

FORTY-NINTH DAY - MARCH 24, 2009**LEGISLATIVE JOURNAL****ONE HUNDRED FIRST LEGISLATURE
FIRST SESSION****FORTY-NINTH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 24, 2009

PRAYER

The prayer was offered by Pastor Fay Hubbard, Ellis/Odell United Methodist Church, Odell.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Rogert presiding.

The roll was called and all members were present except Senators Ashford, Coash, Cornett, and Flood who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-eighth day was approved.

COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 548. Placed on Final Reading.

(Signed) Jeremy Nordquist, Chairperson

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 328. Placed on Select File with amendment.
ER8038

- 1 1. On page 1, line 12, after the first semicolon insert
- 2 "to transfer provisions;"
- 3 2. On page 7, lines 6 and 8; page 13, line 18; page 18,
- 4 line 15; and page 84, line 7, strike "that term is".
- 5 3. On page 8, line 2; page 13, line 10; page 17, line 22;
- 6 page 34, lines 5, 7, and 19; page 42, line 10; page 43, lines 7,
- 7 12, and 17; page 44, line 5; page 45, lines 13 and 24; page 58,
- 8 line 1; page 64, line 24; page 74, line 14; and page 85, lines 9

- 9 and 15, strike the comma.
- 10 4. On page 9, line 10, after "or" insert "its".
- 11 5. On page 10, line 21, strike the semicolon.
- 12 6. On page 11, line 20, strike "act", show as stricken,
13 and insert "Residential Mortgage Licensing Act".
- 14 7. On page 13, line 9, strike "A mortgage" and insert
15 "Mortgage".
- 16 8. On page 14, line 5, after "a" insert "residential".
- 17 9. On page 15, line 15; page 17, line 14; and page 57,
18 line 24, strike the first comma.
- 19 10. On page 18, line 12; and page 19, line 12, strike ",
20 provided that" and insert "if".
- 21 11. On page 19, line 11, strike "act" and insert
22 "Residential Mortgage Licensing Act".
- 23 12. On page 21, line 22, strike "or" and show as
1 stricken; and in line 23 after "Act" insert an underscored comma.
- 2 13. On page 30, line 4, strike "indicates", show as
3 stricken, and insert "indicate".
- 4 14. On page 31, line 23, after "individuals" insert an
5 underscored comma.
- 6 15. On page 33, line 24, strike "pled" and insert
7 "pleaded".
- 8 16. On page 38, line 10, strike the first "or" and insert
9 an underscored comma; and in line 11 after "applicant" insert an
10 underscored comma.
- 11 17. On page 41, line 5, strike "or" and insert an
12 underscored comma.
- 13 18. On page 42, line 8; and page 44, line 4, strike
14 "provided that" and insert "if".
- 15 19. On page 43, line 17, after the first "or" insert
16 "upon".
- 17 20. On page 44, line 7, strike "reactive" and insert
18 "reactivate"; and in line 12 strike the second comma.
- 19 21. On page 49, line 18, strike "That any" and insert
20 "Any" and after "jurisdiction" insert "has".
- 21 22. On page 50, line 3, strike "financial" and insert
22 "depository"; and in line 4 after "loan" insert "company".
- 23 23. On page 57, line 1, strike the second comma.
- 24 24. On page 58, lines 8 and 11; page 59, line 7; and page
25 86, line 15, before "including" insert an underscored comma.
- 26 25. On page 61, line 14, strike "may".
- 27 26. On page 62, line 10, strike the first "act" and
1 insert "Residential Mortgage Licensing Act".
- 2 27. On page 71, line 4, strike "and" and show as
3 stricken.
- 4 28. On page 76, lines 9 and 16; page 77, line 3; page
5 109, lines 9 and 16; and page 110, line 3, strike the period and
6 insert an underscored semicolon.
- 7 29. On page 77, line 8; and page 110, line 8, strike the

- 8 period and insert "; and".
- 9 30. On page 80, line 13, after "or" insert "its".
- 10 31. On page 81, line 19, strike "(i)" and insert
- 11 "(i)(i)"; in line 20 strike "(i)" and insert "(A)"; in line
- 12 21 strike "(ii)" and insert "(B)"; in line 22 after the period
- 13 insert paragraphing and "(ii)"; and in line 23 strike "(i)" and
- 14 insert "(i)(A)".
- 15 32. On page 88, line 4, strike "subdivision" and insert
- 16 "subsection".
- 17 33. On page 90, line 7, after the comma insert "of"; in
- 18 line 8 after "receipt" insert an underscored comma; and in line 9
- 19 after "order" insert an underscored comma.

