	Fulton	Heidemann	Pankonin	
Coash	Hadley	Langemeier	Pirsch	

Excused and not voting, 5:

Gay	Gloor	Krist	Louden	Pahls
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The Price amendment lost with 5 ayes, 21 nays, 18 present and not voting, and 5 excused and not voting.

Senator Lathrop offered the following amendment to his amendment:
AM2513

(Amendments to AM2500)

- 1 1. On page 2, line 5, strike "at least six months".

The Lathrop amendment was adopted with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

The Lathrop amendment, AM2500, found on page 1312 and considered in this day's Journal, as amended, was renewed.

The Lathrop amendment, as amended, was adopted with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

Senator Price withdrew his amendments, AM2299 and AM2453, found on pages 1025 and 1285.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 563A. Senator Lathrop renewed his amendment, AM2480, found on page 1312.

The Lathrop amendment was adopted with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 931. ER8224, found on page 1228, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1014. ER8222, found on page 1235, was adopted.

Senator Haar offered the following amendment:
AM2508

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. (1)(a) Beginning in 2016, the Commissioner of
- 4 Education shall annually collect data from each school district
- 5 prior to February 25 and determine whether at least seventy-five
- 6 percent of the school districts have included a system for
- 7 distributing apportionment funds attributable to income from solar
- 8 or wind energy leases on school lands for teacher performance pay
- 9 within such districts' local collective-bargaining agreements for
- 10 the ensuing school fiscal year.
- 11 (b)(i) If the seventy-five percent requirement has been
- 12 met for the year, the Commissioner of Education shall use
- 13 the separate accounting provided by the State Treasurer under
- 14 subdivision (1)(b) of section 79-1035 to determine the amount
- 15 of the apportionment to each school district under section

16 79-1035 that is attributable to income from solar or wind energy
17 leases on school lands. The commissioner shall notify each school
18 district of such amount within five days after certification of
19 the apportionment required pursuant to subsection (3) of section
20 79-1035. Each school district shall use the amount of apportionment
21 funds specified in the notice provided by the commissioner for
22 the purpose of teacher performance pay. Such amount shall be
23 used as a supplement to the salary schedule as provided in local
1 collective-bargaining agreements. For purposes of distribution of
2 such funds only, the Legislature finds that teacher performance
3 pay measurements, criteria, and payout amounts are mandatory topics
4 of collective bargaining. If a school district has not included a
5 system for distributing apportionment funds attributable to income
6 from solar or wind energy leases on school lands for teacher
7 performance pay within its local collective-bargaining agreement,
8 the amount of apportionment funds specified in the notice provided
9 by the commissioner shall be returned to the State Treasurer within
10 one month of receipt of such funds. The State Treasurer shall
11 immediately credit any funds returned under this section to the
12 temporary school fund. Any funds returned under this section shall
13 be redistributed from the temporary school fund in the following
14 year and shall no longer be designated as income attributable to
15 solar or wind energy leases on school lands; or

16 (i) If the seventy-five percent requirement has not been
17 met for the year, then subdivision (1)(b)(i) of this section shall
18 not apply for that year.

19 (2) If the seventy-five percent requirement has not been
20 met in 2016, 2017, or 2018, then this section shall not apply in
21 2019 or any year thereafter.

22 (3) For purposes of this section:

23 (a) Lease means any lease, easement, covenant, or other
24 such contractual arrangement; and

25 (b) Teacher performance pay means a systematic process
26 for measuring teachers' performance and linking the measurements
27 to changes in teacher pay. Indicators of teacher performance may
1 include improving professional skills and knowledge, classroom
2 performance or instructional behavior, and instructional outcomes.
3 Teacher performance pay may include predetermined bonus amounts and
4 payout criteria.

5 Sec. 2. Section 79-1018.01, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 79-1018.01 Except as otherwise provided in this section,
8 local system formula resources include other actual receipts
9 available for the funding of general fund operating expenditures
10 as determined by the department for the second school fiscal
11 year immediately preceding the school fiscal year in which aid
12 is to be paid. Receipts from the Community Improvements Cash Fund
13 and receipts acquired pursuant to the Low-Level Radioactive Waste
14 Disposal Act shall not be included. Other actual receipts include:

- 15 (1) Public power district sales tax revenue;
- 16 (2) Fines and license fees;
- 17 (3) Tuition receipts from individuals, other districts,
- 18 or any other source except receipts derived from adult education,
- 19 receipts derived from summer school tuition, receipts derived from
- 20 early childhood education tuition, and receipts from educational
- 21 entities as defined in section 79-1201.01 for providing distance
- 22 education courses through the Distance Education Council until July
- 23 1, 2008, and the Educational Service Unit Coordinating Council on
- 24 and after July 1, 2008, to such educational entities;
- 25 (4) Transportation receipts;
- 26 (5) Interest on investments;
- 27 (6) Other miscellaneous noncategorical local receipts,
- 1 not including receipts from private foundations, individuals,
- 2 associations, or charitable organizations;
- 3 (7) Special education receipts;
- 4 (8) Special education receipts and non-special education
- 5 receipts from the state for wards of the court and wards of the
- 6 state;
- 7 (9) All receipts from the temporary school fund.
- 8 Beginning with the calculation of aid for school fiscal year
- 9 2002-03 and each school fiscal year thereafter, receipts from the
- 10 temporary school fund shall only include (a) receipts pursuant
- 11 to section 79-1035, to the extent that such receipts for the
- 12 calculation of aid for school fiscal year 2018-19 and each school
- 13 fiscal year thereafter are not returned to the temporary school
- 14 fund pursuant to section 1 of this act, and (b) the receipt of
- 15 funds pursuant to section 79-1036 for property leased for a public
- 16 purpose as set forth in subdivision (1)(a) of section 77-202;
- 17 (10) Motor vehicle tax receipts received on or after
- 18 January 1, 1998;
- 19 (11) Pro rata motor vehicle license fee receipts;
- 20 (12) Other miscellaneous state receipts excluding revenue
- 21 from the textbook loan program authorized by section 79-734;
- 22 (13) Impact aid entitlements for the school fiscal year
- 23 which have actually been received by the district to the extent
- 24 allowed by federal law;
- 25 (14) All other noncategorical federal receipts;
- 26 (15) All receipts pursuant to the enrollment option
- 27 program under sections 79-232 to 79-246;
- 1 (16) Receipts under the federal Medicare Catastrophic
- 2 Coverage Act of 1988, as such act existed on May 8, 2001, as
- 3 authorized pursuant to sections 43-2510 and 43-2511 but only to the
- 4 extent of the amount the local system would have otherwise received
- 5 pursuant to the Special Education Act; and
- 6 (17) Receipts for accelerated or differentiated
- 7 curriculum programs pursuant to sections 79-1106 to 79-1108.03.
- 8 Sec. 3. Section 79-1028.01, Revised Statutes Supplement,
- 9 2009, is amended to read:

- 10 79-1028.01 (1) For ~~school fiscal year 2008-09 and each~~
11 school fiscal year, ~~thereafter~~, a school district may exceed its
12 maximum general fund budget of expenditures minus the special
13 education budget of expenditures by a specific dollar amount for:
- 14 (a) Expenditures for repairs to infrastructure damaged by
15 a natural disaster which is declared a disaster emergency pursuant
16 to the Emergency Management Act;
 - 17 (b) Expenditures for judgments, except judgments or
18 orders from the Commission of Industrial Relations, obtained
19 against a school district which require or obligate a school
20 district to pay such judgment, to the extent such judgment is not
21 paid by liability insurance coverage of a school district;
 - 22 (c) Expenditures pursuant to the Retirement Incentive
23 Plan authorized in section 79-855 or the Staff Development
24 Assistance authorized in section 79-856;
 - 25 (d) Expenditures of incentive payments or base fiscal
26 year incentive payments to be received in such school fiscal year
27 pursuant to section 79-1011;
 - 1 (e) Expenditures of amounts received from educational
2 entities as defined in section 79-1201.01 for providing distance
3 education courses through the Educational Service Unit Coordinating
4 Council to such educational entities;
 - 5 (f) Either (i) the first and second school fiscal years
6 the district will be participating in Network Nebraska for the
7 full school fiscal year or (ii) school fiscal year 2008-09, if
8 the school district participated in Network Nebraska for all of
9 school fiscal year 2007-08, for the difference of the estimated
10 expenditures for such school fiscal year for telecommunications
11 services, access to data transmission networks that transmit data
12 to and from the school district, and the transmission of data on
13 such networks as such expenditures are defined by the department
14 for purposes of the distance education and telecommunications
15 allowance minus the dollar amount of such expenditures for the
16 second school fiscal year preceding the first full school fiscal
17 year the district participates in Network Nebraska;
 - 18 (g) Expenditures to pay another school district for the
19 transfer of land from such other school district;
 - 20 (h) Expenditures in school fiscal years 2009-10 through
21 2013-14 to pay for employer contributions pursuant to subsection
22 (2) of section 79-958 to the School Retirement System of the
23 State of Nebraska to the extent that such expenditures exceed the
24 employer contributions under such subsection that would have been
25 made at a contribution rate of seven and thirty-five hundredths
26 percent; ~~and~~
 - 27 (i) Expenditures in school fiscal years 2009-10 through
1 2013-14 to pay for school district contributions pursuant to
2 subdivision (1)(c)(i) of section 79-9,113 to the Class V School
3 Employees Retirement System to the extent that such expenditures
4 exceed the school district contributions under such subdivision

5 that would have been made at a contribution rate of seven and
6 thirty-seven hundredths percent;:-

7 ~~(2) For school fiscal year 2009-10 and each school fiscal~~
8 ~~year thereafter, a school district may exceed its maximum general~~
9 ~~fund budget of expenditures minus the special education budget of~~
10 ~~expenditures by a specific dollar amount for (a) expenditures~~

11 ~~(j) Expenditures for sums agreed to be paid by a school~~
12 ~~district to certificated employees in exchange for a voluntary~~
13 ~~termination occurring prior to July 1, 2009; and (b) expenditures~~

14 ~~(k) Expenditures for new elementary attendance sites in~~
15 ~~the first year of operation or the first year of operation after~~
16 ~~being closed for at least one school year if such elementary~~
17 ~~attendance site will most likely qualify for the elementary site~~
18 ~~allowance in the immediately following school fiscal year as~~
19 ~~determined by the state board; and-~~

20 ~~(l) Any expenditures in school fiscal years 2016-17~~
21 ~~and 2017-18 of amounts specified in the notice provided by the~~
22 ~~Commissioner of Education pursuant to section 1 of this act for~~
23 ~~teacher performance pay.~~

24 ~~(3)-(2) The state board shall approve, deny, or modify~~
25 ~~the amount allowed for any exception to the maximum general fund~~
26 ~~budget of expenditures minus the special education budget of~~
27 ~~expenditures pursuant to this section.~~

1 Sec. 4. Section 79-1035, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 79-1035 ~~(4)-(1)(a)~~ The State Treasurer shall, each year
4 on or before the third Monday in January, make a complete exhibit
5 of all money belonging to the permanent school fund and the
6 temporary school fund as returned to him or her from the several
7 counties, together with the amount derived from other sources,
8 and deliver such exhibit duly certified to the Commissioner of
9 Education.

10 ~~(b) Beginning in 2016 and each year thereafter, the~~
11 ~~exhibit required in subdivision (1)(a) of this section shall~~
12 ~~include a separate accounting, not to exceed an amount of ten~~
13 ~~million dollars, of the income from solar and wind energy leases~~
14 ~~on school lands. The Board of Educational Lands and Funds shall~~
15 ~~provide the State Treasurer with the information necessary to make~~
16 ~~the exhibit required by this subsection. Separate accounting shall~~
17 ~~not be made for income from solar or wind energy leases on school~~
18 ~~lands that exceeds the sum of ten million dollars.~~

19 ~~(2) On or before February 25 following receipt of the~~
20 ~~exhibit from the State Treasurer pursuant to subsection (1) of this~~
21 ~~section, the Commissioner of Education shall make the apportionment~~
22 ~~of the temporary school fund to each school district as follows:~~
23 ~~From the whole amount there shall be paid to those districts in~~
24 ~~which there are school or saline lands, which lands are used for a~~
25 ~~public purpose, an amount in lieu of tax money that would be raised~~
26 ~~if such lands were taxable, to be fixed in the manner prescribed~~

27 in section 79-1036; and the remainder shall be apportioned to the
 1 districts according to the pro rata enumeration of children who are
 2 five through eighteen years of age in each district last returned
 3 from the school district. The calculation of apportionment for
 4 each school fiscal year shall include any corrections to the prior
 5 school fiscal year's apportionment.

6 ~~(2)~~(3) The Commissioner of Education shall certify
 7 the amount of the apportionment of the temporary school fund as
 8 provided in subsection ~~(1)~~(2) of this section to the Director
 9 of Administrative Services. The Director of Administrative Services
 10 shall draw a warrant on the State Treasurer in favor of the
 11 various districts for the respective amounts so certified by the
 12 Commissioner of Education.

13 (4) For purposes of this section, lease means any lease,
 14 easement, covenant, or other such contractual arrangement.

15 Sec. 5. The Revisor of Statutes shall assign section 1 of
 16 this act to Chapter 79.

17 Sec. 6. Original sections 79-1018.01 and 79-1035, Reissue
 18 Revised Statutes of Nebraska, and section 79-1028.01, Revised
 19 Statutes Supplement, 2009, are repealed.

The Haar amendment was adopted with 31 ayes, 0 nays, 12 present and not
 voting, and 6 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 507A. Placed on Final Reading.

LEGISLATIVE BILL 712. Placed on Final Reading.

ST9100

The following changes, required to be reported for publication in the
 Journal, have been made:

1. In the E & R amendments, ER8225:

a. Section 41 and all amendments thereto have been struck and the
 following new section inserted:

Sec. 46. Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18,
 19, 20, 21, 22, 24, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41,
 42, 43, 44, 45, and 48 of this act become operative three calendar months
 after the adjournment of this legislative session. Section 23 of this act
 becomes operative on January 1, 2011. The other sections of this act become
 operative on their effective date.

b. On page 22, line 18, "18" has been struck and "22" inserted;

c. On page 28, line 11; and page 29, line 6, "26" has been struck and "30"
 inserted;

d. On page 44, line 9, "37" has been struck and "42" inserted;

e. On page 47, line 26; and page 48, line 9, "28-201, 28-502, 28-503, 28-504," has been inserted after "25-2804,"; and

f. On page 48, line 13, "47-502," has been inserted after the first comma; in line 18 "to change penalty provisions relating to criminal attempt and arson;" has been inserted after the semicolon; and in line 21 ", reduction of jail sentences," has been inserted after "enforcement".

LEGISLATIVE BILL 780. Placed on Final Reading.

LEGISLATIVE BILL 1072. Placed on Final Reading.

(Signed) Jeremy Nordquist, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 553. Introduced by Heidemann, 1.

WHEREAS, Alex Allen Gottwald, son of Allen and the late Ann Gottwald and a member of Troop 353 in Nebraska City, Nebraska, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Alex has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 12 of which are in required areas, and complete a community service project approved by the troop and the scout council; and

WHEREAS, Alex's community service project consisted of landscaping the front of his church, St. Joseph's Catholic Church, by planting roses along the pathway, thereby helping to beautify the church; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Alex, 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 Alex Allen Gottwald on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Alex Allen Gottwald.

Laid over.

AMENDMENT - Print in Journal

Senator Heidemann filed the following amendment to LB779:
AM2510

(Amendments to E & R amendments, ER8221)

- 1 1. On page 5, line 27, strike "any" and insert "
- 2 (a) Any".
- 3 2. On page 6, line 7, after the semicolon insert "and";
- 4 and after line 7 insert the following new subdivision:
- 5 "(b) Any racetrack licensed by the State Racing
- 6 Commission, including concession areas, parking facilities,
- 7 and onsite administrative offices connected with operating the
- 8 racetrack";.

SELECT FILE

LEGISLATIVE BILL 987. ER8234, found on page 1291, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 987A. Senator Heidemann renewed his amendment, AM2444, found on page 1297.

The Heidemann amendment was adopted with 33 ayes, 0 nays, 9 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

VISITORS

Visitors to the Chamber were Thomas Geardino from Malcolm; Jack Bauerle, Hayley Vitosh, and Kayla Schilke from Imperial; members of North Platte Youth Leadership Academy from North Platte; Chris Anderson from Lincoln; Dan Zichek from Lincoln; and Jonathan Herroon from Lincoln.

ADJOURNMENT

At 4:57 p.m., on a motion by Speaker Flood, the Legislature adjourned until 9:00 a.m., Thursday, April 8, 2010.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-SIXTH DAY - APRIL 8, 2010**LEGISLATIVE JOURNAL****ONE HUNDRED FIRST LEGISLATURE
SECOND SESSION****FIFTY-SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, April 8, 2010

PRAYER

The prayer was offered by Father Thomas Dunavan, St. Mary's Catholic Church in St. Mary's and St. Andrew Catholic Church in Tecumseh.

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 Nordquist who was excused; and Senators Cornett, Flood, Gay, Howard, Krist, Mello, Pahls, and Pankonin who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-fifth day was approved.

WITHDRAW - Amendment to LB420

Senator Hadley withdrew his amendment, AM1528, found on page 1182, to LB420.

MOTION - Return LB420 to Select File

Senator Hadley moved to return LB420 to Select File for his specific amendment, AM2479, found on page 1328.

The Hadley motion to return prevailed with 36 ayes, 0 nays, 4 present and not voting, and 9 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 420. The Hadley specific amendment, AM2479, found on page 1328, was renewed.

SENATOR ROBERT PRESIDING

Senator Lautenbaugh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 36 ayes, 0 nays, and 13 not voting.

The Hadley specific amendment was adopted with 31 ayes, 9 nays, 3 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 563. Placed on Final Reading.

ST9103

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, the matter beginning with "adopt" in line 1 through line 2 and all amendments thereto have been struck and "amend sections 77-2711 and 77-27,119, Reissue Revised Statutes of Nebraska, and section 48-2115, Revised Statutes Supplement, 2009; to adopt the Employee Classification Act; to provide funding for enforcement; to allow the Department of Revenue to disclose information to the Department of Labor as prescribed; to harmonize provisions; and to repeal the original sections." inserted.

LEGISLATIVE BILL 563A. Placed on Final Reading.

LEGISLATIVE BILL 594. Placed on Final Reading.

ST9102

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E & R amendments, ER8220:
 - a. On page 17, line 24, "28-327.01," has been inserted after the third comma; and
 - b. On page 18, line 4, "to require information regarding certain service agencies to be made available on the Internet;" has been inserted after the first semicolon.

(Signed) Jeremy Nordquist, Chairperson

COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 999. Placed on Select File with amendment.

ER8238

- 1 1. In the Campbell amendment, AM2503, on page 2, line 5,
- 2 strike "1395" and insert "1395dd".
- 3 2. On page 1, strike beginning with "hospitals" in line
- 4 1 through line 4 and insert "health care; to amend section 71-401,

- 5 Reissue Revised Statutes of Nebraska; to state findings; to provide
- 6 for a moratorium on new hospital licenses as prescribed; to provide
- 7 for a study of health care as prescribed; to harmonize provisions;
- 8 to repeal the original section; and to declare an emergency."

(Signed) Jeremy Nordquist, Chairperson

GENERAL FILE

LEGISLATIVE BILL 1020. Title read. Considered.

Committee AM2512, found on page 1342, was considered.

