

FIFTY-FIFTH DAY - APRIL 3, 2009**LEGISLATIVE JOURNAL****ONE HUNDRED FIRST LEGISLATURE
FIRST SESSION****FIFTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska
Friday, April 3, 2009

PRAYER

The prayer was offered by Reverend Cedric Perkins, Pilgrim Baptist Church, 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 Council and Nantkes who were excused; and Senator Ashford who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-fourth day was approved.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of April 2, 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

Johnson, DeMaris/The Johnson Group
Bromm, Curtis A.
Miller, Jeffrey T.
Veterans of Foreign Wars
O'Hara, Lindsay and Associates, Inc.
Motorola, Inc.

REPORTS

The following reports were received by the Legislature:

Auditor of Public Accounts

Attestation Report of the Nebraska Motor Vehicle Industry Licensing Board for the year ended June 30, 2008

Health and Human Services

Child Welfare Services 2008 Annual Report

COMMITTEE REPORTS

Judiciary

LEGISLATIVE BILL 304. Placed on General File.

LEGISLATIVE BILL 598. Placed on General File.

(Signed) Brad Ashford, Chairperson

GENERAL FILE

LEGISLATIVE BILL 136A. Title read. Considered.

Senator Friend requested a record vote on the advancement of the bill.

Voting in the affirmative, 39:

Adams	Dierks	Hadley	McCoy	Price
Ashford	Dubas	Hansen	McGill	Rogert
Avery	Fischer	Harms	Mello	Stuthman
Campbell	Flood	Howard	Nelson	Sullivan
Carlson	Gay	Karpisek	Nordquist	Wallman
Coash	Giese	Langemeier	Pahls	White
Cook	Gloor	Lathrop	Pankonin	Wightman
Cornett	Haar	Louden	Pirsch	

Voting in the negative, 4:

Friend	Janssen	Lautenbaugh	Schilz
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Present and not voting, 4:

Christensen	Fulton	Heidemann	Utter
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Excused and not voting, 2:

Council	Nantkes
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Advanced to Enrollment and Review Initial with 39 ayes, 4 nays, 4 present

and not voting, and 2 excused and not voting.

BILLS ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB105 with 46 ayes, 0 nays, 1 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 105.

A BILL FOR AN ACT relating to game and parks; to amend sections 28-1335, 37-201, 37-314, 37-327, 37-407, 37-410, 37-411, 37-415, 37-417, 37-426, 37-431, 37-432, 37-433, 37-440, 37-447, 37-449, 37-450, 37-451, 37-455, 37-455.01, 37-456, 37-457, 37-477, 37-479, 37-481, 37-4,111, 37-501, 37-504, 37-507, 37-513, 37-514, 37-523, 37-613, 37-727, 37-1241.07, 37-1241.08, and 54-2313, Reissue Revised Statutes of Nebraska; to provide powers and duties for the Game and Parks Commission; to provide for and change penalty provisions related to hunting and fishing; to provide for and change maximum amounts of certain fees imposed under the Game Law; to provide for and change liquidated damages under the Game Law; to provide for and change provisions relating to special permits and licenses; to change provisions relating to animals held in captivity, abandonment or needless waste of game animals, and hunting wildlife with artificial light; to prohibit administration of drugs to wildlife; to provide exceptions; to provide requirements for renting and leasing motorboats; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Council Nantkes

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

The following bill was read and put upon final passage:

LEGISLATIVE BILL 105A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 105, One Hundred First Legislature, First Session, 2009.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Present and not voting, 1:

McGill

Excused and not voting, 2:

Council Nantkes

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

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB110 with 40 ayes, 1 nay, 6 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 110.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-301, 60-3,104, 60-3,119, 60-3,122, 60-3,122.02, 60-3,123, 60-3,124, 60-3,125, 60-3,128, 60-3,129, and 60-3,130.04, Revised Statutes Cumulative Supplement, 2008; to change fees for motor vehicle registration; to change the distribution of proceeds of the fees; to provide for specialty license plates; 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, 46:

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

Voting in the negative, 0.

