

SEVENTY-EIGHTH DAY - MAY 13, 2009**LEGISLATIVE JOURNAL****ONE HUNDRED FIRST LEGISLATURE
FIRST SESSION****SEVENTY-EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, May 13, 2009

PRAYER

The prayer was offered by Senator Heidemann.

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 Adams, Cornett, Council, and Fulton who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventy-seventh day was approved.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 160. Placed on Final Reading.

LEGISLATIVE BILL 224. Placed on Final Reading.

LEGISLATIVE BILL 494. Placed on Final Reading.

ST9043

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Standing Committee amendments, AM844:

a. On page 1, lines 6 and 15; page 2, lines 11 and 17; page 3, line 22; page 4, lines 1, 4, 10, 15, 17, and 27; and page 5, lines 13 and 16, "6" has been struck and "13" inserted; and

b. On page 5, line 18, "section" has been struck and "sections 28-1008, 28-1013, 28-1014, 28-1015, 28-1016, 28-1017, and" inserted.

2. On page 1, the matter beginning with "dogs" in line 1 through line 7 has been struck and "animals; to amend sections 28-1008, 28-1013, 28-1014, 28-1015, 28-1016, 28-1017, and 54-622, Reissue Revised Statutes of Nebraska, and sections 54-617, 54-620, 54-623, 54-623.01, and 54-624, Revised Statutes Cumulative Supplement, 2008; to define and redefine

terms; to require animal health care professionals to report animal abandonment, cruel neglect, and cruel mistreatment; to change provisions relating to dangerous dogs; to provide and change penalties; to harmonize provisions; and to repeal the original sections." inserted.

LEGISLATIVE BILL 568. Placed on Final Reading.

LEGISLATIVE BILL 633. Placed on Final Reading.

LEGISLATIVE BILL 633A. Placed on Final Reading.

(Signed) Jeremy Nordquist, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 130. Introduced by Louden, 49.

PURPOSE: The purpose of this interim study is to examine whether Nebraska should update provisions of the Nebraska Pure Food Act in relation to the growing trend of home baking, canning, and small food businesses in Nebraska. This growing trend could produce a positive effect on economic development in Nebraska. The study should include an examination of section 81-2,245.01 and whether or not a home baking, canning, or small food operation would be exempted from the definition of a food establishment if the operation met certain requirements.

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

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 131. Introduced by Pahls, 31.

PURPOSE: The purpose of this resolution is to study school accountability. The Legislature appropriates hundreds of millions of dollars in the form of state aid to school districts throughout the state, making accountability for these funds extremely important. The issues addressed by this study shall include, but not be limited to:

(1) Ways the Legislature can evaluate how the money is expended;

(2) The accountability that school districts must provide to show that the funds they receive through state and local resources are expended on effective educational programs; and

(3) Ways the Legislature can be assured that every public school student in the state is receiving a quality education.

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

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LR 107, 108, 110, and 111 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR 107, 108, 110, and 111.

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 LB311 with 40 ayes, 0 nays, 5 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 311. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2007, LB 320, sections 32 and 34, Laws 2007, LB 321, sections 111 and 117, Laws 2008, LB 959, sections 57, 72, 74, 76, and 90, and Laws 2008, LB 988A, section 1; to define terms; to provide, change, and eliminate provisions relating to appropriations; to reduce appropriations; to provide for a transfer of funds; to state intent; 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, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Council

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 312. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the payment of salaries of members of the Nebraska Legislature and payments to be made as provided by Chapter 68, article 6, for FY2009-10 and FY2010-11; to provide an operative date; 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, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Council

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

LEGISLATIVE BILL 313. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the payment of the salaries and benefits of certain state officers for FY2009-10 and FY2010-11; to define terms; to provide an operative date; 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, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Council

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 LB314 with 46 ayes, 0 nays, 2 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 314. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to define terms; to appropriate funds for capital construction and property acquisition as prescribed; to state intent; to require program statements; to provide an operative date; 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, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Council

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 LB315 with 47 ayes, 0 nays, 1 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 315. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to state intent; to define terms; to make appropriations for the expenses of Nebraska State Government for the biennium ending June 30, 2011; to transfer funds; to provide duties; to provide an operative date; 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	Harms	Mello	Stuthman
Ashford	Fischer	Heidemann	Nantkes	Sullivan
Avery	Flood	Howard	Nelson	Utter
Campbell	Fulton	Janssen	Nordquist	Wallman
Carlson	Gay	Karpisek	Pahls	White
Christensen	Giese	Lathrop	Pankonin	Wightman
Coash	Gloor	Lautenbaugh	Pirsch	
Cook	Haar	Louden	Price	
Cornett	Hadley	McCoy	Rogert	
Dierks	Hansen	McGill	Schilz	

Voting in the negative, 2:

Friend Langemeier

Excused and not voting, 1:

Council

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 LB316 with 43 ayes, 0 nays, 5 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 316. With Emergency Clause.

A BILL FOR AN ACT relating to state funds; to amend sections 57-705, 81-1201.21, 82-331, 82-332, 84-510, 85-415, and 85-421, Reissue Revised Statutes of Nebraska, and sections 66-1334, 66-1345.04, 71-7608, 71-7611, 71-8805, and 77-2602.04, Revised Statutes Cumulative Supplement, 2008; to provide for, change, and eliminate provisions relating to the use and transfer of funds; to harmonize provisions; to repeal the original sections; to outright repeal section 81-1623, 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, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Council

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 318. With Emergency Clause.

A BILL FOR AN ACT relating to capital improvement projects; to amend sections 81-188.02, 81-188.04, and 81-188.06, Reissue Revised Statutes of Nebraska; to change provisions governing depreciation charges; to provide an operative date; 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, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Council

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

LEGISLATIVE BILL 414. With Emergency Clause.

A BILL FOR AN ACT relating to courts; to amend sections 24-201.01 and 24-703, Reissue Revised Statutes of Nebraska; to change salary and retirement provisions for judges; to change the Nebraska Retirement Fund for Judges fee; to provide operative dates; to provide for inseverability; 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	McCoy	Schilz
Ashford	Fischer	Harms	McGill	Sullivan
Avery	Flood	Heidemann	Mello	Utter
Campbell	Friend	Howard	Nantkes	Wallman
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, 1:

Stuthman

Present and not voting, 1:

Nelson

Excused and not voting, 1:

Council

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

LEGISLATIVE BILL 414A. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 414, One Hundred First Legislature, First Session, 2009; to provide an operative date; 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, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Council

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

LEGISLATIVE BILL 456. With Emergency Clause.

A BILL FOR AN ACT relating to the Cash Reserve Fund; to amend sections 79-1104.01, 79-1104.05, 84-612, and 84-613, Reissue Revised Statutes of Nebraska; to eliminate obsolete provisions and completed transfers; to provide for transfers from the Cash Reserve Fund; to provide a duty for the Department of Economic Development; 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, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Council

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

LEGISLATIVE BILL 628. With Emergency Clause.

