

TWENTY-SECOND DAY - FEBRUARY 6, 2009**LEGISLATIVE JOURNAL****ONE HUNDRED FIRST LEGISLATURE
FIRST SESSION****TWENTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska
Friday, February 6, 2009

PRAYER

The prayer was offered by Senator Gloor.

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 Avery who was excused; and Senators Dierks, Gay, and Louden who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-first day was approved.

NOTICE OF COMMITTEE HEARING
Transportation and Telecommunications

Room 1113

Tuesday, February 17, 2009 1:30 p.m.

LB106
LB255
LB497

(Signed) Deb Fischer, Chairperson

RESOLUTION**LEGISLATIVE RESOLUTION 19.** Introduced by Hadley, 37.

WHEREAS, Eric S. Warren and Daniel K. Gibbs have 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 their scouting experience, Eric and Daniel 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. Eric, for his Eagle Scout community service project, built a 9' x 9' picnic shelter for the Great Platte River Road Archway. Daniel, for his Eagle Scout community service project, made the windsocks at the Kearney Regional Airport more visible to pilots in the air; and

WHEREAS, only five percent of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Eric and Daniel, through their 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, FIRST SESSION:

1. That the Legislature congratulates Eric S. Warren and Daniel K. Gibbs on achieving the rank of Eagle Scout.

2. That copies of this resolution be sent to Eric S. Warren and Daniel K. Gibbs.

Laid over.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of February 5, 2009, 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

Blomstedt, Matthew L.
Educational Service Unit Coordinating Council

Brashear, Kermit A.
 Lutheran Home, The
 Bromm, Curt
 KZ Co.
 Lower Platte Basin Fully Appropriated Review Effort
 Cutshall & Nowka
 Meda Pharmaceutical Inc.
 Donaldson, R. Eric
 Altria Client Services Inc. and its Affiliates (formerly Philip Morris USA Inc.)
 Kissel/Erickson & Sederstrom Associates, LLC
 Keane Organization
 Levy, David C.
 Midwest Wind Energy
 Lightner, Patricia
 HSBC GR Corp.
 Pappas, James E.
 Bellevue Public Schools
 League of Human Dignity
 Ruth Mueller Robak LLC
 Midlands Mentoring Partnership
 Money Services Roundtable, The
 Schmit Industries, Inc.
 E-Energy
 Siouxland Ethanol LLC

REPORTS

The following reports were received by the Legislature:

Auditor of Public Accounts

Audit Report of the Nebraska Public Employees Retirement Systems - School Employees, Judges, and State Patrol Retirement Plans for the year ended June 30, 2008

Health and Human Services

Annual Report for the Year 2008 - Number of Licenses Suspended Under the Child Support Enforcement License Suspension Act

New Hire Report to the Legislature

State Disbursement Unit Report to the Legislature - Calendar Year 2008

Waiver of Training Requirements for Relative Foster Care Annual Report

Investment Finance Authority, Nebraska (NIFA)

2006 Series A, B, C, D, E, and F Community Development Loan Notes (City of Lincoln Program-2006) as of December 31, 2008

Drinking Water State Revolving Fund Revenue Bonds Series 2008 A, Quarterly Report

Single Family Housing Revenue Bonds Series 2008 CDE

Single Family Housing Revenue Bonds Series 2008 FGH

Railway Council, Nebraska

Annual Report

Treasurer, State

State of Nebraska Comprehensive Annual Financial Report for the year ended June 30, 2008

State of Nebraska Annual Budgetary Report for the year ended June 30, 2008

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 11.

A BILL FOR AN ACT relating to the Nebraska Real Estate License Act; to amend section 81-885.14, Reissue Revised Statutes of Nebraska; to change licensing fees; to change a provision relating to revocation or denial of a license; 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	Dubas	Hansen	McCoy	Rogert
Ashford	Fischer	Harms	McGill	Schilz
Campbell	Flood	Heidemann	Mello	Stuthman
Carlson	Friend	Howard	Nantkes	Sullivan
Christensen	Fulton	Janssen	Nordquist	Utter
Coash	Giese	Karpisek	Pahls	Wallman
Cook	Gloor	Langemeier	Pankonin	White
Cornett	Haar	Lathrop	Pirsch	Wightman
Council	Hadley	Lautenbaugh	Price	

Voting in the negative, 0.

Excused and not voting, 5:

Avery	Dierks	Gay	Louden	Nelson
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 29.

A BILL FOR AN ACT relating to the Nebraska Real Estate License Act; to amend section 81-885.19, Reissue Revised Statutes of Nebraska; to change requirements relating to management of branch offices 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, 44:

Adams	Dubas	Hansen	McCoy	Rogert
Ashford	Fischer	Harms	McGill	Schilz
Campbell	Flood	Heidemann	Mello	Stuthman
Carlson	Friend	Howard	Nantkes	Sullivan
Christensen	Fulton	Janssen	Nordquist	Utter
Coash	Giese	Karpisek	Pahls	Wallman
Cook	Gloor	Langemeier	Pankonin	White
Cornett	Haar	Lathrop	Pirsch	Wightman
Council	Hadley	Lautenbaugh	Price	

Voting in the negative, 0.