PRESIDENT SHEEHY PRESIDING

Senator Lathrop offered the following amendment to the committee amendment:

FA77

Amend AM2512

On page 13, line 10, insert "seventy" after "seven".

The Lathrop amendment was adopted with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

The committee amendment, as amended, was adopted with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 771. ER8237, found on page 1338, was adopted.

Senator Langemeier renewed the Flood amendment, AM2504, found on page 1337.

The Flood amendment was adopted with 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 779. ER8221, found on page 1228, was adopted.

Senator Coash renewed his amendment, AM2324, found on page 1070.

Senator Coash withdrew his amendment.

Pending.

RESOLUTION

LEGISLATIVE RESOLUTION 554. Introduced by Pirsch, 4.

WHEREAS, Millard North High School earned a number of awards at the String Olympics festival held at the University of Nebraska at Omaha on March 27, 2010; and

WHEREAS, the Millard North High School orchestra was named Most Outstanding in Division III for high schools; and

WHEREAS, a number of Millard North High School students earned medals for their musical performances, including Yasmeen Bora, Peter Xu, Tim Grady, Cindy Liu, Jessica Lu, Maggie Williams, Jesse Mu, Marisa Varghese, Shannon Reeves, Emily Wheeler, Megan Palmer, Clara Edwards, Claire Jauken, Brianna Lile, Michael Janning, Kristen Gjesdahl, Alex Elfering, Tyhler Roth, and Sri Narayanan; and

WHEREAS, Mrs. Debbie Martinez did an outstanding job as director of the Millard North High School orchestra.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates the Millard North High School orchestra, the individual medalists, and Mrs. Debbie Martinez for their accomplishments at the String Olympics festival.

2. That a copy of this resolution be sent to Millard North High School.

Laid over.

UNANIMOUS CONSENT - Add Cointroducers

Senators Janssen, Karpisek, Pahls, Price, and Sullivan asked unanimous consent to add their names as cointroducers to LR538. No objections. So ordered.

VISITORS

Visitors to the Chamber were FFA members from Kimball; FFA members from Alliance; 22 fourth-grade students from Hayward Elementary, Nebraska City; John Allen from Lincoln; 77 fourth-grade students, teachers, and sponsors from Dodge Elementary, Grand Island; 50 fourth-grade students and teachers from Mockingbird Elementary, Omaha; Mary Delimont and Gordon Blaser from Columbus; and members of Washington County Leadership from Washington County.

RECESS

At 11:50 a.m., on a motion by Senator Langemeier, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Sheehy presiding.

ROLL CALL

The roll was called and all members were present except Senator Nordquist who was excused; and Senators Flood, Karpisek, Lautenbaugh, and White who were excused until they arrive.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 931. Placed on Final Reading.

ST9106

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E & R amendments, ER8224:

a. On page 12, line 8; and page 17, line 12, "77-2230" has been struck and "76-2230" inserted; and

b. On page 13, line 2, the first stricken comma has been reinstated.

LEGISLATIVE BILL 987. Placed on Final Reading.

LEGISLATIVE BILL 987A. Placed on Final Reading.

LEGISLATIVE BILL 1014. Placed on Final Reading.

ST9104

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Haar amendment, AM2508, on page 2, line 15, "; or" has been struck and an underscored period inserted.

2. In the E & R amendments, ER8222, on page 1, line 8, "to provide a duty for the Revisor of Statutes;" has been inserted after the semicolon.

(Signed) Jeremy Nordquist, Chairperson

SELECT FILE

LEGISLATIVE BILL 779. Senator Heidemann withdrew his amendment, AM2510, found on page 1351.

Senator Heidemann offered the following amendment:

AM2523

(Amendments to E & R amendments, ER8221)

- 1 1. On page 5, line 27, strike "any" and insert "
- 2 (a) Any".
- 3 2. On page 6, line 7, after the semicolon insert "and";
- 4 and after line 7 insert the following new subdivision:

5 "(b) Any racetrack enclosure licensed by the State Racing
 6 Commission in which initial occupancy occurs on or after July 1,
 7 2010, including concession areas, parking facilities, and onsite
 8 administrative offices connected with operating the racetrack;".

Senator Christensen moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 5 nays, and 19 not voting.

Senator Mello requested a record vote on the Heidemann amendment.

Voting in the affirmative, 32:

Ashford	Cornett	Howard	McCoy	Stuthman
Avery	Gay	Janssen	McGill	Sullivan
Campbell	Giese	Karpisek	Mello	Wallman
Carlson	Gloor	Langemeier	Pahls	Wightman
Christensen	Haar	Lathrop	Pankonin	
Coash	Hadley	Lautenbaugh	Rogert	
Conrad	Heidemann	Louden	Schilz	

Voting in the negative, 4:

Council	Dierks	Hansen	Harms
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Present and not voting, 11:

Adams	Fischer	Nelson	Utter
Cook	Fulton	Pirsch	White
Dubas	Krist	Price	

Excused and not voting, 2:

Flood	Nordquist
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The Heidemann amendment was adopted with 32 ayes, 4 nays, 11 present and not voting, and 2 excused and not voting.

Senator Lathrop offered the following amendment:

AM2526

(Amendments to E & R amendments, ER8221)

- 1 1. On page 5, line 1, after "dollars" insert "from the
- 2 fund"; and in line 2 after "Revenue" insert "Enforcement Fund" and
- 3 after "2010," insert "or as soon thereafter as practicable".
- 4 2. On page 6, line 2, strike "or recreation" and before
- 5 "seating" insert "permanent".
- 6 3. On page 7, strike beginning with "local" in line 13
- 7 through "bonds" in line 17 and insert "city, village, or county";
- 8 in line 22, after "subdivision" insert "or its governing body"

9 and after "has" insert "(1)"; in line 23 strike "or has" and
 10 insert ".(2)"; in line 24 after "equip" insert ", or (3) adopted
 11 a resolution authorizing the political subdivision to pursue a
 12 general obligation bond issue to acquire, construct, improve, or
 13 equip"; and in line 26 after "shall" insert "only".

14 4. On page 8, strike beginning with "If" in line 2
 15 through line 7; and in line 21 after "project" insert ", including
 16 a copy of any operating agreement or lease with substantial users
 17 of the facility".

18 5. On page 9, line 23, after "approved" insert ",
 19 except that an approval of an application submitted because of
 20 the requirement in subdivision (3) of section 9 of this act is
 21 a temporary approval. If the general obligation bond issue is
 22 subsequently approved by the voters of the political subdivision,
 1 the approval by the board becomes permanent. If the general
 2 obligation bond issue is not approved by such voters, the temporary
 3 approval shall become void.".

4 6. On page 11, line 20, after "the" insert "(i)"; in line
 5 22 strike "and" and insert ".(ii)"; and in line 24 strike "and"
 6 and insert ", and (iii)".

7 7. On page 12, line 11, strike "seventy-five" and insert
 8 "fifty"; and in line 12 strike "for any one approved project".

9 8. On page 13, line 2, strike "may" and insert "shall";
 10 and strike beginning with the second "and" in line 7 through
 11 "project" in line 8.

The Lathrop amendment was adopted with 36 ayes, 0 nays, 11 present and not voting, and 2 excused and not voting.

Senator Lathrop offered the following amendment:
 AM2517

(Amendments to E & R amendments, ER8221)

- 1 1. On page 12, strike beginning with "Local" in line 25
- 2 through "Financing" in line 26 and insert "General".

SENATOR LANGEMEIER PRESIDING

SENATOR FISCHER PRESIDING

SENATOR LANGEMEIER PRESIDING

Senator Janssen moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Lathrop amendment lost with 2 ayes, 28 nays, 11 present and not voting, and 8 excused and not voting.

Senator Lathrop offered the following amendment:

AM2528

(Amendments to E & R amendments, ER8221)

1 1. Insert the following new section:

2 Sec. 18. Section 77-5601, Revised Statutes Cumulative
3 Supplement, 2008, as amended by section 58, Legislative Bill 3, One
4 Hundred First Legislature, First Special Session, 2009, is amended
5 to read:

6 77-5601 (1) From August 1, 2004, through October 31,
7 2004, there shall be conducted a tax amnesty program with regard
8 to taxes due and owing that have not been reported to the
9 Department of Revenue. Any person applying for tax amnesty shall
10 pay all unreported taxes that were due on or before April 1,
11 2004. Any person that applies for tax amnesty and is accepted
12 by the Tax Commissioner shall have any penalties and interest
13 waived on unreported and delinquent taxes notwithstanding any other
14 provisions of law to the contrary.

15 (2) To be eligible for the tax amnesty provided by this
16 section, the person shall apply for amnesty within the amnesty
17 period, file a return for each taxable period for which the amnesty
18 is requested by December 31, 2004, if no return has been filed, and
19 pay in full all taxes for which amnesty is sought with the return
20 or within thirty days after the application if a return was filed
21 prior to the amnesty period. Tax amnesty shall not be available for
22 any person that is under civil or criminal audit, investigation, or
1 prosecution for unreported or delinquent taxes by this state or the
2 United States Government on or before April 16, 2004.

3 (3) The department shall not seek civil or criminal
4 prosecution against any person for any taxable period for which
5 amnesty has been granted. The Tax Commissioner shall develop forms
6 for applying for the tax amnesty program, develop procedures for
7 qualification for tax amnesty, and conduct a public awareness
8 campaign publicizing the program.

9 (4) If a person elects to participate in the amnesty
10 program, the election shall constitute an express and irrevocable
11 relinquishment of all administrative and judicial rights to
12 challenge the imposition of the tax or its amount. Nothing in this
13 section shall prohibit the department from adjusting a return as a
14 result of any state or federal audit.

15 (5)(a) Except for any local option sales tax collected
16 and returned to the appropriate municipality and any motor vehicle
17 fuel, diesel fuel, and compressed fuel taxes, which shall be
18 deposited in the Highway Trust Fund or Highway Allocation Fund
19 as provided by law, no less than eighty percent of all revenue
20 received pursuant to the tax amnesty program shall be deposited
21 in the General Fund; ten percent, not to exceed five hundred
22 thousand dollars, shall be deposited in the Department of Revenue
23 Enforcement Fund; and ten percent, not to exceed five hundred
24 thousand dollars, shall be deposited in the Department of Revenue

25 Enforcement Technology Fund. Any amount that would otherwise be
26 deposited in the Department of Revenue Enforcement Fund or the
27 Department of Revenue Enforcement Technology Fund that is in excess
1 of the five-hundred-thousand-dollar limitation shall be deposited
2 in the General Fund.

3 (b) For fiscal year 2005-06, all proceeds in the
4 Department of Revenue Enforcement Fund shall be appropriated to
5 the department for purposes of employing investigators, agents, and
6 auditors and otherwise increasing personnel for enforcement of the
7 Nebraska Revenue Act of 1967. For fiscal year 2005-06, all proceeds
8 in the Department of Revenue Enforcement Technology Fund shall be
9 appropriated to the department for the purposes of acquiring lists,
10 software, programming, computer equipment, and other technological
11 methods for enforcing the act.

12 (c) For fiscal years after fiscal year 2005-06, twenty
13 percent of all proceeds received during the previous calendar year
14 due to the efforts of auditors and investigators hired pursuant to
15 subdivision (5)(b) of this section, not to exceed seven hundred
16 fifty thousand dollars, shall be deposited in the Department of
17 Revenue Enforcement Fund for purposes of employing investigators
18 and auditors or continuing such employment for purposes of
19 increasing enforcement of the act.

20 (6)(a) The department shall prepare a report by April
21 1, 2005, and by February 1 of each year thereafter detailing the
22 results of the tax amnesty program and the subsequent enforcement
23 efforts. For the report due April 1, 2005, the report shall include
24 (i) the amount of revenue obtained as a result of the tax amnesty
25 program broken down by tax program, (ii) the amount obtained
26 from in-state taxpayers and from out-of-state taxpayers, and (iii)
27 the amount obtained from individual taxpayers and from business
1 enterprises.

2 (b) For reports due in subsequent years, the report
3 shall include (i) the number of personnel hired for purposes
4 of subdivision (5)(b) of this section and their duties, (ii) a
5 description of lists, software, programming, computer equipment,
6 and other technological methods acquired pursuant to such
7 subdivision and the purposes of each, and (iii) the amount
8 of new revenue obtained as a result of the new personnel and
9 acquisitions during the prior calendar year, broken down into the
10 same categories as described in subdivision (6)(a) of this section.

11 (7) The Department of Revenue Enforcement Fund and the
12 Department of Revenue Enforcement Technology Fund are created.
13 Transfers may be made from the Department of Revenue Enforcement
14 Fund to the General Fund at the direction of the Legislature. The
15 Department of Revenue Enforcement Fund may receive transfers from
16 the Local Civic, Cultural, and Convention Center Financing Fund at
17 the direction of the Legislature for the purpose of administering
18 the Sports Arena Facility Financing Assistance Act. Any money
19 in the Department of Revenue Enforcement Fund and the Department

20 of Revenue Enforcement Technology Fund available for investment
 21 shall be invested by the state investment officer pursuant to
 22 the Nebraska Capital Expansion Act and the Nebraska State Funds
 23 Investment Act. The Department of Revenue Enforcement Technology
 24 Fund shall terminate on July 1, 2006. Any unobligated money in the
 25 fund at that time shall be deposited in the General Fund.

26 (8) For purposes of this section, taxes mean any taxes
 27 collected by the department, including, but not limited to state
 1 and local sales and use taxes, individual and corporate income
 2 taxes, financial institutions deposit taxes, motor vehicle fuel,
 3 diesel fuel, and compressed fuel taxes, cigarette taxes, transfer
 4 taxes, and charitable gaming taxes.

5 2. On page 4, line 17, before "The" insert "(1)"; and
 6 strike the new matter in line 27 and insert "Transfers may be made
 7 from the fund to the Department of Revenue Enforcement Fund at the
 8 direction of the Legislature.

9 (2) On July 1, 2010, or as soon thereafter as is
 10 administratively possible the State Treasurer shall transfer
 11 seventy-nine thousand three hundred dollars from the Local Civic,
 12 Cultural, and Convention Center Financing Fund to the Department
 13 of Revenue Enforcement Fund.

14 (3) It is the intent of the Legislature that on July
 15 1, 2011, or as soon thereafter as is administratively possible
 16 the State Treasurer shall transfer forty-two thousand nine hundred
 17 dollars from the Local Civic, Cultural, and Convention Center
 18 Financing Fund to the Department of Revenue Enforcement Fund."

19 3. On page 5, strike lines 1 through 4.

20 4. Renumber remaining sections and correct the repealer
 21 accordingly.

The Lathrop amendment was adopted with 32 ayes, 0 nays, 9 present and
 not voting, and 8 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 779A. Senator Lathrop offered the following
 amendment:

AM2529

1 1. Strike original section 1 and insert the following new
 2 section:

3 Section 1. There is hereby appropriated (1) \$79,300
 4 from the Department of Revenue Enforcement Fund for FY2010-11 and
 5 (2) \$42,900 from the Department of Revenue Enforcement Fund for
 6 FY2011-12 to the Department of Revenue, for Program 102, to aid in
 7 carrying out the provisions of Legislative Bill 779, One Hundred
 8 First Legislature, Second Session, 2010.

9 Total expenditures for permanent and temporary salaries
 10 and per diems from funds appropriated in this section shall not
 11 exceed \$19,500 for FY2010-11 or \$31,100 for FY2011-12.

The Lathrop amendment was adopted with 29 ayes, 0 nays, 12 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 420. Placed on Final Reading Third.

ST9107

The following changes, required to be reported for publication in the Journal, have been made:

1. The Hadley amendment, AM2479, has been incorporated into the Second Final Reading Copy.

LEGISLATIVE BILL 771. Placed on Final Reading.

ST9105

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E & R amendments, ER8237:

a. On page 2, line 2, "section" has been inserted after the comma; and

b. On page 5, line 22, the semicolon has been struck and an underscored colon inserted; and in line 24 the colon has been struck and an underscored semicolon inserted.

(Signed) Jeremy Nordquist, Chairperson

COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 1020. Placed on Select File with amendment.

ER8239 is available in the Bill Room.

(Signed) Jeremy Nordquist, Chairperson

COMMITTEE REPORT

Executive Board

LEGISLATIVE RESOLUTION 542. Reported to the Legislature for further consideration.

(Signed) John Wightman, Chairperson

COMMITTEE REPORT
Health and Human Services

The Health and Human Services Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Diane Muelleman - Commission for the Deaf and Hard of Hearing

Aye: 7 Senators Campbell, Gay, Gloor, Howard, Pankonin, Stuthman, Wallman. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Tim Gay, Chairperson

CONFLICT OF INTEREST STATEMENT

Pursuant to Rule 1, Sec. 19, Senator Campbell has filed a Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act. The statement is on file in the Clerk of the Legislature's Office.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 817.

A BILL FOR AN ACT relating to law enforcement; to amend sections 2-32,101, 69-2403, 69-2427, 69-2431, and 69-2433, Reissue Revised Statutes of Nebraska, and sections 18-1703 and 28-1212.04, Revised Statutes Supplement, 2009; to authorize natural resources districts to employ law enforcement personnel or private security services; to change city and village powers regarding registration of handguns; to change prohibitions regarding the discharge of firearms in certain cities, villages, and counties; to exempt permitholders under the Concealed Handgun Permit Act and peace officers from the requirement to obtain a certificate to purchase a handgun; to provide a duty for the Nebraska State Patrol under the act; to change requirements for a permit to carry a concealed handgun; 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, 43:

Adams	Council	Hansen	Louden	Schilz
Ashford	Dierks	Harms	McCoy	Stuthman
Avery	Dubas	Howard	McGill	Sullivan
Campbell	Fischer	Janssen	Mello	Utter
Carlson	Fulton	Karpisek	Nelson	Wallman
Coash	Giese	Krist	Pankonin	White
Conrad	Gloor	Langemeier	Pirsch	Wightman
Cook	Haar	Lathrop	Price	
Cornett	Hadley	Lautenbaugh	Rogert	

Voting in the negative, 0.

Excused and not voting, 6:

Christensen	Gay	Nordquist
Flood	Heidemann	Pahls

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1109. With Emergency Clause.

A BILL FOR AN ACT relating to economic development; to amend section 81-12,105.01, Reissue Revised Statutes of Nebraska; to adopt the Nebraska Innovation and High Wage Employment Act; to provide for the lapse of the balance in the Microenterprise Development Cash Fund to the General 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, 43:

Adams	Dierks	Harms	Louden	Schilz
Ashford	Dubas	Heidemann	McCoy	Stuthman
Avery	Fischer	Howard	McGill	Sullivan
Campbell	Fulton	Janssen	Mello	Utter
Carlson	Giese	Karpisek	Nelson	Wallman
Conrad	Gloor	Krist	Pankonin	White
Cook	Haar	Langemeier	Pirsch	Wightman
Cornett	Hadley	Lathrop	Price	
Council	Hansen	Lautenbaugh	Rogert	

Voting in the negative, 0.

Present and not voting, 1:

Coash

Excused and not voting, 5:

Christensen Flood Gay Nordquist Pahls

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 1109A. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1109, One Hundred First Legislature, Second Session, 2010; 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, 43:

Adams	Dierks	Harms	Louden	Schilz
Ashford	Dubas	Heidemann	McCoy	Stuthman
Avery	Fischer	Howard	McGill	Sullivan
Campbell	Fulton	Janssen	Mello	Utter
Carlson	Giese	Karpisek	Nelson	Wallman
Conrad	Gloor	Krist	Pankonin	White
Cook	Haar	Langemeier	Pirsch	Wightman
Cornett	Hadley	Lathrop	Price	
Council	Hansen	Lautenbaugh	Regert	

Voting in the negative, 0.

