

**TENTH DAY - NOVEMBER 18, 2009**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED FIRST LEGISLATURE**  
**FIRST SPECIAL SESSION**

**TENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, November 18, 2009

**PRAYER**

The prayer was offered by Senator Wallman.

**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 Christensen, Council, Loudon, and Pirsch who were excused; and Senator Ashford who was excused until he arrives.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the ninth day was approved.

**SELECT FILE**

**LEGISLATIVE BILL 3.** ER8002, found on page 119, was adopted.

Senator Fischer renewed her amendment, AM24, found on page 117.

The Fischer amendment was adopted with 43 ayes, 0 nays, and 6 excused and not voting.

Senator Heidemann offered the following amendment:  
AM28

(Amendments to Standing Committee amendments, AM13)

- 1 1. On page 6, line 18, after "Legislature" insert
- 2 "through June 30, 2011".

The Heidemann amendment was adopted with 43 ayes, 0 nays, and 6 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 2.** ER8001, found on page 119, was adopted.

Senator Heidemann offered the following amendment:

AM27

(Amendments to Standing Committee amendments, AM14)

- 1 Purpose: To increase a transfer from the Nebraska Capital
- 2 Construction Fund to the General Fund by \$3,574,466.
- 3 Amendment:
- 4 1. On page 7, line 24, strike "one million" and insert
- 5 "four million five hundred seventy-four thousand four hundred
- 6 sixty-six".

The Heidemann amendment was adopted with 43 ayes, 0 nays, and 6 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 1.** ER8003, found on page 119, was adopted.

Senator Heidemann renewed his amendment, AM20, found on page 118.

The Heidemann amendment was adopted with 43 ayes, 0 nays, and 6 excused and not voting.

Senator Heidemann offered the following amendment:

AM26

(Amendments to Standing Committee amendments, AM12)

- 1 1. Strike sections 12 and 14.
- 2 2. On page 5, strike line 25; and in line 26 strike
- 3 "CONSTRUCTION" and insert "GENERAL".
- 4 3. Renumber the remaining sections and correct internal
- 5 references and repealer accordingly.

The Heidemann amendment was adopted with 41 ayes, 0 nays, 2 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

## **RESOLUTIONS**

Pursuant to Rule 4, Sec. 5(b), LRs 9 and 10 were adopted.

## **SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 9 and 10.

**SENATOR LANGEMEIER PRESIDING**

**SELECT FILE**

**LEGISLATIVE BILL 4.** Senator Flood renewed his amendment, AM22, found on page 116.

The Flood amendment was adopted with 41 ayes, 0 nays, 2 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**COMMITTEE REPORT**

Enrollment and Review

**LEGISLATIVE BILL 5.** Placed on Final Reading.

ST9000

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 31, line 5, "attendance" has been inserted after the second occurrence of "elementary".

(Signed) Jeremy Nordquist, Chairperson

**RESOLUTION**

**LEGISLATIVE RESOLUTION 24.** Introduced by Pahls, 31.

WHEREAS, Nebraska was ranked first in the nation among states for:

- (1) Financial happiness by the web site MainStreet.com in 2009; and
- (2) Percentage of people ages sixteen to sixty-four who held a job in 2006, 2007, and 2008 by the United States Bureau of the Census; and

WHEREAS, Nebraska was ranked second best in the nation among states for:

- (1) Fairness of litigation environment by the United States Chamber of Commerce in 2008 and the 2009 Competitiveness Redbook;
- (2) Cattle and calves production by the United States Department of Agriculture and the Taxpayers Network in 2008;
- (3) Total capacity of ethanol production by Ethanol Producer Magazine in 2007;
- (4) Lowest state debt per capita at the end of 2006 by the United States Bureau of the Census and the Taxpayers Network;
- (5) Lowest number of foreclosures and lowest unemployment rate by the web site MainStreet.com in 2009; and
- (6) Most-improved total biomass electricity generated, most-improved total wind energy generated, percentage of total in-state electricity generation from wind, wind electricity generation per capita and per gross state product, and biomass electricity generation per capita and per gross state product by the National Renewable Energy Laboratory in 2008; and