Excused and not voting, 5:

Avery	Dierks	Gay	Louden	Nelson
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 30.

A BILL FOR AN ACT relating to the Nebraska Real Estate License Act; to amend sections 81-885.02, 81-885.05, 81-885.09, 81-885.10, 81-885.15, 81-885.24, 81-885.25, 81-885.29, 81-885.43, 81-885.44, 81-885.46, 81-885.48, and 81-887.03, Reissue Revised Statutes of Nebraska; to change provisions relating to the act and the powers of the State Real Estate Commission as prescribed; to provide for civil penalties; to provide powers and duties for the Attorney General; to harmonize provisions; to repeal the original sections; and to outright repeal section 81-885.47, 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, 46:

Adams	Fischer	Harms	Mello	Stuthman
Ashford	Flood	Heidemann	Nantkes	Sullivan
Campbell	Friend	Howard	Nelson	Utter
Carlson	Fulton	Janssen	Nordquist	Wallman
Christensen	Gay	Karpisek	Pahls	White
Coash	Giese	Langemeier	Pankonin	Wightman
Cook	Gloor	Lathrop	Pirsch	
Cornett	Haar	Lautenbaugh	Price	
Council	Hadley	McCoy	Rogert	
Dubas	Hansen	McGill	Schilz	

Voting in the negative, 0.

Excused and not voting, 3:

Avery Dierks Louden

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 LB31 with 44 ayes, 0 nays, 2 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 31.

A BILL FOR AN ACT relating to the Public Accountancy Act; to amend sections 1-105, 1-106, 1-109, 1-110, 1-111, 1-114, 1-116, 1-118, 1-119, 1-120, 1-122, 1-126, 1-134, 1-135, 1-136, 1-136.01, 1-136.02, 1-136.04, 1-137, 1-138, 1-148, 1-151, 1-152, 1-155, 1-156, 1-157, 1-158, 1-159, 1-161, 1-162, 1-162.01, 1-164.01, 1-164.02, 1-167, 1-168, 1-170, and 1-171, Reissue Revised Statutes of Nebraska; to define and redefine terms; to rename a fund; to change certificate and permit requirements; to provide for practice privileges; to eliminate obsolete provisions; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 1-123, 1-125, 1-133, 1-136.03, 1-153, 1-154, and 1-163, 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	Fischer	Hansen	McGill	Rogert
Ashford	Flood	Harms	Mello	Schilz
Campbell	Friend	Heidemann	Nantkes	Stuthman
Carlson	Fulton	Howard	Nelson	Sullivan
Christensen	Gay	Janssen	Nordquist	Utter
Cook	Giese	Karpisek	Pahls	Wallman
Cornett	Gloor	Langemeier	Pankonin	White
Council	Haar	Lautenbaugh	Pirsch	Wightman
Dubas	Hadley	McCoy	Price	

Voting in the negative, 0.

Present and not voting, 2:

Coash Lathrop

Excused and not voting, 3:

Avery Dierks Louden

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

ANNOUNCEMENT

The Chair announced today is Senator Wallman's birthday.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 49.

A BILL FOR AN ACT relating to vehicles and motorboats; to amend sections 18-1214, 23-186, 37-1201, and 83-123, Reissue Revised Statutes of Nebraska, and sections 60-101, 60-111, and 60-320, Revised Statutes Cumulative Supplement, 2008; to require that titling and registration of vehicles and motorboats be performed by county treasurers as prescribed; to provide powers and duties for the Director of Motor Vehicles; 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	Dubas	Hadley	Lautenbaugh	Pirsch
Ashford	Fischer	Hansen	McCoy	Price
Campbell	Flood	Harms	McGill	Rogert
Carlson	Friend	Heidemann	Mello	Schilz
Christensen	Fulton	Howard	Nantkes	Sullivan
Coash	Gay	Janssen	Nelson	Utter
Cook	Giese	Karpisek	Nordquist	Wallman
Cornett	Gloor	Langemeier	Pahls	White
Council	Haar	Lathrop	Pankonin	Wightman

Voting in the negative, 0.

Present and not voting, 1:

Stuthman

Excused and not voting, 3:

Avery Dierks Louden

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 49A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 49, One Hundred First Legislature, First Session, 2009.

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	Dubas	Hadley	Lautenbaugh	Pirsch
Ashford	Fischer	Hansen	McCoy	Price
Campbell	Flood	Harms	McGill	Rogert
Carlson	Friend	Heidemann	Mello	Schilz
Christensen	Fulton	Howard	Nantkes	Sullivan
Coash	Gay	Janssen	Nelson	Utter
Cook	Giese	Karpisek	Nordquist	Wallman
Cornett	Gloor	Langemeier	Pahls	White
Council	Haar	Lathrop	Pankonin	Wightman

Voting in the negative, 0.