A BILL FOR AN ACT relating to claims against the state; to appropriate funds for the payment of certain claims; to provide for payment of the claims; to authorize agencies to write off certain claims; 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	Harms	McGill	Schilz
Ashford	Fischer	Heidemann	Mello	Stuthman
Avery	Flood	Howard	Nantkes	Sullivan
Campbell	Friend	Janssen	Nelson	Utter
Carlson	Fulton	Karpisek	Nordquist	Wallman
Christensen	Gay	Langemeier	Pahls	White
Coash	Gloor	Lathrop	Pankonin	Wightman
Cook	Haar	Lautenbaugh	Pirsch	
Cornett	Hadley	Louden	Price	
Dierks	Hansen	McCoy	Rogert	

Voting in the negative, 0.

Present and not voting, 1:

Giese

Excused and not voting, 1:

Council

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

LEGISLATIVE BILL 629.

A BILL FOR AN ACT relating to claims against the state; to disapprove certain claims.

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

Voting in the negative, 0.

Present and not voting, 1:

Utter

Excused and not voting, 1:

Council

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 311, 312, 313, 314, 315, 316, 318, 414, 414A, 456, 628, and 629.

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 LB545 with 40 ayes, 0 nays, 8 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 545. With Emergency Clause.

A BILL FOR AN ACT relating to education; to amend sections 77-3446, 79-1001, 79-1003, 79-1007.07, 79-1007.09, 79-1007.10, 79-1007.11, 79-1007.18, 79-1007.23, 79-1007.24, 79-1011, 79-1012, 79-1017.01, 79-1028.01, 79-1073, and 79-10,110, Reissue Revised Statutes of Nebraska, section 9-812, Reissue Revised Statutes of Nebraska, as amended by section 1, Legislative Bill 547, One Hundred First Legislature, First Session, 2009, and sections 79-1022, 79-1023, 79-1026.01, 79-1027, and 79-1031.01, Reissue Revised Statutes of Nebraska, as amended by sections 1, 2, 3, 4, and 5, respectively, Legislative Bill 548, One Hundred First Legislature, First Session, 2009; to change and eliminate provisions relating to the distribution of state lottery funds for education, budget limitations, the Tax Equity and Educational Opportunities Support Act, learning communities, construction or alteration of or acquisition of land for public school facilities, and funding for Network Nebraska; to harmonize provisions; to repeal the original sections; to outright repeal sections 79-1015 and 86-5,101, 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	Fischer	Harms	Mello	Stuthman
Ashford	Flood	Howard	Nantkes	Sullivan
Avery	Friend	Janssen	Nelson	Utter
Campbell	Fulton	Karpisek	Nordquist	Wallman
Carlson	Gay	Langemeier	Pahls	White
Coash	Giese	Lathrop	Pankonin	Wightman
Cook	Gloor	Lautenbaugh	Pirsch	
Cornett	Haar	Louden	Price	
Dierks	Hadley	McCoy	Rogert	
Dubas	Hansen	McGill	Schilz	

Voting in the negative, 1:

Christensen

Present and not voting, 1:

Heidemann

Excused and not voting, 1:

Council

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 545A. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to amend section 49, Legislative Bill 315, One Hundred First Legislature, First Session, 2009; to appropriate funds to aid in carrying out the provisions of Legislative Bill 545, One Hundred First Legislature, First Session, 2009; to change appropriations; to provide an operative date; to repeal the original section; and to declare an emergency.

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

Voting in the affirmative, 47:

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

Voting in the negative, 1:

Christensen

Excused and not voting, 1:

Council

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 LB198 with 42 ayes, 1 nay, 5 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 198.

A BILL FOR AN ACT relating to cigarettes; to adopt the Reduced Cigarette Ignition Propensity Act; and to provide operative dates.

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

Voting in the negative, 0.

Present and not voting, 1:

Schilz

Excused and not voting, 1:

Council

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 198A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 198, 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, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Council

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 LB430 with 38 ayes, 0 nays, 10 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 430.

A BILL FOR AN ACT relating to firearms; to amend sections 15-255, 16-227, 17-556, 28-1201, 28-1204.03, and 28-1204.04, Reissue Revised Statutes of Nebraska, and sections 14-102, 69-2427, 69-2430, 69-2433, and 69-2441, Revised Statutes Cumulative Supplement, 2008; to limit the power of cities and villages to regulate the ownership, possession, or transportation of concealed handguns; to change provisions relating to possession of a firearm at school as defined; to change concealed handgun permit issuance provisions; to provide a residency exception for members of the United States Armed Forces with respect to concealed handgun permits; to authorize security personnel to carry concealed handguns in places of worship as prescribed; to provide for concealed handgun permit reciprocity; to harmonize provisions; and to repeal the original sections.

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

Voting in the affirmative, 45:

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

Voting in the negative, 3:

Campbell Cook McGill

Excused and not voting, 1:

Council

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 545, 545A, 198, 198A, and 430.

MOTION - Return LB671 to Select File

Senator Pirsch moved to return LB671 to Select File for his specific amendment, AM1389, found on page 1439.

The Pirsch motion to return prevailed with 43 ayes, 0 nays, 5 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 671. The Pirsch specific amendment, AM1389, found on page 1439, was adopted with 43 ayes, 0 nays, 5 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 13, 2009, at 10:02 a.m. were the following: LBs 311e, 312e, 313e, 314e, 315e, 316e, 318e, 414e, 414Ae, 456e, 628e, and 629.

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

RESOLUTION

LEGISLATIVE RESOLUTION 132. Introduced by Stuthman, 22.

PURPOSE: The purpose of this resolution is to study whether the Nebraska statutes should be amended to provide for partial payment by an insurance company of the proceeds for damage to or loss of a building or other structure caused by fire, explosion, windstorm, or other natural disaster to the city or village wherein the building or other structure is located if demolition and removal of the building or other structure is necessary. The study should include an examination of issues raised during consideration of LB 484 (Stuthman), which was introduced in 2009 and referred to the Banking, Commerce and Insurance Committee. In order to carry out the purpose of this resolution, the study committee should seek and consider the input of interested persons as the committee deems necessary and beneficial.

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

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

COMMITTEE REPORT

Judiciary

LEGISLATIVE BILL 190. Placed on General File with amendment. AM85

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 29-4102, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 29-4102 The Legislature finds that DNA data banks are
- 6 an important tool in criminal investigations, in the exclusion
- 7 of individuals who are the subject of criminal investigations or
- 8 prosecutions, in deterring and detecting recidivist acts, and in

9 locating and identifying missing persons and human remains. Several
 10 states have enacted laws requiring persons convicted of certain
 11 crimes, especially sex offenses, to provide genetic samples for DNA
 12 typing tests. Moreover, it is the policy of this state to assist
 13 federal, state, and local criminal justice and law enforcement
 14 agencies in the identification and detection of individuals in
 15 criminal investigations and in locating and identifying missing
 16 persons and human remains. It is in the best interest of this
 17 state to establish a State DNA Data Base for DNA records and
 18 a State DNA Sample Bank as a repository for DNA samples from
 19 individuals convicted of felony ~~sex~~ offenses and other specified
 20 offenses and from individuals for purposes of assisting in locating
 21 and identifying missing persons and human remains.