WHEREAS, Nebraska was ranked third best in the nation among states for:

(1) Production of livestock and corn in 2006 by the United States Department of Agriculture and the Taxpayers Network;

(2) Liability and litigation systems in 2007 by the United States Chamber of Commerce and the Taxpayers Network;

(3) Employment among persons sixteen years of age and older by the United States Bureau of Labor Statistics in 2007;

(4) Lowest revenue per kilowatt hour from commercial and residential customers by Electric Power Monthly in 2008 and the 2009 Competitiveness Redbook;

(5) Lowest commercial electricity price in 2006 by the United States Department of Energy and the Taxpayers Network;

(6) Homeownership rates by the United States Bureau of the Census in 2007 and the 2009 Competitiveness Redbook; and

(7) Lowest state debt per capita in 2007 by the United States Bureau of the Census and the Tax Foundation; and

WHEREAS, Nebraska was ranked fourth best in the nation among states for:

(1) Best quality of life in 2008 by Business Facilities magazine;

(2) Lowest cost of doing business in 2007 by the Milken Institute and the 2009 Competitiveness Redbook;

(3) Jobs in 2008 by the web site CareerBuilder.com;

(4) Production of leading commodities in 2006 by the United States Department of Agriculture and the Taxpayers Network;

(5) Lowest residential electricity price in 2006 by the United States Department of Energy and the Taxpayers Network;

(6) Minority-owned business value and annual unemployment rate in 2009 by the Corporation for Enterprise Development; and

(7) Lowest mean travel time to work in 2005 by the United States Bureau of the Census; and

WHEREAS, Nebraska was ranked fifth best in the nation among states for:

(1) Best for business in 2009 by the web site Directorship.com;

(2) Production of soybeans and hogs in 2006 by the United States Department of Agriculture and the Taxpayers Network;

(3) Lowest industrial electricity price in 2006 by the United States Department of Energy and the Taxpayers Network;

(4) Lowest industrial rent as a cost of doing business in 2007 by the Milken Institute and the Taxpayers Network;

(5) Lowest residential natural gas price in 2006 by the United States Department of Energy and the Taxpayers Network;

(6) Best for education climate in 2008 by Business Facilities magazine;

(7) Highest ratio of spending on higher education compared to spending on corrections in 2007 by the Pew Center; and

(8) Lowest incarceration rate in 2006 by the United States Department of Justice and the Taxpayers Network; and

WHEREAS, Nebraska was ranked sixth best in the nation among states for:

- (1) Most business friendly in 2009 by the web site CNBC.com;
- (2) Lowest electrical cost for doing business in 2007 by the Milken Institute and the Taxpayers Network;
- (3) Lowest median credit card debt in 2009 by the Corporation for Enterprise Development; and
- (4) Wind energy potential in 2007 by the American Wind Energy Association; and

WHEREAS, Nebraska was ranked seventh best in the nation among states for:

- (1) Best state economy in 2009 by the web site CNBC.com;
- (2) Highest growth in real income in 2008 by the United States Bureau of the Census;
- (3) Production of sugar beets in 2006 by the United States Department of Agriculture and the Taxpayers Network;
- (4) Lowest state spending per capita in 2007 by the United States Bureau of the Census and the Tax Foundation;
- (5) Lowest energy costs in 2009 by the Small Business and Entrepreneurship Council; and
- (6) Lowest asset poverty rate and affordability of homes in 2009 by the Corporation for Enterprise Development; and

WHEREAS, Nebraska was ranked eighth best in the nation among states for:

- (1) Crop production in 2006 by the United States Department of Agriculture and the Taxpayers Network;
- (2) Net farm income per operator in 2006 by the United States Department of Agriculture and the Taxpayers Network;
- (3) Research and development per capita by the academic sector in 2005 by the National Science Foundation and the 2009 Competitiveness Redbook;
- (4) Lowest revenue per kilowatt hour from industrial customers in 2008 by the United States Department of Energy and the 2009 Competitiveness Redbook;
- (5) Employee ownership of businesses and for housing cost burden for renters in 2009 by the Corporation for Enterprise Development;
- (6) Interstate, freeway, and arterial condition rating in 2006 by the United States Department of Transportation and the Taxpayers Network;
- (7) Total higher education enrollment in 2005 by the United States Department of Education, the United States Bureau of the Census, and the 2009 Competitiveness Redbook;
- (8) Highest percentage of high school graduates in 2005 by the United States Bureau of the Census; and
- (9) Lowest teen birth rate in 2006 by the Centers for Disease Control and Prevention and the Taxpayers Network; and