Present and not voting, 1:

Lathrop

Excused and not voting, 2:

Council Nantkes

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

The following bill was read and put upon final passage:

LEGISLATIVE BILL 110A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 110, One Hundred First Legislature, First Session, 2009.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Present and not voting, 1:

Wallman

Excused and not voting, 2:

Council Nantkes

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

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB165 with 46 ayes, 0 nays, 1 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 165. With Emergency Clause.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701.03, 77-2704.52, and 77-2761, Reissue Revised Statutes of Nebraska, and sections 66-1521, 77-1783.01, 77-1784, 77-2701.16, 77-2701.24, 77-2703.04, 77-2704.09, 77-2711, 77-2712.05, 77-2715.07,

77-2780, and 77-5211, Revised Statutes Cumulative Supplement, 2008; to change provisions relating to administrative costs, tax payments, tax returns, sales tax, and income tax; to provide operative dates; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Council Nantkes

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 168.

A BILL FOR AN ACT relating to the state purchasing bureau; to provide for reverse auctions as prescribed; and to provide powers and duties for the bureau.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Council Nantkes

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

LEGISLATIVE BILL 177.

A BILL FOR AN ACT relating to the Credit Report Protection Act; to amend sections 8-2602, 8-2607, and 8-2609, Reissue Revised Statutes of Nebraska; to define a term; to change provisions relating to security freezes; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

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

Voting in the negative, 0.

Present and not voting, 2:

McCoy Nelson

Excused and not voting, 2:

Council Nantkes

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

LEGISLATIVE BILL 184.

A BILL FOR AN ACT relating to water; to amend section 46-226, Reissue Revised Statutes of Nebraska; to authorize the Department of Natural Resources to administer riparian water rights; 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	Dubas	Hadley	Louden	Price
Ashford	Fischer	Harms	McCoy	Rogert
Avery	Flood	Heidemann	McGill	Schilz
Campbell	Friend	Howard	Mello	Stuthman
Carlson	Fulton	Janssen	Nelson	Sullivan
Christensen	Gay	Karpisek	Nordquist	Utter
Coash	Giese	Langemeier	Pahls	Wallman
Cook	Gloor	Lathrop	Pankonin	White
Cornett	Haar	Lautenbaugh	Pirsch	Wightman

Voting in the negative, 0.

Present and not voting, 2:

Dierks Hansen

Excused and not voting, 2:

Council Nantkes

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

LEGISLATIVE BILL 207.

A BILL FOR AN ACT relating to the Department of Administrative Services; to amend sections 72-2101, 72-2105, and 81-1108.17, Reissue Revised Statutes of Nebraska; to change provisions relating to the annual inspection of the Governor's residence; to provide for the leasing of state property to private entities as prescribed; to eliminate obsolete language relating to housing for the Nebraska Library Commission; to repeal the

original sections; and to outright repeal section 81-1108.40, 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	Dubas	Harms	McGill	Stuthman
Ashford	Fischer	Heidemann	Mello	Sullivan
Avery	Flood	Howard	Nelson	Utter
Campbell	Friend	Janssen	Nordquist	Wallman
Carlson	Fulton	Karpisek	Pahls	White
Christensen	Gay	Langemeier	Pankonin	Wightman
Coash	Giese	Lathrop	Pirsch	
Cook	Gloor	Lautenbaugh	Price	
Cornett	Haar	Louden	Rogert	
Dierks	Hadley	McCoy	Schilz	

Voting in the negative, 0.

Present and not voting, 1:

Hansen

Excused and not voting, 2:

Council Nantkes

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

LEGISLATIVE BILL 377. With Emergency Clause.

A BILL FOR AN ACT relating to finance; to adopt the Nebraska Governmental Unit Credit Facility Act; to provide severability; 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	Dubas	Hansen	McCoy	Stuthman
Ashford	Fischer	Harms	McGill	Sullivan
Avery	Flood	Heidemann	Mello	Utter
Campbell	Friend	Howard	Nelson	Wallman
Carlson	Fulton	Janssen	Nordquist	White
Christensen	Gay	Karpisek	Pahls	Wightman
Coash	Giese	Langemeier	Pankonin	
Cook	Gloor	Lathrop	Pirsch	
Cornett	Haar	Lautenbaugh	Rogert	
Dierks	Hadley	Louden	Schilz	

Voting in the negative, 0.

Present and not voting, 1:

Price

Excused and not voting, 2:

Council Nantkes

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 LB327 with 40 ayes, 1 nay, 6 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 327. With Emergency Clause.