22 Sec. 2. Section 29-4103, Reissue Revised Statutes of
 23 Nebraska, is amended to read:

1 29-4103 For purposes of the DNA Identification
 2 Information Act:

3 (1) Combined DNA Index System means the Federal Bureau
 4 of Investigation's national DNA identification index system that
 5 allows the storage and exchange of DNA records submitted by state
 6 and local forensic DNA laboratories;

7 (2) DNA means deoxyribonucleic acid which is located in
 8 the cells and provides an individual's personal genetic blueprint.
 9 DNA encodes genetic information that is the basis of human heredity
 10 and forensic identification;

11 (3) DNA record means the DNA identification information
 12 stored in the State DNA Data Base or the Combined DNA Index System
 13 which is derived from DNA typing test results;

14 (4) DNA sample means a blood, tissue, or bodily fluid
 15 sample provided by any person covered by the DNA Identification
 16 Information Act for analysis or storage, or both;

17 (5) DNA typing tests means the laboratory procedures
 18 which evaluate the characteristics of a DNA sample which are of
 19 value in establishing the identity of an individual;

20 ~~(6) Felony sex offense means a felony offense, or an~~
 21 ~~attempt, conspiracy, or solicitation to commit a felony offense,~~
 22 ~~under any of the following:~~

23 ~~(a) Kidnapping of a minor pursuant to section 28-313,~~
 24 ~~except when the person is the parent of the minor and was not~~
 25 ~~convicted of any other offense in this subdivision;~~

26 ~~(b) Incest of a minor pursuant to section 28-703;~~

27 ~~(c) Sexual assault in the first or second degree pursuant~~
 1 ~~to section 28-319 or 28-320;~~

2 ~~(d) Sexual assault of a child in the second or third~~
 3 ~~degree pursuant to section 28-320.01;~~

4 ~~(e) Sexual assault of a child in the first degree~~
 5 ~~pursuant to section 28-319.01;~~

6 ~~(f) Sexual assault of a vulnerable adult pursuant to~~
 7 ~~subdivision (1)(c) of section 28-386; and~~

8 (g) ~~False imprisonment of a minor in the first degree~~
 9 ~~pursuant to section 28-314, except when the person is the parent~~
 10 ~~of the minor and was not convicted of any other offense in this~~
 11 ~~subdivision;~~

12 ~~(7)-(6) Law enforcement agency includes a police~~
 13 ~~department, a town marshal, a county sheriff, and the Nebraska~~
 14 ~~State Patrol, and the office of the Attorney General;~~

15 ~~(8)-(7) Other specified offense means an offense,~~
 16 ~~misdemeanor stalking pursuant to sections 28-311.02 to 28-311.05 or~~
 17 ~~false imprisonment in the second degree pursuant to section 28-315~~
 18 ~~or an attempt, conspiracy, or solicitation to commit an offense,~~
 19 ~~under any of the following: stalking pursuant to sections 28-311.02~~
 20 ~~to 28-311.05, false imprisonment in the first degree pursuant to~~
 21 ~~section 28-314, false imprisonment in the second degree pursuant~~
 22 ~~to section 28-315, knowing and intentional sexual abuse of a~~
 23 ~~vulnerable adult pursuant to subdivision (1)(c) of section 28-386,~~
 24 ~~or a violation of the Sex Offender Registration Act pursuant to~~
 25 ~~section 29-4011; and~~

26 ~~(a) Murder in the first degree pursuant to section~~
 27 ~~28-303;~~

1 ~~(b) Murder in the second degree pursuant to section~~
 2 ~~28-304;~~

3 ~~(c) Manslaughter pursuant to section 28-305;~~

4 ~~(d) Stalking pursuant to sections 28-311.02 to 28-311.05;~~

5 ~~(e) Burglary pursuant to section 28-507 provided that the~~
 6 ~~real estate is a dwelling place intended for human occupancy; or~~

7 ~~(f) Robbery pursuant to section 28-324; and~~

8 ~~(9)-(8) Released means any release, parole, furlough,~~
 9 ~~work release, prerelease, or release in any other manner from a~~
 10 ~~prison, a jail, or any other detention facility or institution.~~

11 Sec. 3. Section 29-4106, Reissue Revised Statutes of
 12 Nebraska, is amended to read:

13 29-4106 (1) A person who is convicted of a felony ~~sex~~
 14 ~~offense or other specified offense on or after July 14, 2006,~~
 15 ~~the effective date of this act, who does not have a DNA sample~~
 16 ~~available for use in the State DNA Sample Bank, shall have a DNA~~
 17 ~~sample collected:~~

18 (a) Upon intake to a prison, jail, or other detention
 19 facility or institution to which such person is sentenced. If the
 20 person is already confined at the time of sentencing, the person
 21 shall have a DNA sample collected immediately after the sentencing.
 22 Such DNA samples shall be collected at the place of incarceration
 23 or confinement. Such person shall not be released unless and until
 24 a DNA sample has been collected; or

25 (b) As a condition for any sentence which will not
 26 involve an intake into a prison, jail, or other detention facility
 27 or institution. Such DNA samples shall be collected at a detention
 1 facility or institution as specified by the court. Such person
 2 shall not be released unless and until a DNA sample has been

3 collected.

4 (2) A person who has been convicted of a felony ~~sex~~
 5 offense or other specified offense before ~~July 14, 2006, the~~
 6 effective date of this act, who does not have a DNA sample
 7 available for use in the State DNA Sample Bank, and who is still
 8 serving a term of confinement for such felony offense or other
 9 specified offense on July 14, 2006, the effective date of this
 10 act, shall not be released prior to the expiration of his or her
 11 maximum term of confinement unless and until a DNA sample has been
 12 collected.

13 Sec. 4. Original sections 29-4102, 29-4103, and 29-4106,

14 Reissue Revised Statutes of Nebraska, are repealed.

(Signed) Brad Ashford, Chairperson

SELECT FILE

LEGISLATIVE BILL 503. ER8128, found on page 1416, was adopted.

Senator Langemeier withdrew his amendment, AM1367, found on page 1404.

Senator Langemeier offered the following amendment:

AM1400

(Amendments to Standing Committee amendments, AM1080)

- 1 1. On page 2, line 27, after "standards" insert "and
- 2 generally applicable building and safety codes".

The Langemeier amendment was adopted with 33 ayes, 0 nays, 15 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 358. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 155. ER8129, found on page 1417, was adopted.

