

FORTY-THIRD DAY - MARCH 12, 2009**LEGISLATIVE JOURNAL****ONE HUNDRED FIRST LEGISLATURE
FIRST SESSION****FORTY-THIRD DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, March 12, 2009

PRAYER

The prayer was offered by Chief Bishop Robert Tyler, Church of the Living God, 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 Friend, Gay, Pankonin, and Stuthman who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-second day was approved.

ANNOUNCEMENTS

Senator Stuthman designates LB476 as his priority bill.

The Education Committee designates LB392 and LB549 as its priority bills.

Senator Campbell designates LB342 as her priority bill.

The Health and Human Services Committee designates LB288 and LB195 as its priority bills.

Senator Loudon designates LB449 as his priority bill.

Senator Sullivan designates LB489 as her priority bill.

Senator Pankonin designates LB134 as his priority bill.

Senator Hansen designates LB517 as his priority bill.

Senator Flood designates LB36 as his priority bill.

REPORTS

The following reports were received by the Legislature:

Coordinating Commission for Postsecondary Education

2009 Nebraska Higher Education Progress Report

Education, Department of

Chief Negotiator's Report of the State Employee Collective Bargaining Act, for Labor Negotiations between the Department of Education and the Nebraska Association of Public Employees, AFSCME, Local 61, for the 2009-2011 Biennium

Fiscal Office, Legislative

Monthly Consensus Estimate of General Fund Receipts

Revenue, Nebraska Department of

Monthly Consensus Estimate of General Fund Receipts

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of March 11, 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

Anderson, Kristen

Realtors Association, Nebraska

Hurst, Lisa

ife Technologies Corporation

Kissel/Erickson & Sederstrom Associates, LLC

BP Alternative Energy

Mines, Mick

Humane Society, Nebraska

Pappas, James E.

UNO Faculty AAUP

MOTION - Withdraw LR10

Senator Price renewed his motion, MO22, found on page 700, to withdraw LR10.

The Price motion to withdraw the resolution prevailed with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

WITHDRAW - Motion to LB669

Senator Ashford withdrew his motion, MO21, found on page 700, to recommit LB669 to Judiciary Committee.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 52.

A BILL FOR AN ACT relating to veterans service offices; to amend section 80-410, Reissue Revised Statutes of Nebraska; to change provisions relating to employment qualifications; 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, 44:

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

Voting in the negative, 0.

Present and not voting, 2:

Ashford Nelson

Excused and not voting, 3:

Friend Gay Pankonin

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

LEGISLATIVE BILL 89.

A BILL FOR AN ACT relating to the Tobacco Products Tax Act; to amend sections 77-4001, 77-4002, 77-4008, 77-4014, 77-4017, and 77-4025, Reissue Revised Statutes of Nebraska; to change the tax on snuff; to define a

term; to eliminate obsolete provisions; 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, 39:

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

Voting in the negative, 5:

Council	Janssen	Karpisek	Louden	Stuthman
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Present and not voting, 2:

Dierks	Lathrop
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Excused and not voting, 3:

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

LEGISLATIVE BILL 90.

A BILL FOR AN ACT relating to audiovisual court appearances; to amend section 29-4204, Reissue Revised Statutes of Nebraska; to eliminate certain requirements regarding audiovisual court appearances; to repeal the original section; and to outright repeal section 29-4203, 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	Dierks	Harms	McGill	Stuthman
Ashford	Dubas	Heidemann	Mello	Sullivan
Avery	Fischer	Howard	Nantkes	Utter
Campbell	Flood	Janssen	Nelson	Wallman
Carlson	Fulton	Karpisek	Nordquist	White
Christensen	Giese	Langemeier	Pahls	Wightman
Coash	Gloor	Lathrop	Pirsch	
Cook	Haar	Lautenbaugh	Price	
Cornett	Hadley	Louden	Rogert	
Council	Hansen	McCoy	Schilz	

Voting in the negative, 0.

Excused and not voting, 3:

Friend Gay Pankonin

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

LEGISLATIVE BILL 142.

A BILL FOR AN ACT relating to the Livestock Brand Act; to amend section 54-1,100, Reissue Revised Statutes of Nebraska; to change provisions relating to recorded brands; to change a fee; 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	Council	Hadley	Lautenbaugh	Pirsch
Ashford	Dierks	Hansen	Louden	Price
Avery	Dubas	Harms	McCoy	Rogert
Campbell	Fischer	Heidemann	McGill	Schilz
Carlson	Flood	Howard	Mello	Sullivan
Christensen	Fulton	Janssen	Nantkes	Utter
Coash	Giese	Karpisek	Nelson	Wallman
Cook	Gloor	Langemeier	Nordquist	White
Cornett	Haar	Lathrop	Pahls	Wightman

Voting in the negative, 1:

Stuthman

Excused and not voting, 3:

Friend Gay Pankonin

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

LEGISLATIVE BILL 167.

A BILL FOR AN ACT relating to the Department of Administrative Services; to amend section 81-1117.05, Reissue Revised Statutes of Nebraska; to provide for state employee participation in employee discount programs as prescribed; to change provisions relating to payments by electronic funds transfer; 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	Council	Hadley	Louden	Rogert
Ashford	Dierks	Harms	McCoy	Schilz
Avery	Dubas	Heidemann	McGill	Stuthman
Campbell	Fischer	Howard	Mello	Sullivan
Carlson	Flood	Janssen	Nantkes	Utter
Christensen	Fulton	Karpisek	Nordquist	Wallman
Coash	Giese	Langemeier	Pahls	White
Cook	Gloor	Lathrop	Pirsch	Wightman
Cornett	Haar	Lautenbaugh	Price	

Voting in the negative, 0.