Present and not voting, 1:

Coash

Excused and not voting, 5:

Christensen Flood Gay Nordquist Pahls

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 LB801 with 40 ayes, 3 nays, 1 present and not voting, and 5 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 801.

A BILL FOR AN ACT relating to consumer protection; to amend sections 87-301, 87-303, 87-303.02, 87-303.03, and 87-306, Reissue Revised Statutes of Nebraska, and section 87-302, Revised Statutes Supplement, 2009; to change provisions relating to the Uniform Deceptive Trade Practices Act; 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, 44:

Adams	Council	Hansen	Lautenbaugh	Rogert
Ashford	Dierks	Harms	Louden	Schilz
Avery	Dubas	Heidemann	McCoy	Stuthman
Campbell	Fischer	Howard	McGill	Sullivan
Carlson	Fulton	Janssen	Mello	Utter
Coash	Giese	Karpisek	Nelson	Wallman
Conrad	Gloor	Krist	Pankonin	White
Cook	Haar	Langemeier	Pirsch	Wightman
Cornett	Hadley	Lathrop	Price	

Voting in the negative, 0.

Excused and not voting, 5:

Christensen	Flood	Gay	Nordquist	Pahls
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 842.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-1401, Reissue Revised Statutes of Nebraska; to change provisions relating to procedures in cases of death occurring during apprehension or custody; 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, 39:

Adams	Dubas	Heidemann	Louden	Rogert
Avery	Fischer	Howard	McCoy	Schilz
Campbell	Giese	Janssen	McGill	Stuthman
Carlson	Gloor	Karpisek	Mello	Sullivan
Coash	Haar	Krist	Nelson	Utter
Cook	Hadley	Langemeier	Pankonin	Wallman
Cornett	Hansen	Lathrop	Pirsch	Wightman
Dierks	Harms	Lautenbaugh	Price	

Voting in the negative, 4:

Ashford	Conrad	Council	White
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Excused and not voting, 6:

Christensen	Fulton	Nordquist
Flood	Gay	Pahls

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB849 with 35 ayes, 1 nay, 7 present and not voting, and 6 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 849. With Emergency Clause.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 38-1901, 38-1902, 38-1908, 38-1918, 38-2605, 38-2617, 38-2841, 68-906, 68-1017, 68-1017.01, 68-1070, 70-1603, 70-1605, 71-401, 71-403, 71-415, 71-516.04, 71-1559, 71-1796, 71-4604.01, 71-7447, 71-8403, 77-27,165, 83-1220, 83-1221, 83-1222, 83-1223, and 83-1224, Reissue Revised Statutes of Nebraska, and sections 38-2826, 38-2850, 38-2867, 38-2869, and 83-1217, Revised Statutes Supplement, 2009; to change provisions relating to the Medical Radiography Practice Act, and the practices of optometry and pharmacy; to adopt federal law for purposes of the Medical Assistance Act and the Supplemental Nutrition Assistance Program; to remove and change references to Supplemental Nutrition Assistance Program coupons and benefits; to change provisions relating to notice of discontinuation of utility service; to require licensure of children's day health services; to provide requirements for staff training for purposes of the Alzheimer's Special Care Disclosure Act; to change provisions relating to fees and funds of the Public Service Commission; to change provisions relating to requests for access to medical records; to change notification requirements for child support claims against income tax

refunds; to change provisions relating to developmental disability services; to change provisions relating to hearing officers of the Division of Developmental Disabilities; to create and eliminate funds; to repeal a termination date relating to the Nebraska Center for Nursing Act; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal section 71-17,100, Reissue Revised Statutes of Nebraska; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 43:

Adams	Council	Harms	Louden	Schilz
Ashford	Dierks	Heidemann	McCoy	Stuthman
Avery	Dubas	Howard	McGill	Sullivan
Campbell	Fischer	Janssen	Mello	Utter
Carlson	Giese	Karpisek	Nelson	Wallman
Coash	Gloor	Krist	Pankonin	White
Conrad	Haar	Langemeier	Pirsch	Wightman
Cook	Hadley	Lathrop	Price	
Cornett	Hansen	Lautenbaugh	Rogert	

Voting in the negative, 0.

Excused and not voting, 6:

Christensen	Fulton	Nordquist
Flood	Gay	Pahls

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 862.

A BILL FOR AN ACT relating to natural resources; to amend sections 2-3226.01 and 2-3226.05, Revised Statutes Cumulative Supplement, 2008, and section 46-739.01, Revised Statutes Supplement, 2009; to change provisions relating to river-flow enhancement bonds; to change provisions relating to an occupation tax as prescribed; to provide exceptions to approval requirements for transfers of certified water uses or irrigated acres or participation in certain incentive programs; 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, 40:

Adams	Cornett	Hadley	Langemeier	Pirsch
Ashford	Council	Hansen	Lathrop	Price
Avery	Dierks	Harms	Lautenbaugh	Rogert
Campbell	Dubas	Heidemann	McCoy	Schilz
Carlson	Fischer	Howard	McGill	Sullivan
Coash	Giese	Janssen	Mello	Utter
Conrad	Gloor	Karpisek	Nelson	Wallman
Cook	Haar	Krist	Pankonin	Wightman

Voting in the negative, 2:

Louden Stuthman

Present and not voting, 1:

White

Excused and not voting, 6:

Christensen	Fulton	Nordquist
Flood	Gay	Pahls

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB877 with 39 ayes, 1 nay, 3 present and not voting, and 6 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 877. With Emergency Clause.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-202.04, 77-701, 77-1363, 77-1502, 77-1507, 77-3517, 77-5007, 77-5013, 77-5016, 77-5018, and 77-5019, Reissue Revised Statutes of Nebraska; to authorize appeals by the Tax Commissioner and Property Tax Administrator as prescribed; to change provisions relating to soil surveys; to change provisions relating to descriptions of property for property tax purposes; to change provisions relating to homestead exemptions; to change powers and duties of the Tax Equalization and Review Commission; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure

having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Adams	Council	Harms	Louden	Schilz
Ashford	Dierks	Heidemann	McCoy	Stuthman
Avery	Dubas	Howard	McGill	Sullivan
Campbell	Fischer	Janssen	Mello	Utter
Carlson	Giese	Karpisek	Nelson	Wallman
Coash	Gloor	Krist	Pankonin	White
Conrad	Haar	Langemeier	Pirsch	Wightman
Cook	Hadley	Lathrop	Price	
Cornett	Hansen	Lautenbaugh	Regot	

Voting in the negative, 0.

Excused and not voting, 6:

Christensen	Fulton	Nordquist
Flood	Gay	Pahls

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 945.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-4,182, Revised Statutes Cumulative Supplement, 2008, and section 60-601, Revised Statutes Supplement, 2009; to prohibit using a handheld wireless communication device as prescribed while operating a motor vehicle; to provide exceptions; to provide penalties; to define terms; 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, 38:

Adams	Dubas	Howard	McCoy	Schilz
Ashford	Fischer	Janssen	McGill	Stuthman
Avery	Giese	Karpisek	Mello	Sullivan
Campbell	Gloor	Krist	Nelson	Utter
Carlson	Haar	Langemeier	Pankonin	White
Conrad	Hadley	Lathrop	Pirsch	Wightman
Cornett	Harms	Lautenbaugh	Price	
Dierks	Heidemann	Louden	Regot	

Voting in the negative, 2:

Coash Hansen

Present and not voting, 3:

Cook Council Wallman

Excused and not voting, 6:

Christensen Fulton Nordquist
Flood Gay Pahls

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB950 with 34 ayes, 0 nays, 8 present and not voting, and 7 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 950. With Emergency Clause.

A BILL FOR AN ACT relating to retirement; to amend sections 23-2310.04, 23-2315.01, 23-2319.02, 24-701.01, 24-710.07, 79-902, 79-910.01, 79-915, 79-920, 79-947.01, 79-951, 79-978, 79-990, 81-2016, 81-2027.03, 84-1310.01, 84-1311.03, 84-1314, 84-1321.01, 84-1323.01, and 84-1504, Reissue Revised Statutes of Nebraska, sections 23-2309.01 and 23-2310.05, Revised Statutes Cumulative Supplement, 2008, and sections 23-2306, 23-2308.01, 84-1307, and 84-1309.02, Revised Statutes Supplement, 2009; to change provisions relating to the County Employees Retirement Act, the Judges Retirement Act, the School Employees Retirement Act, the Class V School Employees Retirement Act, the Nebraska State Patrol Retirement Act, and the State Employees Retirement Act regarding participation eligibility, uses of funds, disability eligibility, state contributions, and retirement system options; to redefine terms; to harmonize provisions; 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, 42:

Adams	Council	Harms	Louden	Schilz
Ashford	Dierks	Heidemann	McCoy	Sullivan
Avery	Dubas	Howard	McGill	Utter
Campbell	Fischer	Janssen	Mello	Wallman
Carlson	Giese	Karpisek	Nelson	White
Coash	Gloor	Krist	Pankonin	Wightman
Conrad	Haar	Langemeier	Pirsch	
Cook	Hadley	Lathrop	Price	
Cornett	Hansen	Lautenbaugh	Rogert	

Voting in the negative, 0.

Excused and not voting, 7:

Christensen	Fulton	Nordquist	Stuthman
Flood	Gay	Pahls	

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 1010. With Emergency Clause.

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.

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, 42:

Adams	Council	Harms	Louden	Schilz
Ashford	Dierks	Heidemann	McCoy	Sullivan
Avery	Dubas	Howard	McGill	Utter
Campbell	Fischer	Janssen	Mello	Wallman
Carlson	Giese	Karpisek	Nelson	White
Coash	Gloor	Krist	Pankonin	Wightman
Conrad	Haar	Langemeier	Pirsch	
Cook	Hadley	Lathrop	Price	
Cornett	Hansen	Lautenbaugh	Rogert	

Voting in the negative, 0.

Excused and not voting, 7:

Christensen	Fulton	Nordquist	Stuthman
Flood	Gay	Pahls	

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 1094.

A BILL FOR AN ACT relating to consumer protection; to amend section 84-907.03, Revised Statutes Supplement, 2009; to adopt the Nonrecourse Civil Litigation Act; to provide powers and duties for the Secretary of State; to harmonize provisions; 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, 42:

Adams	Council	Harms	Louden	Schilz
Ashford	Dierks	Heidemann	McCoy	Sullivan
Avery	Dubas	Howard	McGill	Utter
Campbell	Fischer	Janssen	Mello	Wallman
Carlson	Giese	Karpisek	Nelson	White
Coash	Gloor	Krist	Pankonin	Wightman
Conrad	Haar	Langemeier	Pirsch	
Cook	Hadley	Lathrop	Price	
Cornett	Hansen	Lautenbaugh	Rogert	

Voting in the negative, 0.

Excused and not voting, 7:

Christensen	Fulton	Nordquist	Stuthman
Flood	Gay	Pahls	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1094A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1094, 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, 42:

Adams	Council	Harms	Louden	Schilz
Ashford	Dierks	Heidemann	McCoy	Sullivan
Avery	Dubas	Howard	McGill	Utter
Campbell	Fischer	Janssen	Mello	Wallman
Carlson	Giese	Karpisek	Nelson	White
Coash	Gloor	Krist	Pankonin	Wightman
Conrad	Haar	Langemeier	Pirsch	
Cook	Hadley	Lathrop	Price	
Cornett	Hansen	Lautenbaugh	Rogert	

Voting in the negative, 0.

Excused and not voting, 7:

Christensen	Fulton	Nordquist	Stuthman
Flood	Gay	Pahls	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Recommit LB510 to Committee

Senator Council renewed her motion, MO97, found on page 1262, to recommit LB510 to Judiciary Committee.

The Council motion to recommit to committee failed with 6 ayes, 23 nays, 12 present and not voting, and 8 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 510.

A BILL FOR AN ACT relating to criminal procedure; to amend sections 29-2207 and 83-184, Reissue Revised Statutes of Nebraska, and section 81-1835, Revised Statutes Supplement, 2009; to require assessments on convictions and affirmations upon appeal; to provide funding for compensation of victims of crime and for rehabilitation of certain offenders as prescribed; to create funds; to harmonize provisions; to provide a duty for the Revisor of Statutes; 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:

Ashford	Dierks	Harms	Lautenbaugh	Schilz
Avery	Dubas	Heidemann	McGill	Sullivan
Campbell	Fischer	Howard	Mello	Utter
Carlson	Giese	Janssen	Nelson	Wallman
Coash	Gloor	Karpisek	Pankonin	White
Conrad	Haar	Krist	Pirsch	Wightman
Cook	Hadley	Langemeier	Price	
Cornett	Hansen	Lathrop	Rogert	

Voting in the negative, 1:

Council

Present and not voting, 2:

Adams Louden

Excused and not voting, 8:

Christensen	Fulton	McCoy	Pahls
Flood	Gay	Nordquist	Stuthman

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 510A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 510, 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, 40:

Adams	Cornett	Hansen	Lathrop	Price
Ashford	Dierks	Harms	Lautenbaugh	Rogert
Avery	Dubas	Heidemann	Louden	Schilz
Campbell	Fischer	Howard	McGill	Sullivan
Carlson	Giese	Janssen	Mello	Utter
Coash	Gloor	Karpisek	Nelson	Wallman
Conrad	Haar	Krist	Pankonin	White
Cook	Hadley	Langemeier	Pirsch	Wightman

Voting in the negative, 1:

Council

Excused and not voting, 8:

Christensen	Fulton	McCoy	Pahls
Flood	Gay	Nordquist	Stuthman

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

RESOLUTION

LEGISLATIVE RESOLUTION 555. Introduced by Krist, 10; Ashford, 20; Council, 11; Howard, 9; Lautenbaugh, 18; Mello, 5; Nelson, 6; Pirsch, 4; White, 8.

WHEREAS, the Honorable Chuck W. Sigerson, Jr., was a three-term representative of District 7 on the Omaha City Council, originally elected in 2001 and reelected in 2005 and 2009; and

WHEREAS, Chuck and his wife, Elizabeth, have two children, Andrew and Anthea, along with six grandchildren; and

WHEREAS, Chuck and his family moved to Omaha in 1969 while he was serving as an active duty member of the United States Air Force. While serving during the Vietnam War, Chuck had previously been stationed at Whiteman Air Force Base in Missouri, Chateauroux Air Station in France, and Royal Air Force Mildenhall in England. He finished his military service as the Noncommissioned Officer in Charge of Personnel at the University of Nebraska at Omaha; and

WHEREAS, Chuck graduated from the University of Nebraska at Omaha in 1971; and

WHEREAS, Chuck is a recently retired State Farm Insurance agent who served as the primary agent for many District 7 families for thirty-four years; and

WHEREAS, Chuck has been a member of American Legion Post 1 for the past forty years. He also is a life member of the Disabled American Veterans and a member of AMVETS; and

WHEREAS, Chuck actively participated in his community in a variety of ways over the years, including service as chairman of the Mid-America Council of the Boy Scouts of America, merit badge counselor for citizenship in the Boy Scouts of America, president of the American Diabetes Association of Nebraska, and president of the Floyd Rogers Diabetic Foundation, and he was also a member of Rotary Club and Cosmopolitan International; and

WHEREAS, Chuck is proud to be a Nebraskan and felt privileged to serve the citizens of northwest Omaha as a member of the Omaha City Council; and

WHEREAS, during his tenure on the Omaha City Council, Chuck represented his constituents in an outstanding and nonpartisan manner for the betterment of Omaha.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature extends its appreciation to the Honorable Chuck W. Sigerson, Jr., for his many years of service to a grateful city, state, and nation.

2. That a copy of this resolution be sent to the Honorable Chuck W. Sigerson, Jr.

Laid over.

UNANIMOUS CONSENT - Add Cointroducer

Senator Lautenbaugh asked unanimous consent to add his name as cointroducer to LR539. No objections. So ordered.

EASE

The Legislature was at ease from 5:47 p.m. until 6:15 p.m.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 779. Placed on Final Reading.

ST9108

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Lathrop amendment, AM2526:

a. On page 1, line 15, the comma has been struck and "and" inserted; and

b. On page 2, line 3, the first period has been struck.

2. In the E & R amendments, ER8221:

a. On page 15, lines 14 and 23, "and" has been struck;

b. On page 15, lines 17 and 25, ", and section 77-5601, Revised Statutes Cumulative Supplement, 2008, as amended by section 58, Legislative Bill 3, One Hundred First Legislature, First Special Session, 2009" has been inserted after "2009"; and

c. On page 16, line 1, "transfer" has been struck and "provide for transfers of" inserted.

LEGISLATIVE BILL 779A. Placed on Final Reading.

(Signed) Jeremy Nordquist, Chairperson

AMENDMENT - Print in Journal

Senator Flood filed the following amendment to LB1103:
AM2533

(Amendments to E & R amendments, ER8229)

- 1 1. On page 1, line 14, after "child" insert ", and which
2 causes the premature termination of the pregnancy".
- 3 2. On page 4, line 8, after "when" insert "it has been
4 determined, by the physician performing or inducing the abortion
5 or by another physician upon whose determination that physician
6 relies, that".
- 7 3. On page 5, line 8, strike ", and".
- 8 4. On page 6, line 11, after "years" insert "during which
9 this section was in effect".
- 10 5. On page 8, line 5, before "any" insert "by".

VISITORS

Visitors to the Chamber were 27 fourth-grade students from Grant Elementary, Norfolk; and FFA members from Elgin.

ADJOURNMENT

At 6:16 p.m., on a motion by Senator Heidemann, the Legislature adjourned until 9:00 a.m., Friday, April 9, 2010.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-SEVENTH DAY - APRIL 9, 2010**LEGISLATIVE JOURNAL****ONE HUNDRED FIRST LEGISLATURE
SECOND SESSION****FIFTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Friday, April 9, 2010

PRAYER

The prayer was offered by Father Paul Rutten, 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 Nordquist who was excused; and Senators Adams, Ashford, Cornett, and Louden who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-sixth day was approved.

RESOLUTIONS

LEGISLATIVE RESOLUTION 556. Introduced by Pahls, 31.

WHEREAS, April is National Foot Health Awareness Month; and

WHEREAS, in the United States, an estimated 23.6 million people, or 7.8 percent of the total population, are affected by diabetes; and

WHEREAS, in 2008, the Behavioral Risk Factor Surveillance System (BRFSS) estimated that 103,000 Nebraskans age eighteen or older, or approximately 7.8 percent of the state's adult population, have been diagnosed with diabetes and that more than 63,000 additional Nebraska adults have been diagnosed with prediabetes; and

WHEREAS, the American Diabetes Association estimates that more than half of all people with diabetes suffer from diabetic peripheral neuropathy (DPN); and

WHEREAS, DPN is a serious condition that damages nerve fibers due to prolonged exposure to high amounts of glucose in the bloodstream; and

WHEREAS, DPN often causes intense pain frequently described as aching, tingling, burning, and numbness of the feet; and

WHEREAS, serious foot problems most often result from nerve damage, which can cause a loss of feeling in the feet; and

WHEREAS, although it can hurt, diabetic nerve damage can also lessen the ability to feel pain, heat, and cold, which means that diabetic patients may not feel a foot injury or even a stone in their shoe or a nail in their foot; and

WHEREAS, the rate of amputations in people with diabetes is ten times higher than for people without diabetes, and studies show that 60 percent of nontraumatic lower extremity amputations performed in Nebraska in 2006-07 were due to DPN; and

WHEREAS, DPN can occur whether a person has type 1 diabetes, also known as juvenile diabetes, or type 2 diabetes, which is typically adult-onset; and

WHEREAS, DPN accounts for more diabetes-related hospitalizations than any other complication, and in Nebraska 57,346 hospital stays in 2006-07, or 14.6 percent of all hospital stays, were attributed to diabetes complications at a cost of nearly \$1.5 billion, according to the BRFSS; and

WHEREAS, the medical cost of diabetes in the United States was \$116 billion in 2007, and in Nebraska, the medical and indirect costs of diabetes, much of it due to DPN, are over \$750 million per year.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature finds diabetic peripheral neuropathy to be a serious health issue affecting Nebraska that is deserving of attention from the Legislature.