A BILL FOR AN ACT relating to banking and finance; to amend sections 8-101.01, 8-112, 8-163, 8-209, 8-210, 8-602, 8-1001, 8-1001.01, and 45-190, Reissue Revised Statutes of Nebraska, sections 8-1,140, 8-355, 21-17,115, 45-346.01, 45-348, and 45-922, Revised Statutes Cumulative Supplement, 2008, and section 8-157.01, Reissue Revised Statutes of Nebraska, as amended by section 1, Legislative Bill 75, One Hundred First Legislature, First Session, 2009; to require state-chartered banks to pledge collateral as security for certain excess deposits as prescribed; to change provisions relating to confidential Department of Banking and Finance records; to change provisions relating to automatic teller machine usage and fees; to change provisions relating to bank dividends; to revise powers of state-chartered banks, building and loan associations, and credit unions; to change provisions relating to pledges of securities under the Nebraska Trust Company Act; to eliminate certain department fees; to provide procedures for authorizing acquisitions of licensees under the Nebraska Sale of Checks

and Funds Transmission Act and to require certain notices and reports by licensees as prescribed; to redefine loan broker; to change provisions relating to licensee duties under the Nebraska Installment Sales Act; to change provisions relating to a disciplinary action under the Delayed Deposit Services Licensing Act; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Council Nantkes

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 260.

A BILL FOR AN ACT relating to claims against the state; to amend sections 29-3506, 81-8,210, and 81-8,227, Reissue Revised Statutes of Nebraska; to adopt the Nebraska Claims for Wrongful Conviction and Imprisonment Act; to redefine criminal history record information; to change provisions relating to tort claims under the State Tort Claims Act; 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, 36:

Ashford	Dierks	Haar	McCoy	Schilz
Avery	Dubas	Hadley	McGill	Sullivan
Campbell	Fischer	Hansen	Mello	White
Carlson	Flood	Harms	Nordquist	Wightman
Christensen	Friend	Heidemann	Pahls	
Coash	Fulton	Howard	Pirsch	
Cook	Giese	Lathrop	Price	
Cornett	Gloor	Lautenbaugh	Rogert	

Voting in the negative, 9:

Adams	Karpisek	Louden	Stuthman	Wallman
Janssen	Langemeier	Nelson	Utter	

Present and not voting, 2:

Gay	Pankonin
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Excused and not voting, 2:

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

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB483 with 43 ayes, 1 nay, 3 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 483. With Emergency Clause.

A BILL FOR AN ACT relating to the Nebraska Ground Water Management and Protection Act; to amend sections 2-32,115 and 46-720, Reissue Revised Statutes of Nebraska, and sections 46-706, 46-713, and 46-714, Revised Statutes Cumulative Supplement, 2008; to provide powers and duties for the Department of Natural Resources and for natural resources districts relating to water well permits as prescribed; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Present and not voting, 1:

Louden

Excused and not voting, 2:

Council Nantkes

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 403.

A BILL FOR AN ACT relating to government; to amend sections 77-27,187, 77-5701, 77-5801, and 77-5901, Revised Statutes Cumulative Supplement, 2008; to require verification of lawful presence for purposes of public benefits; to require verification of work eligibility status for purposes of public employment, employment under public contracts, and certain tax incentives; to provide duties for the Department of Labor; to harmonize provisions; to provide an operative date; to provide severability; 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, 44:

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

Voting in the negative, 0.

Present and not voting, 3:

Cook	Haar	Louden
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Excused and not voting, 2:

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

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 105, 105A, 110, 110A, 165, 168, 177, 184, 207, 377, 327, 260, 483, and 403.

GENERAL FILE

LEGISLATIVE BILL 98. Committee AM641, found on page 721 and considered on page 893, was renewed.

SENATOR KARPISEK PRESIDING

SENATOR ROBERT PRESIDING

Senator Christensen moved the previous question. The question is, "Shall the debate now close?"

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

The motion to cease debate prevailed with 28 ayes, 12 nays, 6 present and not voting, and 3 excused and not voting.

The committee amendment was adopted with 40 ayes, 2 nays, 5 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator White offered the following amendment:

FA25

To provide that the cost of the program be divided according to the relative ownership of river frontage and the proportionate amount be charged to the owner of that land.

SENATOR STUTHMAN PRESIDING

Pending.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 3, 2009, at 10:30 a.m. were the following: LBs 105, 105A, 110, 110A, 165e, 168, 177, 184, 207, 377e, 327e, 260, 483e, and 403.