Present and not voting, 2:

Hansen	Nelson
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Excused and not voting, 3:

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

LEGISLATIVE BILL 204.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend sections 60-4,141.01 and 60-4,168.01, Reissue Revised Statutes of Nebraska; to change certain penalty provisions relating to prohibited operations of commercial 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	Dierks	Harms	McGill	Stuthman
Ashford	Dubas	Heidemann	Mello	Sullivan
Avery	Fischer	Howard	Nantkes	Utter
Campbell	Flood	Janssen	Nelson	Wallman
Carlson	Fulton	Karpisek	Nordquist	White
Christensen	Giese	Langemeier	Pahls	Wightman
Coash	Gloor	Lathrop	Pirsch	
Cook	Haar	Lautenbaugh	Price	
Cornett	Hadley	Louden	Rogert	
Council	Hansen	McCoy	Schilz	

Voting in the negative, 0.

Excused and not voting, 3:

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

LEGISLATIVE BILL 231.

A BILL FOR AN ACT relating to the Rural Development Commission; to amend section 81-3602, Reissue Revised Statutes of Nebraska; to change provisions relating to membership and voting 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	Council	Hadley	Louden	Price
Ashford	Dierks	Hansen	McCoy	Rogert
Avery	Dubas	Harms	McGill	Schilz
Campbell	Fischer	Heidemann	Mello	Stuthman
Carlson	Flood	Howard	Nantkes	Sullivan
Christensen	Fulton	Karpisek	Nelson	Utter
Coash	Giese	Langemeier	Nordquist	Wallman
Cook	Gloor	Lathrop	Pahls	White
Cornett	Haar	Lautenbaugh	Pirsch	Wightman

Voting in the negative, 0.

Present and not voting, 1:

Janssen

Excused and not voting, 3:

Friend Gay Pankonin

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

LEGISLATIVE BILL 379. With Emergency Clause.

A BILL FOR AN ACT relating to environmental protection; to amend section 81-15,160, Reissue Revised Statutes of Nebraska; to extend a scrap tire grant program; 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	Dierks	Harms	McGill	Stuthman
Ashford	Dubas	Heidemann	Mello	Sullivan
Avery	Fischer	Howard	Nantkes	Utter
Campbell	Flood	Janssen	Nelson	Wallman
Carlson	Fulton	Karpisek	Nordquist	White
Christensen	Giese	Langemeier	Pahls	Wightman
Coash	Gloor	Lathrop	Pirsch	
Cook	Haar	Lautenbaugh	Price	
Cornett	Hadley	Louden	Rogert	
Council	Hansen	McCoy	Schilz	

Voting in the negative, 0.

Excused and not voting, 3:

Friend Gay Pankonin

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 LB151 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 151. With Emergency Clause.

A BILL FOR AN ACT relating to controlled substances; to amend sections 28-405, 28-456, and 28-456.01, Reissue Revised Statutes of Nebraska; to harmonize drug names with federal regulations; to change and eliminate provisions relating to food and drug products containing ephedrine or pseudoephedrine; to harmonize provisions; to repeal the original sections; to outright repeal sections 28-448 and 28-454, 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, 46:

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

Voting in the negative, 0.

Excused and not voting, 3:

Friend	Gay	Pankonin
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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.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 52, 89, 90, 142, 167, 204, 231, 379, and 151.

MOTION - Return LB105 to Select File

Senator Langemeier moved to return LB105 to Select File for his specific amendment, AM277, found on page 676.

The Langemeier motion to return prevailed with 44 ayes, 0 nays, 2 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 105. The Langemeier specific amendment, AM277, found on page 676, was adopted with 45 ayes, 0 nays, 1 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 121. Committee AM530, found on page 610 and considered on page 698, was renewed.

SENATOR LANGEMEIER PRESIDING**SENATOR CARLSON PRESIDING**

Pending.

COMMITTEE REPORTS

Health and Human Services

LEGISLATIVE BILL 463. Placed on General File with amendment. AM620

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 38-1,140, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 38-1,140 Any person who holds a valid credential in
- 6 the State of Nebraska in a health care profession or occupation
- 7 regulated under the Uniform Credentialing Act may consult with a
- 8 licensed veterinarian ~~who has contracted with or is employed by an~~
- 9 ~~accredited zoological park or garden regarding an animal on behalf~~
- 10 ~~of such zoological park or garden~~ or perform collaborative animal
- 11 health care tasks on an animal under the care of such veterinarian
- 12 ~~for such zoological park or garden~~ if all such tasks are performed
- 13 under the immediate supervision of such veterinarian. Engaging in
- 14 such conduct is hereby authorized and shall not be considered a
- 15 part of the credential holder's scope of practice or a violation of
- 16 the credential holder's scope of practice.

17 Sec. 2. Section 38-3301, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 38-3301 Sections 38-3301 to 38-3330 and sections 4, 5,
20 and 8 to 11 of this act shall be known and may be cited as the
21 Veterinary Medicine and Surgery Practice Act.

22 Sec. 3. Section 38-3302, Reissue Revised Statutes of
23 Nebraska, is amended to read:

1 38-3302 For purposes of the Veterinary Medicine and
2 Surgery Practice Act and elsewhere in the Uniform Credentialing
3 Act, unless the context otherwise requires, the definitions found
4 in sections 38-3303 to 38-3318 and sections 4 and 5 of this act
5 apply.

6 Sec. 4. Health care therapy means health care activities
7 that require the exercise of judgment for which licensure is
8 required under the Uniform Credentialing Act.

9 Sec. 5. Licensed animal therapist means an individual
10 who (1) has and maintains an undisciplined license under the
11 Uniform Credentialing Act for a health care profession other
12 than veterinary medicine and surgery, (2) has met the standards
13 for additional training regarding the performance of that health
14 care profession on animals as required by rules and regulations
15 adopted and promulgated by the department upon the recommendation
16 of the board, and (3) is licensed as an animal therapist by the
17 department.

