

**THIRTY-THIRD DAY - FEBRUARY 25, 2009****LEGISLATIVE JOURNAL****ONE HUNDRED FIRST LEGISLATURE  
FIRST SESSION****THIRTY-THIRD DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, February 25, 2009

**PRAYER**

The prayer was offered by Senator Utter.

**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 Avery, Cornett, Dierks, Friend, and Heidemann who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirty-second day was approved.

**AMENDMENT - Print in Journal**

Senator Cornett filed the following amendment to LB89:  
AM452

(Amendments to Standing Committee amendments, AM92)

- 1 On page 1, line 20, strike "forty" and insert
- 2 "forty-four".

**RESOLUTIONS**

Pursuant to Rule 4, Sec. 5(b), LRs 23, 24, 25, 27, and 28 were adopted.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 23, 24, 25, 27, and 28.

**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 531:

Game and Parks Commission  
Mark Spurgin

Voting in the affirmative, 41:

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

Voting in the negative, 0.

Present and not voting, 3:

Gloor            Pahls            Stuthman

Excused and not voting, 5:

Avery            Cornett            Dierks            Friend            Heidemann

The appointment was confirmed with 41 ayes, 0 nays, 3 present and not voting, and 5 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 531:

Nebraska Power Review Board  
Patrick Bourne  
Stephen Lichter

Voting in the affirmative, 40:

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

Voting in the negative, 0.

Present and not voting, 5:

Ashford	Gay	Gloor	Pahls	Stuthman
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Excused and not voting, 4:

Avery	Cornett	Dierks	Heidemann
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The appointments were confirmed with 40 ayes, 0 nays, 5 present and not voting, and 4 excused and not voting.

### GENERAL FILE

**LEGISLATIVE BILL 403.** Committee AM413, found on page 518 and considered on page 540, was renewed.

Senator Janssen renewed his amendment, AM435, found on page 547 and considered on page 556, to the committee amendment.

Senator Janssen withdrew and refiled his amendment, AM435.

Senator Karpisek renewed his amendment, AM440, found on page 557, to the committee amendment.

Senator Ashford offered the following motion:

MO16

Bracket until June 3, 2009.

Pending.

**NOTICE OF COMMITTEE HEARINGS**  
Health and Human Services

Room 1510

Wednesday, March 4, 2009 1:00 p.m.

Bradley B. Keller - Stem Cell Research Advisory Committee  
Gerald Spangrude - Stem Cell Research Advisory Committee  
Troy Hiemer - Board of Emergency Medical Services

LB214  
LB417  
LB444  
LB621

(Signed) Tim Gay, Chairperson

Judiciary

Room 1113

Thursday, March 5, 2009 12:00 p.m.

LB403 (AM435)

Wednesday, March 4, 2009 1:30 p.m.

LB153  
LB517  
LB199  
LB506  
LB238

(Signed) Brad Ashford, Chairperson

**RESOLUTION**

**LEGISLATIVE RESOLUTION 35.** Introduced by Carlson, 38.

WHEREAS, the Department of Aeronautics annually presents the Nebraska Airport of the Year Award; and

WHEREAS, Brewster Field in Holdrege, Nebraska, is a general aviation airport that is eligible for the award; and

WHEREAS, Brewster Field hosted the 2008 Nebraska State Fly-in, which demonstrated Brewster Field's outstanding public relations and community support; and

WHEREAS, Brewster Field proved exemplary in other areas considered by the Department of Aeronautics in making the award, including maintenance and development activities; and

WHEREAS, such activities earned Brewster Field the 2008 Nebraska Airport of the Year Award.

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

1. That the Legislature congratulates Brewster Field in Holdrege, Nebraska, for receiving the 2008 Nebraska Airport of the Year Award.
2. That a copy of this resolution be sent to Brewster Field.

Laid over.

### GENERAL FILE

**LEGISLATIVE BILL 403.** The Ashford motion, MO16, found in this day's Journal, to bracket until June 3, 2009, was renewed.

Senator Janssen moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 4 nays, and 17 not voting.

Senator Ashford withdrew his motion to bracket.

The Karpisek amendment, AM440, found on page 557 and considered in this day's Journal, to the committee amendment, was renewed.

Senator Janssen moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 36 ayes, 2 nays, and 11 not voting.

The Karpisek amendment was adopted with 36 ayes, 0 nays, 12 present and not voting, and 1 excused and not voting.