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

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 430. Placed on Select File with amendment. ER8052 is available in the Bill Room.

LEGISLATIVE BILL 679. Placed on Select File with amendment. ER8051

- 1 1. On page 1, line 4, after the semicolon insert "to
- 2 eliminate obsolete provisions;".

LEGISLATIVE BILL 198. Placed on Select File with amendment. ER8053

- 1 1. In the Standing Committee amendments, AM679:
- 2 a. On page 4, line 7; page 5, lines 8 and 26; page 6,
- 3 line 5; and page 8, line 13, strike the comma;
- 4 b. On page 9, line 27; and page 10, line 11, after "and"
- 5 insert "shall";
- 6 c. On page 10, line 17, after "and" insert "shall be
- 7 liable"; and in line 23 strike "personnel" and insert "peace
- 8 officer"; and
- 9 d. On page 12, line 8, strike the last comma.
- 10 2. On page 1, line 2, strike "to create funds;"; and
- 11 strike line 3 and insert "operative dates.".

LEGISLATIVE BILL 322. Placed on Select File.

(Signed) Jeremy Nordquist, Chairperson

COMMITTEE REPORTS

Transportation and Telecommunications

LEGISLATIVE BILL 211. Indefinitely postponed.

LEGISLATIVE BILL 368. Indefinitely postponed.

(Signed) Deb Fischer, Chairperson

AMENDMENTS - Print in Journal

Senator White filed the following amendment to LB16:

AM955

(Amendments to Standing Committee amendments, AM692)

- 1 1. Insert the following new section:
- 2 Sec. 5. Section 84-602, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 84-602 It shall be the duty of the State Treasurer:
- 5 (1) To receive and keep all money of the state not
- 6 expressly required to be received and kept by some other person;
- 7 (2) To disburse the public money upon warrants drawn upon
- 8 the state treasury according to law; and not otherwise;
- 9 (3) To keep a just, true, and comprehensive account of
- 10 all money received and disbursed;
- 11 (4) To keep a just account with each fund, and each head
- 12 of appropriation made by law, and the warrants drawn against them;
- 13 (5) To render a full statement to the Department of
- 14 Administrative Services, of all money received by him or her from
- 15 whatever source, and if on account of revenue, for what year;
- 16 of all penalties and interest on delinquent taxes reported or
- 17 accounted for to him or her, and of all disbursements of public
- 18 funds; with a list, in numerical order, of all warrants redeemed,
- 19 the name of the payee, amount, interest and total amount allowed
- 20 thereon, and with the amount of the balance of the several funds
- 21 unexpended; which statement shall be made on the first day of
- 22 December, March, June, and September, and more often if required;
- 1 (6) To report to the Legislature as soon as practicable,
- 2 but within ten days after the commencement of each regular session,
- 3 a detailed statement of the condition of the treasury; and its
- 4 operations for the preceding fiscal year;
- 5 (7) To give information in writing to the Legislature,
- 6 whenever required, upon any subject connected with the treasury or
- 7 touching any duty of his or her office; ~~and~~
- 8 (8) To account for, and pay over, all money received by
- 9 him or her as such treasurer, to his or her successor in office,
- 10 and deliver all books, vouchers, and effects of office to him or

11 her; and such successor shall receipt therefor. In accounting for
 12 and paying over such money the treasurer shall not be held liable
 13 on account of any loss occasioned by any investment, when such
 14 investment shall have been made pursuant to the direction of the
 15 state investment officer; and-

16 (9) To compile and maintain the content and information
 17 on the web site developed by the Executive Board of the Legislative
 18 Council pursuant to section 50-401.01.

19 2. On page 2, strike beginning with "The" in line 19
 20 through the period in line 23 and insert "The web site shall be
 21 hosted on a server owned and operated by the State of Nebraska or
 22 approved by the Chief Information Officer. The naming convention
 23 for the web site shall identify the web site as a state government
 24 web site. All content and information to be provided shall be
 25 subject to the review and approval by the executive board and shall
 26 document the sources of all tax receipts and the expenditure of
 27 state funds by all agencies, boards, commissions, and departments
 1 of the state. The content and information on the web site shall be
 2 compiled and maintained by the State Treasurer."

3 3. On page 15, line 24, strike "section 50-1304" and
 4 insert "sections 50-1304 and 84-602".

