

TWENTY-FIRST DAY - FEBRUARY 5, 2009**LEGISLATIVE JOURNAL****ONE HUNDRED FIRST LEGISLATURE
FIRST SESSION****TWENTY-FIRST DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, February 5, 2009

PRAYER

The prayer was offered by Pastor Jack Sample, Wood River.

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 Avery who was excused; and Senators Ashford, Friend, Heidemann, and Pankonin who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twentieth day was approved.

COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 259. Placed on Select File with amendment.
ER8013

- 1 1. On page 1, line 3, after the first comma insert
- 2 "16-716," and after "17-720," insert "30-3209,".
- 3 2. On page 19, line 14, strike the comma.
- 4 3. In the Standing Committee amendment, AM4, renumber
- 5 section 6 as section 7.

(Signed) Jeremy Nordquist, Chairperson

COMMITTEE REPORTS

General Affairs

LEGISLATIVE BILL 137. Placed on General File.

LEGISLATIVE BILL 232. Placed on General File.

(Signed) Russ Karpisek, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 152. Placed on General File.

LEGISLATIVE BILL 327. Placed on General File with amendment.
AM122

- 1 1. Insert the following new section:
- 2 Sec. 13. (1) A licensee shall file notice with the
- 3 director within thirty calendar days of any material changes in
- 4 information provided in a licensee's application as prescribed by
- 5 the director.
- 6 (2) A licensee shall file a report with the director
- 7 within five business days after the licensee has reason to know of
- 8 the occurrence of any of the following events:
- 9 (a) The filing of a petition by or against the licensee
- 10 under any bankruptcy law of the United States for bankruptcy or
- 11 reorganization;
- 12 (b) The filing of a petition by or against the licensee
- 13 for receivership, the commencement of any other judicial or
- 14 administrative proceeding for its dissolution or reorganization,
- 15 or the making of a general assignment for the benefit of its
- 16 creditors;
- 17 (c) The commencement of a proceeding to revoke or suspend
- 18 the licensee's license in a state or country in which the licensee
- 19 engages in business or is licensed;
- 20 (d) The cancellation or other impairment of the
- 21 licensee's bond or other security;
- 22 (e) A charge or conviction of the licensee or of an
- 23 executive officer, manager, or director of, or person in control
- 1 of, the licensee for a felony; or
- 2 (f) A charge or conviction of an authorized agent for a
- 3 felony.
- 4 2. On page 15, strike beginning with "is" in line 8
- 5 through "function" in line 12 and insert "has the power to elect
- 6 a majority of executive officers, managers, directors, trustees, or
- 7 other persons exercising managerial authority of a licensee or any
- 8 person in control of a licensee"; and in line 21 strike "section
- 9 12" and insert "sections 12 and 13".
- 10 3. On page 23, strike beginning with "14" in line 15
- 11 through "19" in line 16 and insert "13, 15, 16, 17, 18, and 20".
- 12 4. Renumber the remaining sections accordingly.

(Signed) Rich Pahls, Chairperson

NOTICE OF COMMITTEE HEARING
General Affairs

Room 1510

Monday, February 23, 2009 1:30 p.m.

LB478
LB576
LB664
LB605

(Signed) Russ Karpisek, Chairperson

MESSAGE FROM THE GOVERNOR

January 30, 2009

Mr. President, Speaker Flood
and Members of the Legislature
State Capitol Building
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 Foster Care Review Board:

Dave Schroeder, 1103 Arrowhead Ct., Lexington, NE 68850
Mary Jo Pankoke, 3516 South 17th Street, Lincoln, NE 68502
Georgie Scurfield, 360 Windsor Drive, Papillion, NE 68046
Dr. Mario Scalora, UNL - 238 Burnett Hall, Lincoln, NE 68588

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

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 24. Placed on Final Reading.**LEGISLATIVE BILL 99.** Placed on Final Reading.**LEGISLATIVE BILL 100.** Placed on Final Reading.**LEGISLATIVE BILL 101.** Placed on Final Reading.