2. That the Legislature finds that future legislation on the care and treatment of diabetes should include testing and treatment of diabetic foot issues, including diabetic peripheral neuropathy.

3. That the Legislature supports public awareness efforts to inform people of the many dangers posed by diabetes and, in particular, what steps to take to delay or prevent diabetic peripheral neuropathy.

Laid over.

LEGISLATIVE RESOLUTION 557. Introduced by Avery, 28.

WHEREAS, Marshall Ozaki 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, Marshall 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. Marshall earned 23 merit badges and refurbished the basement windows of Holy Trinity Episcopal Church in Lincoln, Nebraska, for his community service project. He also landscaped an area in front of the church into a rose garden in memory of his grandmother, Millie Ozaki, who died in September of 2008; and

WHEREAS, only five percent of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Marshall, 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; and

WHEREAS, in addition to achieving the rank of Eagle Scout, Marshall is an honor student at Lincoln East High School and is in the National Honor Society. Marshall is also a captain on the football and wrestling teams and recently received a Sertoma Sports Award for leadership.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates Marshall Ozaki on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Marshall Ozaki.

Laid over.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of April 8, 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

Karnes, David

Curbside Rewards LLC (Withdrawn 04/07/2010)

Kelley Governmental Relations, LLC

Plucker, Julia

Plucker, Julia

Nebraska Furniture Mart

Nebraska Travel Association

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 817, 1109, 1109A, 801, 842, 849, 862, 877, 945, 950, 1010e, 1094, 1094A, 510, and 510A.

SELECT FILE

LEGISLATIVE BILL 1020. ER8239, found on page 1363, was adopted.

Senator Lathrop offered the following amendment:

AM2532

(Amendments to E & R amendments, ER8239)

- 1 1. On page 1, line 22, strike "entitlement" and insert
- 2 "monetary eligibility".
- 3 2. On page 11, line 20, strike "ineligible or".

The Lathrop amendment was adopted with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 999. ER8238, found on page 1354, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1103. ER8229, found on page 1280, was adopted.

Senator Flood withdrew his amendment, AM2498, found on page 1313.

Senator Flood renewed his amendment, AM2533, found on page 1379.

The Flood amendment was adopted with 35 ayes, 4 nays, 9 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

COMMITTEE REPORTS

Government, Military and Veterans Affairs

LEGISLATIVE RESOLUTION 538. Reported to the Legislature for further consideration.

LEGISLATIVE RESOLUTION 539. Reported to the Legislature for further consideration.

(Signed) Bill Avery, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 9, 2010, at 9:20 a.m. were the following: LBs 817, 1109e, 1109Ae, 801, 842, 849e, 862, 877e, 945, 950e, 1010e, 1094, 1094A, 510, and 510A.

(Signed) Jamie Kruse
Clerk of the Legislature's Office

RESOLUTION

LEGISLATIVE RESOLUTION 558. Introduced by Fulton, 29; Campbell, 25; Flood, 19.

WHEREAS, Michael "Mike" A. Sucha of Lincoln, Nebraska, was born in Columbus, Nebraska, on January 4, 1956, and, at the young age of fifty-four, died on February 25, 2010; and

WHEREAS, Mike Sucha grew up with his family in the Nebraska communities of Columbus, Lincoln, Syracuse, and Norfolk; and

WHEREAS, Mike Sucha was an athletic star, excelling in basketball while playing for Norfolk Catholic High School and Northeast Community College, culminating as a member of the 1976 national championship team while at Northeast Community College; and

WHEREAS, Mike Sucha volunteered at his church, Cathedral of the Risen Christ, coached youth sports teams, and served as team statistician for Lincoln Rebels youth baseball; and

WHEREAS, Mike Sucha had an uncanny gift to create and grow meaningful friendships throughout his life; and

WHEREAS, Mike Sucha is survived by his wife, Christie, his daughters, Elli and Jess, his son, Stuart, his three grandchildren, his mother, his three brothers, and his three sisters.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature honors the memory of Mike Sucha and his many contributions and achievements.
2. That the Legislature expresses and extends its sympathy and condolences to the family of Mike Sucha.
3. That a copy of this resolution be sent to the family of Mike Sucha.

Laid over.

BILLS ON FINAL READING**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB712 with 37 ayes, 0 nays, 11 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 712. With Emergency Clause.

A BILL FOR AN ACT relating to legal process; to amend sections 25-410, 25-1625, 25-2720.01, 25-2803, 25-2804, 28-201, 28-502, 28-503, 28-504, 28-1006, 28-1012, 28-1019, 29-818, 29-1207, 29-1208, 29-2412, 30-2322, 30-2323, 30-2325, 30-2664, 30-2715, 43-1701, 43-1702, 43-1703, 43-1717, 43-1718.02, 43-1720, 43-1722, 43-1723, 43-1724, 43-1726, 43-1727, 43-3330, 47-502, 49-1501, 69-2304, and 69-2308, Reissue Revised Statutes of Nebraska, and sections 25-1628, 43-512.12, and 43-512.15, Revised Statutes Supplement, 2009; to provide for transfer of civil court actions; to change and eliminate provisions relating to juries; to change provisions relating to Small Claims Courts, speedy trials, fines and costs, decedents' estates, and powers of attorney; to change penalty provisions relating to criminal attempt and arson; to provide for seizure of pet animals and equines as prescribed; to provide for transfer-on-death motor vehicle certificates of title; to change provisions relating to support enforcement, reduction of jail sentences, and disposition of tenant personal property by landlords; to harmonize provisions; to provide operative dates; 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	Council	Hadley	Lautenbaugh	Rogert
Ashford	Dierks	Hansen	Louden	Schilz
Avery	Dubas	Harms	McCoy	Stuthman
Campbell	Fischer	Heidemann	McGill	Sullivan
Carlson	Flood	Howard	Mello	Utter
Christensen	Fulton	Janssen	Nelson	Wallman
Coash	Gay	Karpisek	Pahls	White
Conrad	Giese	Krist	Pankonin	Wightman
Cook	Gloor	Langemeier	Pirsch	
Cornett	Haar	Lathrop	Price	

Voting in the negative, 0.

Excused and not voting, 1:

Nordquist

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 780.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-151, Reissue Revised Statutes of Nebraska, and section 48-1,110, Revised Statutes Cumulative Supplement, 2008; to change provisions relating to personal injuries; to provide applicability; 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, 40:

Adams	Cornett	Gloor	Krist	Pirsch
Ashford	Council	Haar	Langemeier	Rogert
Avery	Dierks	Hadley	Lathrop	Schilz
Campbell	Dubas	Hansen	Lautenbaugh	Stuthman
Carlson	Fischer	Harms	Louden	Sullivan
Coash	Flood	Howard	McGill	Wallman
Conrad	Fulton	Janssen	Mello	White
Cook	Giese	Karpisek	Pahls	Wightman

Voting in the negative, 5:

Christensen	Gay	Nelson	Price	Utter
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Present and not voting, 3:

Heidemann	McCoy	Pankonin
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Excused and not voting, 1:

Nordquist

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB861 with 43 ayes, 0 nays, 5 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 861.

A BILL FOR AN ACT relating to regulated activities; to amend sections 2-1201, 2-1219, 9-647, 9-823, 28-421, 53-123.12, 53-124.13, 53-124.14, 53-125, 53-130, 53-135, 53-138.01, 53-139, 53-149, 53-172, 53-179, 53-1,104, 60-4,152, 71-5730, and 79-267, Reissue Revised Statutes of Nebraska, sections 48-1902, 53-122, 53-123.11, 53-123.13, 53-123.15, 53-124.11, 53-124.12, 53-129, 53-132, 53-133, 53-134, 53-164.01, 53-169.01, 53-403, and 60-4,119, Revised Statutes Cumulative Supplement, 2008, and sections 53-101, 53-103, 53-124, 53-131, and 53-177, Revised Statutes Supplement, 2009; to change provisions related to the State Racing Commission; to provide authorization to change the hours for sales of alcoholic liquor and for the conduct of lotteries under the Nebraska County and City Lottery Act; to transfer definitions and fee provisions in the Nebraska Liquor Control Act; to provide for storage and warehouse facilities for farm wineries; to change fee provisions, licensure requirements, and excise tax provisions; to change provisions relating to distribution of license fees in accordance with the Constitution of Nebraska; to eliminate unconstitutional provisions and a prohibition on adding alcohol to beer; to harmonize provisions; to repeal the original sections; and to outright repeal section 53-174, 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, 40:

Adams	Council	Haar	Langemeier	Pankonin
Ashford	Dierks	Hadley	Lathrop	Price
Avery	Dubas	Hansen	Lautenbaugh	Rogert
Campbell	Fischer	Harms	Louden	Schilz
Coash	Flood	Howard	McCoy	Sullivan
Conrad	Fulton	Janssen	McGill	Utter
Cook	Giese	Karpisek	Mello	Wallman
Cornett	Gloor	Krist	Pahls	Wightman

Voting in the negative, 5:

Carlson	Christensen	Gay	Nelson	Pirsch
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Present and not voting, 3:

Heidemann Stuthman White

Excused and not voting, 1:

Nordquist

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 961.

A BILL FOR AN ACT relating to economic development; to amend sections 81-1203, 81-1205, and 81-1207, Reissue Revised Statutes of Nebraska, and 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 change provisions relating to certain training grants; 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, 47:

Adams	Council	Hadley	Louden	Schilz
Ashford	Dierks	Hansen	McCoy	Stuthman
Avery	Dubas	Harms	McGill	Sullivan
Campbell	Fischer	Heidemann	Mello	Utter
Carlson	Flood	Janssen	Nelson	Wallman
Christensen	Fulton	Karpisek	Pahls	White
Coash	Gay	Krist	Pankonin	Wightman
Conrad	Giese	Langemeier	Pirsch	
Cook	Gloor	Lathrop	Price	
Cornett	Haar	Lautenbaugh	Rogert	

Voting in the negative, 0.

Present and not voting, 1:

Howard

Excused and not voting, 1:

Nordquist

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB1048 with 43 ayes, 0 nays, 5 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1048.

A BILL FOR AN ACT relating to power generation; to amend sections 70-1001, 70-1001.01, 70-1013, 70-1014, 70-1014.01, 76-710.04, 77-105, 77-202, and 79-1018.01, Reissue Revised Statutes of Nebraska, and section 13-518, Revised Statutes Supplement, 2009; to define and redefine terms; to state intent regarding renewable energy facilities; to change provisions relating to hearings regarding electric generation facilities; to provide for approval of certified renewable export facilities as prescribed; to change provisions relating to eminent domain; to require registration and marking of certain wind measurement equipment; to exempt certain property from property taxation; to provide for a nameplate capacity tax as prescribed; to harmonize provisions; to provide a duty for the Revisor of Statutes; 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	Council	Hadley	Lautenbaugh	Rogert
Ashford	Dierks	Hansen	Louden	Schilz
Avery	Dubas	Harms	McCoy	Stuthman
Campbell	Fischer	Heidemann	McGill	Sullivan
Carlson	Flood	Howard	Mello	Utter
Christensen	Fulton	Janssen	Nelson	Wallman
Coash	Gay	Karpisek	Pahls	White
Conrad	Giese	Krist	Pankonin	Wightman
Cook	Gloor	Langemeier	Pirsch	
Cornett	Haar	Lathrop	Price	

Voting in the negative, 0.

Excused and not voting, 1:

Nordquist

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 1048A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1048, 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	Council	Hadley	Lautenbaugh	Rogert
Ashford	Dierks	Hansen	Louden	Schilz
Avery	Dubas	Harms	McCoy	Stuthman
Campbell	Fischer	Heidemann	McGill	Sullivan
Carlson	Flood	Howard	Mello	Utter
Christensen	Fulton	Janssen	Nelson	Wallman
Coash	Gay	Karpisek	Pahls	White
Conrad	Giese	Krist	Pankonin	Wightman
Cook	Gloor	Langemeier	Pirsch	
Cornett	Haar	Lathrop	Price	

Voting in the negative, 0.

Excused and not voting, 1:

Nordquist

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 712, 780, 861, 961, 1048, and 1048A.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 252.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-1006, 28-1007, and 28-1019, Reissue Revised Statutes of Nebraska, and section 28-101, Revised Statutes Supplement, 2009; to prohibit the possession of animal fighting paraphernalia; to provide a penalty; to provide for seizure of property; to provide for applicability; 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, 46:

Adams	Council	Hadley	Louden	Schilz
Ashford	Dierks	Hansen	McCoy	Sullivan
Avery	Dubas	Heidemann	McGill	Utter
Campbell	Fischer	Howard	Mello	Wallman
Carlson	Flood	Janssen	Nelson	White
Christensen	Fulton	Karpisek	Pahls	Wightman
Coash	Gay	Krist	Pankonin	
Conrad	Giese	Langemeier	Pirsch	
Cook	Gloor	Lathrop	Price	
Cornett	Haar	Lautenbaugh	Rogert	

Voting in the negative, 1:

Stuthman

Present and not voting, 1:

Harms

Excused and not voting, 1:

Nordquist

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 411.

A BILL FOR AN ACT relating to the State Electrical Act; to amend section 81-2104, Reissue Revised Statutes of Nebraska; to update the reference to the National Electrical Code; 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	Council	Hadley	Louden	Schilz
Ashford	Dierks	Hansen	McCoy	Sullivan
Avery	Dubas	Heidemann	McGill	Utter
Campbell	Fischer	Howard	Mello	Wallman
Carlson	Flood	Janssen	Nelson	White
Christensen	Fulton	Karpisek	Pahls	Wightman
Coash	Gay	Krist	Pankonin	
Conrad	Giese	Langemeier	Pirsch	
Cook	Gloor	Lathrop	Price	
Cornett	Haar	Lautenbaugh	Rogert	

Voting in the negative, 0.

Present and not voting, 2:

Harms Stuthman

Excused and not voting, 1:

Nordquist

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 695. With Emergency Clause.

A BILL FOR AN ACT relating to Small Claims Court; to amend section 25-2802, Reissue Revised Statutes of Nebraska; to change the jurisdictional amount; to provide an operative date; 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	Council	Hadley	Lautenbaugh	Rogert
Ashford	Dierks	Hansen	Louden	Schilz
Avery	Dubas	Harms	McCoy	Stuthman
Campbell	Fischer	Heidemann	McGill	Sullivan
Carlson	Flood	Howard	Mello	Utter
Christensen	Fulton	Janssen	Nelson	Wallman
Coash	Gay	Karpisek	Pahls	White
Conrad	Giese	Krist	Pankonin	Wightman
Cook	Gloor	Langemeier	Pirsch	
Cornett	Haar	Lathrop	Price	

Voting in the negative, 0.

Excused and not voting, 1:

Nordquist

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 696.

A BILL FOR AN ACT relating to the Integrated Solid Waste Management Act; to amend section 13-2042, Reissue Revised Statutes of Nebraska, and section 13-2042.01, Revised Statutes Supplement, 2009; to change provisions relating to disposal fees; 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, 45:

Adams	Cornett	Hadley	Lathrop	Price
Ashford	Council	Hansen	Lautenbaugh	Rogert
Avery	Dierks	Harms	Louden	Schilz
Campbell	Dubas	Heidemann	McCoy	Stuthman
Carlson	Fischer	Howard	McGill	Sullivan
Christensen	Flood	Janssen	Mello	Utter
Coash	Gay	Karpisek	Nelson	Wallman
Conrad	Gloor	Krist	Pahls	White
Cook	Haar	Langemeier	Pankonin	Wightman

Voting in the negative, 3:

Fulton Giese Pirsch

Excused and not voting, 1:

Nordquist

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 706.

A BILL FOR AN ACT relating to hearing interpreters; to amend section 20-156, Reissue Revised Statutes of Nebraska; to change provisions relating to fees; 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	Council	Hansen	Louden	Schilz
Ashford	Dubas	Harms	McCoy	Stuthman
Avery	Fischer	Heidemann	McGill	Sullivan
Campbell	Flood	Howard	Mello	Utter
Carlson	Fulton	Janssen	Nelson	Wallman
Christensen	Gay	Karpisek	Pahls	White
Coash	Giese	Krist	Pankonin	Wightman
Conrad	Gloor	Langemeier	Pirsch	
Cook	Haar	Lathrop	Price	
Cornett	Hadley	Lautenbaugh	Regot	

Voting in the negative, 0.

Present and not voting, 1:

Dierks

Excused and not voting, 1:

Nordquist

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 713.

A BILL FOR AN ACT relating to schools; to amend sections 79-248, 79-249, 79-250, and 79-252, Reissue Revised Statutes of Nebraska; to change provisions relating to health inspections; to authorize the gathering, analysis, and sharing of school health data; 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	Council	Hadley	Lautenbaugh	Rogert
Ashford	Dierks	Hansen	Louden	Schilz
Avery	Dubas	Harms	McCoy	Stuthman
Campbell	Fischer	Heidemann	McGill	Sullivan
Carlson	Flood	Howard	Mello	Utter
Christensen	Fulton	Janssen	Nelson	Wallman
Coash	Gay	Karpisek	Pahls	White
Conrad	Giese	Krist	Pankonin	Wightman
Cook	Gloor	Langemeier	Pirsch	
Cornett	Haar	Lathrop	Price	

Voting in the negative, 0.

Excused and not voting, 1:

Nordquist

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 732.

A BILL FOR AN ACT relating to real property; to amend sections 25-1326, 25-1327, 25-2144, 76-1009, and 77-1912, Reissue Revised Statutes of Nebraska; to change provisions relating to certain forced sales; 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	Council	Hadley	Lautenbaugh	Rogert
Ashford	Dierks	Hansen	Louden	Schilz
Avery	Dubas	Harms	McCoy	Stuthman
Campbell	Fischer	Heidemann	McGill	Sullivan
Carlson	Flood	Howard	Mello	Utter
Christensen	Fulton	Janssen	Nelson	Wallman
Coash	Gay	Karpisek	Pahls	White
Conrad	Giese	Krist	Pankonin	Wightman
Cook	Gloor	Langemeier	Pirsch	
Cornett	Haar	Lathrop	Price	

Voting in the negative, 0.

Excused and not voting, 1:

Nordquist

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 758.