5 4. Renumber the remaining sections accordingly.

Senator Hadley filed the following amendment to LB420:
 AM960

(Amendments to Standing Committee amendments, AM710)

- 1 1. Insert the following new section:
- 2 Sec. 4. Since an emergency exists, this act takes effect
- 3 when passed and approved according to law.
- 4 2. On page 5, line 16, strike "October" and insert
- 5 "July".

Senator Hansen filed the following amendment to LB430:
 AM958

(Amendments to E & R amendments, ER8052)

- 1 1. On page 5, line 17, reinstate the stricken matter; and
- 2 in line 18 strike the new matter.

Senator Wallman filed the following amendment to LB98:
 AM963

- 1 1. Insert the following new section:
- 2 Sec. 6. Section 31-224, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 31-224 It shall be the duty of landowners in this
- 5 state, or tenants of such landowners when in possession, owning
- 6 or occupying lands through which a watercourse, slough, drainage
- 7 ditch or drainage course lies, runs or has its course, to clean
- 8 such watercourse, slough, drainage ditch or drainage course at
- 9 least once a year, between March 1 and April 15, of all rubbish,

10 weeds or other substance blocking or otherwise obstructing the
 11 flow of the water in such watercourse, slough, drainage ditch or
 12 drainage course, whenever such obstruction is caused by any of the
 13 acts of ~~said~~ such owner or tenant, or with his or her knowledge
 14 or consent. The Director of Agriculture shall collect a fee from
 15 each such landowner on a pro rata basis to match state funds
 16 appropriated under subsection (4) of section 2-958.02. This section
 17 ; PROVIDED, HOWEVER, this and sections 31-225 and 31-226 shall not
 18 apply to drainage ditches under control of any drainage company or
 19 corporation.

20 2. In the Standing Committee amendments, AM641: On page
 21 4, line 7, strike "two", show as stricken, and insert "one"; and in
 22 line 9 after the period insert "Landowners shall provide matching
 23 funds pursuant to section 31-224."

1 3. Amend the repealer, renumber the remaining sections,
 2 and correct internal references accordingly.

Senator Dierks filed the following amendment to LB241:
 AM947

1 1. Insert the following new sections:

2 Sec. 11. Sections 11 to 17 of this act shall be known and
 3 may be cited as the Dog and Cat Purchase Protection Act.

4 Sec. 12. For purposes of the Dog and Cat Purchase
 5 Protection Act:

6 (1) Casual breeder means any person, other than a
 7 commercial breeder as defined in section 54-626, who offers for
 8 sale, sells, trades, or receives compensation for one or more pet
 9 animals from a litter produced by a female dog or cat owned by such
 10 casual breeder;

11 (2) Clinical symptom means indication of an illness
 12 or dysfunction that is apparent to a veterinarian based on the
 13 veterinarian's observation, examination, or testing of an animal or
 14 on a review of the animal's medical records;

15 (3) Health certificate means the official small animal
 16 certificate of veterinary inspection of the Bureau of Animal
 17 Industry of the Department of Agriculture;

18 (4) Pet animal means a dog, wholly or in part of the
 19 species canis familiaris, or a cat, wholly or in part of the
 20 species felis domesticus, that is under fifteen months of age;

21 (5) Purchaser means the final owner of a pet animal
 22 purchased from a seller. Purchaser does not include a person who
 23 purchases a pet animal for resale;

1 (6) Seller means a casual breeder or any commercial
 2 establishment, including a commercial breeder, dealer, or pet shop
 3 as such terms are defined in section 54-626, that engages in a
 4 business of selling pet animals at retail for profit. A seller
 5 does not include an animal control facility or animal shelter as
 6 defined in section 54-626 or any animal adoption activity that an
 7 animal control facility or animal shelter conducts offsite at any

8 pet store or other commercial establishment; and
9 (7) Serious health problem means a congenital or
10 hereditary defect or contagious disease that causes severe illness
11 or death of the pet animal.