LEGISLATIVE BILL 292. Placed on Select File with amendment.
ER8041

- 1 1. On page 1, line 1, strike beginning with "adopt" in
- 2 line 1 through line 3 and insert "amend section 84-907.03, Reissue
- 3 Revised Statutes of Nebraska; to adopt the Nebraska Uniform Athlete
- 4 Agents Act; to provide penalties; to harmonize provisions; to
- 5 provide an operative date; to provide severability; and to repeal
- 6 the original section."
- 7 2. On page 4, line 23; and page 7, line 15, strike the
- 8 comma.
- 9 3. On page 5, line 6, after "void" insert an underscored
- 10 comma.
- 11 4. On page 7, line 3; and page 9, line 5, before
- 12 "educational" insert "an".
- 13 5. On page 15, line 15, after "or" insert "a".
- 14 6. On page 16, line 15, after "signatures" insert an
- 15 underscored comma.

LEGISLATIVE BILL 603. Placed on Select File with amendment.
ER8040

- 1 1. On page 1, line 3, after the semicolon insert "to
- 2 create a fund;".
- 3 2. On page 2, line 5, strike the comma.
- 4 3. On page 3, line 13, after "thereafter" insert an
- 5 underscored comma; in line 15 strike "their" and insert "his or
- 6 her"; and in line 16 strike "of the" and strike "residents" and
- 7 insert "resident".

LEGISLATIVE BILL 603A. Placed on Select File.

LEGISLATIVE BILL 547. Placed on Select File with amendment.
ER8039

- 1 1. In the Standing Committee amendments, AM365:
- 2 a. On page 8, line 1, strike "act", show as stricken, and
- 3 insert "program"; and in line 11 strike "effective date of this
- 4 act" and insert "operative date of this section";

- 5 b. On page 10, line 21, strike "(1)", show as stricken,
 6 and insert "(1)(a)"; and in line 26 strike "(a)" and insert "(b)";
 7 c. On page 11, line 18, strike "subsection", show as
 8 stricken, and insert "subdivision"; and in line 19 strike "(b)" and
 9 insert "(c)";
 10 d. On page 12, line 13, strike "subsection" and insert
 11 "subdivision"; and in line 24 after "except" insert "that";
 12 e. On page 13, lines 16 and 17, strike "For each year,
 13 beginning" and insert "Beginning"; and in line 19 after the comma
 14 insert "for each year";
 15 f. On page 15, line 20, after "graduate" insert "teacher
 16 education";
 17 g. On page 16, line 3, after "the" insert "graduate"; and
 18 in line 24 strike "must" and insert "shall";
 19 h. On page 17, line 15, strike "For each year, beginning"
 20 and insert "Beginning"; in line 17 after the comma insert "for each
 21 year"; and in line 20 after "except" insert "that".
 22 2. On page 1, strike beginning with "sections" in line
 23 1 through line 9 and insert "sections 9-812, 79-808, 79-8,132,
 1 79-8,133, 79-8,134, 79-8,135, 79-8,136, 79-8,137, 79-8,138,
 2 79-8,139, and 79-8,140, Reissue Revised Statutes of Nebraska;
 3 to provide for the indication of areas of specialization on
 4 certificates and permits; to change provisions relating to the
 5 Attracting Excellence to Teaching Program Act; to rename the act
 6 and a fund; to change provisions relating to loans and loan
 7 forgiveness pursuant to the Attracting Excellence to Teaching
 8 Program; to create the Enhancing Excellence in Teaching Program;
 9 to define and redefine terms; to provide for administration of
 10 the program; to provide for contracts; to provide for loans and
 11 loan forgiveness for eligible students as prescribed; to harmonize
 12 provisions; to provide operative dates; to repeal the original
 13 sections; and to declare an emergency.".