A BILL FOR AN ACT relating to decedents' estates; to amend sections 30-2201, 30-2476, and 30-3839, Reissue Revised Statutes of Nebraska; to provide for and change provisions relating to the doctrines of cy pres and deviation; to change provisions relating to the powers of personal representatives; 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	Council	Hadley	Lautenbaugh	Rogert
Ashford	Dierks	Hansen	Louden	Schilz
Avery	Dubas	Harms	McCoy	Stuthman
Campbell	Fischer	Heidemann	McGill	Sullivan
Carlson	Flood	Howard	Mello	Utter
Christensen	Fulton	Janssen	Nelson	Wallman
Coash	Gay	Karpisek	Pahls	White
Conrad	Giese	Krist	Pankonin	Wightman
Cook	Gloor	Langemeier	Pirsch	
Cornett	Haar	Lathrop	Price	

Voting in the negative, 0.

Excused and not voting, 1:

Nordquist

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 759.

A BILL FOR AN ACT relating to the Nebraska Professional Corporation Act; to amend section 21-2212, Reissue Revised Statutes of Nebraska; to provide for the dissolution, winding up, and liquidation of certain professional corporations; 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	Council	Hansen	Louden	Schilz
Ashford	Dierks	Harms	McCoy	Stuthman
Avery	Dubas	Heidemann	McGill	Sullivan
Campbell	Fischer	Howard	Mello	Utter
Carlson	Flood	Janssen	Nelson	Wallman
Christensen	Fulton	Karpisek	Pahls	White
Coash	Gay	Krist	Pankonin	Wightman
Conrad	Giese	Langemeier	Pirsch	
Cook	Gloor	Lathrop	Price	
Cornett	Hadley	Lautenbaugh	Rogert	

Voting in the negative, 0.

Present and not voting, 1:

Haar

Excused and not voting, 1:

Nordquist

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB760 with 45 ayes, 0 nays, 3 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 760.

A BILL FOR AN ACT relating to the Uniform Principal and Income Act; to amend section 30-3119.01, Reissue Revised Statutes of Nebraska; to change provisions relating to total return trusts; 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, 48:

Adams	Council	Hadley	Lautenbaugh	Rogert
Ashford	Dierks	Hansen	Louden	Schilz
Avery	Dubas	Harms	McCoy	Stuthman
Campbell	Fischer	Heidemann	McGill	Sullivan
Carlson	Flood	Howard	Mello	Utter
Christensen	Fulton	Janssen	Nelson	Wallman
Coash	Gay	Karpisek	Pahls	White
Conrad	Giese	Krist	Pankonin	Wightman
Cook	Gloor	Langemeier	Pirsch	
Cornett	Haar	Lathrop	Price	

Voting in the negative, 0.

Excused and not voting, 1:

Nordquist

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 789.

A BILL FOR AN ACT relating to the Local Civic, Cultural, and Convention Center Financing Act; to amend section 13-2705, Reissue Revised Statutes of Nebraska; to change grant dollar limits; 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, 48:

Adams	Council	Hadley	Lautenbaugh	Rogert
Ashford	Dierks	Hansen	Louden	Schilz
Avery	Dubas	Harms	McCoy	Stuthman
Campbell	Fischer	Heidemann	McGill	Sullivan
Carlson	Flood	Howard	Mello	Utter
Christensen	Fulton	Janssen	Nelson	Wallman
Coash	Gay	Karpisek	Pahls	White
Conrad	Giese	Krist	Pankonin	Wightman
Cook	Gloor	Langemeier	Pirsch	
Cornett	Haar	Lathrop	Price	

Voting in the negative, 0.

Excused and not voting, 1:

Nordquist

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB792 with 43 ayes, 0 nays, 5 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 792.

A BILL FOR AN ACT relating to controlled substances; to amend section 28-405, Revised Statutes Supplement, 2009; to add to and change schedules of controlled substances; 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, 48:

Adams	Council	Hadley	Lautenbaugh	Rogert
Ashford	Dierks	Hansen	Louden	Schilz
Avery	Dubas	Harms	McCoy	Stuthman
Campbell	Fischer	Heidemann	McGill	Sullivan
Carlson	Flood	Howard	Mello	Utter
Christensen	Fulton	Janssen	Nelson	Wallman
Coash	Gay	Karpisek	Pahls	White
Conrad	Giese	Krist	Pankonin	Wightman
Cook	Gloor	Langemeier	Pirsch	
Cornett	Haar	Lathrop	Price	

Voting in the negative, 0.

Excused and not voting, 1:

Nordquist

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 809.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-110, Revised Statutes Supplement, 2009; to change the statute of

limitations for fraud involving certain assistance programs; to provide applicability; 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	Council	Hansen	Louden	Schilz
Ashford	Dierks	Harms	McCoy	Stuthman
Avery	Dubas	Heidemann	McGill	Sullivan
Campbell	Flood	Howard	Mello	Utter
Carlson	Fulton	Janssen	Nelson	Wallman
Christensen	Gay	Karpisek	Pahls	White
Coash	Giese	Krist	Pankonin	Wightman
Conrad	Gloor	Langemeier	Pirsch	
Cook	Haar	Lathrop	Price	
Cornett	Hadley	Lautenbaugh	Rogert	

Voting in the negative, 0.

Excused and not voting, 2:

Fischer Nordquist

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 813.

A BILL FOR AN ACT relating to dental services; to amend sections 44-3802 and 44-3805, Reissue Revised Statutes of Nebraska; to prevent prepaid dental service plans from limiting fees for certain services; 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, 47:

Adams	Council	Hansen	Louden	Schilz
Ashford	Dierks	Harms	McCoy	Stuthman
Avery	Dubas	Heidemann	McGill	Sullivan
Campbell	Flood	Howard	Mello	Utter
Carlson	Fulton	Janssen	Nelson	Wallman
Christensen	Gay	Karpisek	Pahls	White
Coash	Giese	Krist	Pankonin	Wightman
Conrad	Gloor	Langemeier	Pirsch	
Cook	Haar	Lathrop	Price	
Cornett	Hadley	Lautenbaugh	Rogert	

Voting in the negative, 0.

Excused and not voting, 2:

Fischer Nordquist

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 829. With Emergency Clause.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-106, Revised Statutes Supplement, 2009; to change certain notice requirements relating to coverage under the act; 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, 44:

Adams	Council	Hansen	Lautenbaugh	Price
Ashford	Dierks	Harms	Louden	Rogert
Avery	Dubas	Heidemann	McCoy	Schilz
Campbell	Flood	Howard	McGill	Sullivan
Carlson	Gay	Janssen	Mello	Utter
Christensen	Giese	Karpisek	Nelson	Wallman
Conrad	Gloor	Krist	Pahls	White
Cook	Haar	Langemeier	Pankonin	Wightman
Cornett	Hadley	Lathrop	Pirsch	

Voting in the negative, 2:

Fulton Stuthman

Present and not voting, 1:

Coash

Excused and not voting, 2:

Fischer Nordquist

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 844.

A BILL FOR AN ACT relating to the Nebraska Law Enforcement Training Center; to amend section 81-1413, Reissue Revised Statutes of Nebraska; to change provisions relating to tuition, fees, and expenses; 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	Council	Harms	McCoy	Stuthman
Ashford	Dubas	Heidemann	McGill	Sullivan
Avery	Flood	Howard	Mello	Utter
Campbell	Fulton	Janssen	Nelson	Wallman
Carlson	Gay	Karpisek	Pahls	White
Christensen	Giese	Krist	Pankonin	Wightman
Coash	Gloor	Langemeier	Pirsch	
Conrad	Haar	Lathrop	Price	
Cook	Hadley	Lautenbaugh	Rogert	
Cornett	Hansen	Louden	Schilz	

Voting in the negative, 0.

Present and not voting, 1:

Dierks

Excused and not voting, 2:

Fischer Nordquist

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 852.

A BILL FOR AN ACT relating to elections; to amend section 32-816, Reissue Revised Statutes of Nebraska; to change provisions relating to

write-in space on official ballots for certain offices; to provide an operative date; 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	Council	Hansen	Louden	Schilz
Ashford	Dierks	Harms	McCoy	Stuthman
Avery	Dubas	Heidemann	McGill	Sullivan
Campbell	Flood	Howard	Mello	Utter
Carlson	Fulton	Janssen	Nelson	Wallman
Christensen	Gay	Karpisek	Pahls	White
Coash	Giese	Krist	Pankonin	Wightman
Conrad	Gloor	Langemeier	Pirsch	
Cook	Haar	Lathrop	Price	
Cornett	Hadley	Lautenbaugh	Rogert	

Voting in the negative, 0.

Excused and not voting, 2:

Fischer Nordquist

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 872.

A BILL FOR AN ACT relating to workers' compensation; to amend section 48-120.04, Revised Statutes Supplement, 2009; to change applicability of a medical fee schedule as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Adams	Council	Hansen	Louden	Schilz
Ashford	Dierks	Harms	McCoy	Stuthman
Avery	Dubas	Heidemann	McGill	Sullivan
Campbell	Flood	Howard	Mello	Utter
Carlson	Fulton	Janssen	Nelson	Wallman
Christensen	Gay	Karpisek	Pahls	Wightman
Coash	Giese	Krist	Pankonin	
Conrad	Gloor	Langemeier	Pirsch	
Cook	Haar	Lathrop	Price	
Cornett	Hadley	Lautenbaugh	Rogert	

Voting in the negative, 0.

Present and not voting, 1:

White

Excused and not voting, 2:

Fischer Nordquist

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 884.

A BILL FOR AN ACT relating to labor; to amend sections 29-431 and 48-1231, Reissue Revised Statutes of Nebraska, and sections 48-1230 and 48-1232, Revised Statutes Cumulative Supplement, 2008; to require employers to provide employees with wage and deduction information as prescribed; to provide a penalty; to harmonize sections; 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, 46:

Adams	Council	Harms	McCoy	Stuthman
Ashford	Dierks	Heidemann	McGill	Sullivan
Avery	Dubas	Howard	Mello	Utter
Campbell	Fulton	Janssen	Nelson	Wallman
Carlson	Gay	Karpisek	Pahls	White
Christensen	Giese	Krist	Pankonin	Wightman
Coash	Gloor	Langemeier	Pirsch	
Conrad	Haar	Lathrop	Price	
Cook	Hadley	Lautenbaugh	Rogert	
Cornett	Hansen	Louden	Schilz	

Voting in the negative, 0.

Present and not voting, 1:

Flood

Excused and not voting, 2:

Fischer Nordquist

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 894.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-511.01, Reissue Revised Statutes of Nebraska, and section 28-101, Revised Statutes Supplement, 2009; to change provisions relating to shoplifting; to prohibit possession of any store security device countermeasure; to define a term; to provide a penalty; to harmonize provisions; and to repeal the original sections.

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	Council	Hansen	Louden	Schilz
Ashford	Dierks	Harms	McCoy	Stuthman
Avery	Dubas	Heidemann	McGill	Sullivan
Campbell	Flood	Howard	Mello	Utter
Carlson	Fulton	Janssen	Nelson	Wallman
Christensen	Gay	Karpisek	Pahls	White
Coash	Giese	Krist	Pankonin	Wightman
Conrad	Gloor	Langemeier	Pirsch	
Cook	Haar	Lathrop	Price	
Cornett	Hadley	Lautenbaugh	Rogert	

Voting in the negative, 0.

Excused and not voting, 2:

Fischer Nordquist

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 907.

A BILL FOR AN ACT relating to homesteads; to amend sections 40-102 and 40-105, Reissue Revised Statutes of Nebraska; to change provisions relating to property exempt from execution; and to repeal the original sections.

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	Council	Hansen	Louden	Schilz
Ashford	Dierks	Harms	McCoy	Stuthman
Avery	Dubas	Heidemann	McGill	Sullivan
Campbell	Flood	Howard	Mello	Utter
Carlson	Fulton	Janssen	Nelson	Wallman
Christensen	Gay	Karpisek	Pahls	White
Coash	Giese	Krist	Pankonin	Wightman
Conrad	Gloor	Langemeier	Pirsch	
Cook	Haar	Lathrop	Price	
Cornett	Hadley	Lautenbaugh	Rogert	

Voting in the negative, 0.

Excused and not voting, 2:

Fischer Nordquist

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 908.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-108, Reissue Revised Statutes of Nebraska; to change provisions relating to claims for legal services or disbursements; and to repeal the original section.

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	Council	Hansen	Louden	Schilz
Ashford	Dierks	Harms	McCoy	Stuthman
Avery	Dubas	Heidemann	McGill	Sullivan
Campbell	Flood	Howard	Mello	Utter
Carlson	Fulton	Janssen	Nelson	Wallman
Christensen	Gay	Karpisek	Pahls	White
Coash	Giese	Krist	Pankonin	Wightman
Conrad	Gloor	Langemeier	Pirsch	
Cook	Haar	Lathrop	Price	
Cornett	Hadley	Lautenbaugh	Rogert	

Voting in the negative, 0.

Excused and not voting, 2:

Fischer Nordquist

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 933.

A BILL FOR AN ACT relating to the Motor Vehicle Certificate of Title Act; to amend section 60-149, Revised Statutes Cumulative Supplement, 2008; to change provisions relating to manufactured homes and mobile homes; 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	Council	Hansen	McCoy	Stuthman
Ashford	Dierks	Heidemann	McGill	Sullivan
Avery	Dubas	Howard	Mello	Utter
Campbell	Flood	Janssen	Nelson	Wallman
Carlson	Fulton	Karpisek	Pahls	White
Christensen	Gay	Krist	Pankonin	Wightman
Coash	Giese	Langemeier	Pirsch	
Conrad	Gloor	Lathrop	Price	
Cook	Haar	Lautenbaugh	Rogert	
Cornett	Hadley	Louden	Schilz	

Voting in the negative, 0.

Present and not voting, 1:

Harms

Excused and not voting, 2:

Fischer Nordquist

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 934.

A BILL FOR AN ACT relating to labor; to amend section 35-1402, Reissue Revised Statutes of Nebraska; to include volunteer members of the Nebraska Wing of the Civil Air Patrol under the Volunteer Emergency Responders Job Protection Act; 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, 44:

Adams	Cornett	Haar	Lathrop	Price
Ashford	Council	Hadley	Lautenbaugh	Rogert
Avery	Dierks	Hansen	Louden	Schilz
Campbell	Dubas	Heidemann	McCoy	Stuthman
Carlson	Flood	Howard	McGill	Sullivan
Christensen	Fulton	Janssen	Mello	Utter
Coash	Gay	Karpisek	Nelson	Wallman
Conrad	Giese	Krist	Pahls	White
Cook	Gloor	Langemeier	Pankonin	

Voting in the negative, 0.

Present and not voting, 3:

Harms	Pirsch	Wightman
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Excused and not voting, 2:

Fischer	Nordquist
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 947.

A BILL FOR AN ACT relating to the Community Development Block Grant Program; to amend sections 81-1201.04 and 81-1201.18, Reissue Revised Statutes of Nebraska; to eliminate the Community Development Block Grant Program Advisory Committee; to transfer the duties of the committee to the Economic Development Commission; to repeal the original sections; and to outright repeal section 81-1201.08, 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, 45:

Adams	Cornett	Haar	Lautenbaugh	Price
Ashford	Council	Hadley	Louden	Rogert
Avery	Dierks	Hansen	McCoy	Schilz
Campbell	Dubas	Heidemann	McGill	Stuthman
Carlson	Flood	Howard	Mello	Sullivan
Christensen	Fulton	Karpisek	Nelson	Utter
Coash	Gay	Krist	Pahls	Wallman
Conrad	Giese	Langemeier	Pankonin	White
Cook	Gloor	Lathrop	Pirsch	Wightman

Voting in the negative, 0.

Present and not voting, 2:

Harms Janssen

Excused and not voting, 2:

Fischer Nordquist

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 978.

A BILL FOR AN ACT relating to the Department of Administrative Services; to amend section 81-161, Reissue Revised Statutes of Nebraska; to provide requirements relating to energy star certified appliances in the competitive bidding process; to provide powers for the materiel administrator; 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	Council	Hansen	McCoy	Stuthman
Ashford	Dierks	Heidemann	McGill	Sullivan
Avery	Dubas	Howard	Mello	Utter
Campbell	Flood	Janssen	Nelson	Wallman
Carlson	Fulton	Karpisek	Pahls	White
Christensen	Gay	Krist	Pankonin	Wightman
Coash	Giese	Langemeier	Pirsch	
Conrad	Gloor	Lathrop	Price	
Cook	Haar	Lautenbaugh	Rogert	
Cornett	Hadley	Louden	Schilz	

Voting in the negative, 0.

Present and not voting, 1:

Harms

Excused and not voting, 2:

Fischer Nordquist

A constitutional majority having voted in the affirmative, the bill was

declared passed and the title agreed to.

LEGISLATIVE BILL 986.

A BILL FOR AN ACT relating to the Agricultural Opportunities and Value-Added Partnerships Act; to amend sections 2-5414, 2-5416, and 2-5419, Reissue Revised Statutes of Nebraska; to state intent; to authorize grants relating to electronic scanners and point-of-sale devices; 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, 46:

Adams	Council	Hansen	McCoy	Stuthman
Ashford	Dierks	Heidemann	McGill	Sullivan
Avery	Dubas	Howard	Mello	Utter
Campbell	Flood	Janssen	Nelson	Wallman
Carlson	Fulton	Karpisek	Pahls	White
Christensen	Gay	Krist	Pankonin	Wightman
Coash	Giese	Langemeier	Pirsch	
Conrad	Gloor	Lathrop	Price	
Cook	Haar	Lautenbaugh	Rogert	
Cornett	Hadley	Louden	Schilz	

Voting in the negative, 0.

Present and not voting, 1:

Harms

Excused and not voting, 2:

Fischer Nordquist

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 993.

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.

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	Council	Hansen	McCoy	Stuthman
Ashford	Dierks	Heidemann	McGill	Sullivan
Avery	Dubas	Howard	Mello	Utter
Campbell	Flood	Janssen	Nelson	Wallman
Carlson	Fulton	Karpisek	Pahls	White
Christensen	Gay	Krist	Pankonin	Wightman
Coash	Giese	Langemeier	Pirsch	
Conrad	Gloor	Lathrop	Price	
Cook	Haar	Lautenbaugh	Rogert	
Cornett	Hadley	Louden	Schilz	

Voting in the negative, 0.

Present and not voting, 1:

Harms

Excused and not voting, 2:

Fischer Nordquist

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 997.

A BILL FOR AN ACT relating to political subdivisions; to amend sections 15-1102, 19-903, and 23-114.02, Reissue Revised Statutes of Nebraska; to change provisions relating to comprehensive plans of counties and cities; 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, 41:

Adams	Cornett	Hadley	Louden	Schilz
Ashford	Council	Hansen	McCoy	Sullivan
Avery	Dierks	Howard	McGill	Wallman
Campbell	Dubas	Janssen	Mello	White
Carlson	Flood	Karpisek	Nelson	Wightman
Christensen	Gay	Krist	Pahls	
Coash	Giese	Langemeier	Pankonin	
Conrad	Gloor	Lathrop	Price	
Cook	Haar	Lautenbaugh	Rogert	

Voting in the negative, 3:

Fulton Pirsch Stuthman

Present and not voting, 3:

Harms Heidemann Utter

Excused and not voting, 2:

Fischer Nordquist

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1047. With Emergency Clause.

A BILL FOR AN ACT relating to wills and trusts; to provide for construction of certain terms relating to federal estate and generation-skipping transfer taxes; 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, 46:

Adams	Council	Hansen	McCoy	Stuthman
Ashford	Dierks	Heidemann	McGill	Sullivan
Avery	Dubas	Howard	Mello	Utter
Campbell	Flood	Janssen	Nelson	Wallman
Carlson	Fulton	Karpisek	Pahls	White
Christensen	Gay	Krist	Pankonin	Wightman
Coash	Giese	Langemeier	Pirsch	
Conrad	Gloor	Lathrop	Price	
Cook	Haar	Lautenbaugh	Rogert	
Cornett	Hadley	Louden	Schilz	

Voting in the negative, 0.