12 Sec. 13. (1) A seller shall deliver to the purchaser at
13 the time of sale of a pet animal a written disclosure statement
14 containing the following information regarding the pet animal:

15 (a) The name, address, and license number of any
16 commercial breeder or dealer as such terms are defined in
17 section 54-626 or, if applicable, the United States Department
18 of Agriculture license number of the breeder or any broker who has
19 had possession of the animal prior to the seller's possession;

20 (b) The date of the pet animal's birth, if known, the
21 state in which the pet animal was born, if known, and the date the
22 seller received the pet animal;

23 (c) The sex and color of the pet animal, any other
24 identifying marks apparent upon the pet animal, and the breed of
25 the pet animal, if known, or a statement that the breed of the pet
26 animal is unknown or the pet animal is of mixed breed;

27 (d) The pet animal's individual identifying tag, tattoo,
1 microchip number, or collar number;

2 (e) The names and registration numbers of the sire and
3 dam and the litter number, if applicable and if known;

4 (f) A record of any vaccination, worming treatment, or
5 medication administered to the pet animal while in the possession
6 of the seller and, if known, any such vaccination, treatment, or
7 medication administered to the pet animal prior to the date the
8 seller received the pet animal; and

9 (g) The date or dates of any examination of the pet
10 animal by a licensed veterinarian while in the possession of the
11 seller.

12 (2) The seller may include any of the following with the
13 written disclosure statement required by subsection (1) of this
14 section:

15 (a) A statement that a veterinarian examined the pet
16 animal and, at the time of the examination, the pet animal had
17 no apparent or clinical symptoms of a serious health problem that
18 would adversely affect the health of the pet animal at the time of
19 sale or that is likely to adversely affect the health of the pet
20 animal in the future; and

21 (b) A record of any serious health problem that adversely
22 affects the pet animal at the time of sale or that is likely to
23 adversely affect the health of the pet animal in the future.

24 (3) The written disclosure made pursuant to this section
25 shall be signed by the seller certifying the accuracy of the
26 written disclosure statement and by the purchaser acknowledging
27 receipt of the written disclosure statement. In addition to
1 information required to be given to a purchaser under this section,
2 at the time of sale the seller shall provide the purchaser with a

3 written notice of the purchaser's rights and responsibilities under
4 the Dog and Cat Purchase Protection Act. Such notice may be in the
5 form of a legible copy of the act.

6 (4) If the pet animal is sold to a purchaser who resides
7 outside of the state or intends that the pet animal will be
8 relocated or permanently domiciled outside of the state, the seller
9 shall provide the purchaser with a health certificate signed by
10 a licensed veterinarian who has examined the pet animal and is
11 authorized to certify such certificate.

12 (5) The seller shall maintain a copy of any written
13 disclosure statements made and any other records on the health,
14 status, or disposition of each pet animal for at least one year
15 after the date of sale to a purchaser.

16 Sec. 14. (1) In order to have recourse to the remedies
17 available to purchasers under this section, a purchaser shall have
18 the pet animal examined by a licensed veterinarian within seven
19 business days after delivery of the pet animal to the purchaser.
20 The pet animal shall be declared unfit for sale and the purchaser
21 may obtain one of the remedies listed in subsection (2) or (3)
22 of this section if (a) during such examination, the veterinarian
23 diagnoses the pet animal with a serious health problem that the
24 veterinarian believes existed at the time of delivery of the pet
25 animal to the purchaser or (b) within fifteen months after the date
26 of birth of the pet animal, a veterinarian diagnoses the pet animal
27 with a serious health problem or states in writing that the pet
1 animal has died from a serious health problem that the veterinarian
2 believes existed at the time of delivery of the pet animal to the
3 purchaser. For purposes of this section, serious health problem
4 does not include parvovirus if the diagnosis of parvovirus is made
5 after the seven-business-day requirement of this subsection.

6 (2) If a pet animal is diagnosed with a serious health
7 problem under subsection (1) of this section, the purchaser shall
8 notify the seller within two business days after the diagnosis
9 and provide the seller with the name and telephone number of
10 the veterinarian or a copy of the veterinarian's report. After
11 such notification, the purchaser may obtain one of the following
12 remedies from the seller:

13 (a) A refund of the full purchase price of the pet animal
14 upon return of such pet animal to the seller;

15 (b) An exchange for a pet animal of the purchaser's
16 choice of equivalent value, if such pet animal is available, upon
17 return of the pet animal, if alive, to the seller; or

18 (c) Reimbursement for reasonable veterinary fees, not to
19 exceed the full purchase price of the pet animal.