Present and not voting, 1:

Stuthman

Excused and not voting, 3:

Avery Dierks Louden

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 50.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-1401.02, Revised Statutes Cumulative Supplement, 2008; to change provisions relating to manufacturers; 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	Fischer	Harms	Mello	Stuthman
Ashford	Flood	Heidemann	Nantkes	Sullivan
Campbell	Friend	Howard	Nelson	Utter
Carlson	Fulton	Janssen	Nordquist	Wallman
Christensen	Gay	Karpisek	Pahls	White
Coash	Giese	Langemeier	Pankonin	Wightman
Cook	Gloor	Lathrop	Pirsch	
Cornett	Haar	Lautenbaugh	Price	
Council	Hadley	McCoy	Rogert	
Dubas	Hansen	McGill	Schilz	

Voting in the negative, 0.

Excused and not voting, 3:

Avery Dierks Louden

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 LB62 with 42 ayes, 1 nay, 3 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 62. With Emergency Clause.

A BILL FOR AN ACT relating to schools; to amend sections 79-233, 79-237, 79-238, 79-1007.22, and 79-2110, Reissue Revised Statutes of Nebraska; to change provisions relating to the enrollment option program and learning communities; to provide a duty for the State Department of Education; 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	Fischer	Harms	Mello	Stuthman
Ashford	Flood	Heidemann	Nantkes	Sullivan
Campbell	Friend	Howard	Nelson	Utter
Carlson	Fulton	Janssen	Nordquist	Wallman
Christensen	Gay	Karpisek	Pahls	White
Coash	Giese	Langemeier	Pankonin	Wightman
Cook	Gloor	Lathrop	Pirsch	
Cornett	Haar	Lautenbaugh	Price	
Council	Hadley	McCoy	Rogert	
Dubas	Hansen	McGill	Schilz	

Voting in the negative, 0.

Excused and not voting, 3:

Avery	Dierks	Louden
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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 LB154 with 43 ayes, 1 nay, 2 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 154.

A BILL FOR AN ACT relating to government; to amend sections 12-1301, 29-3922, 29-3927, 38-2881, 38-2886, 38-2888, 38-2889, 42-917, 44-5230, 44-5255, 44-5263, 66-1337, 66-1518, 81-15,124.01, 85-1655, 86-401, 86-593, 86-597, and 86-598, Reissue Revised Statutes of Nebraska, and sections 66-1519, 71-702, 71-801, and 71-810, Revised Statutes Cumulative Supplement, 2008; to eliminate obsolete provisions; to repeal the Small

Business Development Authority Act, the Nebraska Transit and Rail Advisory Council Act, the Behavioral Health Oversight Commission, the Broadband Services Task Force, the Donor Registry of Nebraska Advisory Board, the Health Benefit Plan Committee, the Indigent Defense Standards Advisory Council, the Nebraska Commission on the Status of Women, the Nebraska Lewis and Clark Bicentennial Commission, the Nebraska Veterans Cemetery Advisory Board, the Public Health Clinic Formulary Advisory Committee, the Regional Interoperability Advisory Board, the Special Education Services Task Force, the Tax Policy Reform Commission, the Teen Tobacco Education and Prevention Project Committee, the Vote Nebraska Initiative, an ethanol advisory committee, a postsecondary education advisory committee, a technical advisory committee for petroleum products, a working group studying sex offender treatment, and certain funds; to harmonize provisions; to repeal the original sections; and to outright repeal sections 29-3932, 32-1701, 44-5236, 44-5262, 58-301, 58-302, 58-303, 58-304, 58-305, 58-306, 58-307, 58-308, 58-309, 58-310, 58-311, 58-312, 58-313, 58-314, 58-315, 58-316, 58-317, 58-318, 58-319, 58-320, 58-321, 58-322, 58-323, 58-324, 58-325, 71-5715, 74-1501, 74-1502, 74-1503, 74-1504, 74-1505, 74-1506, 74-1507, 74-1508, 74-1509, 74-1510, 74-1511, 74-1512, 74-1513, 74-1514, 77-2704.19, 79-11,151, 79-11,152, 79-11,153, 79-11,154, 81-8,255, 81-8,256, 81-8,257, 81-8,258, 81-8,259, 81-8,260, 81-8,260.01, 81-8,260.02, 81-8,307, 81-8,308, 81-15,189, 81-15,190, 86-418.01, and 86-599, Reissue Revised Statutes of Nebraska, and sections 71-818, 71-1227, 71-1228, 71-4823, 77-6001, 77-6002, 77-6003, 77-6004, 77-6005, 77-6006, and 77-6007, Revised Statutes Cumulative Supplement, 2008.

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	Dubas	Hadley	Lautenbaugh	Pirsch
Ashford	Fischer	Hansen	McCoy	Price
Campbell	Flood	Harms	McGill	Schilz
Carlson	Friend	Heidemann	Mello	Stuthman
Christensen	Fulton	Howard	Nantkes	Sullivan
Coash	Gay	Janssen	Nelson	Utter
Cook	Giese	Karpisek	Nordquist	Wallman
Cornett	Gloor	Langemeier	Pahls	White
Council	Haar	Lathrop	Pankonin	Wightman

Voting in the negative, 0.