Present and not voting, 1:

Harms

Excused and not voting, 2:

Fischer Nordquist

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 1055.

A BILL FOR AN ACT relating to the Employment Security Law; to amend sections 48-628.02 and 48-628.03, Reissue Revised Statutes of Nebraska; to change provisions relating to extended benefits; to eliminate obsolete provisions and restructure provisions; to reorganize defined terms; 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, 47:

Adams	Council	Hansen	Louden	Schilz
Ashford	Dierks	Harms	McCoy	Stuthman
Avery	Dubas	Heidemann	McGill	Sullivan
Campbell	Flood	Howard	Mello	Utter
Carlson	Fulton	Janssen	Nelson	Wallman
Christensen	Gay	Karpisek	Pahls	White
Coash	Giese	Krist	Pankonin	Wightman
Conrad	Gloor	Langemeier	Pirsch	
Cook	Haar	Lathrop	Price	
Cornett	Hadley	Lautenbaugh	Rogert	

Voting in the negative, 0.

Excused and not voting, 2:

Fischer Nordquist

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1065.

A BILL FOR AN ACT relating to vehicles; to amend sections 60-2401, 60-2401.01, 60-2403, 60-2405, 60-2406, 60-2407, 60-2408, 60-2409, and 60-2411, Reissue Revised Statutes of Nebraska, and sections 60-2404 and 60-2410, Revised Statutes Cumulative Supplement, 2008; to change provisions relating to towing; 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, 46:

Adams	Dierks	Harms	McCoy	Stuthman
Ashford	Dubas	Heidemann	McGill	Sullivan
Avery	Flood	Howard	Mello	Utter
Campbell	Fulton	Janssen	Nelson	Wallman
Carlson	Gay	Karpisek	Pahls	White
Christensen	Giese	Krist	Pankonin	Wightman
Conrad	Gloor	Langemeier	Pirsch	
Cook	Haar	Lathrop	Price	
Cornett	Hadley	Lautenbaugh	Rogert	
Council	Hansen	Louden	Schilz	

Voting in the negative, 1:

Coash

Excused and not voting, 2:

Fischer Nordquist

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1085.

A BILL FOR AN ACT relating to civil procedure; to amend section 25-1011, Reissue Revised Statutes of Nebraska; to change provisions relating to garnishment; to eliminate obsolete provisions; 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	Council	Hansen	Louden	Schilz
Ashford	Dierks	Harms	McCoy	Stuthman
Avery	Dubas	Heidemann	McGill	Sullivan
Campbell	Flood	Howard	Mello	Utter
Carlson	Fulton	Janssen	Nelson	Wallman
Christensen	Gay	Karpisek	Pahls	White
Coash	Giese	Krist	Pankonin	Wightman
Conrad	Gloor	Langemeier	Pirsch	
Cook	Haar	Lathrop	Price	
Cornett	Hadley	Lautenbaugh	Rogert	

Voting in the negative, 0.

Excused and not voting, 2:

Fischer Nordquist

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 252, 411, 695, 696, 706, 713, 732, 758, 759, 760, 789, 792, 809, 813, 829, 844, 852, 872, 884, 894, 907, 908, 933, 934, 947, 978, 986, 993, 997, 1047, 1055, 1065, and 1085.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 999. Placed on Final Reading.

LEGISLATIVE BILL 1020. Placed on Final Reading.

ST9109

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E & R amendments, ER8239, on page 32, line 1, "to change provisions relating to experience accounts;" has been inserted after the first semicolon.

LEGISLATIVE BILL 1103. Placed on Final Reading.

(Signed) Jeremy Nordquist, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 559. Introduced by Gay, 14.

WHEREAS, Nicholas Wilson was invited to attend the Junior National Young Leaders Conference in Washington, D.C., from March 6 through March 11, 2010; and

WHEREAS, Nicholas Wilson was among an elite group of sixth and seventh graders from across the country who were selected to learn about world leaders and develop leadership skills in our nation's capital; and

WHEREAS, Nicholas Wilson was nominated by his teachers to represent St. Columbkille School at the Junior National Young Leaders Conference because he has demonstrated maturity, academic excellence, and leadership in the classroom; and

WHEREAS, the Legislature should recognize the achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates Nicholas Wilson for being given the distinguished honor to participate in the Junior National Young Leaders Conference.

2. That the Legislature wishes Nicholas Wilson the best in his future leadership endeavors.

3. That a copy of this resolution be sent to Nicholas Wilson.

Laid over.

LEGISLATIVE RESOLUTION 560. Introduced by Gay, 14.

WHEREAS, Keith Jarrett was invited to attend the Junior National Young Leaders Conference in Washington, D.C., from March 6 through March 11, 2010; and

WHEREAS, Keith Jarrett was among an elite group of sixth and seventh graders from across the country who were selected to learn about world leaders and develop leadership skills in our nation's capital; and

WHEREAS, Keith Jarrett was nominated by his teachers to represent St. Columbkille School at the Junior National Young Leaders Conference because he has demonstrated maturity, academic excellence, and leadership in the classroom; and

WHEREAS, the Legislature should recognize the achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates Keith Jarrett for being given the distinguished honor to participate in the Junior National Young Leaders Conference.

2. That the Legislature wishes Keith Jarrett the best in his future leadership endeavors.

3. That a copy of this resolution be sent to Keith Jarrett.

Laid over.

LEGISLATIVE RESOLUTION 561. Introduced by Gay, 14.

WHEREAS, Kathryn Gay was invited to attend the Junior National Young Leaders Conference in Washington, D.C., from March 6 through March 11, 2010; and

WHEREAS, Kathryn Gay was among an elite group of sixth and seventh graders from across the country who were selected to learn about world leaders and develop leadership skills in our nation's capital; and

WHEREAS, Kathryn Gay was nominated by her teachers to represent St. Columbkille School at the Junior National Young Leaders Conference because she has demonstrated maturity, academic excellence, and leadership in the classroom; and

WHEREAS, the Legislature should recognize the achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates Kathryn Gay for being given the distinguished honor to participate in the Junior National Young Leaders Conference.
2. That the Legislature wishes Kathryn Gay the best in her future leadership endeavors.
3. That a copy of this resolution be sent to Kathryn Gay.

Laid over.

LEGISLATIVE RESOLUTION 562. Introduced by Howard, 9.

WHEREAS, there are one hundred Nebraska children who are currently in foster care and waiting to be adopted; and

WHEREAS, Nebraska was one of six states that, along with Washington, D.C., began celebrating National Adoption Day in November 2000; and

WHEREAS, since that time courts, judges, attorneys, adoption professionals, child welfare agencies, and advocates have worked to secure permanent homes for foster care children; and

WHEREAS, throughout the country more than twenty-five thousand children have been adopted on National Adoption Day; and

WHEREAS, adoption allows children to have better lives and brings joy to adoptive families; and

WHEREAS, every child deserves a loving family.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature recognizes November 20, 2010, as Adoption Day in Nebraska.
2. That on this day communities are encouraged to participate in activities designed to increase public awareness about the benefits of adoption.

Laid over.

LEGISLATIVE RESOLUTION 563. Introduced by Howard, 9.

WHEREAS, an estimated 3.2 million individuals are victims of bullying annually; and

WHEREAS, bullying is the most common form of violence; and

WHEREAS, fifty-six percent of students nationally have witnessed some type of bullying at school; and

WHEREAS, bullying causes deep psychological pain, and children who are bullied often experience low self-esteem, depression, physical problems, more frequent school absences, poor academic achievement, and increased school dropout rates; and

WHEREAS, school-wide commitment to stop bullying can reduce bullying by more than fifty percent; and

WHEREAS, it takes a community to prevent bullying of children; and
WHEREAS, National Bullying Prevention Awareness Week encourages communities nationwide to work together to increase awareness of the prevalence and impact of bullying on all children.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the week of October 3 through October 10, 2010, be designated as Nebraska School Bullying Awareness Week, with the intention that the issue of bullying and its prevention be discussed in Nebraska during that time.

2. That a copy of this resolution be sent to the State Department of Education.

Laid over.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 9, 2010, at 10:27 a.m. were the following: LBs 712e, 780, 861, 961, 1048, and 1048A.

(Signed) Jamie Kruse
Clerk of the Legislature's Office

EXPLANATIONS OF VOTES

Had I been present, I would have voted "aye" on final passage of LBs 817, 1109, 801, 842, 849, 862, 877, 950, 1010, 1094, and 510 and "nay" on LB945.

(Signed) Mark Christensen

Had I been present, I would have voted "aye" on final passage of LBs 817, 1109, 1109A, 801, 842, 849, 877, 950, 1010, 510, and 510A.

(Signed) Mike Flood

VISITORS

Visitors to the Chamber were James Nelson from Bassett; Denielle Bennett, Megan McLaughlin, Brittany Walker, Bill Bennett, and Angel Hinkley from Alliance; 59 fourth-grade students, teachers, and sponsors from Gates Elementary, Grand Island; Senator Wallman's son-in-law and granddaughter, Jason and Laynie Madden, from Des Moines, Iowa; 60 fourth-grade students and teachers from Falls City South Schools, Falls City; and 42 fourth-grade students, teachers, and sponsors from Johnson County Central, Cook.

ADJOURNMENT

At 12:01 p.m., on a motion by Senator Campbell, the Legislature adjourned until 10:00 a.m., Monday, April 12, 2010.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-EIGHTH DAY - APRIL 12, 2010**LEGISLATIVE JOURNAL****ONE HUNDRED FIRST LEGISLATURE
SECOND SESSION****FIFTY-EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska
Monday, April 12, 2010

PRAYER

The prayer was offered by Senator Pirsch.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Speaker Flood presiding.

The roll was called and all members were present.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-seventh day was approved.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 9, 2010, at 12:05 p.m. were the following: LBs 252, 411, 695e, 696, 706, 713, 732, 758, 759, 760, 789, 792, 809, 813, 829e, 844, 852, 872, 884, 894, 907, 908, 933, 934, 947, 978, 986, 993, 997, 1047e, 1055, 1065, and 1085.

(Signed) Jamie Kruse
Clerk of the Legislature's Office

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 507. With Emergency Clause.

A BILL FOR AN ACT relating to domestic violence; to amend sections 28-323 and 28-707, Reissue Revised Statutes of Nebraska; to provide for payment for prenatal services in certain situations; to provide a termination date; to change provisions relating to the offense of domestic assault; to change penalties for domestic assault and child abuse as prescribed; to provide operative dates; to repeal the original sections; and to declare an

emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 49:

Adams	Council	Hadley	Lautenbaugh	Price
Ashford	Dierks	Hansen	Louden	Rogert
Avery	Dubas	Harms	McCoy	Schilz
Campbell	Fischer	Heidemann	McGill	Stuthman
Carlson	Flood	Howard	Mello	Sullivan
Christensen	Fulton	Janssen	Nelson	Utter
Coash	Gay	Karpisek	Nordquist	Wallman
Conrad	Giese	Krist	Pahls	White
Cook	Gloor	Langemeier	Pankonin	Wightman
Cornett	Haar	Lathrop	Pirsch	

Voting in the negative, 0.

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 507A. With Emergency Clause.

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.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 49:

Adams	Council	Hadley	Lautenbaugh	Price
Ashford	Dierks	Hansen	Louden	Rogert
Avery	Dubas	Harms	McCoy	Schilz
Campbell	Fischer	Heidemann	McGill	Stuthman
Carlson	Flood	Howard	Mello	Sullivan
Christensen	Fulton	Janssen	Nelson	Utter
Coash	Gay	Karpisek	Nordquist	Wallman
Conrad	Giese	Krist	Pahls	White
Cook	Gloor	Langemeier	Pankonin	Wightman
Cornett	Haar	Lathrop	Pirsch	

Voting in the negative, 0.

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB563 with 39 ayes, 0 nays, and 10 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 563.

A BILL FOR AN ACT relating to labor; to amend sections 77-2711 and 77-27,119, Reissue Revised Statutes of Nebraska, and section 48-2115, Revised Statutes Supplement, 2009; to adopt the Employee Classification Act; to provide funding for enforcement; to allow the Department of Revenue to disclose information to the Department of Labor as prescribed; 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, 43:

Adams	Cornett	Gloor	Lathrop	Pirsch
Ashford	Council	Haar	Lautenbaugh	Rogert
Avery	Dierks	Hadley	Louden	Schilz
Campbell	Dubas	Hansen	McGill	Sullivan
Carlson	Fischer	Harms	Mello	Wallman
Christensen	Flood	Howard	Nelson	White
Coash	Fulton	Karpisek	Nordquist	Wightman
Conrad	Gay	Krist	Pahls	
Cook	Giese	Langemeier	Pankonin	

Voting in the negative, 1:

Janssen

Present and not voting, 5:

Heidemann	McCoy	Price	Stuthman	Utter
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 563A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 563, 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, 44:

Adams	Council	Haar	Langemeier	Pankonin
Ashford	Dierks	Hadley	Lathrop	Pirsch
Avery	Dubas	Hansen	Lautenbaugh	Rogert
Campbell	Fischer	Harms	Louden	Schilz
Carlson	Flood	Heidemann	McGill	Sullivan
Coash	Fulton	Howard	Mello	Wallman
Conrad	Gay	Janssen	Nelson	White
Cook	Giese	Karpisek	Nordquist	Wightman
Cornett	Gloor	Krist	Pahls	

Voting in the negative, 0.

Present and not voting, 5:

Christensen	McCoy	Price	Stuthman	Utter
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB594 with 44 ayes, 0 nays, and 5 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 594.

A BILL FOR AN ACT relating to abortion; to amend sections 28-325, 28-340, and 38-2021, Reissue Revised Statutes of Nebraska, and sections 28-101, 28-326, 28-327, 28-327.01, 28-327.03, and 28-327.04, Revised Statutes Supplement, 2009; to state and restate legislative findings and declarations; to define and redefine terms; to change provisions relating to voluntary and informed consent to an abortion; to prohibit waivers, provide

additional remedies, provide requirements for certain civil actions, provide burdens of proof, provide for tolling statute of limitations, and restrict applicability to criminal and disciplinary actions; to require information regarding certain service agencies to be made available on the Internet; to harmonize provisions; to provide severability; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 40:

Adams	Flood	Heidemann	McCoy	Rogert
Carlson	Fulton	Janssen	Mello	Schilz
Christensen	Gay	Karpisek	Nelson	Stuthman
Coash	Giese	Krist	Nordquist	Sullivan
Cornett	Gloor	Langemeier	Pahls	Utter
Dierks	Hadley	Lathrop	Pankonin	Wallman
Dubas	Hansen	Lautenbaugh	Pirsch	White
Fischer	Harms	Louden	Price	Wightman

Voting in the negative, 9:

Ashford	Campbell	Cook	Haar	McGill
Avery	Conrad	Council	Howard	

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 701. With Emergency Clause.

A BILL FOR AN ACT relating to the ICF/MR Reimbursement Protection Act; to amend section 68-1804, Reissue Revised Statutes of Nebraska; to change provisions relating to allocation of a 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, 49:

Adams	Council	Hadley	Lautenbaugh	Price
Ashford	Dierks	Hansen	Louden	Rogert
Avery	Dubas	Harms	McCoy	Schilz
Campbell	Fischer	Heidemann	McGill	Stuthman
Carlson	Flood	Howard	Mello	Sullivan
Christensen	Fulton	Janssen	Nelson	Utter
Coash	Gay	Karpisek	Nordquist	Wallman
Conrad	Giese	Krist	Pahls	White
Cook	Gloor	Langemeier	Pankonin	Wightman
Cornett	Haar	Lathrop	Pirsch	

Voting in the negative, 0.

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB771 with 44 ayes, 0 nays, and 5 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 771.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-115, 28-201, 28-931, 28-931.01, 28-932, 28-933, and 28-1212.01, Reissue Revised Statutes of Nebraska, and sections 28-309, 28-929, 28-930, 28-1206, 28-1212.04, 28-1354, 29-401, 29-901, 29-901.01, 29-1912, and 43-250, Revised Statutes Supplement, 2009; to change provisions relating to criminal offenses against a pregnant woman, criminal attempt, assault, assault on an officer, offenses by a confined or committed person, deadly weapons, firearms, arrest procedures, bail, conditions of release from custody, jailhouse witnesses, and juveniles in custody; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 49:

Adams	Council	Hadley	Lautenbaugh	Price
Ashford	Dierks	Hansen	Louden	Rogert
Avery	Dubas	Harms	McCoy	Schilz
Campbell	Fischer	Heidemann	McGill	Stuthman
Carlson	Flood	Howard	Mello	Sullivan
Christensen	Fulton	Janssen	Nelson	Utter
Coash	Gay	Karpisek	Nordquist	Wallman
Conrad	Giese	Krist	Pahls	White
Cook	Gloor	Langemeier	Pankonin	Wightman
Cornett	Haar	Lathrop	Pirsch	

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB779 with 40 ayes, 1 nay, and 8 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 779. With Emergency Clause.

A BILL FOR AN ACT relating to political subdivisions; to amend sections 13-2601, 13-2604, 13-2706, 14-501.01, and 15-801, Reissue Revised Statutes of Nebraska, section 13-503, Revised Statutes Supplement, 2009, section 13-2704, Reissue Revised Statutes of Nebraska, as amended by section 8, Legislative Bill 3, One Hundred First Legislature, First Special Session, 2009, and section 77-5601, Revised Statutes Cumulative Supplement, 2008, as amended by section 58, Legislative Bill 3, One Hundred First Legislature, First Special Session, 2009; to change provisions relating to municipal budgets, the Convention Center Facility Financing Assistance Act, and the Local Civic, Cultural, and Convention Center Financing Act; to provide for transfers of funds; to adopt the Sports Arena Facility Financing Assistance Act; 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	Council	Hadley	Lautenbaugh	Price
Ashford	Dierks	Hansen	Louden	Rogert
Avery	Dubas	Harms	McCoy	Schilz
Campbell	Fischer	Heidemann	McGill	Stuthman
Carlson	Flood	Howard	Mello	Sullivan
Christensen	Fulton	Janssen	Nelson	Wallman
Coash	Gay	Karpisek	Nordquist	White
Conrad	Giese	Krist	Pahls	Wightman
Cook	Gloor	Langemeier	Pankonin	
Cornett	Haar	Lathrop	Pirsch	

Voting in the negative, 0.

Present and not voting, 1:

Utter

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 779A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 779, 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	Council	Hadley	Lautenbaugh	Price
Ashford	Dierks	Hansen	Louden	Rogert
Avery	Dubas	Harms	McCoy	Schilz
Campbell	Fischer	Heidemann	McGill	Stuthman
Carlson	Flood	Howard	Mello	Sullivan
Christensen	Fulton	Janssen	Nelson	Wallman
Coash	Gay	Karpisek	Nordquist	White
Conrad	Giese	Krist	Pahls	Wightman
Cook	Gloor	Langemeier	Pankonin	
Cornett	Haar	Lathrop	Pirsch	

Voting in the negative, 0.

Present and not voting, 1:

Utter

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MESSAGES FROM THE GOVERNOR

April 12, 2010

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bill 1048 was received in my office on April 9, 2010.