20 (3) If a pet animal dies from a serious health problem
21 as determined under subsection (1) of this section, the purchaser
22 shall notify the seller within two business days after receipt
23 of the written statement of the veterinarian by the purchaser and
24 shall provide the seller with a copy of such written statement.

25 After receipt of the written statement by the seller, the purchaser
26 may obtain one of the following remedies from the seller:

27 (a) A refund of the full purchase price of the pet
1 animal; or

2 (b) A pet animal of the purchaser's choice of equivalent
3 value, if such pet animal is available, and reimbursement for
4 reasonable veterinary fees not to exceed one-half of the full
5 purchase price of the pet animal.

6 (4) For purposes of this section, veterinary fees shall
7 be deemed reasonable if the service is appropriate for the
8 diagnosis and treatment of the serious health problem and the
9 cost of the service is comparable to similar services provided
10 by licensed veterinarians in close proximity to the treating
11 veterinarian.

12 Sec. 15. No refund or reimbursement of fees or
13 replacement of a pet animal under section 14 of this act shall be
14 required if one or more of the following conditions exist:

15 (1) The serious health problem or death of the pet animal
16 resulted from maltreatment, neglect, or injury occurring after
17 delivery of the pet animal to the purchaser;

18 (2) Any written disclosure statements provided by a
19 seller pursuant to subsection (2) of section 13 of this act
20 disclosed the serious health problem for which the purchaser is
21 seeking a remedy; or

22 (3) The purchaser failed to follow through with
23 preventative care, including, but not limited to, vaccinations,
24 deworming treatment, or medication, recommended by a licensed
25 veterinarian examining the pet animal.

26 Sec. 16. (1) If a seller does not comply with a demand
27 for remedy by a purchaser under section 14 of this act, the
1 purchaser may file an action in a court of competent jurisdiction.

2 (2) If a seller contests a demand for remedy by a
3 purchaser under section 14 of this act, the seller may require the
4 purchaser to produce the pet animal for examination or autopsy by
5 a licensed veterinarian designated by the seller. The seller shall
6 pay for all costs associated with such examination or autopsy. The
7 seller shall have a right of recovery against the purchaser if the
8 seller is not obligated to provide the remedy sought.

9 (3) The prevailing party in a proceeding under this
10 section shall be limited to a recovery of actual costs and no more
11 than five hundred dollars in reasonable attorney's fees.

12 Sec. 17. Nothing in the Dog and Cat Purchase Protection
13 Act shall limit any rights and remedies otherwise available under
14 the laws of this state. Any agreement or contract entered into
15 by a seller and a purchaser waiving any rights under the act is
16 void. Nothing in the Dog and Cat Purchase Protection Act shall
17 be construed to limit a seller to offering only those warranties,
18 express or implied, required by the act.

19 Sec. 18. Sections 11 to 17 of this act become operative

20 on January 1, 2010. The other sections of this act become operative
21 on their effective date.

22 2. On page 14, line 25; and page 15, lines 4 and 5,
23 strike "effective date of this act" and insert "operative date of
24 this section".

25 3. Renumber the remaining section accordingly.

ANNOUNCEMENTS

Senator Adams announced the Education Committee will hold an executive session Monday, April 6, 2009, at 12:00 p.m., in Room 1107.

Senator Carlson announced the Agriculture Committee will hold an executive session Monday, April 6, 2009, at 9:50 a.m., in Room 2022.

UNANIMOUS CONSENT - Add Cointroducer

Senator Howard asked unanimous consent to add her name as cointroducer to LB396. No objections. So ordered.

VISITORS

Visitors to the Chamber were Senator Howard's daughter, Sara Howard, from Omaha; 47 fourth- and fifth-grade students from Adams Central, Hastings; 81 fourth-grade students, teachers, and sponsors from Fairview School, Bellevue; 68 fourth-grade students from Cottonwood Elementary, Omaha; members of Fillmore Central FFA from Geneva; 60 fourth-grade students from Falls City; Airi Yamada from Japan and Jay Ferris from Archer; and 12 tenth-, eleventh-, and twelfth-grade students, teacher, and sponsors from Park Avenue Christian, Norfolk.

The Doctor of the Day was Dr. Paul Wolfe from Lincoln.

ADJOURNMENT

At 11:59 a.m., on a motion by Speaker Flood, the Legislature adjourned until 10:00 a.m., Monday, April 6, 2009.

Patrick J. O'Donnell
Clerk of the Legislature