Present and not voting, 2:

Louden Rogert

Excused and not voting, 2:

Avery Dierks

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 179. With Emergency Clause.

A BILL FOR AN ACT relating to the Nebraska Resources Development Fund; to amend section 2-1588, Reissue Revised Statutes of Nebraska; to change provisions relating to adjustments to project limits; 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	Fischer	Harms	McGill	Schilz
Ashford	Flood	Heidemann	Mello	Stuthman
Campbell	Friend	Howard	Nantkes	Sullivan
Carlson	Fulton	Janssen	Nelson	Utter
Christensen	Gay	Karpisek	Nordquist	Wallman
Coash	Giese	Langemeier	Pahls	White
Cook	Gloor	Lathrop	Pankonin	Wightman
Cornett	Haar	Lautenbaugh	Pirsch	
Council	Hadley	Louden	Price	
Dubas	Hansen	McCoy	Rotger	

Voting in the negative, 0.

Excused and not voting, 2:

Avery Dierks

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 180.

A BILL FOR AN ACT relating to solid waste; to amend sections 13-2042.01 and 81-15,160, Reissue Revised Statutes of Nebraska; to change provisions relating to a landfill disposal fee; to provide for grants for deconstruction of abandoned buildings; 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	Fischer	Hansen	Louden	Pirsch
Ashford	Flood	Harms	McCoy	Price
Campbell	Friend	Heidemann	McGill	Rogert
Carlson	Fulton	Howard	Mello	Schilz
Christensen	Gay	Janssen	Nantkes	Stuthman
Coash	Giese	Karpisek	Nelson	Sullivan
Cook	Gloor	Langemeier	Nordquist	Utter
Cornett	Haar	Lathrop	Pahls	White
Dubas	Hadley	Lautenbaugh	Pankonin	Wightman

Voting in the negative, 2:

Council Wallman

Excused and not voting, 2:

Avery Dierks

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 196.

A BILL FOR AN ACT relating to the Rural Health Systems and Professional Incentive Act; to amend sections 71-5666, 71-5667, and 71-5668, Revised Statutes Cumulative Supplement, 2008; to change provisions relating to student loan recipient agreements; 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	Fischer	Harms	McGill	Schilz
Ashford	Flood	Heidemann	Mello	Stuthman
Campbell	Friend	Howard	Nantkes	Sullivan
Carlson	Fulton	Janssen	Nelson	Utter
Christensen	Gay	Karpisek	Nordquist	Wallman
Coash	Giese	Langemeier	Pahls	White
Cook	Gloor	Lathrop	Pankonin	Wightman
Cornett	Haar	Lautenbaugh	Pirsch	
Council	Hadley	Louden	Price	
Dubas	Hansen	McCoy	Rogert	

Voting in the negative, 0.

Excused and not voting, 2:

Avery Dierks

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 11, 29, 30, 31, 49, 49A, 50, 62, 154, 179, 180, and 196.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 75. Placed on Final Reading.

LEGISLATIVE BILL 123. Placed on Final Reading.

LEGISLATIVE BILL 166. Placed on Final Reading.

(Signed) Jeremy Nordquist, Chairperson

COMMITTEE REPORT

Education

LEGISLATIVE BILL 299. Placed on General File with amendment.

AM70

1 1. On page 3, line 16, after "of" insert "fire safety".

(Signed) Greg Adams, Chairperson

NOTICE OF COMMITTEE HEARINGS

Education

Room 1525

Tuesday, February 17, 2009 1:30 p.m.

Linda Poole - Technical Advisory Committee for Statewide Assessment

Dallas Watkins - Technical Advisory Committee for Statewide Assessment

Wayne Camara - Technical Advisory Committee for Statewide Assessment

Brian Gong - Executive Director, Technical Advisory Committee for
Statewide Assessment

Richard Sawyer - Technical Advisory Committee for Statewide Assessment

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

LB22
 LB387
 LB391

Tuesday, February 24, 2009 1:30 p.m.

LB534
 LB597
 LB392

Monday, March 2, 2009 1:30 p.m.

LB440
 LB21
 LB399
 LB397

Tuesday, March 3, 2009 1:30 p.m.

LB655
 LB673
 LB400
 LB607
 LB413

Monday, March 9, 2009 1:30 p.m.

LB473
 LB546
 LB235

Tuesday, March 10, 2009 1:30 p.m.

LB476
 LB257
 LB461
 LB549
 LB548

Tuesday, March 17, 2009 1:30 p.m.

LB240 (reschedule)

(Signed) Greg Adams, Chairperson

ANNOUNCEMENT

Senator Schilz designates LB646 as his priority bill.

SELECT FILE

LEGISLATIVE BILL 80. ER8008, found on page 330, was adopted.

Senator Nelson renewed his amendment, AM79, found on page 322.

The Nelson amendment was adopted with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 192. Senator Lathrop renewed his amendment, FA6, found on page 373.

The Lathrop amendment was adopted with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 105. ER8012, found on page 354, was adopted.