Committee AM413, found on page 518 and considered on page 540 and in this day's Journal, as amended, was renewed.

The committee amendment, as amended, was adopted with 40 ayes, 2 nays, 6 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 45 ayes, 2 nays, 1 present and not voting, and 1 excused and not voting.

**COMMITTEE REPORTS**

Executive Board

**LEGISLATIVE RESOLUTION 1CA.** Indefinitely postponed.**LEGISLATIVE RESOLUTION 5CA.** Indefinitely postponed.**LEGISLATIVE BILL 505.** Indefinitely postponed.

(Signed) John Wightman, Chairperson

Transportation and Telecommunications

**LEGISLATIVE BILL 175.** Placed on General File.**LEGISLATIVE BILL 183.** Placed on General File with amendment.  
AM3241 1. On page 2, lines 24 and 25, strike "and commitment".**LEGISLATIVE BILL 272.** Indefinitely postponed.

(Signed) Deb Fischer, Chairperson

**AMENDMENT - Print in Journal**Senator White filed the following amendment to LB403:  
AM491

(Amendments to Standing Committee amendments, AM413)

- 1 1. Insert the following section:  
2 Sec. 16. (1) After December 31, 2010, every employer  
3 who employs twenty-five or more employees shall, after hiring  
4 an employee, verify the work eligibility status of the employee  
5 by registering with and using a federal immigration verification  
6 system as defined in section 7 of this act. Such employers shall  
7 not knowingly employ an undocumented worker as such actions are  
8 described in 8 U.S.C. 1324a and any applicable federal rules and  
9 regulations, as such law, rule, and regulation existed on January  
10 1, 2009.  
11 (2) An employer found to have violated subsection (1) of  
12 this section shall be liable to the state and any political  
13 subdivision for any public funds expended to provide public  
14 benefits, as defined in section 2 of this act, to undocumented  
15 workers or members of such workers' families. Whenever an employer  
16 is found to have violated subsection (1) of this section, each  
17 state agency and political subdivision having jurisdiction over  
18 the employer or employees of such employer shall investigate  
19 to determine whether public funds have been expended to provide  
20 services for undocumented workers or members of such workers'  
21 families and shall pursue to the fullest extent allowed by law to

22 recover such funds from the employer.

1 2. Renumber the remaining sections accordingly.

### 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.

David Copple - Nebraska Highway Commission

Steven Riehle - Board of Public Roads Classifications and Standards

Aye: 8 Senators Campbell, Fischer, Gay, Hadley, Janssen, Lautenbaugh, Loudon, Stuthman. Nay: 0. Absent: 0.

(Signed) Deb Fischer, Chairperson

### NOTICE OF COMMITTEE HEARING

Judiciary

Room 1113

Thursday, March 5, 2009 12:00 p.m.

LB403 (AM491)

(Signed) Brad Ashford, Chairperson

### RESOLUTION

**LEGISLATIVE RESOLUTION 36.** Introduced by Gay, 14.

WHEREAS, Ryan Ruffner 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, Ryan Ruffner 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, FIRST SESSION:

1. That the Legislature congratulates Ryan Ruffner on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Ryan Ruffner.

Laid over.

### COMMITTEE REPORT

Transportation and Telecommunications

**LEGISLATIVE BILL 129.** Placed on General File with amendment. AM485

- 1 1. On page 2, line 22, strike "registered" and insert
- 2 "first-class, registered,".
- 3 2. On page 3, line 14, strike "shall" and insert "may".

(Signed) Deb Fischer, Chairperson

### UNANIMOUS CONSENT - Add Cointroducers

Senators Flood and Loudon asked unanimous consent to add their names as cointroducers to LB153. No objections. So ordered.

Senator Howard asked unanimous consent to add her name as cointroducer to LB507. No objections. So ordered.

### VISITORS

Visitors to the Chamber were Joel and Mary Plisek from Louisville; members of Scottsbluff/Gering United Chamber of Commerce and Leadership Scotts Bluff; Dan Yost from Hastings; and Duane Biede from Hastings.

The Doctor of the Day was Dr. Jay Matzke from Gothenburg.

### ADJOURNMENT

At 11:54 a.m., on a motion by Speaker Flood, the Legislature adjourned until 9:00 a.m., Thursday, February 26, 2009.

Patrick J. O'Donnell  
Clerk of the Legislature