This bill was signed and delivered to the Secretary of State today, April 12, 2010.

Sincerely,
(Signed) Dave Heineman
Governor

April 12, 2010

Mr. President, Mr. Speaker, and
Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Members of the Legislature:

I have signed LB1048; however, I am returning LB1048A with a line-item reduction.

LB1048A appropriates \$30,000 from the General Fund for FY2010-11 to the Nebraska Department of Revenue to aid in carrying out the provisions of LB1048. The Nebraska Department of Revenue estimated that the cost to implement LB1048 is minimal. Therefore, I am vetoing the \$30,000 General Fund appropriation to the Nebraska Department of Revenue in LB1048A, as these funds are not necessary to implement the bill.

For these reasons, I respectfully urge you to sustain my veto of LB1048A.

Sincerely,
(Signed) Dave Heineman
Governor

EXPLANATIONS OF VOTES

Had I been present, I would have voted "aye" on final passage of LBs 817, 1109e, 1109Ae, 801, 842, 849e, 862, 877e, 945, 950e, 1010e, 1094, 1094A, 510, and 510A.

Had I been present, I would have voted "aye" on final passage of LBs 712e, 780, 861, 961, 1048, 1048A, 252, 411, 695e, 696, 706, 713, 732, 758, 759, 760, 789, 792, 809, 813, 829e, 844, 852, 872, 884, 894, 907, 908, 933, 934, 947, 978, 986, 993, 997, 1047e, 1055, 1065, and 1085.

(Signed) Jeremy Nordquist

COMMITTEE REPORT

Health and Human Services

LEGISLATIVE BILL 710. Placed on General File.

(Signed) Tim Gay, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 564. Introduced by Gay, 14.

WHEREAS, the Nebraska Innovation Zone Commission was created by the Legislature in 2005 to:

- (1) Define boundaries for the opportunity zone;
 - (2) Focus attention on and increase awareness of the opportunities and needs in a particular region of Nebraska referred to as the opportunity zone;
 - (3) Advocate by proposing solutions to development and infrastructure challenges faced in the opportunity zone;
 - (4) Encourage and support continuity, coordination, and cooperation among national, state, multicomunity, and local economic development initiatives and service providers in the opportunity zone;
 - (5) Serve as an advisory body to the Governor, state agencies, and the Legislature on economic development issues in the opportunity zone;
 - (6) Establish an information clearinghouse on challenges and needs, development services, model initiatives, available resources, and service providers;
 - (7) Foster multicomunity partnerships;
 - (8) Foster regional marketing activities to promote the opportunity zone;
- and
- (9) Study and develop recommendations for uniform county zoning within the opportunity zone; and

WHEREAS, the commission has made great progress in meeting the Legislature's expectations in both form and substance with only minimal funds; and

WHEREAS, the communities involved in the opportunity zone have shown outstanding leadership and collaboration for the sake of progress; and

WHEREAS, the business community has made generous acts of support in partnership with the Governor, the University of Nebraska, the Papio-Missouri River Natural Resources District, the Lower Platte South Natural Resources District, the Nebraska Community College Association, the county boards of the counties of Washington, Sarpy, Cass, Douglas, Saunders, and Lancaster, and others to achieve a sustainable plan that will put this area of Nebraska in a position to be very successful.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates the Nebraska Innovation Zone Commission and its executive director for great accomplishments in the five-year life of the commission and eagerly awaits its final report.

2. That a copy of this resolution be sent to the Nebraska Innovation Zone Commission.

Laid over.

LEGISLATIVE RESOLUTION 565. Introduced by McCoy, 39.

WHEREAS, twenty-three individuals from legislative district 39 have completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, these outstanding individuals include Ryan N. Anson, Jacob D. Benes, David H. Boedeker, Michael J. Buck, Brett S. Carroll, Erik R. Christensen, Cody Felger, Dillon Felger, Jonathan R. Hanisch, Alexander E. Howard, Kevin D. Huefner, William D. E. Kamppinen, Garrett K. Kraudy, Sean Kurfman, Cameron Opfer, Ethan Paasch, Benjamin W. Reher, Thomas D. Rhodes, Shawn P. Sanders, Zachary R. Shackelford, David G. Smith, Ethan M. Stohs, and Jonathan N. Williams; 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 their scouting experiences, these individuals have learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 12 of which are in required areas, and complete a community service project approved by the troop and the scout council; and

WHEREAS, only five percent of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates all of the outstanding individuals from legislative district 39 on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to the Mid-America Council of the Boy Scouts of America.

Laid over.

BILLS ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB800 with 44 ayes, 0 nays, and 5 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 800.

A BILL FOR AN ACT relating to juvenile justice; to amend sections 24-313, 25-2701, 25-2728, 28-416, 29-1816, 29-2258, 29-2269, 43-246, 43-248, 43-253, 43-254, 43-254.01, 43-256, 43-258, 43-272.01, 43-278, 43-285, 43-2,106.01, 43-2,129, 43-415, 43-2404.02, 60-4,108, 79-209, and 79-527, Reissue Revised Statutes of Nebraska, sections 43-245 and 43-250, Revised Statutes Supplement, 2009, and section 29-2262.07, Reissue Revised Statutes of Nebraska, as amended by section 15, Legislative Bill 3, One Hundred First Legislature, First Special Session, 2009; to eliminate juvenile review panels; to provide for sealing of juvenile records, additional penalties for drug-related offenses by minors, sanctions for probation violations or potential violations, a transfer and distribution of funds, and a juvenile offender civil citation pilot program; to change arraignment, temporary custody, evaluation, detention, and placement provisions regarding juveniles; to provide for telephonic and videoconference communications and hearings under the Nebraska Juvenile Code; to provide for the impoundment of or prohibit obtaining a juvenile's operator's license or permit as prescribed; to provide for sanctions on parents or guardians for excessive absenteeism; to provide for expedited appeals from the juvenile court; to change provisions relating to the County Juvenile Services Aid Program, school truancy management and enforcement, and school reporting provisions; to create and provide duties for the Truancy Intervention Task Force; to change and eliminate provisions relating to setting aside adjudications; to harmonize provisions; to provide a duty for the Revisor of Statutes; to repeal the original sections; and to outright repeal sections 43-287.01, 43-287.02, 43-287.03, 43-287.04, 43-287.05, 43-287.06, 43-2,102, 43-2,103, 43-2,104, and 43-2,105, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 48:

Adams	Council	Hadley	Lautenbaugh	Rogert
Ashford	Dierks	Hansen	Louden	Schilz
Avery	Dubas	Harms	McCoy	Stuthman
Campbell	Fischer	Heidemann	McGill	Sullivan
Carlson	Flood	Howard	Mello	Utter
Christensen	Fulton	Janssen	Nelson	Wallman
Coash	Gay	Karpisek	Nordquist	White
Conrad	Giese	Krist	Pahls	Wightman
Cook	Gloor	Langemeier	Pankonin	
Cornett	Haar	Lathrop	Price	

Voting in the negative, 0.

Present and not voting, 1:

Pirsch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 800A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 800, 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	Council	Hadley	Lautenbaugh	Rogert
Ashford	Dierks	Hansen	Louden	Schilz
Avery	Dubas	Harms	McCoy	Stuthman
Campbell	Fischer	Heidemann	McGill	Sullivan
Carlson	Flood	Howard	Mello	Utter
Christensen	Fulton	Janssen	Nelson	Wallman
Coash	Gay	Karpisek	Nordquist	White
Conrad	Giese	Krist	Pahls	Wightman
Cook	Gloor	Langemeier	Pankonin	
Cornett	Haar	Lathrop	Price	

Voting in the negative, 0.

Present and not voting, 1:

Pirsch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB918 with 39 ayes, 0 nays, and 10 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 918.

A BILL FOR AN ACT relating to the Nebraska Advantage Act; to amend sections 77-5707, 77-5715, 77-5719, 77-5725, and 77-5735, Reissue Revised Statutes of Nebraska; to redefine certain tax incentive terms as prescribed; to provide tax incentives for data centers as prescribed; to provide for applicability; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 49:

Adams	Council	Hadley	Lautenbaugh	Price
Ashford	Dierks	Hansen	Louden	Rogert
Avery	Dubas	Harms	McCoy	Schilz
Campbell	Fischer	Heidemann	McGill	Stuthman
Carlson	Flood	Howard	Mello	Sullivan
Christensen	Fulton	Janssen	Nelson	Utter
Coash	Gay	Karpisek	Nordquist	Wallman
Conrad	Giese	Krist	Pahls	White
Cook	Gloor	Langemeier	Pankonin	Wightman
Cornett	Haar	Lathrop	Pirsch	

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 918A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 918, One Hundred First Legislature, Second Session, 2010.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 49:

Adams	Council	Hadley	Lautenbaugh	Price
Ashford	Dierks	Hansen	Louden	Rogert
Avery	Dubas	Harms	McCoy	Schilz
Campbell	Fischer	Heidemann	McGill	Stuthman
Carlson	Flood	Howard	Mello	Sullivan
Christensen	Fulton	Janssen	Nelson	Utter
Coash	Gay	Karpisek	Nordquist	Wallman
Conrad	Giese	Krist	Pahls	White
Cook	Gloor	Langemeier	Pankonin	Wightman
Cornett	Haar	Lathrop	Pirsch	

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB931 with 43 ayes, 0 nays, and 6 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 931. With Emergency Clause.

A BILL FOR AN ACT relating to real property; to amend sections 76-2202, 76-2206, 76-2213, 76-2213.01, 76-2216, 76-2221, 76-2223, 76-2225, 76-2228, 76-2228.01, 76-2229, 76-2229.01, 76-2230, 76-2231.01, 76-2232, 76-2233, 76-2233.01, 76-2233.02, 76-2236, 76-2237, 76-2238, 76-2240, 76-2241, 76-2249, 77-5004, and 81-885.01, Reissue Revised Statutes of Nebraska, and section 81-885, Revised Statutes Supplement, 2009; to change and eliminate provisions of the Real Property Appraiser Act and the Nebraska Real Estate License Act; to harmonize provisions; to repeal the

original sections; to outright repeal sections 76-2207, 76-2209, and 76-2211, Reissue Revised Statutes of Nebraska; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 45:

Adams	Cornett	Hadley	Lautenbaugh	Pirsch
Ashford	Council	Hansen	Louden	Price
Avery	Dubas	Harms	McCoy	Rogert
Campbell	Fischer	Heidemann	McGill	Schilz
Carlson	Fulton	Howard	Mello	Sullivan
Christensen	Gay	Janssen	Nelson	Utter
Coash	Giese	Karpisek	Nordquist	Wallman
Conrad	Gloor	Krist	Pahls	White
Cook	Haar	Lathrop	Pankonin	Wightman

Voting in the negative, 4:

Dierks	Flood	Langemeier	Stuthman
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Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 987.

A BILL FOR AN ACT relating to the Department of Economic Development; to create the Lead-Based Paint Hazard Control Program; to state intent; to provide duties; and to provide a termination date.

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	Council	Hadley	Louden	Schilz
Ashford	Dierks	Hansen	McCoy	Stuthman
Avery	Dubas	Harms	McGill	Sullivan
Campbell	Fischer	Howard	Mello	Wallman
Carlson	Flood	Janssen	Nordquist	White
Christensen	Fulton	Karpisek	Pahls	Wightman
Coash	Gay	Krist	Pankonin	
Conrad	Giese	Langemeier	Pirsch	
Cook	Gloor	Lathrop	Price	
Cornett	Haar	Lautenbaugh	Rogert	

Voting in the negative, 0.

Present and not voting, 3:

Heidemann Nelson Utter

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 987A. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2009, First Special Session, LB 1, section 15; to appropriate funds to aid in carrying out the provisions of Legislative Bill 987, One Hundred First Legislature, Second Session, 2010; 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, 47:

Adams	Council	Hadley	Lautenbaugh	Rogert
Ashford	Dierks	Hansen	Louden	Schilz
Avery	Dubas	Harms	McCoy	Stuthman
Campbell	Fischer	Heidemann	McGill	Sullivan
Carlson	Flood	Howard	Mello	Wallman
Christensen	Fulton	Janssen	Nordquist	White
Coash	Gay	Karpisek	Pahls	Wightman
Conrad	Giese	Krist	Pankonin	
Cook	Gloor	Langemeier	Pirsch	
Cornett	Haar	Lathrop	Price	

Voting in the negative, 1:

Nelson

Present and not voting, 1:

Utter

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 1002.

A BILL FOR AN ACT relating to political subdivisions; to amend section 81-2504, Reissue Revised Statutes of Nebraska; to define terms; to provide for applications for state assistance; to provide for notice and a hearing; to provide powers and duties for the Commission on Indian Affairs; to create a fund; to provide a termination date; to harmonize provisions; 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	Gay	Karpisek	Nordquist	Wallman
Coash	Giese	Krist	Pahls	White
Conrad	Gloor	Langemeier	Pankonin	Wightman
Cook	Haar	Lathrop	Pirsch	
Cornett	Hadley	Lautenbaugh	Price	
Council	Hansen	Louden	Rotert	

Voting in the negative, 1:

Christensen

Present and not voting, 1:

Fulton

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1002A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1002, 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, 47:

Adams	Dierks	Harms	McCoy	Schilz
Ashford	Dubas	Heidemann	McGill	Stuthman
Avery	Fischer	Howard	Mello	Sullivan
Campbell	Flood	Janssen	Nelson	Utter
Carlson	Gay	Karpisek	Nordquist	Wallman
Coash	Giese	Krist	Pahls	White
Conrad	Gloor	Langemeier	Pankonin	Wightman
Cook	Haar	Lathrop	Pirsch	
Cornett	Hadley	Lautenbaugh	Price	
Council	Hansen	Louden	Rogert	

Voting in the negative, 1:

Christensen

Present and not voting, 1:

Fulton

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1014.

A BILL FOR AN ACT relating to schools; to amend sections 79-1018.01 and 79-1035, Reissue Revised Statutes of Nebraska, and section 79-1028.01, Revised Statutes Supplement, 2009; to provide for teacher performance pay; to change local system formula resources and maximum expenditures for purposes of the Tax Equity and Educational Opportunities Support Act; to change provisions relating to distribution of school funds from school lands; to provide a duty for the Revisor of Statutes; 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, 45:

Adams	Cornett	Gloor	Langemeier	Pankonin
Ashford	Council	Haar	Lathrop	Pirsch
Avery	Dierks	Hadley	Lautenbaugh	Price
Campbell	Dubas	Hansen	McCoy	Rogert
Carlson	Fischer	Harms	McGill	Schilz
Christensen	Flood	Howard	Mello	Sullivan
Coash	Fulton	Janssen	Nelson	Wallman
Conrad	Gay	Karpisek	Nordquist	White
Cook	Giese	Krist	Pahls	Wightman

Voting in the negative, 2:

Louden Stuthman

Present and not voting, 2:

Heidemann Utter

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB1071 with 46 ayes, 0 nays, and 3 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1071. With Emergency Clause.

A BILL FOR AN ACT relating to government; to amend sections 79-201, 79-215, 79-2,136, 79-4,108, 79-1003.01, 79-1007.04, 79-1007.05, 79-1013, 79-1030, 79-1103, 79-1233, 79-1245, 79-1247, 79-1248, 79-1249, 85-1511, 86-501, 86-505, 86-506, 86-516, 86-520, and 86-5,100, Reissue Revised Statutes of Nebraska, sections 13-509, 79-318, 79-8,137.01, 79-8,137.02, 79-8,137.03, 79-8,137.04, 79-1014, 79-1022, 79-1026.01, 79-1027, 79-1031.01, 79-10,110, and 79-1241.01, Revised Statutes Supplement, 2009, and sections 79-1003, 79-1007.23, and 79-1023, Revised Statutes Supplement, 2009, as amended by sections 3, 9, and 11, respectively, Legislative Bill 5, One Hundred First Legislature, First Special Session, 2009; to change and eliminate provisions relating to certification of property valuations, attendance age, admissions, evaluation policies and procedures, unified school systems, open enrollment provisions for learning communities, American Recovery and Reinvestment Act of 2009 bonds for school facilities, the Early Childhood Education Grant Program, the Enhancing Excellence in Teaching Program, the Tax Equity and Educational Opportunities Support Act, the Educational Service Units Act, and the Information Technology Infrastructure Act; to provide for

memoranda regarding sharing student data; to define and redefine terms; to harmonize provisions; to provide duties for the Revisor of Statutes; to provide operative dates; to repeal the original sections; to outright repeal sections 79-1241.02, 79-1243, and 79-1331, Reissue Revised Statutes of Nebraska; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 49:

Adams	Council	Hadley	Lautenbaugh	Price
Ashford	Dierks	Hansen	Louden	Rogert
Avery	Dubas	Harms	McCoy	Schilz
Campbell	Fischer	Heidemann	McGill	Stuthman
Carlson	Flood	Howard	Mello	Sullivan
Christensen	Fulton	Janssen	Nelson	Utter
Coash	Gay	Karpisek	Nordquist	Wallman
Conrad	Giese	Krist	Pahls	White
Cook	Gloor	Langemeier	Pankonin	Wightman
Cornett	Haar	Lathrop	Pirsch	

Voting in the negative, 0.

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB1072 with 38 ayes, 5 nays, and 6 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1072. With Emergency Clause.

A BILL FOR AN ACT relating to community colleges; to amend sections 77-3442, 85-1416, 85-1418, 85-1502, 85-1503, 85-1511, and 85-1517, Reissue Revised Statutes of Nebraska, and sections 13-518 and 13-519, Revised Statutes Supplement, 2009; to redefine terms; to change provisions relating to state aid and tax levy authorization and limits for community colleges; to provide a termination date for membership provisions for the association of community college boards and the Community College Foundation and Equalization Aid Act; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 49:

Adams	Council	Hadley	Lautenbaugh	Price
Ashford	Dierks	Hansen	Louden	Rogert
Avery	Dubas	Harms	McCoy	Schilz
Campbell	Fischer	Heidemann	McGill	Stuthman
Carlson	Flood	Howard	Mello	Sullivan
Christensen	Fulton	Janssen	Nelson	Utter
Coash	Gay	Karpisek	Nordquist	Wallman
Conrad	Giese	Krist	Pahls	White
Cook	Gloor	Langemeier	Pankonin	Wightman
Cornett	Haar	Lathrop	Pirsch	

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB420 to Select File

Senator Council moved to return LB420 to Select File for the following specific amendment:

FA78

Strike the enacting clause.

SENATOR LANGEMEIER PRESIDING

SPEAKER FLOOD PRESIDING

Senator Council requested a roll call vote on her motion to return.

