

**EIGHTIETH DAY - MAY 18, 2009****LEGISLATIVE JOURNAL****ONE HUNDRED FIRST LEGISLATURE  
FIRST SESSION****EIGHTIETH DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, May 18, 2009

**PRAYER**

The prayer was offered by Father Jim Kramper, St. Peters Church, Ewing.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 10:00 a.m., Senator Langemeier presiding.

The roll was called and all members were present.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the seventy-ninth day was approved.

**COMMITTEE REPORT**

Enrollment and Review

**LEGISLATIVE BILL 675.** Placed on Select File with amendment.  
ER8133

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 28-326, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 28-326 For purposes of sections 28-325 to 28-345, unless
- 6 the context otherwise requires:
- 7 (1) Abortion means the use or prescription of any
- 8 instrument, medicine, drug, or other substance or device
- 9 intentionally to terminate the pregnancy of a woman known to be
- 10 pregnant with an intention other than to increase the probability
- 11 of a live birth, to preserve the life or health of the child after
- 12 live birth, or to remove a dead unborn child, and which causes the
- 13 premature termination of the pregnancy;
- 14 (2) Hospital means those institutions licensed by the
- 15 Department of Health and Human Services pursuant to the Health Care
- 16 Facility Licensure Act;
- 17 (3) Physician means any person licensed to practice

18 medicine in this state as provided in ~~sections 71-102 to 71-110;~~  
 19 the Uniform Credentialing Act;

20 (4) Pregnant means that condition of a woman who has  
 21 unborn human life within her as the result of conception;

22 (5) Conception means the fecundation of the ovum by the  
 23 spermatozoa;

1 (6) Viability means that stage of human development when  
 2 the unborn child is potentially able to live more than merely  
 3 momentarily outside the womb of the mother by natural or artificial  
 4 means;

5 (7) Emergency situation means that condition which, on  
 6 the basis of the physician's good faith clinical judgment, so  
 7 complicates the medical condition of a pregnant woman as to  
 8 necessitate the immediate abortion of her pregnancy to avert her  
 9 death or for which a delay will create serious risk of substantial  
 10 impairment of a major bodily function;

11 (8) Probable gestational age of the unborn child means  
 12 what will with reasonable probability, in the judgment of the  
 13 physician, be the gestational age of the unborn child at the time  
 14 the abortion is planned to be performed; ~~and~~

15 (9) Partial-birth abortion means an abortion procedure  
 16 in which the person performing the abortion partially delivers  
 17 vaginally a living unborn child before killing the unborn child and  
 18 completing the delivery. For purposes of this subdivision, the term  
 19 partially delivers vaginally a living unborn child before killing  
 20 the unborn child means deliberately and intentionally delivering  
 21 into the vagina a living unborn child, or a substantial portion  
 22 thereof, for the purpose of performing a procedure that the person  
 23 performing such procedure knows will kill the unborn child and does  
 24 kill the unborn child;:-

25 (10) Woman means any female human being whether or not  
 26 she has reached the age of majority; and

27 (11) Ultrasound means the use of ultrasonic waves for  
 1 diagnostic or therapeutic purposes, specifically to monitor an  
 2 unborn child.

3 Sec. 2. Section 28-327, Reissue Revised Statutes of  
 4 Nebraska, is amended to read:

5 28-327 No abortion shall be performed except with the  
 6 voluntary and informed consent of the woman upon whom the abortion  
 7 is to be performed. Except in the case of an emergency situation,  
 8 consent to an abortion is voluntary and informed only if:

9 (1) The woman is told the following by the physician who  
 10 is to perform the abortion, by the referring physician, or by a  
 11 ~~licensed~~ physician assistant or registered nurse licensed under the  
 12 Uniform Credentialing Act who is an agent of either physician, at  
 13 least twenty-four hours before the abortion:

14 (a) The particular medical risks associated with  
 15 the particular abortion procedure to be employed including,  
 16 when medically accurate, the risks of infection, hemorrhage,

17 ~~and~~ perforated uterus, danger to subsequent pregnancies, and  
18 infertility;

19 (b) The probable gestational age of the unborn child at  
20 the time the abortion is to be performed; ~~and~~

21 (c) The medical risks associated with carrying her child  
22 to term; ~~and~~-

23 (d) That she cannot be forced or required by anyone to  
24 have an abortion and is free to withhold or withdraw her consent  
25 for an abortion.