WHEREAS, Nebraska was ranked ninth best in the nation among states for:

- (1) Production of wheat in 2006 by the United States Department of Agriculture and the Taxpayers Network;

(2) Lowest average combined premiums for auto insurance in 2005 by the National Association of Insurance Commissioners and the Taxpayers Network;

(3) Housing cost burden among homeowners in 2009 and for two-year college degrees in 2009 by the Corporation for Enterprise Development; and

(4) Lowest median monthly rental housing costs in 2006 by the United States Bureau of the Census and the Taxpayers Network; and

WHEREAS, Nebraska was ranked tenth best in the nation among states for:

(1) Best state for business in 2008 by Forbes magazine;

(2) Being pro-business by a Pollina Corporate Real Estate study in 2007 and 2009;

(3) Relative health in 2007 by the United Health Foundation and the Taxpayers Network;

(4) States receiving a 5-star on the state's healthcare cost quotient in 2007 by Expansion Management magazine; and

(5) High school degrees in 2009 and for lowest unbanked households in 2009 by the Corporation for Enterprise Development; and

WHEREAS, Nebraska was ranked eleventh best in the nation among states for:

(1) Lowest cost of living in 2009 by the web site CNBC.com;

(2) Lowest state and local debt per capita in 2006 by the United States Bureau of the Census and the Tax Foundation;

(3) Growth in per capita personal income in 2007 by the United States Department of Commerce and the 2009 Competitiveness Redbook;

(4) Lowest average mortgage closing costs in 2006 by the web site Bankrate.com and the Taxpayers Network;

(5) Smartest state in 2007 by Morgan Quitno Press and the Taxpayers Network;

(6) Higher education enrollment as percentage of population in public two-year schools in 2005 by the United States Department of Education and the 2009 Competitiveness Redbook; and

(7) Lowest extreme asset poverty rate in 2009 by the Corporation for Enterprise Development; and

WHEREAS, Nebraska was ranked twelfth best in the nation among states for:

(1) Top state for business in 2009 by the web site CNBC.com;

(2) Employment growth rate from May 2007 to May 2008 by the United States Bureau of Labor Statistics;

(3) Best unemployment insurance tax index in 2009 by the Tax Foundation;

(4) Growth in percent of nonagricultural employment in 2008 by the 2009 Competitiveness Redbook; and

(5) Head Start coverage in 2009 by the Corporation for Enterprise Development; and

WHEREAS, the Corporation for Enterprise Development gave Nebraska residents a grade of A for their financial assets and income in 2009; and

WHEREAS, the city of Omaha, Nebraska, ranks as:

- (1) Having the most favorable tax structure for business among midsize cities in 2008 by KPMG International;
- (2) The best city for relocating families in 2008 by Primacy Relocation and Worldwide ERC;
- (3) Second best bargain market in 2008 by MSN Real Estate;
- (4) Third best city for job seekers for salaries and jobs in 2009 by the web site SimplyHired.com;
- (5) Third among cities nationally as best city to build personal wealth in 2008 by the web site Salary.com;
- (6) Third best among medium-sized metropolitan cities nationally to launch a business in 2009 by Fortune Small Business and the web site CNNMoney.com;
- (7) Third among top ten best cities in 2008 by Kiplinger's Personal Finance;
- (8) Eighth among best cities for jobs in 2008 by Forbes;
- (9) Ninth among cities nationally for highest concentration of employment in agricultural feedstock and chemicals in 2008 by Business Facilities magazine;
- (10) Eleventh among cities nationally for best public schools in 2007 by Expansion Management;
- (11) Fifteenth among cities nationally for most educated workforce in 2008 by Business Facilities magazine;
- (12) Among the top twenty best places to raise a family in 2008 by the web site Today.msnbc.msn.com; and
- (13) Thirty-fourth best among cities nationally as a place for business and careers in 2008 by Forbes; and