SENATOR LANGEMEIER PRESIDING

Senator Rogert offered the following amendment:

FA42

Add to 87-302(a)(9) after "advertised" the following: or advertises the price in any manner calculated or tending to mislead or in any way deceive a person;

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

Senator Avery offered the following amendment:

AM1399

(Amendments to Standing Committee amendments, AM1271)

1 1. Insert the following new sections:

2 Sec. 18. Section 29-4102, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 29-4102 The Legislature finds that DNA data banks are
5 an important tool in criminal investigations, in the exclusion
6 of individuals who are the subject of criminal investigations or
7 prosecutions, in deterring and detecting recidivist acts, and in
8 locating and identifying missing persons and human remains. Several
9 states have enacted laws requiring persons convicted of certain
10 crimes, especially sex offenses, to provide genetic samples for DNA
11 typing tests. Moreover, it is the policy of this state to assist
12 federal, state, and local criminal justice and law enforcement
13 agencies in the identification and detection of individuals in
14 criminal investigations and in locating and identifying missing
15 persons and human remains. It is in the best interest of this
16 state to establish a State DNA Data Base for DNA records and
17 a State DNA Sample Bank as a repository for DNA samples from
18 individuals convicted of felony ~~sex~~ offenses and other specified
19 offenses and from individuals for purposes of assisting in locating
20 and identifying missing persons and human remains.

21 Sec. 19. Section 29-4103, Reissue Revised Statutes of
22 Nebraska, is amended to read:

1 29-4103 For purposes of the DNA Identification
2 Information Act:

3 (1) Combined DNA Index System means the Federal Bureau
4 of Investigation's national DNA identification index system that
5 allows the storage and exchange of DNA records submitted by state
6 and local forensic DNA laboratories;

7 (2) DNA means deoxyribonucleic acid which is located in
8 the cells and provides an individual's personal genetic blueprint.
9 DNA encodes genetic information that is the basis of human heredity
10 and forensic identification;

11 (3) DNA record means the DNA identification information
12 stored in the State DNA Data Base or the Combined DNA Index System
13 which is derived from DNA typing test results;

14 (4) DNA sample means a blood, tissue, or bodily fluid
15 sample provided by any person covered by the DNA Identification
16 Information Act for analysis or storage, or both;

17 (5) DNA typing tests means the laboratory procedures
18 which evaluate the characteristics of a DNA sample which are of
19 value in establishing the identity of an individual;

20 ~~(6) Felony sex offense means a felony offense, or an
21 attempt, conspiracy, or solicitation to commit a felony offense,
22 under any of the following:~~

23 ~~(a) Kidnapping of a minor pursuant to section 28-313;~~

24 except when the person is the parent of the minor and was not
 25 convicted of any other offense in this subdivision;

26 (b) Incest of a minor pursuant to section 28-703;

27 (c) Sexual assault in the first or second degree pursuant
 1 to section 28-319 or 28-320;

2 (d) Sexual assault of a child in the second or third
 3 degree pursuant to section 28-320.01;

4 (e) Sexual assault of a child in the first degree
 5 pursuant to section 28-319.01;

6 (f) Sexual assault of a vulnerable adult pursuant to
 7 subdivision (1)(c) of section 28-386; and

8 (g) False imprisonment of a minor in the first degree
 9 pursuant to section 28-314, except when the person is the parent
 10 of the minor and was not convicted of any other offense in this
 11 subdivision;

12 (7)-(6) Law enforcement agency includes a police
 13 department, a town marshal, a county sheriff, and the Nebraska
 14 State Patrol, and the office of the Attorney General;

15 (8)-(7) Other specified offense means an offense,
 16 misdemeanor stalking pursuant to sections 28-311.02 to 28-311.05 or
 17 false imprisonment in the second degree pursuant to section 28-315
 18 or an attempt, conspiracy, or solicitation to commit an offense,
 19 under any of the following: stalking pursuant to sections 28-311.02
 20 to 28-311.05, false imprisonment in the first degree pursuant to
 21 section 28-314, false imprisonment in the second degree pursuant
 22 to section 28-315, knowing and intentional sexual abuse of a
 23 vulnerable adult pursuant to subdivision (1)(c) of section 28-386,
 24 or a violation of the Sex Offender Registration Act pursuant to
 25 section 29-4011; and

26 (a) Murder in the first degree pursuant to section
 27 28-303;

1 (b) Murder in the second degree pursuant to section
 2 28-304;

3 (c) Manslaughter pursuant to section 28-305;

4 (d) Stalking pursuant to sections 28-311.02 to 28-311.05;

5 (e) Burglary pursuant to section 28-507 provided that the
 6 real estate is a dwelling place intended for human occupancy; or

7 (f) Robbery pursuant to section 28-324; and

8 (9)-(8) Released means any release, parole, furlough,
 9 work release, prerelease, or release in any other manner from a
 10 prison, a jail, or any other detention facility or institution.

11 Sec. 20. Section 29-4106, Reissue Revised Statutes of
 12 Nebraska, is amended to read:

13 29-4106 (1) A person who is convicted of a felony sex
 14 offense or other specified offense on or after July 14, 2006,
 15 the effective date of this act, who does not have a DNA sample
 16 available for use in the State DNA Sample Bank, shall have a DNA
 17 sample collected:

18 (a) Upon intake to a prison, jail, or other detention

19 facility or institution to which such person is sentenced. If the
 20 person is already confined at the time of sentencing, the person
 21 shall have a DNA sample collected immediately after the sentencing.
 22 Such DNA samples shall be collected at the place of incarceration
 23 or confinement. Such person shall not be released unless and until
 24 a DNA sample has been collected; or

25 (b) As a condition for any sentence which will not
 26 involve an intake into a prison, jail, or other detention facility
 27 or institution. Such DNA samples shall be collected at a detention
 1 facility or institution as specified by the court. Such person
 2 shall not be released unless and until a DNA sample has been
 3 collected.

4 (2) A person who has been convicted of a felony ~~sex~~
 5 offense or other specified offense before July 14, 2006, the
 6 effective date of this act, who does not have a DNA sample
 7 available for use in the State DNA Sample Bank, and who is still
 8 serving a term of confinement for such felony offense or other
 9 specified offense on July 14, 2006, the effective date of this
 10 act, shall not be released prior to the expiration of his or her
 11 maximum term of confinement unless and until a DNA sample has been
 12 collected.

13 2. On page 26, line 14, strike "and" and after "29-110,"
 14 insert "29-4102, 29-4103, and 29-4106,".

15 3. Renumber the remaining sections accordingly.

The Avery amendment was adopted with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 630. ER8106, found on page 1274, was adopted.

Senator Lathrop offered the following amendment:

AM1398

1 1. Insert the following section:

2 Sec. 4. Section 48-136, Revised Statutes Cumulative
 3 Supplement, 2008, is amended to read:

4 48-136 The interested parties shall have the right to
 5 settle all matters of compensation between themselves with the
 6 consent of the workers' compensation insurer, if any, and in
 7 accordance with the Nebraska Workers' Compensation Act. ~~A copy of~~
 8 ~~such settlement, duly verified by all parties, shall be filed with~~
 9 ~~the Nebraska Workers' Compensation Court and no~~ No such settlement
 10 shall be binding unless the settlement is in accordance with such
 11 act.