26 The person providing the information specified in this  
27 subdivision to the person upon whom the abortion is to be  
1 performed shall be deemed qualified to so advise and provide  
2 such information only if, at a minimum, he or she has had  
3 training in each of the following subjects: Sexual and reproductive  
4 health; abortion technology; contraceptive technology; short-term  
5 counseling skills; community resources and referral; and informed  
6 consent. The physician or the physician's agent may provide this  
7 information by telephone without conducting a physical examination  
8 or tests of the patient, in which case the information required  
9 to be supplied may be based on facts supplied by the patient and  
10 whatever other relevant information is reasonably available to the  
11 physician or the physician's agent;

12 (2) The woman is informed by telephone or in person, by  
13 the physician who is to perform the abortion, by the referring  
14 physician, or by an agent of either physician, at least twenty-four  
15 hours before the abortion:

16 (a) The name of the physician who will perform the  
17 abortion;

18 (b) That medical assistance benefits may be available for  
19 prenatal care, childbirth, and neonatal care;

20 (c) That the father is liable to assist in the support of  
21 her child, even in instances in which the father has offered to pay  
22 for the abortion; ~~and~~

23 (d) That she has the right to review the printed  
24 materials described in section 28-327.01. The physician or his  
25 or her agent shall orally inform the woman that the materials  
26 have been provided by the Department of Health and Human Services  
27 and that they describe the unborn child and list agencies which  
1 offer alternatives to abortion. If the woman chooses to review the  
2 materials, they shall either be given to her at least twenty-four  
3 hours before the abortion or mailed to her at least seventy-two  
4 hours before the abortion by certified mail, restricted delivery  
5 to addressee, which means the postal employee can only deliver  
6 the mail to the addressee. The physician and his or her agent  
7 may disassociate themselves from the materials and may comment or  
8 refrain from commenting on them as they choose; ~~and~~

9 (e) That she has the right to request a comprehensive  
10 list, compiled by the Department of Health and Human Services,  
11 of health care providers, facilities, and clinics that offer to

12 perform ultrasounds, including and specifying those that offer to  
 13 perform ultrasounds free of charge. The list shall be arranged  
 14 geographically and shall include the name, address, hours of  
 15 operation, and telephone number of each entity. If requested by  
 16 the woman, the physician who is to perform the abortion, the  
 17 referring physician, or his or her agent shall provide such a list  
 18 as compiled by the department;

19 (3) If an ultrasound is used prior to the performance  
 20 of an abortion, the physician who is to perform the abortion,  
 21 the referring physician, or a physician assistant or registered  
 22 nurse licensed under the Uniform Credentialing Act who is an agent  
 23 of either physician, or any qualified agent of either physician,  
 24 shall:

25 (a) Perform an ultrasound of the woman's unborn child  
 26 of a quality consistent with standard medical practice in the  
 27 community at least one hour prior to the performance of the  
 1 abortion;

2 (b) Simultaneously display the ultrasound images so that  
 3 the woman may choose to view the ultrasound images or not view the  
 4 ultrasound images. The woman shall be informed that the ultrasound  
 5 images will be displayed so that she is able to view them. Nothing  
 6 in this subdivision shall be construed to require the woman to view  
 7 the displayed ultrasound images; and

8 (c) If the woman requests information about the displayed  
 9 ultrasound image, her questions shall be answered. If she requests  
 10 a detailed, simultaneous, medical description of the ultrasound  
 11 image, one shall be provided that includes the dimensions of the  
 12 unborn child, the presence of cardiac activity, if present and  
 13 viewable, and the presence of external members and internal organs,  
 14 if present and viewable;

15 ~~(3)-(4)~~ The woman certifies in writing, prior to the  
 16 abortion, that

17 (a) The ~~the~~ information described in subdivisions (1) and  
 18 (2)(a), (b), and (c) of this section has been furnished her;

19 (b) She ~~and that she~~ has been informed of her right to  
 20 review the information referred to in subdivision (2)(d) of this  
 21 section; and

22 (c) The requirements of subdivision (3) of this section  
 23 have been performed if an ultrasound is performed prior to the  
 24 performance of the abortion; and

25 ~~(4)-(5)~~ Prior to the performance of the abortion,  
 26 the physician who is to perform the abortion or his or her  
 27 agent receives a copy of the written certification prescribed by  
 1 subdivision ~~(3)-(4)~~ of this section. The physician or his or her  
 2 agent shall retain a copy of the signed certification form in the  
 3 woman's medical record.