LEGISLATIVE BILL 547A. Placed on Select File.

LEGISLATIVE BILL 121A. Placed on Select File.

(Signed) Jeremy Nordquist, Chairperson

COMMITTEE REPORT

Government, Military and Veterans Affairs

LEGISLATIVE BILL 139. Placed on General File with amendment.
 AM823

- 1 1. On page 2, lines 5, 6, 12, 14, and 24; page 3,
 2 lines 1, 3, 5, 17, 21, and 22; and page 4, line 5, strike
 3 "Hispanic-Americans" and insert "Latino-Americans".

(Signed) Bill Avery, Chairperson

MESSAGE FROM THE GOVERNOR

March 13, 2009

Mr. President, Speaker Flood
 and Members of the Legislature
 State Capitol Building
 Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individual is being
 reappointed to the Commission of Industrial Relations:

Loren Lindahl, 942 Hackberry, Wahoo, NE 68066

The aforementioned appointee is respectfully submitted for your
 consideration. Copies of the appointment certificate and background
 information are included for your review.

Sincerely,
 (Signed) Dave Heineman
 Governor

Enclosures

MOTION - Approve Appointments

Senator Gay moved the adoption of the Health and Human Services
 Committee report for the confirmation of the following appointment(s)
 found on page 755:

Board of Emergency Medical Services
 Theresa Hatcher
 Troy Hiemer

Voting in the affirmative, 41:

Adams	Friend	Janssen	Nelson	Sullivan
Avery	Fulton	Karpisek	Nordquist	Utter
Campbell	Gay	Lathrop	Pahls	Wallman
Carlson	Giese	Lautenbaugh	Pankonin	White
Christensen	Gloor	Louden	Pirsch	Wightman
Cook	Haar	McCoy	Price	
Council	Hadley	McGill	Rogert	
Dierks	Hansen	Mello	Schilz	
Fischer	Howard	Nantkes	Stuthman	

Voting in the negative, 0.

Present and not voting, 4:

Dubas Harms Heidemann Langemeier

Excused and not voting, 4:

Ashford Coash Cornett Flood

The appointments were confirmed with 41 ayes, 0 nays, 4 present and not voting, and 4 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 355. Senator Wightman renewed his amendment, AM827, found on page 810, to the committee amendment.

SENATOR CARLSON PRESIDING

Pending.

COMMITTEE REPORTS

Health and Human Services

LEGISLATIVE BILL 679. Placed on General File.

LEGISLATIVE BILL 342. Placed on General File with amendment. AM741

- 1 1. Strike original sections 2, 3, and 5 and insert the
- 2 following new section:
- 3 Sec. 2. (1) The Legislature finds that (a) the
- 4 interdisciplinary treatment of pediatric feeding disorders can
- 5 be a clinically effective and more cost-effective method for the
- 6 treatment of such disorders and (b) it is in the best interests
- 7 of the state and of the children with such disorders and their
- 8 families that the State of Nebraska provide payments under the
- 9 medical assistance program for such treatment.
- 10 (2) No later than January 1, 2010, the department shall
- 11 apply to the federal Centers for Medicare and Medicaid Services for
- 12 a state plan amendment or waiver to permit the payment of medical
- 13 assistance for the interdisciplinary treatment of pediatric feeding
- 14 disorders.
- 15 (3) It is the intent of the Legislature (a) that such
- 16 interdisciplinary treatment of pediatric feeding disorders be
- 17 provided after the use, pursuant to a physician's order, of a
- 18 nasogastric technique for the treatment of such disorders but prior
- 19 to the use of more invasive surgical techniques unless, in the
- 20 opinion of the child's attending physician, emergent circumstances
- 21 require the use of more invasive surgical techniques to preserve
- 22 the life of the child and (b) only when interdisciplinary treatment
- 23 can be provided in a clinically effective and more cost-effective

- 1 manner as compared to the use of more invasive surgical techniques.
2 (4) For purposes of this section, interdisciplinary
3 treatment means the collaboration of medicine, psychology,
4 nutrition science, speech therapy, occupational therapy, social
5 work, and other appropriate medical and behavioral disciplines
6 in an integrated program of applied behavior analysis that is
7 goal-oriented, data-driven, and scientifically based, in which
8 sessions are conducted to test the effects of specific treatments
9 on food acceptance, food refusal, and inappropriate mealtime
10 behaviors.
11 2. Renumber the remaining section accordingly.