Senator Langemeier withdrew his amendment, AM175, found on page 362.

Senator Langemeier offered the following amendment:
AM227 is available in the Bill Room.

SENATOR ROBERT PRESIDING

The Langemeier amendment was adopted with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 189. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 87. Advanced to Enrollment and Review for Engrossment.

COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 5. Placed on Select File with amendment.
ER8014

- 1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:
3 Section 1. Section 37-513, Reissue Revised Statutes of
4 Nebraska, is amended to read:
5 37-513 (1) It shall be unlawful to shoot at any wildlife
6 from any highway or roadway, which includes that area of land from
7 the center of the traveled surface to the right-of-way on either
8 side. Any person violating this subsection shall be guilty of a
9 Class III misdemeanor and shall be fined at least fifty dollars.
- 10 (2)(a) ~~It shall be unlawful to trap any wildlife in~~
11 ~~the county road right of way, except that the commission may~~
12 ~~allow trapping of raptors within the county road right of way in~~
13 ~~accordance with sections 37-497 to 37-4,103. Any county may enact a~~
14 resolution prohibiting the trapping of wildlife in the county road
15 right-of-way or in a certain area of the right-of-way as designated
16 by the county.
- 17 (b) For purposes of this subsection, county road
18 right-of-way means the area which has been designated a part of the
19 county road system and which has not been vacated pursuant to law.
- 20 Sec. 2. Section 37-614, Reissue Revised Statutes of
21 Nebraska, is amended to read:
22 37-614 (1) When a person pleads guilty to or is convicted
23 of any violation listed in this subsection, the court shall, in
1 addition to any other penalty, revoke and require the immediate
2 surrender of all permits to hunt, fish, and harvest fur held by
3 such person and suspend the privilege of such person to hunt,
4 fish, and harvest fur and to purchase such permits for a period
5 of not less than one nor more than three years. The court shall
6 consider the number and severity of the violations of the Game Law
7 in determining the length of the revocation and suspension. The
8 violations shall be:
9 (a) Carelessly or purposely killing or causing injury to
10 livestock with a firearm or bow and arrow;
11 (b) Purposely taking or having in his or her possession
12 a number of game animals, game fish, game birds, or fur-bearing
13 animals exceeding twice the limit established pursuant to section
14 37-314;
15 (c) Taking any species of wildlife protected by the Game
16 Law during a closed season in violation of section 37-502;
17 (d) Resisting or obstructing any officer or any employee
18 of the commission in the discharge of his or her lawful duties in
19 violation of section 37-609; and
20 (e) Being a habitual offender of the Game Law.
21 (2) When a person pleads guilty to or is convicted of any

22 violation listed in this subsection, the court may, in addition to
 23 any other penalty, revoke and require the immediate surrender of
 24 all permits to hunt, fish, and harvest fur held by such person and
 25 suspend the privilege of such person to hunt, fish, and harvest
 26 fur and to purchase such permits for a period of not less than
 27 one nor more than three years. The court shall consider the number
 1 and severity of the violations of the Game Law in determining the
 2 length of the revocation and suspension. The violations shall be:

3 (a) Hunting, fishing, or fur harvesting without a permit
 4 in violation of section 37-411;

5 (b) Hunting from a vehicle, aircraft, or boat in
 6 violation of section 37-513, 37-514, 37-515, 37-535, or 37-538;
 7 and

8 ~~(c) Trapping wildlife in the county right-of-way in
 9 violation of section 37-513; and~~

10 ~~(d)~~(c) Knowingly taking any wildlife on private land
 11 without permission in violation of section 37-722.

12 (3) When a person pleads guilty to or is convicted of
 13 any violation of the Game Law or the rules and regulations of the
 14 commission not listed in subsection (1) or (2) of this section, the
 15 court may, in addition to any other penalty, revoke and require
 16 the immediate surrender of all permits to hunt, fish, and harvest
 17 fur held by such person and suspend the privilege of such person
 18 to hunt, fish, and harvest fur and to purchase such permits for a
 19 period of one year.

20 Sec. 3. Original sections 37-513 and 37-614, Reissue
 21 Revised Statutes of Nebraska, are repealed.

22 Sec. 4. Since an emergency exists, this act takes effect
 23 when passed and approved according to law.

24 2. On page 1, lines 4 and 5, strike "harmonize
 25 provisions" and insert "authorize counties to prohibit trapping
 26 wildlife in county road rights-of-way".

(Signed) Jeremy Nordquist, Chairperson

COMMITTEE REPORT

Judiciary

LEGISLATIVE BILL 343. Placed on General File.

(Signed) Brad Ashford, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 6, 2009, at 10:00 a.m. were the
 following: LBs 11, 29, 30, 31, 49, 49A, 50, 62e, 154, 179e, 180, and 196.

(Signed) Jamie Kruse
 Clerk of the Legislature's Office

GENERAL FILE

LEGISLATIVE BILL 53. Senator Haar withdrew his amendment AM211, found on page 379.

The Avery amendment, AM38, found on page 326 and considered on page 379, was renewed.