18 Sec. 6. Section 38-3314, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 38-3314 Unlicensed assistant means an individual who is
21 not a licensed veterinarian, ~~or~~ a licensed veterinary technician,
22 or a licensed animal therapist and who is working in veterinary
23 medicine.

24 Sec. 7. Section 38-3321, Reissue Revised Statutes of
25 Nebraska, is amended to read:

26 38-3321 No person may practice veterinary medicine and
27 surgery in the state who is not a licensed veterinarian, no
1 person may perform delegated animal health care tasks in the
2 state who is not a licensed veterinary technician or an unlicensed
3 assistant performing such tasks within the limits established under
4 subdivision (2) of section 38-3326, and no person may perform
5 health care therapy on animals in the state who is not a licensed
6 animal therapist. The Veterinary Medicine and Surgery Practice Act
7 shall not be construed to prohibit:

8 (1) An employee of the federal, state, or local
9 government from performing his or her official duties;

10 (2) A person who is a student in a veterinary school from
11 performing duties or actions assigned by his or her instructors
12 or from working under the direct supervision of a licensed
13 veterinarian;

14 (3) A person who is a student in an approved veterinary
15 technician program from performing duties or actions assigned by

16 his or her instructors or from working under the direct supervision
 17 of a licensed veterinarian or a licensed veterinary technician;

18 (4) Any merchant or manufacturer from selling feed or
 19 feeds whether medicated or nonmedicated;

20 (5) A veterinarian regularly licensed in another state
 21 from consulting with a licensed veterinarian in this state;

22 (6) Any merchant or manufacturer from selling from his or
 23 her established place of business medicines, appliances, or other
 24 products used in the prevention or treatment of animal diseases
 25 or any merchant or manufacturer's representative from conducting
 26 educational meetings to explain the use of his or her products or
 27 from investigating and advising on problems developing from the use
 1 of his or her products;

2 (7) An owner of livestock or a bona fide farm or ranch
 3 employee from performing any act of vaccination, surgery, pregnancy
 4 testing, or the administration of drugs in the treatment of
 5 domestic animals under his or her custody or ownership nor the
 6 exchange of services between persons or bona fide employees who are
 7 principally farm or ranch operators or employees in the performance
 8 of these acts;

9 (8) A member of the faculty of a veterinary school
 10 or veterinary science department from performing his or her
 11 regular functions, or a person lecturing or giving instructions
 12 or demonstrations at a veterinary school or veterinary science
 13 department or in connection with a continuing competency activity;

14 (9) Any person from selling or applying any pesticide,
 15 insecticide, or herbicide;

16 (10) Any person from engaging in bona fide scientific
 17 research which reasonably requires experimentation involving
 18 animals;

19 (11) Any person from treating or in any manner caring for
 20 domestic chickens, turkeys, or waterfowl, which are specifically
 21 exempted from the Veterinary Medicine and Surgery Practice Act;

22 (12) Any person from performing dehorning or castrating
 23 livestock, not to include equidae.

24 For purposes of the Veterinary Medicine and Surgery
 25 Practice Act, castration shall be limited to the removal or
 26 destruction of male testes; or

27 (13) Any person who holds a valid credential in the
 1 State of Nebraska in a health care profession or occupation
 2 regulated under the Uniform Credentialing Act from consulting
 3 with a licensed veterinarian ~~who has contracted with or is~~
 4 ~~employed by an accredited zoological park or garden regarding~~
 5 ~~an animal on behalf of such zoological park or garden~~ or performing
 6 collaborative animal health care tasks on an animal under the care
 7 of such veterinarian ~~for such zoological park or garden~~ if all
 8 such tasks are performed under the immediate supervision of such
 9 veterinarian.

10 Sec. 8. (1) In addition to the remedies authorized in

11 section 38-140 or 38-1,124, a person who engages in the practice of
12 veterinary medicine and surgery without being licensed or otherwise
13 authorized to do so under the Veterinary Medicine and Surgery
14 Practice Act shall be subject to a civil penalty of not less than
15 one thousand dollars nor more than five thousand dollars for the
16 first offense and not less than five thousand dollars nor more than
17 ten thousand dollars for the second or subsequent offense. If a
18 violation continues after notification, this constitutes a separate
19 offense.

20 (2) The civil penalties shall be assessed in a civil
21 action brought for such purpose by the Attorney General in the
22 district court of the county in which the violation occurred.

23 (3) Any civil penalty assessed and unpaid under this
24 section shall constitute a debt to the State of Nebraska which
25 may be collected in the manner of a lien foreclosure or sued for
26 and recovered in any proper form of action in the name of the
27 State of Nebraska in the district court of the county in which the
1 violator resides or owns property. The department may also collect
2 in such action attorney's fees and costs incurred in the collection
3 of the civil penalty. The department shall, within thirty days
4 after receipt, transmit any collected civil penalty to the State
5 Treasurer to be disposed of in accordance with Article VII, section
6 5, of the Constitution of Nebraska.

7 Sec. 9. Each applicant for a license as an animal
8 therapist in this state shall present to the department:

9 (1) Proof that the applicant holds and maintains an
10 undisciplined license under the Uniform Credentialing Act for a
11 health care profession other than veterinary medicine and surgery;

12 (2) Proof that the applicant has met the standards for
13 additional training regarding the performance of that health care
14 profession on animals as required by rules and regulations adopted
15 and promulgated by the department upon the recommendation of the
16 board; and

17 (3) Such other information and proof as the department,
18 with the recommendation of the board, may require by rule and
19 regulation.