(Signed) Tim Gay, Chairperson

GENERAL FILE

LEGISLATIVE BILL 355. The Wightman amendment, AM827, found on page 810 and considered in this day's Journal, to the committee amendment, was renewed.

Senator Wallman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 5 nays, and 17 not voting.

The Wightman amendment was adopted with 25 ayes, 9 nays, 11 present and not voting, and 4 excused and not voting.

Senator Lautenbaugh withdrew his amendment, AM816, found on page 811.

Senator Avery withdrew his amendment, AM794, found on page 811.

Senator Avery renewed his amendment, AM795, found on page 811, to the committee amendment.

Senator Coash moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 5 nays, and 18 not voting.

Senator Avery moved for a call of the house. The motion prevailed with 36 ayes, 0 nays, and 13 not voting.

The Avery amendment lost with 11 ayes, 25 nays, 10 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Committee AM445, found on page 580 and considered on pages 793 and 804, as amended, was renewed.

The committee amendment, as amended, was adopted with 27 ayes, 10 nays, 10 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 26 ayes, 14 nays, 7 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 260. ER8026, found on page 662, was adopted.

Senator Lathrop asked unanimous consent to withdraw his amendment, FA21, found on page 646, and replace it with the Lathrop-Rogert substitute amendment, AM785. No objections. So ordered.

AM785

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Sections 1 to 9 of this act shall be known
- 4 and may be cited as the Nebraska Claims for Wrongful Conviction and
- 5 Imprisonment Act.
- 6 Sec. 2. The Legislature finds that innocent persons who
- 7 have been wrongly convicted of crimes and subsequently imprisoned
- 8 have been uniquely victimized, have distinct problems reentering
- 9 society, and have difficulty achieving legal redress due to a
- 10 variety of substantive and technical obstacles in the law. The
- 11 Legislature also finds that such persons should have an available
- 12 avenue of redress. In light of the particular and substantial
- 13 horror of being imprisoned for a crime one did not commit,
- 14 the Legislature intends by enactment of the Nebraska Claims for
- 15 Wrongful Conviction and Imprisonment Act that persons who can
- 16 demonstrate that they were wrongfully convicted shall have a claim
- 17 against the state as provided in the act.
- 18 Sec. 3. In order to recover under the Nebraska Claims for
- 19 Wrongful Conviction and Imprisonment Act, the claimant shall prove
- 20 each of the following by clear and convincing evidence:
- 21 (1) That he or she was convicted of one or more felony
- 22 crimes and subsequently sentenced to a term of imprisonment for
- 23 such felony crime or crimes and has served all or any part of the
- 1 sentence;
- 2 (2) With respect to the crime or crimes under subdivision
- 3 (1) of this section, that the Board of Pardons has pardoned the
- 4 claimant, that a court has vacated the conviction of the claimant,
- 5 or that the conviction was reversed and remanded for a new trial
- 6 and no subsequent conviction was obtained;
- 7 (3) That he or she was innocent of the crime or crimes
- 8 under subdivision (1) of this section; and
- 9 (4) That he or she did not commit or suborn perjury,
- 10 fabricate evidence, or otherwise make a false statement to cause
- 11 or bring about such conviction or the conviction of another, with
- 12 respect to the crime or crimes under subdivision (1) of this

13 section, except that a guilty plea, a confession, or an admission,
14 coerced by law enforcement and later found to be false, does not
15 constitute bringing about his or her own conviction of such crime
16 or crimes.

17 Sec. 4. (1) A claimant under the Nebraska Claims for
18 Wrongful Conviction and Imprisonment Act shall recover damages
19 found to proximately result from the wrongful conviction and that
20 have been proved based upon a preponderance of the evidence.

21 (2) The following costs shall not offset damages:

22 (a) Costs of imprisonment; and

23 (b) Value of any care or education provided to the

24 claimant while he or she was imprisoned.