4 Sec. 3. Section 28-327.01, Reissue Revised Statutes of  
 5 Nebraska, is amended to read:

6 28-327.01 (1) The Department of Health and Human Services

7 shall cause to be published, ~~within sixty days after September 9,~~  
8 ~~1993,~~ the following easily comprehensible printed materials:

9 (a) Geographically indexed materials designed to inform  
10 the woman of public and private agencies and services available to  
11 assist a woman through pregnancy, upon childbirth, and while the  
12 child is dependent, including adoption agencies and agencies and  
13 services for prevention of unintended pregnancies, which materials  
14 shall include a comprehensive list of the agencies available,  
15 a description of the services they offer, and a description of  
16 the manner, including telephone numbers and addresses in which  
17 such agencies may be contacted or printed materials including a  
18 toll-free, twenty-four-hour-a-day telephone number which may be  
19 called to orally obtain such a list and description of agencies in  
20 the locality of the caller and of the services they offer; ~~and~~

21 (b) Materials designed to inform the woman of the  
22 probable anatomical and physiological characteristics of the unborn  
23 child at two-week gestational increments from the time when a woman  
24 can be known to be pregnant to full term, including pictures or  
25 drawings representing the development of unborn children at the  
26 two-week gestational increments, and any relevant information on  
27 the possibility of the unborn child's survival. Any such pictures  
1 or drawings shall contain the dimensions of the unborn child and  
2 shall be realistic and appropriate for the stage of pregnancy  
3 depicted. The materials shall be objective, nonjudgmental, and  
4 designed to convey only accurate scientific information about  
5 the unborn child at the various gestational ages. The materials  
6 shall also contain objective information describing the methods of  
7 abortion procedures commonly employed, the medical risks commonly  
8 associated with each such procedure, the possible detrimental  
9 psychological effects of abortion, the medical risks commonly  
10 associated with abortion, and the medical risks commonly associated  
11 with carrying a child to term; ~~and-~~

12 (c) A comprehensive list of health care providers,  
13 facilities, and clinics that offer to perform ultrasounds,  
14 including and specifying those that offer to perform ultrasounds  
15 free of charge. The list shall be arranged geographically and shall  
16 include the name, address, hours of operation, and telephone number  
17 of each entity.

18 (2) The materials shall be printed in a typeface large  
19 enough to be clearly legible.

20 (3) The materials required under this section shall be  
21 available from the department upon the request by any person,  
22 facility, or hospital for an amount equal to the cost incurred by  
23 the department to publish the materials.

24 Sec. 4. Section 28-327.03, Reissue Revised Statutes of  
25 Nebraska, is amended to read:

26 28-327.03 No civil liability for failure to comply with  
27 subdivision (2)(d) of section 28-327 or that portion of subdivision  
1 ~~(3)-(4)~~ of such section requiring a written certification that the

2 woman has been informed of her right to review the information  
 3 referred to in subdivision (2)(d) of such section may be imposed  
 4 unless the Department of Health and Human Services has published  
 5 and made available the printed materials at the time the physician  
 6 or his or her agent is required to inform the woman of her right  
 7 to review them.

8 Sec. 5. Section 28-327.04, Reissue Revised Statutes of  
 9 Nebraska, is amended to read:

10 28-327.04 Any person upon whom an abortion has been  
 11 performed or attempted in violation of section 28-327 or the parent  
 12 or guardian of a minor upon whom an abortion has been performed  
 13 or attempted in violation of such section shall have a right to  
 14 maintain a civil cause of action against the person who performed  
 15 the abortion or attempted to perform the abortion. A violation  
 16 of such section shall be prima facie evidence of professional  
 17 negligence. The written certification prescribed by subdivision ~~(3)~~  
 18 (4) of section 28-327 signed by the person upon whom an abortion  
 19 has been performed or attempted shall constitute and create a  
 20 rebuttable presumption of full compliance with all provisions of  
 21 section 28-327 in favor of the physician who performed or attempted  
 22 to perform the abortion, the referring physician, or the agent  
 23 of either physician. The written certification shall be admissible  
 24 as evidence in the cause of action for professional negligence or  
 25 in any criminal action. If judgment is rendered in favor of the  
 26 plaintiff in any such action, the court shall also render judgment  
 27 for a reasonable attorney's fee in favor of the plaintiff against  
 1 the defendant.

2 Sec. 6. If any section in this act or any part of any  
 3 section is declared invalid or unconstitutional, the declaration  
 4 shall not affect the validity or constitutionality of the remaining  
 5 portions.

6 Sec. 7. Original sections 28-326, 28-327, 28-327.01,  
 7 28-327.03, and 28-327.04, Reissue Revised Statutes of Nebraska, are  
 8 repealed.