(Signed) Jeremy Nordquist, Chairperson

GENERAL FILE**LEGISLATIVE BILL 5.** Senator Stuthman withdrew his motion MO7, found on page 358, to indefinitely postpone.

Senator Stuthman renewed his amendment, AM179, found on page 372.

Senator Carlson 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 Stuthman moved for a call of the house. The motion prevailed with 38 ayes, 0 nays, and 11 not voting.

The Stuthman amendment lost with 10 ayes, 27 nays, 9 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Stuthman offered the following motion:

MO9

Reconsider the vote taken on AM179.

The Stuthman motion to reconsider failed with 10 ayes, 23 nays, 14 present and not voting, and 2 excused and not voting.

Senator Wightman renewed his amendment, AM185, found on page 373.

Pending.

ANNOUNCEMENT

The Chair announced today is Senator Dubas' birthday.

GENERAL FILE

LEGISLATIVE BILL 5. The Wightman amendment, AM185, found on page 373 and considered in this day's Journal, was renewed.

Senator Loudon moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 32 ayes, 1 nay, and 16 not voting.

The Wightman amendment was adopted with 39 ayes, 3 nays, 4 present and not voting, and 3 excused and not voting.

Senator Haar offered the following amendment:

FA9

Add a new section: All Nebraska tourism promotional brochures carry a warning which reads: "Ditches in Nebraska may contain traps"

Senator Fulton moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 31 ayes, 2 nays, and 16 not voting.

The Haar amendment lost with 4 ayes, 37 nays, 5 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 30 ayes, 10 nays, 6 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 53. Title read. Considered.

Senator Haar renewed the Avery amendment, AM38, found on page 326.

Senator Haar offered the following amendment to the Avery amendment: AM211

(Amendments to AM38)

- 1 1. On page 1, line 2, before the period insert "; and
- 2 in line 18 after 'requirements' insert 'if the purchasing public
- 3 electric utility serves a city of the primary class".

Pending.

REFERENCE COMMITTEE REPORT

The Executive Board submits the following report:

Pankoke, Mary Jo - Foster Care Review Board - Health and Human Services

Scalora, Mario - Foster Care Review Board - Health and Human Services

Schroeder, Dave - Foster Care Review Board - Health and Human Services

Scurfield, Georgie - Foster Care Review Board - Health and Human Services

(Signed) John Wightman, Chairperson
Executive Board

COMMITTEE REPORT

Revenue

LEGISLATIVE BILL 302. Placed on General File.

(Signed) Abbie Cornett, Chairperson

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 85. Placed on Final Reading.

LEGISLATIVE BILL 120. Placed on Final Reading.

LEGISLATIVE BILL 251. Placed on Final Reading.

(Signed) Jeremy Nordquist, Chairperson

AMENDMENT - Print in Journal

Senator Fischer filed the following amendment to LB204:

AM84

- 1 1. On page 3, strike line 25.
- 2 2. On page 4, strike line 1 through 8 and insert "has the
- 3 same meaning as in section 75-362.".
- 4 3. On page 6, strike lines 1 through 9, show the old
- 5 matter as stricken, and insert "has the same meaning as in section
- 6 75-362.".

UNANIMOUS CONSENT - Add Cointroducers

Senator Giese asked unanimous consent to add his name as cointroducer to LB12 and LB64. No objections. So ordered.

Senator McCoy asked unanimous consent to add his name as cointroducer to LB17. No objections. So ordered.

Senator Coash asked unanimous consent to add his name as cointroducer to LB68. No objections. So ordered.

Senator McGill asked unanimous consent to add her name as cointroducer to LB346. No objections. So ordered.

VISITORS

Visitors to the Chamber were Senator Utter's son, Mark Utter, from South Sioux City; members of Leadership Kearney from Kearney; members of Leadership Local from across the state; members of Youth Leadership Kearney from Kearney; and former Senator Jim Cudaback from Riverdale.

The Doctor of the Day was Dr. Benjamin Barraclough from Lincoln.

ADJOURNMENT

At 11:59 a.m., on a motion by Senator Haar, the Legislature adjourned until 9:00 a.m., Friday, February 6, 2009.

Patrick J. O'Donnell
Clerk of the Legislature