25 (3) No damages shall be payable to the claimant for any
26 period of time during which he or she was concurrently imprisoned
27 for any unrelated criminal offense.

1 (4) In no case shall damages awarded under the act exceed
2 five hundred thousand dollars per claimant per occurrence.

3 (5) A claimant's cause of action under the act shall not
4 be assignable and shall not survive the claimant's death.

5 Sec. 5. If the court finds that any property of the
6 claimant was subjected to a lien to recover costs of defense
7 services rendered by the state to defend the claimant in connection
8 with the criminal case that resulted in his or her wrongful
9 conviction, the court shall extinguish the lien.

10 Sec. 6. (1) Any person may petition the district court
11 in which the erroneous felony conviction occurred for an order to
12 expunge all records pertaining to the erroneous felony conviction.
13 The petition shall be accompanied by a certified copy of the
14 judgment or settlement with the state under the Nebraska Claims
15 for Wrongful Conviction and Imprisonment Act. The petitioner shall
16 serve a copy of the petition on the county attorney of the county
17 in which the erroneous felony conviction occurred.

18 (2) If the county attorney files no objection to the
19 petition, the court may grant the petition. If the county attorney
20 files an objection to the petition, the court shall conduct a
21 hearing on the matter.

22 (3)(a) If a court determines that the petition is
23 warranted and orders the expunction of all records pertaining
24 to the petitioner's erroneous felony conviction, the court shall
25 notify the Nebraska State Patrol and any other law enforcement
26 agency to expunge all records pertaining to the petitioner's
27 erroneous felony conviction.

1 (b) If a court determines that the petition is warranted
2 and orders the expunction of all records pertaining to the
3 petitioner's erroneous felony conviction, a law enforcement agency
4 may gain access to such person's expunged records only upon a court
5 order granted for good cause showing that access to the expunged
6 records is required for the performance of official duties of the
7 agency.

8 (4) The Nebraska State Patrol, any other law enforcement
9 agency involved, and the court shall provide written notice of the
10 expunction by certified mail to the petitioner.

11 (5) A person who obtains a court order to expunge all
12 records pertaining to such person's erroneous felony conviction may
13 lawfully answer and swear under oath that an arrest, prosecution,
14 or conviction pertaining to the erroneous conviction never
15 occurred.

16 (6) Any party may appeal a final order granting or
17 denying the expunction of records pertaining to the erroneous
18 felony conviction.

19 Sec. 7. Nothing contained in the Nebraska Claims for
20 Wrongful Conviction and Imprisonment Act shall preclude the state
21 from providing services to the claimant upon exoneration, and
22 the reasonable value of services provided shall be treated as an
23 advance against any award or judgment under the act.

24 Sec. 8. A claim brought pursuant to the Nebraska Claims
25 for Wrongful Conviction and Imprisonment Act shall be filed under
26 the State Tort Claims Act.

27 Sec. 9. Nothing in the Nebraska Claims for Wrongful
1 Conviction and Imprisonment Act shall limit the claimant from
2 making any other claim available against any other party or based
3 upon any other theory of recovery, except that a claimant who
4 recovers a claim under the act shall not have any other claim
5 against the state based upon any other theory of recovery or law.

6 Sec. 10. Section 81-8,210, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 81-8,210 For purposes of the State Tort Claims Act:

9 (1) State agency includes all departments, agencies,
10 boards, bureaus, and commissions of the State of Nebraska and
11 corporations the primary function of which is to act as, and
12 while acting as, instrumentalities or agencies of the State of
13 Nebraska but shall not include corporations that are essentially
14 private corporations or entities created pursuant to the Interlocal
15 Cooperation Act or the Joint Public Agency Act. State agency does
16 not include any contractor with the State of Nebraska;

17 (2) State Claims Board means the board created by section
18 81-8,220;

19 (3) Employee of the state means any one or more officers
20 or employees of the state or any state agency and shall include
21 duly appointed members of boards or commissions when they are
22 acting in their official capacity. State employee does not include
23 any employee of an entity created pursuant to the Interlocal
24 Cooperation Act or the Joint Public Agency Act or any contractor
25 with the State of Nebraska;