20 Sec. 10. (1) A licensed animal therapist may perform
21 health care therapy on an animal only if:

22 (a) The health care therapy is consistent with the
23 licensed animal therapist's training required for the license
24 referred to under subdivision (1) of section 9 of this act;

25 (b) The owner of the animal presents to the licensed
26 animal therapist a prior letter of referral for health care
27 therapy that includes a veterinary medical diagnosis and
1 evaluation completed by a licensed veterinarian who has a
2 veterinarian-client-patient relationship with the owner and the
3 animal and has made the diagnosis and evaluation within ninety days
4 immediately preceding the date of the initiation of the health care
5 therapy; and

6 (c) The licensed animal therapist provides health care
7 therapy reports at least monthly to the referring veterinarian,
8 except that a report is not required for any month in which health
9 care therapy was not provided.

10 (2) A licensed veterinarian who prepares a letter of
11 referral for health care therapy by a licensed animal therapist
12 shall not be liable for damages caused to the animal as a result of
13 the health care therapy performed by the licensed animal therapist.

14 Sec. 11. In addition to the grounds for disciplinary
15 action found in sections 38-178 and 38-179, a license to practice
16 as a licensed animal therapist may be denied, refused renewal,
17 limited, revoked, or suspended or have other disciplinary measures
18 taken against it in accordance with section 38-196 when the
19 applicant or licensee is subjected to disciplinary measures with
20 regard to his or her license referred to under subdivision (1) of
21 section 9 of this act.

22 Sec. 12. Section 71-8909, Revised Statutes Cumulative
23 Supplement, 2008, is amended to read:

24 71-8909 Veterinary drug distributor means any person or
25 entity, ~~other than a pharmacy,~~ that engages in the distribution
26 of veterinary legend drugs in the State of Nebraska ~~other than a~~
27 pharmacy or a veterinarian licensed under the Uniform Credentialing
1 Act acting within the scope of practice of veterinary medicine and
2 surgery as defined in section 38-3312.

3 Sec. 13. Section 71-8910, Revised Statutes Cumulative
4 Supplement, 2008, is amended to read:

5 71-8910 Veterinary drug order means a lawful order or
6 prescription of a veterinarian licensed to practice in this
7 state, ~~which order or prescription is~~ issued pursuant to a bona
8 fide veterinarian-client-patient relationship. For purposes of the
9 Veterinary Drug Distribution Licensing Act, a veterinary drug order
10 expires and becomes void one hundred eighty days after the date of
11 issue.

12 Sec. 14. Original sections 38-1,140, 38-3301, 38-3302,
13 38-3314, and 38-3321, Reissue Revised Statutes of Nebraska,
14 and sections 71-8909 and 71-8910, Revised Statutes Cumulative
15 Supplement, 2008, are repealed.

LEGISLATIVE BILL 515. Placed on General File with amendment.
AM498 is available in the Bill Room.

(Signed) Tim Gay, Chairperson

NOTICE OF COMMITTEE HEARINGS
Judiciary

Room 1113

Thursday, March 19, 2009 1:30 p.m.

LB38
LB39
LB145
LB258
LB383

Friday, March 20, 2009 1:30 p.m.

LB625
LB507
LB513
LB598

(Signed) Brad Ashford, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 50. Introduced by Harms, 48; Louden, 49.

WHEREAS, the Minatare High School cheer team took home two state titles at the 2009 Nebraska State Cheer and Dance Championships; and

WHEREAS, Minatare took first place in the Class D Nonbuilding/Nontumbling cheer category; and

WHEREAS, Minatare also took first place in the Class D Hip Hop dance category, the team's second straight title in this category; 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, FIRST SESSION:

1. That the Legislature congratulates the Minatare High School cheer team on winning two state titles at the 2009 Nebraska State Cheer and Dance Championships.

2. That a copy of this resolution be sent to the Minatare High School cheer team and their coach, LeAnn Nuss.

Laid over.

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.

Barbara Batie - Nebraska Environmental Trust Board
Rodney Christen - Nebraska Environmental Trust Board

Aye: 8 Senators Carlson, Cook, Dubas, Fischer, Haar, Langemeier, McCoy, Schilz. Nay: 0. Absent: 0.

(Signed) Chris Langemeier, Chairperson

BILLS ON FIRST READING

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

LEGISLATIVE BILL 63A. 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 63, One Hundred First Legislature, First Session, 2009; and to declare an emergency.

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.

ANNOUNCEMENTS

Senator Lathrop designates LB292 as his priority bill.

The Business and Labor Committee designates LB630 as its priority bill.

Senator Price designates LB532 as his priority bill.

The General Affairs Committee designates LB286 and LB198 as its priority bills.

Senator Coash designates LB159 as his priority bill.

The Natural Resources Committee designates LB436 as its priority bill.

Senator Wallman designates LB68 as his priority bill.

The Judiciary Committee designates LB35 as its priority bill.

The Urban Affairs Committee designates LB495 and LB658 as its priority bills.

Senator Friend designates LB285 as his priority bill.

Senator Cornett designates LB615 as her priority bill.

The Business and Labor Committee designates LB622 as its priority bill.

The Natural Resources Committee designates LB561 as its priority bill.

Senator Lautenbaugh designates LB355 as his priority bill.

Senator Haar designates LB547 as his priority bill.

GENERAL FILE

LEGISLATIVE BILL 121. Committee AM530, found on page 610 and considered on page 698 and in this day's Journal, was renewed.

Senator Lautenbaugh 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 moved for a call of the house. The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

The committee amendment was adopted with 44 ayes, 0 nays, 4 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Senator Giese withdrew his amendment, AM628, found on page 681.

Senator Janssen renewed his amendment, AM663, found on page 699.

Senator Janssen moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

SENATOR ROBERT PRESIDING

The Janssen amendment was adopted with 47 ayes, 0 nays, and 2 excused and not voting.

The Chair declared the call raised.

Advanced to Enrollment and Review Initial with 37 ayes, 3 nays, 7 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 111. Title read. Considered.

Pending.