12 2. On page 19, line 2, after the period insert "Nothing
 13 in this section shall be construed to increase the compensation
 14 court's duties or authority with respect to the approval of
 15 lump-sum settlements under the act.".

- 16 3. On page 25, lines 23 and 25, strike "or agreement"
17 and show as stricken; and strike beginning with "and" in line 26
18 through "48-139" in line 27.
19 4. On page 26, line 1, strike "or agreement".
20 5. Renumber the remaining sections and correct the
21 repealer accordingly.

SENATOR CARLSON PRESIDING

The Lathrop amendment was adopted with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 13, 2009, at 10:18 a.m. were the following: LBs 545e, 545Ae, 198, 198A, and 430.

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

RESOLUTIONS

LEGISLATIVE RESOLUTION 133. Introduced by Nebraska Retirement Systems Committee: Pankonin, 2, Chairperson; Heidemann, 1; Karpisek, 32; Loudon, 49; Mello, 5; Nordquist, 7.

PURPOSE: To study retirement issues related to military leave and persons returning to employment following military leave.

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

1. That the Nebraska Retirement Systems Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 134. Introduced by Nebraska Retirement Systems Committee: Pankonin, 2, Chairperson; Heidemann, 1; Karpisek, 32; Loudon, 49; Mello, 5; Nordquist, 7.

PURPOSE: The purpose of this interim study is to examine the public employees retirement systems administered by the Public Employees Retirement Board, including the State Employees Retirement System of the

State of Nebraska, the Retirement System for Nebraska Counties, the School Retirement System of the State of Nebraska, the Nebraska State Patrol Retirement System, and the Nebraska Judges Retirement System. The study may also examine the Class V School Employees' Retirement System administered under the Class V School Employees Retirement Act. The study will examine issues as they relate to the funding needs, benefits, contributions, and administration of each retirement system.

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

1. That the Nebraska Retirement Systems Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

SELECT FILE

LEGISLATIVE BILL 626. ER8124, found on page 1387, was adopted.

Senator Lautenbaugh reoffered his amendment, AM1322, found on page 1324 and considered on page 1336.

Pending.

RESOLUTION

LEGISLATIVE RESOLUTION 135. Introduced by Nordquist, 7.

PURPOSE: The purpose of this resolution is to study the pension benefits offered to professional firefighters in cities of the first class. The firefighters retirement system was established with the passage of LB 531 in 1983, but the structure of the system has not been changed since its enactment. The study shall include, but not be limited to:

(1) Examination of the current defined contribution plan, including the lack of social security benefits;

(2) Examination of the adequacy and comparability of current established benefits;

(3) Consideration of creating an option for cities to provide enhanced benefits, including a defined benefit option; and

(4) Recommendations for changes to the firefighters retirement system.

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

1. That the Nebraska Retirement Systems Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

ANNOUNCEMENTS

Senator Avery announced the Government, Military and Veterans Affairs Committee will hold an executive session Wednesday, May 13, 2009, at 1:15 p.m., under the south balcony.

Senator Cornett announced the Revenue Committee will hold an executive session Wednesday, May 13, 2009, at 2:00 p.m., in Room 2022.

UNANIMOUS CONSENT - Add Cointroducers

Senator Karpisek asked unanimous consent to add his name as cointroducer to LB155 and LB476. No objections. So ordered.

VISITORS

Visitors to the Chamber were 48 fourth-grade students from Plattsmouth; 60 fourth-grade students from Rumsey Station Elementary, Papillion; 10 fourth- and fifth-grade students from St. Paul Lutheran School, West Point; 36 fifth-grade students, teachers, and sponsors from Christ the King, Omaha; 45 fourth-grade students from Hickory Hill, Papillion; and Kent, Helen, Kelsey, Casen, Kara, and Calen Bernbeck from Omaha and Craig Bernbeck and Brenda Fernau from Stanton.

RECESS

At 11:54 a.m., on a motion by Senator Fischer, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Senator Langemeier presiding.

ROLL CALL

The roll was called and all members were present except Senator White who was excused.

SELECT FILE

LEGISLATIVE BILL 626. The Lautenbaugh amendment, AM1322, found on page 1324 and considered on page 1336 and in this day's Journal, was renewed.

SENATOR CARLSON PRESIDING

SENATOR FISCHER PRESIDING

Pending.

MESSAGE FROM THE GOVERNOR

May 13, 2009

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 54, 56, 92, 98e, 98Ae, 158, 162, 286e, 322, 436, 495, 497e, 497Ae, 549, 551, and 653e were received in my office on May 7, 2009.

Engrossed Legislative Bill 188e was received in my office on May 8, 2009.

These bills were signed and delivered to the Secretary of State on May 13, 2009.

Sincerely,
(Signed) Dave Heineman
Governor

RESOLUTIONS

LEGISLATIVE RESOLUTION 136. Introduced by Avery, 28; Campbell, 25; Coash, 27; Haar, 21; Nantkes, 46.

PURPOSE: The purpose of this interim study is to examine the public psychiatric rehabilitation in secure settings that is available to chronically and severely impaired mentally ill persons residing in Nebraska. The study shall include, but not be limited to:

(1) An examination of existing inpatient and community-based Intensive Psychiatric Recovery and Rehabilitation (IPRR) services in the wake of the closing of the Community Transition Program / Psychiatric Rehabilitation Program (CTP/PRP) in building 14 at the Lincoln Regional Center (LRC);

(2) The impact of closing the CTP/PRP on the quality of inpatient services for individuals previously served by that program, and the impact the closing will have on community-based programs;

(3) The therapeutic goals for this highly-defined patient population at LRC and at existing community-based programs;

(4) A determination of the nature and capacity of community-based IPRR services, whether all IPRR services are research-based, whether the services support the recovery-based philosophy versus stabilization, and whether those services are offered in compliance with Best Practices, as developed by the Academic Support Workgroup of the Behavioral Health Reform Project, published by the Division of Behavioral Health of the Department of Health and Human Services; and

(5) An evaluation of current service definitions, standards, and regulations of the Department of Health and Human Services as they relate to inpatient psychiatric rehabilitation.

The study will seek to involve various interested parties and organizations, including, but not limited to: (1) The Division of Behavioral Health of the Department of Health and Human Services; (2) mental health providers to the regions; (3) the University of Nebraska-Lincoln Department of Psychology; (4) the University of Nebraska Medical Center Department of Psychiatry; (5) consumer and family groups; and (6) any other interested parties or organizations.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 137. Introduced by Heidemann, 1.

PURPOSE: To determine whether a reserve is necessary for the defined benefit retirement plans prior to the Legislature's approval of any benefit improvements.