26 (4) Tort claim means any claim against the State of
27 Nebraska for money only on account of damage to or loss of property
1 or on account of personal injury or death caused by the negligent
2 or wrongful act or omission of any employee of the state, while

3 acting within the scope of his or her office or employment, under
 4 circumstances in which the state, if a private person, would be
 5 liable to the claimant for such damage, loss, injury, or death but
 6 does not include any claim accruing before January 1, 1970, ~~and any~~
 7 claim against an employee of the state for money only on account
 8 of damage to or loss of property or on account of personal injury
 9 or death caused by the negligent or wrongful act or omission of
 10 the employee while acting within the scope of his or her employment
 11 occurring on or after August 25, 1989, and any claim allowed under
 12 the Nebraska Claims for Wrongful Conviction and Imprisonment Act;

13 (5) Award means any amount determined by the Risk Manager
 14 or State Claims Board to be payable to a claimant under section
 15 81-8,211 or the amount of any compromise or settlement under
 16 section 81-8,218; and

17 (6) Risk Manager means the Risk Manager appointed under
 18 section 81-8,239.01.

19 Sec. 11. Section 81-8,227, Reissue Revised Statutes of
 20 Nebraska, is amended to read:

21 81-8,227 (1) Except as provided in subsection (2) of this
 22 section, every ~~Every~~ tort claim permitted under the State Tort
 23 Claims Act shall be forever barred unless within two years after
 24 such claim accrued the claim is made in writing to the Risk Manager
 25 in the manner provided by such act. The time to begin suit under
 26 such act shall be extended for a period of six months from the date
 27 of mailing of notice to the claimant by the Risk Manager or State
 1 Claims Board as to the final disposition of the claim or from the
 2 date of withdrawal of the claim under section 81-8,213 if the time
 3 to begin suit would otherwise expire before the end of such period.

4 (2) The date of a qualifying pardon from the Board of
 5 Pardons, a final order by a court vacating a conviction, or a
 6 conviction that was reversed and remanded for a new trial and
 7 no subsequent conviction was obtained, whichever is later, shall
 8 be the date the claimant's claim shall accrue under the Nebraska
 9 Claims for Wrongful Conviction and Imprisonment Act for purposes
 10 of complying with the notice and filing requirements of the State
 11 Tort Claims Act. The Nebraska Claims for Wrongful Conviction and
 12 Imprisonment Act applies to a claimant who would have had a claim
 13 if the act had been in effect before the effective date of this
 14 act or who has a claim on or after such date. If a claimant had
 15 a qualifying pardon from the Board of Pardons, a final order by a
 16 court vacating a conviction, or a conviction that was reversed and
 17 remanded for a new trial and no subsequent conviction was obtained,
 18 before the effective date of this act, the claimant's claim shall
 19 accrue under the Nebraska Claims for Wrongful Conviction and
 20 Imprisonment Act on the effective date of this act for purposes of
 21 complying with the notice and filing requirements of the State Tort
 22 Claims Act.

23 ~~(2)-(3)~~ If a claim is made or filed under any other law
 24 of this state and a determination is made by a state agency or

25 court that the State Tort Claims Act provides the exclusive remedy
 26 for the claim, the time to make a claim and begin suit under such
 27 act shall be extended for a period of six months from the date of
 1 the court order making such determination or the date of mailing
 2 of notice to the claimant of such determination by a state agency
 3 if the time to make the claim and to begin suit under such act
 4 would otherwise expire before the end of such period. The time to
 5 begin a suit under such act may be further extended as provided in
 6 subsection (1) of this section.

7 ~~(3)~~(4) If a claim is brought under the Nebraska
 8 Hospital-Medical Liability Act, the filing of a request for review
 9 under section 44-2840 shall extend the time to begin suit under
 10 the State Tort Claims Act an additional ninety days following the
 11 issuance of the opinion by the medical review panel if the time to
 12 begin suit under the State Tort Claims Act would otherwise expire
 13 before the end of such ninety-day period.

14 ~~(4)~~(5) This section and section 25-213 shall constitute
 15 the only statutes of limitations applicable to the State Tort
 16 Claims Act.