AMENDMENT - Print in Journal

Senator Coash filed the following amendment to LB411:
AM666

- 1 1. On page 2, line 19, strike "which", show as stricken,
- 2 and insert "except section 210.12(B). The".

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 12, 2009, at 9:42 a.m. were the following: LBs 52, 89, 90, 142, 167, 204, 231, 379e, and 151e.

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

NOTICE OF COMMITTEE HEARING

Appropriations

Room 1525

Thursday, March 26, 2009 1:30 p.m.

LB680

(Signed) Lavon Heidemann, Chairperson

COMMITTEE REPORTS

Revenue

LEGISLATIVE BILL 159. Placed on General File.

LEGISLATIVE BILL 9. Placed on General File with amendment.
AM709

- 1 1. On page 2, line 8, before "corn" insert "and" and
- 2 strike ", and biofuel".

LEGISLATIVE BILL 460. Indefinitely postponed.

(Signed) Abbie Cornett, Chairperson

Agriculture

LEGISLATIVE BILL 98. Placed on General File with amendment.
AM641

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 2-958.01, Revised Statutes Cumulative
- 4 Supplement, 2008, is amended to read:
- 5 2-958.01 The Noxious Weed and Invasive Plant Species
- 6 Assistance Fund is created. The fund may be used to carry out the
- 7 purposes of section 2-958.02. The State Treasurer shall credit to
- 8 the fund any funds transferred pursuant to section 54-857, funds
- 9 or appropriated to the fund by the Legislature, and funds received
- 10 as gifts or grants or other private or public funds obtained for
- 11 the purposes set forth in section 2-958.02. Any money in the fund
- 12 available for investment shall be invested by the state investment
- 13 officer pursuant to the Nebraska Capital Expansion Act and the
- 14 Nebraska State Funds Investment Act.
- 15 Sec. 2. Section 2-958.02, Reissue Revised Statutes of
- 16 Nebraska, is amended to read:
- 17 2-958.02 (1) From funds available in the Noxious Weed and
- 18 Invasive Plant Species Assistance Fund, the director may administer
- 19 a grant program to assist local control authorities and other weed
- 20 management entities in the cost of implementing and maintaining
- 21 noxious weed control programs and in addressing special weed
- 22 control problems as provided in this section.
- 23 (2) The director shall receive applications by local
- 1 control authorities and weed management entities for assistance
- 2 under this subsection and, in consultation with the advisory
- 3 committee created under section 2-965.01, award grants for any of
- 4 the following eligible purposes:
- 5 (a) To conduct applied research to solve locally
- 6 significant weed management problems;
- 7 (b) To demonstrate innovative control methods or land
- 8 management practices which have the potential to reduce landowner
- 9 costs to control noxious weeds or improve the effectiveness of
- 10 noxious weed control;
- 11 (c) To encourage the formation of weed management
- 12 entities;
- 13 (d) To respond to introductions or infestations of
- 14 invasive plants that threaten or potentially threaten the
- 15 productivity of cropland and rangeland over a wide area;
- 16 (e) To respond to introductions and infestations of
- 17 invasive plant species that threaten or potentially threaten the
- 18 productivity and biodiversity of wildlife and fishery habitats on
- 19 public and private lands;
- 20 (f) To respond to special weed control problems involving
- 21 weeds not included in the list of noxious weeds promulgated by
- 22 rule and regulation of the director if the director has approved a

23 petition to bring such weeds under the county control program;

24 (g) To conduct monitoring or surveillance activities
 25 to detect, map, or determine the distribution of invasive plant
 26 species and to determine susceptible locations for the introduction
 27 or spread of invasive plant species; and

1 (h) To conduct educational activities.

2 (3) The director shall select and prioritize applications
 3 for assistance under subsection (2) of this section based on the
 4 following considerations:

5 (a) The seriousness of the noxious weed or invasive plant
 6 problem or potential problem addressed by the project;

7 (b) The ability of the project to provide timely
 8 intervention to save current and future costs of control and
 9 eradication;

10 (c) The likelihood that the project will prevent or
 11 resolve the problem or increase knowledge about resolving similar
 12 problems in the future;

13 (d) The extent to which the project will leverage federal
 14 funds and other nonstate funds;

15 (e) The extent to which the applicant has made progress
 16 in addressing noxious weed or invasive plant problems;

17 (f) The extent to which the project will provide a
 18 comprehensive approach to the control or eradication of noxious
 19 weeds;

20 (g) The extent to which the project will reduce the total
 21 population or area of infestation of a noxious weed;

22 (h) The extent to which the project uses the principles
 23 of integrated vegetation management and sound science; and

24 (i) Such other factors that the director determines to be
 25 relevant.

26 (4) The director shall receive applications for grants
 27 under this subsection and shall award grants to recipients and
 1 programs eligible under this subsection. Priority shall be given to
 2 grant applicants whose proposed programs are consistent with ~~the~~
 3 policy established in vegetation management goals and priorities
 4 and plans and policies of the Riparian Vegetation Management
 5 Task Force created pursuant to section 2-968. Beginning in fiscal
 6 year 2007-08, 2009-10, it is the intent of the Legislature to
 7 appropriate two million dollars annually for the management of
 8 vegetation within the banks of a natural stream or within one
 9 hundred feet of the banks of a channel of any natural stream. Such
 10 funds shall only be used to pay for activities and equipment as
 11 part of vegetation management programs that have as their primary
 12 objective improving conveyance of streamflow in natural streams.
 13 Grants from funds appropriated as provided in this subsection shall
 14 be disbursed only to weed management entities, local weed control
 15 authorities, and natural resources districts, whose territory
 16 includes one or more fully appropriated or overappropriated river
 17 basins as designated by the Department of Natural Resources with

18 priority ~~for the first year~~ given to fully appropriated river
19 basins that are the subject of an interstate compact or decree.
20 The Game and Parks Commission shall assist grant recipients in
21 implementing grant projects under this subsection, and interlocal
22 agreements under the Interlocal Cooperation Act or the Joint Public
23 Agency Act shall be utilized whenever possible in carrying out the
24 grant projects. This subsection terminates on June 30, ~~2009~~, 2013.