Senator Louden moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 3 nays, and 20 not voting.

Senator Haar withdrew the Avery amendment, AM38.

Senator Haar offered the following amendment:
AM222

- 1 1. Insert the following new section:
- 2 Sec. 5. Section 70-610, Revised Statutes Cumulative
- 3 Supplement, 2008, is amended to read:
- 4 70-610 (1) After the selection of the original board of
- 5 directors of a district as provided for in sections 70-604 and
- 6 70-609, successors shall be nominated and elected as provided in
- 7 section 32-512. Elections shall be conducted as provided in the
- 8 Election Act.
- 9 (2) A candidate for director shall be a registered voter
- 10 residing within the chartered territory or subdivision as defined
- 11 in the charter of the district or a retail customer duly certified
- 12 in accordance with subsection (3) of section 70-604.03, except that
- 13 not more than one member of the board of a district serving more
- 14 than fifty counties shall be a resident of a city of the primary
- 15 class served by a public electric utility having one or more
- 16 participation contracts as described in subdivision (2) of section
- 17 70-604.02 with such district.
- 18 (3) Each public power district shall pay for the election
- 19 expenses of nominating and electing its directors as provided in
- 20 this section. Except as otherwise provided in this section, the
- 21 district shall pay to each county in which the name of one or
- 22 more candidates appears upon the ballot as follows: Counties having
- 23 a population of less than three thousand inhabitants, one hundred
- 1 dollars; counties having a population of at least three thousand
- 2 but less than nine thousand inhabitants, one hundred fifty dollars;
- 3 counties having a population of at least nine thousand but less
- 4 than fourteen thousand inhabitants, two hundred dollars; counties
- 5 having a population of at least fourteen thousand but less than
- 6 twenty thousand inhabitants, two hundred fifty dollars; counties
- 7 having a population of at least twenty thousand but less than
- 8 sixty thousand inhabitants, three hundred dollars; counties having
- 9 a population of at least sixty thousand but less than one hundred

10 thousand inhabitants, fifteen hundred dollars; counties having a
11 population of at least one hundred thousand but less than two
12 hundred thousand inhabitants, three thousand dollars; and counties
13 having a population of two hundred thousand inhabitants or more,
14 fifty-five hundred dollars. The population of a county for purposes
15 of this section shall be the population as determined by the most
16 recent federal decennial census.

17 When the name of one or more candidates of a district
18 appears on ballots in less than one-half of the precincts in a
19 county, the cost to the district shall be reduced fifty percent.
20 Election expenses shall be due and payable by each public power
21 district within thirty days after receipt of a statement from the
22 county.

23 (4) In lieu of the payment of election expenses pursuant
24 to subsection (3) of this section, a district shall pay for the
25 election expenses of nominating and electing its board of directors
26 pursuant to subsection (2) of section 32-1203 upon request of a
27 county. The election expenses shall be due and payable by the
1 district within thirty days after receipt from the county of an
2 itemized statement of election expenses owed by the district.
3 This subsection shall not be construed to authorize reimbursement
4 for expenses not directly attributable to nominating and electing
5 members of the board of directors.

6 2. On page 5, line 14, after "delivery" insert "(a)"; and
7 in line 18 after "requirements" insert "or (b) pursuant to one or
8 more participation contracts with a public electric utility serving
9 a city of the primary class, which contracts supply twenty-five
10 percent or more of such city's annual energy requirements".

11 3. Amend the repealer and renumber the remaining sections
12 accordingly.

Senator Karpisek moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 3 nays, and 17 not voting.

Senator Haar moved for a call of the house. The motion failed with 7 ayes, 29 nays, and 13 not voting.

Senator Haar requested a roll call vote on his amendment.

The Haar amendment lost with 3 ayes, 34 nays, 7 present and not voting, and 5 excused and not voting.

Pending.

COMMITTEE REPORTS
Health and Human Services

LEGISLATIVE BILL 84. Placed on General File.

LEGISLATIVE BILL 195. Placed on General File.

LEGISLATIVE BILL 394. Placed on General File.

LEGISLATIVE BILL 132. Placed on General File with amendment.
AM165

1 1. On page 2, line 12, after the period insert "No person
2 shall lease space on the premises of a barber shop to engage
3 in the practice of barbering as an independent contractor or a
4 self-employed person without obtaining a booth rental permit as
5 provided in section 7 of this act." and after "licenses" insert
6 "and booth rental permits"; in line 14 strike "good", show as
7 stricken, and insert "valid"; in line 17 after "license" insert
8 "or person who fails to renew his or her booth rental permit";
9 in line 18 after "license" insert "or booth rental permit"; in
10 line 22 after "license" insert "and any booth rental permit"; and
11 in line 25 strike the last "or", show as stricken, and insert an
12 underscored comma.

13 2. On page 3, line 1, after "schools" insert ", or booths
14 under a booth rental permit"; in line 2 after "person" insert ",
15 partnership, limited liability company, or corporation"; in lines
16 3 and 4 strike "he or she" and insert "such person or entity"; in
17 line 6 strike "it" and insert "such person or entity"; and in line
18 14 strike "Barber Act" and insert "act".