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

1. That the Nebraska Retirement Systems Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

NOTICE OF COMMITTEE HEARING

Natural Resources

Room 1524

Wednesday, May 20, 2009 1:00 p.m.

Galen Frenzen - Nebraska Ethanol Board

Paul Kenney - Nebraska Ethanol Board

(Signed) Chris Langemeier, Chairperson

SELECT FILE

LEGISLATIVE BILL 626. The Lautenbaugh amendment, AM1322, found on page 1324 and considered on page 1336 and in this day's Journal, was renewed.

Senator Nordquist offered the following amendment to the Lautenbaugh amendment:

AM1406

(Amendments to AM1322)

- 1 1. Strike sections 1, 2, 4 to 6, 11 to 15, 18, 19, 21,
- 2 and 23 to 36.
- 3 2. On page 9, lines 22 through 27; page 10, lines 1
- 4 through 5; page 19, line 19; page 24, line 27; and page 28, line
- 5 11, reinstate the stricken matter.
- 6 3. On page 10, line 5; page 19, lines 20 through 24; page
- 7 21, lines 5 through 14; page 24, line 27; page 26, line 5; and page
- 8 28, lines 8 through 23, strike the new matter.
- 9 4. Renumber the remaining sections accordingly.

Senator Nordquist withdrew his amendment.

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

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

Senator Janssen requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 36:

Adams	Cornett	Hansen	McCoy	Stuthman
Ashford	Dubas	Harms	McGill	Sullivan
Avery	Fischer	Heidemann	Mello	Wallman
Campbell	Flood	Janssen	Nordquist	Wightman
Carlson	Gay	Karpisek	Pahls	
Christensen	Giese	Langemeier	Pankonin	
Coash	Gloor	Lathrop	Pirsch	
Cook	Hadley	Louden	Price	

Voting in the negative, 8:

Friend	Haar	Lautenbaugh	Rogert
Fulton	Howard	Nantkes	Schilz

Present and not voting, 4:

Council	Dierks	Nelson	Utter
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Excused and not voting, 1:

White

The motion to cease debate prevailed with 36 ayes, 8 nays, 4 present and not voting, and 1 excused and not voting.

Senator Nordquist requested a roll call vote on the Lautenbaugh amendment.

Voting in the affirmative, 13:

Coash	Fulton	Lautenbaugh	Pahls	Schilz
Flood	Heidemann	McCoy	Price	
Friend	Janssen	Nelson	Rogert	

Voting in the negative, 25:

Adams	Cook	Giese	Lathrop	Pankonin
Ashford	Cornett	Haar	Louden	Stuthman
Avery	Council	Hansen	McGill	Sullivan
Campbell	Dubas	Harms	Mello	Wallman
Carlson	Gay	Howard	Nordquist	Wightman

Present and not voting, 10:

Christensen	Fischer	Hadley	Langemeier	Pirsch
Dierks	Gloor	Karpisek	Nantkes	Utter

Excused and not voting, 1:

White

The Lautenbaugh amendment lost with 13 ayes, 25 nays, 10 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Pending.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 263. Placed on Final Reading.
ST9052

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E & R amendments, ER8123, on page 1, line 13; and page 2, line 9, "are" has been struck and "is" inserted.

LEGISLATIVE BILL 392. Placed on Final Reading.

LEGISLATIVE BILL 440. Placed on Final Reading Second.

(Signed) Jeremy Nordquist, Chairperson

NOTICE OF COMMITTEE HEARING

Agriculture

Room 2102

Thursday, May 28, 2009 8:00 a.m.

Al Berndt - Climate Assessment Response Committee
William Marshall III - Nebraska State Fair Board

(Signed) Tom Carlson, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 138. Introduced by Ashford, 20.

PURPOSE: To investigate and review matters and issues arising during the interim which are within the jurisdiction of the Judiciary Committee of the Legislature.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

SELECT FILE

LEGISLATIVE BILL 626. Senator Stuthman offered the following amendment:

AM1396

(Amendments to Standing Committee amendments, AM972)

- 1 1. Insert the following new section:
- 2 Section 1. Section 23-1401, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 23-1401 In any county in this state having a population
- 5 in excess of three hundred thousand inhabitants, ~~there is hereby~~
- 6 ~~created the office of the county board of such county shall appoint~~
- 7 a county comptroller for such county, and the county clerk of such
- 8 county shall be the ex officio county comptroller for the county.
- 9 The position of county comptroller shall not be held simultaneously
- 10 by any other county official. The county comptroller shall act
- 11 as the ~~general accountant, chief auditing officer, and internal~~
- 12 ~~auditor, and fiscal agent~~ of the county and shall exercise a
- 13 general supervision financial auditing authority over all officers
- 14 of the county charged in any manner with the receipt, collection,
- 15 or disbursement of the county revenue. The county comptroller shall
- 16 be a competent bookkeeper and accountant, and it shall be his or
- 17 her duty to keep a complete set of books in which, among other
- 18 things, the amount of the appropriation that has been made on the
- 19 fund that has been expended on account of such appropriation fund
- 20 shall be stated. ~~It shall be the duty of the~~ The county comptroller
- 21 ~~to shall~~ audit all claims filed against the county and prepare
- 22 a report thereon to the county board of such county. The county
- 1 ~~comptroller shall also keep accurate and separate accounts between~~
- 2 ~~the county and officers of the county, and between the county and~~
- 3 ~~all contractors or other persons doing work or furnishing material~~
- 4 ~~for the county.~~ The county comptroller shall also examine and check
- 5 the financial reports of all officers of the county. ~~The county~~
- 6 ~~comptroller shall prepare and file the required annual inventory~~
- 7 ~~statement of county personal property in his or her custody or~~
- 8 ~~possession, as provided in sections 23-346 to 23-350.~~
- 9 2. Renumber the remaining sections and correct internal
- 10 references and the repealer accordingly.

Senator Stuthman withdrew his amendment.

Senator Lautenbaugh offered the following amendment:

FA38

Amend Committee Amendment: Strike the phrase "if any" on page 4, line 4.

Senator Lautenbaugh withdrew his amendment.