25 (5) Nothing in this section shall be construed to relieve
26 control authorities of their duties and responsibilities under the
27 Noxious Weed Control Act or the duty of a person to control the
1 spread of noxious weeds on lands owned and controlled by him or
2 her.

3 (6) The Department of Agriculture may adopt and
4 promulgate necessary rules and regulations to carry out this
5 section.

6 (7)(a) The director shall apply for a grant from the
7 Nebraska Environmental Trust Fund prior to the application deadline
8 in September of 2009 for grants to be awarded and funded in April
9 of 2010.

10 (b) The director shall apply for a grant from the Natural
11 Resources Conservation Service of the United States Department of
12 Agriculture prior to July 31, 2009.

13 Sec. 3. Section 2-967, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 2-967 The Riparian Vegetation Management Task Force is
16 created. The Governor shall appoint the members of the task force.
17 The members shall include one surface water project representative
18 from each river basin that has been determined to be fully
19 appropriated pursuant to section 46-714 or 46-720 or designated as
20 overappropriated pursuant to section 46-713 by the Department
21 of Natural Resources; one representative from the Department
22 of Agriculture, the Department of Environmental Quality, the
23 Department of Natural Resources, the office of the Governor, the
24 office of the State Forester, the Game and Parks Commission, and
25 the University of Nebraska; two representatives nominated by the
26 Nebraska Association of Resources Districts; two representatives
27 nominated by the Nebraska Weed Control Association; one riparian
1 landowner from each of the state's congressional districts; and one
2 representative from the Nebraska Environmental Trust. In addition
3 to such members, any member of the Legislature may serve as a
4 member of the task force at his or her option. For administrative
5 and budgetary purposes only, the task force shall be housed within
6 the Department of Agriculture. This section terminates on June 30,
7 ~~2009~~, 2013.

8 Sec. 4. Section 2-968, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 2-968 The Riparian Vegetation Management Task Force, in
11 consultation with appropriate federal agencies, shall develop and
12 prioritize vegetation management goals and objectives, analyze the

13 cost-effectiveness of available vegetation treatment, and develop
 14 plans and policies to achieve such goals and objectives. Any plan
 15 shall utilize the principles of integrated vegetation management
 16 and sound science. The task force shall convene within thirty
 17 days after the appointment of the members is complete to elect a
 18 chairperson and conduct such other business as deemed necessary.
 19 The efforts of the task force shall be initially directed toward
 20 river basins designated by the Department of Natural Resources as
 21 fully appropriated or overappropriated. Task force meetings shall
 22 be held in communities within the Republican River and Platte River
 23 basins. ~~The task force shall make preliminary recommendations to~~
 24 ~~the Governor and the Legislature regarding funding and legislation~~
 25 ~~needed to achieve its goals on or before December 15, 2007, and~~
 26 ~~each year thereafter,~~ with a final report due to the Governor
 27 and the Legislature prior to June 30, ~~2009,~~ 2013. It is the
 1 intent of the Legislature that expenses of the task force ~~be~~
 2 ~~paid from funds appropriated for Laws 2007, LB 701, and shall not~~
 3 exceed twenty-five thousand dollars per fiscal year. This section
 4 terminates on June 30, ~~2009,~~ 2013.

5 Sec. 5. Section 2-5106, Reissue Revised Statutes of
 6 Nebraska, is amended to read:

7 2-5106 The Buffer Strip Incentive Fund is created.
 8 Proceeds raised from fees imposed for the registration of
 9 pesticides and earmarked for the fund pursuant to section 2-2634,
 10 proceeds raised from federal grants earmarked for the fund, and
 11 any proceeds raised from public or private donations made to the
 12 fund shall be remitted to the State Treasurer for credit to the
 13 fund. The fund shall be administered by the department to maintain
 14 the buffer strip program and for expenses directly related to
 15 the program, including necessary expenses of the department in
 16 carrying out its duties and responsibilities under the Buffer
 17 Strip Act, except that on July 1, 2009, or as soon thereafter as
 18 administratively possible, the State Treasurer shall transfer five
 19 hundred thousand dollars from the Buffer Strip Incentive Fund to
 20 the Noxious Weed and Invasive Plant Species Assistance Fund. The
 21 annual cost of administering the buffer strip program shall not
 22 exceed ten percent of the total annual proceeds credited to the
 23 fund. Such administrative costs shall include funds allocated by
 24 the department to the districts for their administrative costs. Any
 25 money in the fund available for investment shall be invested by the
 26 state investment officer pursuant to the Nebraska Capital Expansion
 27 Act and the Nebraska State Funds Investment Act.

1 Sec. 6. Original sections 2-958.02, 2-967, 2-968, and
 2 2-5106, Reissue Revised Statutes of Nebraska, and section 2-958.01,
 3 Revised Statutes Cumulative Supplement, 2008, are repealed.