WHEREAS, the city of Lincoln, Nebraska, ranks as:

- (1) First among cities in the country for job-hunters in 2009 by Manpower;
- (2) Tenth best medium-sized metropolitan city nationally to launch a business in 2009 by Fortune Small Business and the web site CNNMoney.com; and
- (3) Fifteenth best city to find a job in 2008 by the web site CareerBuilder.com; and

WHEREAS, the city of Papillion, Nebraska, was ranked third among small communities nationally of best places to live in 2009 by the web site CNNMoney.com; and

WHEREAS, the city of Fremont, Nebraska, was named the fifteenth most affordable city nationally in 2009 by the web site CNNMoney.com; and

WHEREAS, the city of Norfolk, Nebraska, was ranked ninety-eighth among small communities nationally of best places to live in 2009 by the web site CNNMoney.com; and

WHEREAS, the city of Columbus, Nebraska, was ranked ninety-ninth among small communities nationally of best places to live in 2009 by the web site CNNMoney.com; and

WHEREAS, the state must continue its efforts to maintain and improve its standing among other states in its economic opportunities in order to maintain the good life for its citizens.

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

1. That the Legislature congratulates the Department of Economic Development and its affiliates, the Nebraska Chamber of Commerce and Industry and its affiliates, the Greater Omaha Chamber of Commerce and its affiliates, the Lincoln Chamber of Commerce and its affiliates, the Sarpy County Chamber of Commerce and its affiliates, the Fremont Area Chamber of Commerce and its affiliates, the Norfolk Area Chamber of Commerce and its affiliates, and the Columbus Area Chamber of Commerce and its affiliates for their diligence in working with the Legislature to keep Nebraska competitive and vibrant.

2. That a copy of this resolution be sent to the Director of Economic Development, the president of the Nebraska Chamber of Commerce and Industry, the president of the Greater Omaha Chamber of Commerce, the president of the Lincoln Chamber of Commerce, the president of the Sarpy County Chamber of Commerce, the president of the Fremont Area Chamber of Commerce, the president of the Norfolk Area Chamber of Commerce, and the president of the Columbus Area Chamber of Commerce.

Laid over.

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

Senators Cornett and Mello asked unanimous consent to add their names as cointroducers to LR21. No objections. So ordered.

#### **RECESS**

At 9:27 a.m., on a motion by Senator Harms, the Legislature recessed until 11:45 a.m.

#### **AFTER RECESS**

The Legislature reconvened at 11:45 a.m., Speaker Flood presiding.

#### **ROLL CALL**

The roll was called and all members were present except Senators Ashford, Christensen, Council, Gloor, Lathrop, Loudon, Mello, Pirsch, and Stuthman who were excused.



**COMMITTEE REPORTS**  
Enrollment and Review

**LEGISLATIVE BILL 1.** Placed on Final Reading.  
ST9002

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E & R amendments, ER8003, on page 1, line 10, "12, 21, 35," has been struck and "21" inserted.
2. In the Standing Committee amendments, AM12:
  - a. On page 2, line 19, "119" has been struck and "117" inserted;
  - b. On page 98, line 3, the last comma has been struck and shown as stricken; and
  - c. On page 195, line 8, "12, 21, 35," has been struck and "21" inserted.

**LEGISLATIVE BILL 2.** Placed on Final Reading.

**LEGISLATIVE BILL 3.** Placed on Final Reading.  
ST9001

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Standing Committee amendments, AM13:
  - a. On page 46, line 13, "fund" has been struck and "Commission for the Deaf and Hard of Hearing Fund" inserted; and
  - b. On page 81, line 21, "fund" has been struck and "Carrier Enforcement Cash Fund" inserted.

**LEGISLATIVE BILL 4.** Placed on Final Reading.

(Signed) Jeremy Nordquist, Chairperson

**ADJOURNMENT**

At 11:49 a.m., on a motion by Senator Price, the Legislature adjourned until 1:30 p.m., Thursday, November 19, 2009.

Patrick J. O'Donnell  
Clerk of the Legislature