Senator Mello offered the following amendment:

AM1364

(Amendments to Standing Committee amendments, AM972)

- 1 1. Insert the following new sections:
- 2 Sec. 4. Section 49-1455, Revised Statutes Cumulative
- 3 Supplement, 2008, is amended to read:
- 4 49-1455 (1) The campaign statement of a committee, ~~other~~
- 5 ~~than a political party committee~~, shall contain the following
- 6 information:
- 7 (a) The filing committee's name, address, and telephone
- 8 number and the full name, residential and business addresses, and
- 9 telephone numbers of its committee treasurer;
- 10 (b) Under the heading RECEIPTS, the total amount of
- 11 contributions received during the period covered by the campaign
- 12 statement; under the heading EXPENDITURES, the total amount of
- 13 expenditures made during the period covered by the campaign
- 14 statement; and the cumulative amount of those totals for the
- 15 election period. If a loan was repaid during the period covered
- 16 by the campaign statement, the amount of the repayment shall
- 17 be subtracted from the total amount of contributions received.
- 18 Forgiveness of a loan shall not be included in the totals. Payment
- 19 of a loan by a third party shall be recorded and reported as a
- 20 contribution by the third party but shall not be included in the
- 21 totals. In-kind contributions or expenditures shall be listed at
- 22 fair market value and shall be reported as both contributions and
- 1 expenditures;
- 2 (c) The balance of cash and cash equivalents on hand at
- 3 the beginning and the end of the period covered by the campaign
- 4 statement;
- 5 (d) The full name of each individual from whom
- 6 contributions totaling more than two hundred fifty dollars are
- 7 received during the period covered by the report, together with
- 8 the individual's street address, the amount contributed, the date
- 9 on which each contribution was received, and the cumulative amount
- 10 contributed by that individual for the election period;
- 11 (e) The full name of each person, except those
- 12 individuals reported under subdivision (1)(d) of this section,
- 13 which contributed a total of more than two hundred fifty dollars
- 14 during the period covered by the report together with the person's
- 15 street address, the amount contributed, the date on which each
- 16 contribution was received, and the cumulative amount contributed by
- 17 the person for the election period;
- 18 (f) The name of each committee which is listed as

19 a contributor shall include the full name of the committee's
20 treasurer;

21 (g) Except as otherwise provided in subsection (3) of
22 this section: The full name and street address of each person
23 to whom expenditures totaling more than two hundred fifty dollars
24 were made, together with the date and amount of each separate
25 expenditure to each such person during the period covered by the
26 campaign statement; the purpose of the expenditure; and the full
27 name and street address of the person providing the consideration
1 for which any expenditure was made if different from the payee;

2 (h) The amount and the date of expenditures for or
3 against a candidate or ballot question during the period covered
4 by the campaign statement and the cumulative amount of expenditures
5 for or against that candidate or ballot question for the election
6 period. An expenditure made in support of more than one candidate
7 or ballot question, or both, shall be apportioned reasonably among
8 the candidates or ballot questions, or both; and

9 (i) The total amount of funds disbursed by a separate
10 segregated political fund or political party committee, by state,
11 for the purpose of supporting or opposing candidates and committees
12 in elections in states other than Nebraska and candidates for
13 federal office, including independent expenditures made in such
14 elections.

15 (2) For purposes of this section, election period means
16 (a) the period beginning January 1 of the calendar year prior
17 to the year of the election in which the candidate is seeking
18 office through the end of the calendar year of such election for
19 candidate committees of candidates seeking covered elective offices
20 as defined in subdivision (1)(a) of section 32-1603, (b) the period
21 beginning July 1 of the calendar year prior to the year of the
22 election in which the candidate is seeking office through the end
23 of the calendar year of such election for candidate committees
24 of candidates seeking covered elective offices so defined in
25 subdivision (1)(b) of section 32-1603, and (c) the calendar year of
26 the election for all other committees.

27 (3) A campaign statement shall include the total amount
1 paid to individual petition circulators during the reporting
2 period, if any, but shall not include the name, address, or
3 telephone number of any individual petition circulator if the only
4 payment made to such individual was for services as a petition
5 circulator.

6 Sec. 5. Section 49-1472, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 49-1472 (1) A person shall not accept or expend an
9 anonymous contribution. An anonymous contribution received by a
10 person shall not knowingly be deposited but shall be given to
11 a tax-exempt charitable organization. The charitable organization
12 receiving the contribution shall provide the person with a receipt.
13 The person shall give a copy of the receipt to the commission.

14 (2) A contribution received as the result of a
15 fundraising event, or from the sale of political merchandise, or
16 from membership fees, dues, or subscriptions for political purposes
17 to an independent committee or political party committee that
18 is fifty dollars or less shall not be considered an anonymous
19 contribution.

20 (3) A person making a contribution pursuant to subsection
21 (2) of this section which is fifty dollars or more shall furnish
22 the recipient with the donor's name, address, and the total amount
23 contributed.

24 (4) Any person violating the provisions of this section
25 shall be guilty of a Class III misdemeanor.

26 Sec. 6. Section 49-1478.01, Revised Statutes Cumulative
27 Supplement, 2008, is amended to read:

1 49-1478.01 (1) An independent committee, including a
2 separate segregated political fund, and a political party committee
3 which makes a late independent expenditure shall report the
4 expenditure to the commission by filing within two days after
5 the date of the expenditure the committee's full name and street
6 address, the amount of the expenditure, and the date of the
7 expenditure. The report shall include (a) the full name and
8 street address of the recipient of the expenditure, (b) the
9 name and office sought of the candidate whose nomination or
10 election is supported or opposed by the expenditure, and (c)
11 the identification of the ballot question, the qualification,
12 passage, or defeat of which is supported or opposed. Filing
13 of a report of a late independent expenditure may be by any
14 written means of communication, including electronic means approved
15 by the commission, and need not contain an original signature.
16 A late independent expenditure shall be reported on subsequent
17 campaign statements without regard to reports filed pursuant to
18 this section.

19 (2) A committee which fails to file a report of a late
20 independent expenditure with the commission as required by this
21 section shall pay to the commission a late filing fee of one
22 hundred dollars for each of the first ten days the report remains
23 not filed in violation of this section. After the tenth day, such
24 committee shall pay, for each day the report remains not filed,
25 an additional late filing fee of one percent of the amount of the
26 late independent expenditure which was required to be reported,
27 not to exceed ten percent of the amount of the late independent
1 expenditure which was required to be reported.

2 (3) For purposes of this section, late independent
3 expenditure means an independent expenditure as defined in section
4 49-1428 of one thousand dollars or more made after the closing
5 date for campaign statements as provided in subdivision (1)(b) of
6 section 49-1459.

7 Sec. 11. The following section is outright repealed:

8 Section 49-1457, Reissue Revised Statutes of Nebraska.

9 2. Renumber the remaining sections and correct the
10 repealer accordingly.

SENATOR FRIEND PRESIDING

SENATOR PIRSCH PRESIDING

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

Senator Mello requested a roll call vote on his amendment.

Voting in the affirmative, 15:

Adams	Cook	Giese	Lathrop	Nordquist
Ashford	Council	Haar	McGill	Rogert
Avery	Dubas	Howard	Mello	Sullivan

Voting in the negative, 7:

Fischer	Hansen	Louden	Stuthman
Friend	Janssen	Nelson	

Present and not voting, 22:

Campbell	Dierks	Hadley	Nantkes	Wallman
Carlson	Flood	Harms	Pahls	Wightman
Christensen	Fulton	Heidemann	Pankonin	
Coash	Gay	Karpisek	Pirsch	
Cornett	Gloor	McCoy	Utter	

Excused and not voting, 5:

Langemeier	Lautenbaugh	Price	Schilz	White
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The Mello amendment lost with 15 ayes, 7 nays, 22 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Advanced to Enrollment and Review for Engrossment.