4 Sec. 7. Since an emergency exists, this act takes effect
 5 when passed and approved according to law.

(Signed) Tom Carlson, Chairperson

Education

LEGISLATIVE BILL 548. Placed on General File with amendment.
AM714

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 79-1022, Reissue Revised Statutes of
- 4 Nebraska, as amended by section 1, Legislative Bill 61, One Hundred
- 5 First Legislature, First Session, 2009, is amended to read:
- 6 79-1022 (1) On or before ~~April~~June 1, 2009, and on or
- 7 before February 1 of each year thereafter, the department shall
- 8 determine the amounts to be distributed to each local system
- 9 and each district pursuant to the Tax Equity and Educational
- 10 Opportunities Support Act and shall certify the amounts to
- 11 the Director of Administrative Services, the Auditor of Public
- 12 Accounts, each learning community, and each district. The amount
- 13 to be distributed to each district that is not a member of
- 14 a learning community from the amount certified for a local
- 15 system shall be proportional based on: (a) For school fiscal
- 16 years prior to school fiscal year 2008-09, the weighted formula
- 17 students attributed to each district in the local system; and
- 18 (b) for school fiscal year 2008-09 and each school fiscal year
- 19 thereafter, the formula students attributed to each district in
- 20 the local system. For the first five complete school fiscal years
- 21 for a learning community, the amount to be distributed to each
- 22 district that is a member of such learning community shall be
- 23 determined pursuant to section 79-1015. For each school fiscal year
- 1 thereafter, the amount to be distributed to each district that
- 2 is a member of a learning community from the amount certified
- 3 for the local system shall be proportional based on the formula
- 4 needs calculated for each district in the local system. On or
- 5 before ~~April~~June 1, 2009, and February 1 of each year thereafter,
- 6 the department shall report the necessary funding level to the
- 7 Governor, the Appropriations Committee of the Legislature, and
- 8 the Education Committee of the Legislature. Certified state aid
- 9 amounts, including adjustments pursuant to section 79-1065.02,
- 10 shall be shown as budgeted non-property-tax receipts and deducted
- 11 prior to calculating the property tax request in the district's
- 12 general fund budget statement as provided to the Auditor of Public
- 13 Accounts pursuant to section 79-1024.
- 14 (2) Except as provided in subsection (8) of section
- 15 79-1016 and sections 79-1033 and 79-1065.02, the amounts certified
- 16 pursuant to subsection (1) of this section shall be distributed in
- 17 ten as nearly as possible equal payments on the last business day
- 18 of each month beginning in September of each ensuing school fiscal
- 19 year and ending in June of the following year, except that when a
- 20 school district is to receive a monthly payment of less than one
- 21 thousand dollars, such payment shall be one lump-sum payment on

22 the last business day of December during the ensuing school fiscal
23 year.

24 Sec. 2. Section 79-1023, Reissue Revised Statutes of
25 Nebraska, as amended by section 2, Legislative Bill 61, One Hundred
26 First Legislature, First Session, 2009, is amended to read:

27 79-1023 (1) On or before ~~April~~June 1, 2009, and on or
1 before February 1 of each year thereafter, the department shall
2 determine and certify to each school district the maximum general
3 fund budget of expenditures minus the special education budget of
4 expenditures for the immediately following school fiscal year.

5 (2) For school fiscal years prior to 2008-09, no Class
6 II, III, IV, V, or VI district shall increase its general fund
7 budget of expenditures more than the local system's applicable
8 allowable growth rate.

9 (3) For school fiscal year 2008-09 and each school fiscal
10 year thereafter, except as provided in section 79-1028.01, no
11 school district shall have a general fund budget of expenditures
12 minus special grant funds and the special education budget of
13 expenditures more than the greater of (a) the product of the
14 difference of the general fund budget of expenditures minus special
15 grant funds and the special education budget of expenditures for
16 the immediately preceding school fiscal year multiplied by the sum
17 of one plus the local system's applicable allowable growth rate or
18 (b) the difference of one hundred twenty percent of formula need
19 for such school fiscal year minus the product of the sum of one
20 plus the basic allowable growth rate for such school fiscal year
21 multiplied by the special education budget of expenditures as filed
22 on the school district budget statement on or before September 20
23 for the immediately preceding school fiscal year.

24 Sec. 3. Section 79-1026.01, Reissue Revised Statutes of
25 Nebraska, as amended by section 3, Legislative Bill 61, One Hundred
26 First Legislature, First Session, 2009, is amended to read:

27 79-1026.01 For school fiscal year 2008-09 and each school
1 fiscal year thereafter, on or before ~~April~~June 1, 2009, and on
2 or before February 1 of each year thereafter, the department shall
3 determine and certify to each Class II, III, IV, or V district an
4 applicable allowable growth rate carried out at least four decimal
5 places as follows:

6 (1) The department shall establish a target budget level
7 range of general fund operating expenditure levels for each school
8 fiscal year for each school district which shall begin at twenty
9 percent less than the school district's formula need and end at the
10 school district's formula need. The beginning point of the range
11 shall be assigned a number equal to the maximum allowable growth
12 rate established in section 79-1025, and the end point of the range
13 shall be assigned a number equal to the basic allowable growth rate
14 as prescribed in such section such that the lower end of the range
15 shall be assigned the maximum allowable growth rate and the higher
16 end of the range shall be assigned the basic allowable growth rate;

17 and

18 (2) For each school fiscal year, each school district's
 19 general fund operating expenditures shall be compared to its target
 20 budget level along the range described in subdivision (1) of
 21 this section to arrive at an applicable allowable growth rate
 22 as follows: If each school district's general fund operating
 23 expenditures fall below the lower end of the range, such applicable
 24 allowable growth rate shall be the maximum growth rate identified
 25 in section 79-1025. If each school district's general fund
 26 operating expenditures are greater than the higher end of the
 27 range, the school district's allowable growth rate shall be the
 1 basic allowable growth rate identified in such section. If each
 2 school district's general fund operating expenditures fall between
 3 the lower end and the higher end of the range, the department shall
 4 use a linear interpolation calculation between the end points of
 5 the range to arrive at the applicable allowable growth rate for the
 6 school district.

7 Sec. 4. Section 79-1027, Reissue Revised Statutes of
 8 Nebraska, as amended by section 4, Legislative Bill 61, One Hundred
 9 First Legislature, First Session, 2009, is amended to read:

10 79-1027 No district shall adopt a budget, which includes
 11 total requirements of depreciation funds, necessary employee
 12 benefit fund cash reserves, and necessary general fund cash
 13 reserves, exceeding the applicable allowable reserve percentages
 14 of total general fund budget of expenditures as specified in the
 15 schedule set forth in this section.