17 Sec. 12. Original sections 81-8,210 and 81-8,227, Reissue
 18 Revised Statutes of Nebraska, are repealed.

19 2. On page 1, strike beginning with "civil" in line
 20 1 through line 2 and insert "claims against the state; to
 21 amend sections 81-8,210 and 81-8,227, Reissue Revised Statutes
 22 of Nebraska; to adopt the Nebraska Claims for Wrongful Conviction
 23 and Imprisonment Act; to change provisions relating to tort claims
 24 under the State Tort Claims Act; and to repeal the original
 25 sections."

SENATOR LANGEMEIER PRESIDING

SENATOR CARLSON PRESIDING

SPEAKER FLOOD PRESIDING

Pending.

RESOLUTION

Pursuant to Rule 4, Sec. 5(b), LR50 was adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR50.

SELECT FILE

LEGISLATIVE BILL 260. The Lathrop-Rogert amendment, AM785, found in this day's Journal, was renewed.

Pending.

MOTION - Suspend Rules

Senator Langemeier offered the following motion to LB561:
Suspend Rule 3, Section 14, to permit cancellation of the public hearing by the Natural Resources Committee on AM769 to LB561.

The Langemeier motion to suspend the rules prevailed with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

NOTICE OF COMMITTEE HEARINGS

Natural Resources

Room 1510

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

LB561 (AM769) (cancel)

Room 1525

Friday, April 3, 2009 1:00 p.m.

LB561 (AM769) (reschedule)

(Signed) Chris Langemeier, Chairperson

COMMITTEE REPORTS

Judiciary

LEGISLATIVE BILL 122. Placed on General File.

LEGISLATIVE BILL 517. Placed on General File with amendment.
AM662

- 1 1. On page 2, line 24; and page 5, line 12, after
- 2 "juvenile" insert "or another minor child".

(Signed) Brad Ashford, Chairperson

AMENDMENTS - Print in Journal

Senator Stuthman filed the following amendment to LB355:

AM840

(Amendments to Standing Committee amendments, AM445)

- 1 1. Insert the following new amendment:
- 2 4. On page 11, line 6, strike "Cigar" and insert
- 3 "Smoking".
- 4 2. Renumber the remaining amendment.

Senator Stuthman filed the following amendment to LB355:

AM841

(Amendments to Standing Committee amendments, AM445)

- 1 1. Insert the following new amendment:
- 2 4. On page 11, line 8, strike "fifteen" and insert
- 3 "fifty-five".
- 4 2. Renumber the remaining amendment.

Senator Stuthman filed the following amendment to LB355:

AM842

(Amendments to Standing Committee amendments, AM445)

- 1 1. Insert the following new amendment:
- 2 4. On page 11, line 8, strike "fifteen" and insert
- 3 "fifty-one".
- 4 2. Renumber the remaining amendment.

Senator Langemeier filed the following amendment to LB483:

AM839 is available in the Bill Room.

REFERENCE COMMITTEE REPORT

The Executive Board submits the following report:

Lindahl, Loren - Commission of Industrial Relations - Business and Labor

(Signed) John Wightman, Chairperson
Executive Board

UNANIMOUS CONSENT - Add Cointroducers

Senator Fulton asked unanimous consent to add his name as cointroducer to LB457. No objections. So ordered.

Senator Campbell asked unanimous consent to add her name as cointroducer to LB555. No objections. So ordered.

VISITORS

Visitors to the Chamber were members of Student Senator Program and sponsors from District 47; 65 fourth-grade students and teachers from Ashland-Greenwood School, Ashland; 90 nursing students from Creighton; members of ARC of Central Nebraska; members of Nebraska Council of Catholic Women from across the state; Barb Jensen from Broken Bow; Kim Estes, Mary Kaup, and Mary Krysl from Stuart and Brenda Wedige from Atkinson; 40 fourth-grade students and teachers from Sandoz Elementary, Lexington; and 29 students from Southwest Middle School, Bartley.

The Doctor of the Day was Dr. Kelly Collins from Papillion.

ADJOURNMENT

At 11:58 a.m., on a motion by Senator Council, the Legislature adjourned until 9:00 a.m., Wednesday, March 25, 2009.

Patrick J. O'Donnell
Clerk of the Legislature