COMMITTEE REPORT

Revenue

LEGISLATIVE BILL 681. Indefinitely postponed.

(Signed) Abbie Cornett, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 139. Introduced by Nordquist, 7; Hadley, 37.

PURPOSE: The purpose of this resolution is to study the tax climate for Nebraska's retired residents. Economic downturns can have a significant impact on retirees who rely on investment returns to supplement their pension incomes. Nebraska currently taxes benefits from the federal Social Security Act to the same extent as the federal government, one of only five states that does so. The current economic climate demands further investigation into how Nebraska's tax structure affects its retired residents. The study shall:

- (1) Examine Nebraska's tax climate for retirees and compare it to that of other states;
- (2) Consider the benefits of providing a more favorable tax climate for retirees; and
- (3) Make recommendations on how to improve Nebraska's tax climate to make it more competitive with other regional states

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

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 140. Introduced by Nordquist, 7; Mello, 5.

PURPOSE: The purpose of this interim study is to examine the quality of jobs created under the Nebraska Advantage and Nebraska Super Advantage programs to assure that economic development tax incentives contribute to quality job opportunities in our state. Nebraska's economic development programs received a major overhaul in the recent implementation of the Nebraska Advantage and Nebraska Super Advantage programs. It is important to consider the ways in which these revisions address job quality and possibilities for improvement and to examine the strength of associated reporting requirements in describing jobs created under these programs.

The study shall include, but not be limited to:

- (1) Examination of the job-quality standards related to economic development programs in peer states;
- (2) Examination of the job-quality reporting standards related to economic development programs in peer states;
- (3) Examination of the potential to provide more detailed job-quality data regarding outcomes in Nebraska Advantage and Nebraska Super Advantage

programs under Nebraska's current rules and regulations, including information by wage levels and provision of training and benefits;

(4) Summary and analysis of models of metrics used to analyze job quality;

(5) Examination of the current job-quality standards incorporated in economic development programs in the Nebraska Advantage and Nebraska Super Advantage programs; and

(6) Opportunities to increase job-quality requirements in Nebraska Advantage and Nebraska Super Advantage programs.

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

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 141. Introduced by Stuthman, 22.

PURPOSE: The purpose of this interim study is to examine the competitive use of properties owned by the state and its governmental subdivisions and whether the use of such properties should be considered incidental. This issue is related to the subject matter of LB 474 (2009). LB 474 would have required the state and its governmental subdivisions to pay property tax on property that was not being used for a public purpose.

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

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 142. Introduced by Fischer, 43.

PURPOSE: The purpose of this study is to examine the issues and matters within the jurisdiction of the Transportation and Telecommunications Committee of the Legislature.

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

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 143. Introduced by Fischer, 43.

PURPOSE: The purpose of this study is to conduct a thorough review of the Nebraska statutes and address the lack of governance regarding off-road vehicles. Off-road vehicles are becoming increasingly prevalent in our society. These vehicles include Japanese minitrucks, side-by-side utility vehicles, and neighborhood electric vehicles, among others.

Although special rules are provided for all-terrain vehicles in the Nebraska statutes (sections 60-6,355 to 60-6,362), mention of other off-road vehicles is rarely found in the Nebraska motor vehicle statutes or the Nebraska Rules of the Road. Additionally, as the Nebraska statutes do not specifically refer to these vehicles, there has been some argument regarding the ability of local governments to regulate them because they are not eligible for registration under state law.

The committee shall conduct an examination to determine the capacity of these off-road vehicles, including the level of safety as they interact with the normal flow of traffic. Additionally, the study shall analyze the policy implications of allowing certain off-road vehicles on the highways of the state and local political subdivisions, and whether they should be subject to the titling and registration provisions in the motor vehicle statutes, as well as the Nebraska Rules of the Road.

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

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 144. Introduced by Carlson, 38.

PURPOSE: The purpose of this resolution is to study the Commission of Industrial Relations and the statutory requirements for comparable wages and conditions of employment for municipal employees in section 48-818. The study should include an examination of issues such as whether the

statutes should be clarified regarding comparability for municipal employees and other issues relating to array, job match, and methodology.

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

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 145. Introduced by Pahls, 31.

PURPOSE: The purpose of this resolution is to study whether Nebraska should update its version of Uniform Commercial Code article 9 (Secured Transactions). The study should include consideration of changes recommended to the states by the National Conference of Commissioners on Uniform State Laws and, in particular, any changes in Uniform Commercial Code section 9-506 regarding errors and omissions in debtors' names in financing statements. The study should accordingly include an examination of issues raised during consideration of amendments adopted in Uniform Commercial Code section 9-506 in 2008 (LB 716, LB 851, and LB 308A) and 2009 (LB 87). In order to carry out the purpose of this resolution, the study committee should seek and consider the input of interested persons as the committee deems necessary and beneficial.

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

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 146. Introduced by Nantkes, 46.

PURPOSE: The purpose of this resolution is to study whether Nebraska should enact the Uniform Limited Partnership Act (2001) as approved and recommended to the states by the National Conference of Commissioners on Uniform State Laws. This act would replace the current Nebraska Uniform Limited Partnership Act, Neb. Rev. Stat. sections 67-233 to 67-296, which is based on the Revised Uniform Limited Partnership Act (1976) and (1985). In order to carry out the purpose of this resolution, the committee

should seek and consider the input of the Secretary of State, the practicing bar, and other interested persons as it deems necessary and beneficial.

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

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 147. Introduced by Nantkes, 46.

PURPOSE: The purpose of this resolution is to study whether Nebraska should enact the Revised Uniform Limited Liability Company Act (2006) as approved and recommended to the states by the National Conference of Commissioners on Uniform State Laws. This act would replace Nebraska's current Limited Liability Company Act, Neb. Rev. Stat. sections 21-2601 to 21-2653. In order to carry out the purpose of this resolution, the committee should seek and consider the input of the Secretary of State, the practicing bar, and other interested persons as it deems necessary and beneficial.

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

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

MESSAGE FROM THE GOVERNOR

May 13, 2009

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

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individual is being reappointed to the Nebraska Liquor Control Commission:

Janice Wiebusch, 2712 Central Avenue, Kearney, NE 68847

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

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

VISITORS

Visitors to the Chamber were Kay Lynn Kalkowski, Ron Harris, and Nate Lore from Lincoln; 87 fourth-grade students from Ashland Park Robbins Elementary, Omaha; 23 fourth-grade students, teachers, and sponsors from High Plains, Polk; 33 eighth-grade students and teachers from Our Lady of Lourdes, Omaha; and 17 eighth-grade students from St. Michael School, South Sioux City.

The Doctor of the Day was Dr. Dale Michels from Lincoln.

ADJOURNMENT

At 4:52 p.m., on a motion by Speaker Flood, the Legislature adjourned until 9:00 a.m., Thursday, May 14, 2009.

Patrick J. O'Donnell
Clerk of the Legislature