Average daily membership of district	Allowable reserve percentage
0 - 471	45
471.01 - 3,044	35
3,044.01 - 10,000	25
10,000.01 and over	20

23 On or before ~~April~~ June 1, 2009, and on or before
 24 February 1 each year thereafter, the department shall determine and
 25 certify each district's applicable allowable reserve percentage.

26 Each district with combined necessary general fund cash
 27 reserves, total requirements of depreciation funds, and necessary
 1 employee benefit fund cash reserves less than the applicable
 2 allowable reserve percentage specified in this section may,
 3 notwithstanding the district's applicable allowable growth rate,
 4 increase its necessary general fund cash reserves such that the
 5 total necessary general fund cash reserves, total requirements
 6 of depreciation funds, and necessary employee benefit fund
 7 cash reserves do not exceed such applicable allowable reserve
 8 percentage.

9 Sec. 5. Section 79-1031.01, Reissue Revised Statutes of
 10 Nebraska, as amended by section 5, Legislative Bill 61, One Hundred
 11 First Legislature, First Session, 2009, is amended to read:

12 79-1031.01 The Appropriations Committee of the
 13 Legislature shall annually include the amount necessary to fund
 14 the state aid that will be certified to school districts on or
 15 before ~~April-June~~ June 1, 2009, and on or before February 1 for each
 16 school year thereafter in its recommendations to the Legislature
 17 to carry out the requirements of the Tax Equity and Educational
 18 Opportunities Support Act.

19 Sec. 6. Original sections 79-1022, 79-1023, 79-1026.01,
 20 79-1027, and 79-1031.01, Reissue Revised Statutes of Nebraska, as
 21 amended by sections 1, 2, 3, 4, and 5, respectively, Legislative
 22 Bill 61, One Hundred First Legislature, First Session, 2009, are
 23 repealed.

24 Sec. 7. Since an emergency exists, this act takes effect
 25 when passed and approved according to law.

(Signed) Greg Adams, Chairperson

Business and Labor

LEGISLATIVE BILL 107. Placed on General File with amendment.
 AM490

1 1. Strike the original sections and insert the following
 2 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 section 2 of this act, unless
 7 the context otherwise requires, infraction shall mean the violation
 8 of any law, ordinance, order, rule, or regulation, not including
 9 those related to traffic, which is not otherwise declared to be
 10 a misdemeanor or a felony. Infraction shall include violations of
 11 section 60-6,267.

12 Sec. 2. (1) Any employee of an employer as defined
 13 in section 48-801 who has not been given a specific reason for
 14 termination at the time of such termination may request, in writing
 15 within seven days after termination, such reason. The employer
 16 shall provide the employee a specific reason for the termination
 17 in writing within seven days after receipt of such request to the
 18 employee's last-known address that was provided to the employer.

19 (2) Noncompliance with subsection (1) of this section
 20 shall not create a separate cause of action or affect or apply to
 21 a common-law or statutory action for recovery in tort and shall not
 22 affect or change the common-law definition and interpretation of
 23 the employment-at-will doctrine.

1 (3) This section shall be construed as providing
 2 a minimum standard and not as repealing or negating any
 3 collective-bargaining agreement or any provision of law
 4 specifically setting forth the rights of a particular group or
 5 groups of employees.

6 (4) An employer who violates this section shall be guilty
 7 of an infraction as defined in section 29-431 and shall be subject
 8 to a fine pursuant to section 29-436.
 9 Sec. 3. The Revisor of Statutes shall assign section 2 of
 10 this act to Chapter 48, article 2.
 11 Sec. 4. Original section 29-431, Reissue Revised Statutes
 12 of Nebraska, is repealed.

(Signed) Steve Lathrop, Chairperson
 Executive Board

LEGISLATIVE BILL 620. Placed on General File.

LEGISLATIVE BILL 16. Placed on General File with amendment.
 AM692 is available in the Bill Room.

(Signed) John Wightman, Chairperson
 General Affairs

LEGISLATIVE BILL 411. Placed on General File.
LEGISLATIVE BILL 500. Placed on General File.

(Signed) Russ Karpisek, Chairperson

ANNOUNCEMENTS

Senator Pahls designates LB385 as his priority bill.

The Banking, Commerce and Insurance Committee designates LB328 as its
 priority bill.

The Executive Board designates LB16 and LB653 as its priority bills.

Senator Karpisek designates LB568 as his priority bill.

Senator Christensen designates LB681 as his priority bill.

Senator McCoy designates LB675 as his priority bill.

Senator Pirsch designates LB671 as his priority bill.

Senator Nelson designates LB160 as his priority bill.

Senator White designates LB633 as his priority bill.

The Legislative Performance Audit Committee designates LB620 and LB679 as its priority bills.

Senator Fulton designates LB430 as his priority bill.

UNANIMOUS CONSENT - Add Cointroducers

Senator Council asked unanimous consent to add her name as cointroducer to LB111 and LB356. No objections. So ordered.

Senator Howard asked unanimous consent to add her name as cointroducer to LB489. No objections. So ordered.

WITHDRAW - Cointroducers

Senators Lautenbaugh and Rogert withdrew their names as cointroducers to LB64.

VISITORS

Visitors to the Chamber were 6 students, teacher, and sponsor from Nebraska College of Technical Agriculture, Curtis; and Kate Fitzgerald from Norfolk.

ADJOURNMENT

At 12:00 p.m., on a motion by Senator Coash, the Legislature adjourned until 10:00 a.m., Tuesday, March 17, 2009.

Patrick J. O'Donnell
Clerk of the Legislature