19 3. On page 12, strike beginning with "from" in line 24
20 through line 25.

21 4. On page 13, line 1, strike "in" through "act" and
22 insert "under subsection (1) of this section"; in line 3 strike
23 "such" and insert "the"; and in lines 3 and 4 strike "to the
1 applicant" and insert "in which the applicant is licensed".

2 5. On page 15, line 10, after "issued" insert "without
3 examination".

(Signed) Tim Gay, Chairperson

NOTICE OF COMMITTEE HEARING

Agriculture

Room 2102

Tuesday, February 24, 2009 1:30 p.m.

LB646

LB585

LB602

(Signed) Tom Carlson, Chairperson

AMENDMENTS - Print in Journal

Senator Haar filed the following amendment to LB53:

FA10

On page 5, line 17, strike fifty and insert thirty.

Senator Utter filed the following amendment to LB259:

AM196

- 1 1. Insert the following new sections:
- 2 Sec. 2. Section 12-1102, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 12-1102 For purposes of the Burial Pre-Need Sale Act,
- 5 unless the context otherwise requires:
- 6 (1) Agent shall mean any person who acts for or on behalf
- 7 of a pre-need seller in making pre-need sales;
- 8 (2) Burial or funeral merchandise or services shall mean
- 9 all items of real or personal property or a combination of both
- 10 or services, sold or offered for sale to the general public
- 11 by any pre-need seller, which may be used in any manner in
- 12 connection with a funeral or the interment, entombment, inurnment,
- 13 or other alternate disposition of human remains. Such term shall
- 14 not include a lot or grave space or a crypt or niche located in a
- 15 mausoleum, columbarium, or lawn crypt upon which construction has
- 16 been substantially completed;
- 17 (3) Columbarium shall mean an aboveground structure or
- 18 building which is used or intended to be used for the inurnment
- 19 of human remains in a niche. A columbarium may be combined with a
- 20 mausoleum;
- 21 (4) Crypt or niche shall mean a chamber in a lawn crypt,
- 22 columbarium, or mausoleum of sufficient size to inter or entomb
- 23 cremated or noncremated human remains;
- 1 (5) Delivery shall mean the act of performing the service
- 2 required by or the act of placing the item purchased in the
- 3 physical possession of the pre-need purchaser, including, but not
- 4 limited to, the installing or depositing of the item sold on or
- 5 in real property owned by or designated by the person entitled to
- 6 receive such item, except that (a) the pre-need burial of a vault
- 7 shall constitute delivery only if the burial is with the consent
- 8 of the pre-need purchaser and the pre-need seller has made other
- 9 pre-need vault burials prior to January 1, 1986, and (b) delivery
- 10 of a crypt or niche in a mausoleum, lawn crypt, or columbarium or
- 11 a marker or monument may be accomplished by delivery of a document
- 12 of title;
- 13 (6) Department shall mean the Department of Insurance;
- 14 (7) Director shall mean the Director of Insurance;
- 15 (8) Document of title shall mean a deed, bill of sale,
- 16 warehouse receipt, or any other document which meets the following

17 requirements:

18 (a) The effect of the document is to immediately vest the
19 ownership of the item described in the person purchasing the item;

20 (b) The document states the exact location of such item;
21 and

22 (c) The document gives assurances that the item described
23 exists in substantially completed form and is subject to delivery
24 upon request;

25 (9) Human remains shall mean the body of a deceased
26 person;

27 (10) Lawn crypt shall mean an inground burial receptacle
1 of single or multiple depth, installed in multiples of ten or more
2 in a large mass excavation, usually constructed of concrete and
3 installed on gravel or other drainage underlayment and which acts
4 as an outer container for the interment of human remains;

5 (11) Letter of credit shall mean an irrevocable
6 undertaking issued by any financial institution which qualifies as
7 a trustee under the Burial Pre-Need Sale Act, given to a pre-need
8 seller and naming the director as the beneficiary, in which the
9 issuer agrees to honor drafts or other demands for payment by the
10 beneficiary up to a specified amount;

11 (12) Lot or grave space shall mean a space in a cemetery
12 intended to be used for the inground interment of human remains;

13 (13) Marker, monument, or lettering shall mean an object
14 or method used to memorialize, locate, and identify human remains;

15 (14) Master trust agreement shall mean an agreement
16 between a pre-need seller and a trustee, a copy of which has been
17 filed with the department, under which proceeds from pre-need sales
18 may be deposited by the pre-need seller;

19 (15) Mausoleum shall mean an aboveground structure or
20 building which is used or intended to be used for the entombment
21 of human remains in a crypt. A mausoleum may be combined with a
22 columbarium;

23 (16) Pre-need purchaser shall mean a member of the
24 general public purchasing burial or funeral merchandise or services
25 or a marker, monument, or lettering from a pre-need seller for
26 personal use;

27 (17) Pre-need sale shall mean any sale by any pre-need
1 seller to a pre-need purchaser of:

2 (a) Any items of burial or funeral merchandise or
3 services which are not purchased for the immediate use in a
4 funeral or burial of human remains;

5 (b) Any unspecified items of burial or funeral
6 merchandise or services which items will be specified either at
7 death or at a later date; or

8 (c) A marker, monument, or lettering which will not be
9 delivered within six months of the date of the sale;

10 (18) Pre-need seller shall mean any person, partnership,
11 limited liability company, corporation, or association on whose

12 behalf pre-need sales are made to the general public;

13 (19) Substantially completed shall mean that time when
14 the mausoleum, columbarium, or lawn crypt being constructed is then
15 ready for the interment, entombment, or inurnment of human remains;

16 (20) Surety bond shall mean an undertaking given by an
17 incorporated surety company naming the director as the beneficiary
18 and conditioned upon the faithful performance of a contract for
19 the construction of a mausoleum, columbarium, or lawn crypt by a
20 pre-need seller;

21 (21) Trust account shall mean either a separate trust
22 account established pursuant to the Burial Pre-Need Sale Act for
23 a specific pre-need purchaser by a pre-need seller or multiple
24 accounts held under a master trust agreement when it is required by
25 the act that all or some portion of the proceeds of such pre-need
26 sale be placed in trust by the pre-need seller;

27 (22) Trustee shall mean a bank, trust company, building
1 and loan association, or credit union within the state whose
2 deposits or accounts are insured or guaranteed by the Federal
3 Deposit Insurance Corporation or the National Credit Union Share
4 Insurance Fund;

5 (23) Trust principal shall mean all deposits, including
6 amounts retained as required by section 12-1114, made to a trust
7 account by a pre-need seller less all withdrawals occasioned by
8 delivery or cancellation; and

9 (24) Vault shall mean an item of burial or funeral
10 merchandise or services which is an inground burial receptacle
11 installed individually, as opposed to lawn crypts, which is
12 constructed of concrete, steel, or any other material, and which
13 acts as an outer container for the interment of human remains.

14 Sec. 3. Section 12-1107, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 12-1107 (1) Banks which do not have a separate trust
17 department and building and loan associations and credit unions
18 acting as trustees under the Burial Pre-Need Sale Act shall accept
19 trust funds only to the extent that the full amount of all of such
20 funds is insured or guaranteed by the Federal Deposit Insurance
21 Corporation or the National Credit Union Share Insurance Fund.

22 (2) Banks with a separate trust department and trust
23 companies acting as trustees under the Burial Pre-Need Sale Act
24 when investing or reinvesting trust funds shall have the power to
25 deal with such funds as a prudent trustee would deal with the
26 funds and shall have all of the powers granted to a trustee by the
27 Nebraska Uniform Trust Code, but the Uniform Principal and Income
1 Act shall not be applicable and all income, whether from interest,
2 dividends, capital gains, or any other source, shall be considered
3 as income.

4 Sec. 13. Section 72-1268.03, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 72-1268.03 The state investment officer shall not have

7 on deposit in any bank, capital stock financial institution, or
8 qualifying mutual financial institution giving a guaranty bond
9 more than the amount insured or guaranteed by the Federal Deposit
10 Insurance Corporation plus the maximum amount of the bond given by
11 such bank, capital stock financial institution, or qualifying
12 mutual financial institution or in any bank, capital stock
13 financial institution, or qualifying mutual financial institution
14 giving a personal bond more than the amount insured or guaranteed
15 by the Federal Deposit Insurance Corporation plus one-half of the
16 amount of the bond given by such bank, capital stock financial
17 institution, or qualifying mutual financial institution. All bonds
18 of such depositories shall be deposited with and held by the state
19 investment officer.

20 2. On page 32, line 20, after "insurance" insert "or
21 guarantee".

22 3. On page 35, line 17, strike "21" and all amendments
23 thereto and insert "26"; in line 19 after "2-4214," insert
24 "12-1102, 12-1107, "; and in line 20 after "17-720," insert
25 "72-1268.03, ".

26 4. Renumber the remaining sections accordingly.

UNANIMOUS CONSENT - Add Cointroducers

Senator McCoy asked unanimous consent to add his name as cointroducer to LB141, LB594, and LB675. No objections. So ordered.

Senator Howard asked unanimous consent to add her name as cointroducer to LB378. No objections. So ordered.

Senators Flood, Friend, Janssen, and Lautenbaugh asked unanimous consent to add their names as cointroducers to LB675. No objections. So ordered.

VISITORS

Visitors to the Chamber were Mathew Gillespie from Omaha; Jim and Bev Fauver from Wahoo; Senator Louden's cousin, Katie Strong, from Washington D.C.; and Senator Wallman's son, daughter, and grandchildren, Dave Wallman from Omaha and Amy, Laynie, and Thomas Madden from Des Moines.

The Doctor of the Day was Dr. Bob Rhodes from Lincoln.

ADJOURNMENT

At 12:10 p.m., on a motion by Senator Adams, the Legislature adjourned until 10:00 a.m., Monday, February 9, 2009.

Patrick J. O'Donnell
Clerk of the Legislature