Voting in the affirmative, 13:

Ashford	Dubas	Lathrop	Mello	White
Cook	Gay	Louden	Nordquist	
Council	Giese	McGill	Rogert	

Voting in the negative, 32:

Adams	Cornett	Hadley	Langemeier	Stuthman
Avery	Dierks	Hansen	Lautenbaugh	Sullivan
Campbell	Fischer	Harms	McCoy	Utter
Carlson	Flood	Heidemann	Nelson	Wightman
Christensen	Fulton	Howard	Pankonin	
Coash	Gloor	Janssen	Price	
Conrad	Haar	Karpisek	Schilz	

Present and not voting, 3:

Krist	Pahls	Pirsch
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Excused and not voting, 1:

Wallman

The Council motion to return failed with 13 ayes, 32 nays, 3 present and not voting, and 1 excused and not voting.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 420.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704.12, Reissue Revised Statutes of Nebraska; to change provisions relating to sales and use tax exemptions for certain nonprofit entities; 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, 42:

Adams	Cornett	Hadley	Lautenbaugh	Rogert
Ashford	Dierks	Hansen	McCoy	Schilz
Avery	Dubas	Harms	McGill	Stuthman
Campbell	Fischer	Howard	Mello	Sullivan
Carlson	Flood	Janssen	Nelson	Utter
Christensen	Fulton	Karpisek	Nordquist	Wightman
Coash	Gay	Krist	Pankonin	
Conrad	Gloor	Langemeier	Pirsch	
Cook	Haar	Lathrop	Price	

Voting in the negative, 3:

Council	Heidemann	Pahls
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Present and not voting, 3:

Giese Louden White

Excused and not voting, 1:

Wallman

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 507, 507A, 563, 563A, 594, 701, 771, 779, 779A, 800, 800A, 918, 918A, 931, 987, 987A, 1002, 1002A, 1014, 1071, 1072, and 420.

RESOLUTION

Pursuant to Rule 4, Sec. 5(b), LR543 was adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR543.

RESOLUTIONS

LEGISLATIVE RESOLUTION 566. Introduced by Revenue Committee: Cornett, 45, Chairperson; Adams, 24; Dierks, 40; Hadley, 37; Louden, 49; Pirsch, 4; Utter, 33; White, 8.

PURPOSE: The purpose of this resolution is to examine various methods of financing interstate water compacts and agreements, including existing taxes, new taxes, charges, or fees. The enforcement of current funding provisions and potential refunds of current tax provisions will also be examined.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 567. Introduced by Pahls, 31.

WHEREAS, Elizabeth Hruska is a program analyst within the office of the Legislative Fiscal Analyst; and

WHEREAS, Elizabeth Hruska, through her attention to detail and diligence, discovered that the federal government was basing federal medicaid funding under the stimulus program on erroneous unemployment information; and

WHEREAS, Elizabeth Hruska's discovery and her efforts to remedy the problem resulted in an additional \$6.3 million of federal medicaid funding for the State of Nebraska; and

WHEREAS, the Legislature recognizes the outstanding work of its employees.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature commends Elizabeth Hruska for her outstanding work and thanks her for helping the State of Nebraska receive additional federal medicaid funding.

2. That a copy of this resolution be sent to Elizabeth Hruska.

Laid over.

UNANIMOUS CONSENT - Add Cointroducers

Senator White asked unanimous consent to add his name as cointroducer to LR538. No objections. So ordered.

Senator Pahls asked unanimous consent to add his name as cointroducer to LR555. No objections. So ordered.

VISITORS

Visitors to the Chamber were 19 twelfth-grade students and teacher from Dorchester; 24 fourth-grade students and teacher from Faith Lutheran School, Lincoln; 65 fourth-grade students and teachers from Bell Field Elementary, Fremont; and Lige, Dusty, Amana, Anlynn, Harrison, and Isaac Reed from Minden.

The Doctor of the Day was Dr. Carol LaCroix from Omaha.

ADJOURNMENT

At 12:30 p.m., on a motion by Senator Cook, the Legislature adjourned until 10:00 a.m., Tuesday, April 13, 2010.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-NINTH DAY - APRIL 13, 2010**LEGISLATIVE JOURNAL****ONE HUNDRED FIRST LEGISLATURE
SECOND SESSION****FIFTY-NINTH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 13, 2010

PRAYER

The prayer was offered by Kenneth Chapman, Santee Sioux Nation Council, Niobrara.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Speaker Flood presiding.

The roll was called and all members were present.

CORRECTIONS FOR THE JOURNAL

Page 1416, the ST9109 should follow Legislative Bill 1020 instead of Legislative Bill 1103.

The Journal for the fifty-seventh day was approved as corrected.

The Journal for the fifty-eighth day was approved.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 12, 2010, at 12:35 p.m. were the following: LBs 507e, 507Ae, 563, 563A, 594, 701e, 771, 779e, 779A, 800, 800A, 918, 918A, 931e, 987, 987Ae, 1002, 1002A, 1014, 1071e, 1072e, and 420.

(Signed) Jamie Kruse
Clerk of the Legislature's Office

MESSAGES FROM THE GOVERNOR

April 12, 2010

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 252, 411, 695e, 696, 706, 713, 732, 758, 759, 760, 789, 792, 809, 813, 829e, 844, 852, 872, 884, 894, 907, 908, 933, 934, 947, 961, 978, 986, 993, 997, 1047e, 1055, 1065, 1085, 1109, and 1109A were received in my office on April 9, 2010.

These bills were signed and delivered to the Secretary of State on April 12, 2010.

Sincerely,
(Signed) Dave Heineman
Governor

April 12, 2010

Mr. President, Mr. Speaker, and
Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President and Members of the Legislature:

I am returning LB420 without my signature and with my objections.

I supported the underlying tax policy in this bill when it passed last year; however, in accordance with your procedural rules, the Legislature requested that I return the bill before acting on it because its passage would have put the budget out of balance. Within the time frame allotted for my decision under the Constitution, I acted on the bill by returning it to the Legislature to accommodate your request. At the time, I was advised that LB420 and four other bills would be considered this year only if they could fit into a balanced budget.

As is clear from your General Fund financial status, none of those bills can be financed this year without having the budget be imbalanced. The other four bills have not been brought up for final passage.

Today, LB420 was considered and passed with an amendment that included the oldest legislative trick possible. It delayed implementation of the sales tax exemption for three years. The United States Congress might do

something like this but in the rich tradition and best history of the Nebraska Unicameral, the Legislature has not resorted to such tactics. This bill deserves to be passed on its own merits when it can fit into a current two-year budget cycle. That is the standard to which every other legislative bill is held.

For these reasons, I urge you to sustain my veto of LB420.

Sincerely,
(Signed) Dave Heineman
Governor

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 544, 545, 546, and 547 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 544, 545, 546, and 547.

MOTIONS - Approve Appointments

Senator Fischer moved the adoption of the Transportation and Telecommunications Committee report for the confirmation of the following appointment(s) found on page 1308:

Nebraska Railway Council
Patrick Meuret
Michael Shannon

Voting in the affirmative, 44:

Adams	Council	Haar	Lathrop	Price
Avery	Dierks	Hadley	Lautenbaugh	Rogert
Campbell	Dubas	Hansen	Louden	Schilz
Carlson	Fischer	Harms	McCoy	Stuthman
Christensen	Flood	Heidemann	Mello	Sullivan
Coash	Fulton	Howard	Nelson	Wallman
Conrad	Gay	Karpisek	Nordquist	White
Cook	Giese	Krist	Pahls	Wightman
Cornett	Gloor	Langemeier	Pirsch	

Voting in the negative, 0.

Present and not voting, 5:

Ashford	Janssen	McGill	Pankonin	Utter
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The appointments were confirmed with 44 ayes, 0 nays, and 5 present and

not voting.

Senator Gay moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 1364:

Commission for the Deaf and Hard of Hearing
Diane Muelleman

Voting in the affirmative, 46:

Adams	Dierks	Harms	McGill	Stuthman
Avery	Dubas	Heidemann	Mello	Sullivan
Campbell	Flood	Howard	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	
Council	Hansen	McCoy	Schilz	

Voting in the negative, 0.

Present and not voting, 3:

Ashford Fischer Janssen

The appointment was confirmed with 46 ayes, 0 nays, and 3 present and not voting.

BILLS ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 999. With Emergency Clause.

A BILL FOR AN ACT relating to health care; to amend section 71-401, Reissue Revised Statutes of Nebraska; to state findings; to provide for a moratorium on new hospital licenses as prescribed; to provide for a study of health care as prescribed; to harmonize provisions; 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, 41:

Adams	Cornett	Haar	Lathrop	Rogert
Ashford	Council	Hadley	McCoy	Schilz
Avery	Dierks	Hansen	McGill	Sullivan
Campbell	Dubas	Harms	Mello	Utter
Carlson	Fischer	Heidemann	Nelson	Wightman
Christensen	Flood	Howard	Nordquist	
Coash	Gay	Karpisek	Pahls	
Conrad	Giese	Krist	Pankonin	
Cook	Gloor	Langemeier	Price	

Voting in the negative, 6:

Fulton	Lautenbaugh	Stuthman
Janssen	Pirsch	White

Present and not voting, 2:

Louden	Wallman
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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 LB1020 with 44 ayes, 0 nays, and 5 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1020.

A BILL FOR AN ACT relating to the Employment Security Law; to amend sections 48-601, 48-602, 48-627, and 48-628, Revised Statutes Cumulative Supplement, 2008, and section 48-652, Revised Statutes Supplement, 2009; to redefine a term; to change eligibility provisions for unemployment benefits; to change provisions relating to disqualification for unemployment benefits; to provide for extension of unemployment benefits; to change provisions relating to experience accounts; to harmonize provisions; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 49:

Adams	Council	Hadley	Lautenbaugh	Price
Ashford	Dierks	Hansen	Louden	Rogert
Avery	Dubas	Harms	McCoy	Schilz
Campbell	Fischer	Heidemann	McGill	Stuthman
Carlson	Flood	Howard	Mello	Sullivan
Christensen	Fulton	Janssen	Nelson	Utter
Coash	Gay	Karpisek	Nordquist	Wallman
Conrad	Giese	Krist	Pahls	White
Cook	Gloor	Langemeier	Pankonin	Wightman
Cornett	Haar	Lathrop	Pirsch	

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 1103.

A BILL FOR AN ACT relating to abortion; to amend section 38-2021, Reissue Revised Statutes of Nebraska, and section 28-101, Revised Statutes Supplement, 2009; to adopt the Pain-Capable Unborn Child Protection Act; to provide and change civil and criminal penalties with respect to abortion; to harmonize provisions; to provide an operative date; to provide severability; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Adams	Dubas	Harms	Louden	Rogert
Ashford	Fischer	Heidemann	McCoy	Schilz
Avery	Flood	Howard	Mello	Stuthman
Campbell	Fulton	Janssen	Nelson	Sullivan
Carlson	Gay	Karpisek	Nordquist	Utter
Christensen	Giese	Krist	Pahls	Wallman
Coash	Gloor	Langemeier	Pankonin	White
Cornett	Hadley	Lathrop	Pirsch	Wightman
Dierks	Hansen	Lautenbaugh	Price	

Voting in the negative, 5:

Conrad	Cook	Council	Haar	McGill
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Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 999, 1020, and 1103.

RESOLUTIONS

LEGISLATIVE RESOLUTION 452. Read. Considered.

LR452 was adopted with 45 ayes, 0 nays, 3 present and not voting, and 1 excused and not voting.

SENATOR STUTHMAN PRESIDING

LEGISLATIVE RESOLUTION 542. Read. Considered.

LR542 was adopted with 46 ayes, 0 nays, 1 present and not voting, and 2 excused and not voting.

LEGISLATIVE RESOLUTION 273. Read. Considered.

LR273 was adopted with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 568. Introduced by Health and Human Services Committee: Gay, 14, Chairperson; Campbell, 25; Gloor, 35; Howard, 9; Pankonin, 2; Stuthman, 22; Wallman, 30.

PURPOSE: The purpose of this interim study is to review and assess the implementation of reforms by the Department of Health and Human Services regarding how children and families are served by the child welfare and juvenile services system in Nebraska

The interim study will be conducted in consultation with the Department of Health and Human Services and with the participation of stakeholders representing state and local government, professionals, provider organizations, consumers, consumer advocates, and other parties, and any other information deemed helpful.

Issues considered for the interim study may include, but shall not be limited to:

- (1) The coordination of out-of-home reform initiatives by the Department of Health and Human Services;
- (2) The effectiveness of the public-private partnership in providing services to children and families involved with the department;

(3) The funding of services by the department to children and families; and

(4) The effect of the child welfare reform initiatives on meeting the federal Child and Family Service Reviews of outcomes and indicators, including safety, permanency, and well-being.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature on or before December 31, 2010.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 569. Introduced by Fulton, 29.

WHEREAS, Ms. Lana Peterson-Pressler has dedicated decades of service to the youth of Lincoln, Nebraska, as a teacher in Lincoln Public Schools; and

WHEREAS, Ms. Lana Peterson-Pressler is the only teacher from Nebraska to receive the National Elementary Physical Education Teacher of the Year award from the National Association for Sport and Physical Education; and

WHEREAS, Ms. Lana Peterson-Pressler is the only elementary physical education teacher from Nebraska to earn the National Board for Professional Teaching Standards certification; and

WHEREAS, Ms. Lana Peterson-Pressler is a continuous innovator in the field of elementary physical education, teaching a variety of nontraditional physical education and serving as a national training consultant for The First Tee National School Program; and

WHEREAS, Ms. Lana Peterson-Pressler's teaching has instilled the values of lifelong health and wellness in countless numbers of students in Lincoln and throughout the United States.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature expresses its appreciation for the achievements of Ms. Lana Peterson-Pressler and for her positive impact on the State of Nebraska.

2. That a copy of this resolution be sent to Ms. Lana Peterson-Pressler and Lincoln Public Schools.

Laid over.

LEGISLATIVE RESOLUTION 570. Introduced by Rogert, 16.

WHEREAS, the village of Pender in Nebraska is celebrating its 125th anniversary this year. The lot for the townsite of Pender was recorded on December 8, 1884, and the lot sale was conducted on April 7, 1885; and

WHEREAS, the village of Pender was founded by W. E. Peebles. Originally named Athens just three miles south of its present location, the current village is named after John Pender, an Englishman who was a cable builder and director of the Chicago, St. Paul, Minneapolis and Omaha Railroad; and

WHEREAS, the village of Pender has 1,148 residents and is located in Thurston County. It is the county seat and the first established town in Thurston County; and

WHEREAS, members elected to the Pender Board of Trustees include Chairman Arden Shadbolt, Tom Nitzschke, Marvin Kubik, Mark Kinning, and Steven Goodman; and

WHEREAS, notable persons from the village of Pender include Maurice Pate (October 14, 1894 - January 19, 1965), a co-founder for the United Nations Children's Fund in 1947, Loren Miller (January 20, 1903 - July 14, 1967), who served as a Superior Court Justice, and Monty Budwig (December 26, 1926 - March 9, 1992), a jazz double bassist who is known for his work with Vince Guaraldi; and

WHEREAS, entertainment in the village of Pender originated at the Opera House, which promoted dance and theater, and this house still exists today. The Best Little Playhouse is provided for community theater productions, and events such as Thurston Watermelon Days are held for community entertainment; and

WHEREAS, the village of Pender encourages and fosters sporting events such as football, baseball, softball, volleyball, and track events. The residents of Pender also enjoy a local golf course, swimming pool, and park that promote community activity and family recreation. Area camping and outdoor wildlife recreation are also available for tourism and leisure; and

WHEREAS, the village of Pender has been a thriving community for 125 years and is celebrating its 125th anniversary. The quasiquicentennial events will begin June 20, 2010, and end June 27, 2010, with a closing ceremony.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates the village of Pender on its 125th anniversary.

2. That a copy of this resolution be sent to the Pender Board of Trustees, Chairman Arden Shadbolt, Tom Nitzschke, Marvin Kubik, Mark Kinning, and Steven Goodman.

Laid over.

REFERENCE COMMITTEE REPORT2010 Resolution calling for an Interim Study

LR566	Interim study to examine various methods of financing interstate water compacts and agreements	Revenue
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(Signed) John Wightman, Chairperson
Executive Board

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 13, 2010, at 10:35 a.m. were the following: LBs 999e, 1020, and 1103.

(Signed) Jamie Kruse
Clerk of the Legislature's Office

COMMUNICATION

April 13, 2010

The Honorable John Gale
Secretary of State
2300 State Capitol
Lincoln, NE 68509

Dear Mr. Secretary:

Inasmuch as the Legislature did not override the line-item vetoes by Governor Heineman of LB1048A, and consistent with our rules, I am delivering the bill for filing in the form and amounts as prescribed by the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:jk

VISITORS

Visitors to the Chamber were 66 fourth-grade students and teachers from Carriage Hill Elementary, Papillion; Senator Coash's father, Don Coash, from Bassett; 13 high school students and teacher from Papillion-La Vista; a group from Catholic Charities St. Martin Des Porres Senior Center from Omaha; former Senator Pat Engel from South Sioux City; and 63 fourth-grade students, teachers, and sponsors from St. Joseph's School, Lincoln.

RECESS

At 11:54 a.m., on a motion by Speaker Flood, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Senator Carlson presiding.

ROLL CALL

The roll was called and all members were present except Senators Gay and Janssen who were excused; and Senators Ashford, Dierks, and Louden who were excused until they arrive.

RESOLUTIONS

LEGISLATIVE RESOLUTION 411. Read. Considered.

LR411 was adopted with 38 ayes, 0 nays, 5 present and not voting, and 6 excused and not voting.

LEGISLATIVE RESOLUTION 538. Read. Considered.

Senator Stuthman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

LR538 was adopted with 39 ayes, 1 nay, 3 present and not voting, and 6 excused and not voting.

LEGISLATIVE RESOLUTION 539. Read. Considered.

Senator Stuthman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 4 nays, and 17 not voting.

LR539 was adopted with 39 ayes, 3 nays, 4 present and not voting, and 3 excused and not voting.

LEGISLATIVE RESOLUTION 556. Read. Considered.

SPEAKER FLOOD PRESIDING

LR556 was adopted with 46 ayes, 0 nays, 1 present and not voting, and 2 excused and not voting.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 452, 542, 273, 411, 538, 539, and 556.

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 712e, 801, 817, 842, 849e, 877e, 945, 950e, 1010e, 1094, and 1094A were received in my office on April 9, 2010.

These bills were signed and delivered to the Secretary of State on April 13, 2010.

Sincerely,
(Signed) Dave Heineman
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 Bill 594 was received in my office on April 12, 2010.

Engrossed Legislative Bill 1103 was received in my office on April 13, 2010.

These bills were signed and delivered to the Secretary of State on April 13, 2010.

Sincerely,
(Signed) Dave Heineman
Governor

RESOLUTION

LEGISLATIVE RESOLUTION 571. Introduced by Judiciary Committee: Ashford, 20, Chairperson; Christensen, 44; Coash, 27; Council, 11; Rogert, 16.

PURPOSE: The purpose of this resolution is to study the implementation of LB 63 (2009) with respect to the creation of the Office of Violence Prevention and to study the implementation of LB 800 (2010).

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

REFERENCE COMMITTEE REPORT

2010 Resolution calling for an Interim Study

LR571	Interim study to examine the implementation of LB63, 2009, with respect to creation of the Office of Violence Prevention, and to study implementation of LB800, 2010	Judiciary
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(Signed) John Wightman, Chairperson
Executive Board

UNANIMOUS CONSENT - Add Cointroducers

Senator Cook asked unanimous consent to add her name as cointroducer to LR556. No objections. So ordered.

Senator Langemeier asked unanimous consent to add his name as cointroducer to LR567. No objections. So ordered.

VISITORS

Visitors to the Chamber were 45 fourth-grade students and teachers from La Vista West Elementary, La Vista; 30 third- and fourth-grade students, teachers, and sponsors from Greeley-Wolbach Public School, Greeley and Wolbach; and Maureen Bunting from Billerica Essex, England.

ADJOURNMENT

At 3:31 p.m., on a motion by Senator Conrad, the Legislature adjourned until 1:30 p.m., Wednesday, April 14, 2010.

Patrick J. O'Donnell
Clerk of the Legislature

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 REPORT2010 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.