(Signed) Jeremy Nordquist, Chairperson

## COMMITTEE REPORTS

### Enrollment and Review

**LEGISLATIVE BILL 35.** Placed on Final Reading.  
 ST9050

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

1. In the E & R amendments, ER8067:

a. Section 32 and all amendments thereto have been struck and the  
 following new section inserted:

Sec. 33. Sections 1, 2, 3, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19,  
 20, 21, 22, 23, 24, 26, 27, 28, 29, 30, 31, 32, and 36 of this act become

operative three calendar months after the adjournment of this legislative session. Sections 4 and 34 of this act become operative on July 1, 2009. The other sections of this act become operative on their effective date.

b. On page 38, line 15, "81-1429," has been inserted after the first comma; and

c. On page 39, line 1, "and sheriffs" has been struck and ", sheriffs', and Law Enforcement Improvement Fund" inserted.

**LEGISLATIVE BILL 35A.** Placed on Final Reading.

ST9051

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

1. On page 1, line 3, "to reduce appropriations;" has been inserted after the semicolon.

**LEGISLATIVE BILL 63.** Placed on Final Reading.

ST9049

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

1. In the Howard amendment, AM1360:

a. Sections 40 to 44 have been renumbered as sections 43 to 47, respectively;

b. On page 1, line 2, "40 to 44" has been struck and "43 to 47" inserted;

c. On page 2, line 1, an underscored comma has been inserted after "abuse"; and

d. On page 3, line 8, an underscored comma has been inserted after "criminal".

2. In the Ashford amendment, AM1124:

a. On page 2, line 10, "5" has been struck and "6" inserted; and

b. Amendment 3 has been struck.

3. In the Christensen amendment, AM1088, section 40 has been renumbered as section 42.

4. In the E & R amendments, ER8031:

a. Sections 39 to 42 have been renumbered as sections 48 to 51, respectively;

b. On page 1, lines 5 and 6, "5, 19, and 20" has been struck and "6, 20, and 21" inserted;

c. On page 2, line 9, "5" has been struck and "6" inserted;

d. On page 5, line 12, "19" has been struck and "20" inserted;

e. On page 11, line 12, "shall be" has been inserted before "remitted";

f. On page 17, line 24, "19" has been struck and "20" inserted.

g. On page 18, line 23, "5" has been struck and "6" inserted;

h. On page 43, line 25; and page 44, line 8, "13-2610, 47-632, 60-497.01," has been inserted after "sections"; and

i. On page 44, line 8, "and 69-2407" has been struck and "69-2407, and 83-183" inserted; in line 10 "to permit the use of the Convention Center Support Fund for the reduction of street and gang violence;" has been inserted after the semicolon; in line 19 "to provide for the transfer of community corrections administrative funds to the Office of Violence

Prevention; to require abstracts of convictions to be transmitted to the Director of Motor Vehicles;" has been inserted after the semicolon; and in line 20 "to permit supervised employment of persons committed to the Department of Correctional Services; to adopt the Lindsay Ann Burke Act;" has been inserted after the semicolon.

**LEGISLATIVE BILL 63A.** Placed on Final Reading.

ST9048

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

1. On page 1, line 3, "to provide for the distribution and administration of funds;" has been inserted after the semicolon.

**LEGISLATIVE BILL 626.** Placed on Final Reading.

**LEGISLATIVE BILL 630.** Placed on Final Reading.

ST9053

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

1. In the Standing Committee amendments, AM874, on page 28, line 2, "48-136," has been inserted after "48-125,".

2. In the E & R amendments, ER8106, on page 1, line 8, "48-136," has been inserted after the last comma.

(Signed) Jeremy Nordquist, Chairperson

**SPEAKER FLOOD PRESIDING**

**MOTION - Return LB155 to Select File**

Senator Rogert moved to return LB155 to Select File for his specific amendment, AM1432, found on page 1503.

The Rogert motion to return prevailed with 49 ayes, 0 nays, and 0 not voting.

**SELECT FILE**

**LEGISLATIVE BILL 155.** The Rogert specific amendment, AM1432, found on page 1503, was adopted with 46 ayes, 1 nay, and 2 present and not voting.

Advanced to Enrollment and Review for Engrossment.

**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 LB97 with 40 ayes, 0 nays, and 9 present and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 97.** With Emergency Clause.

A BILL FOR AN ACT relating to law; to amend sections 21-20,177, 21-20,179, 27-404, 27-1103, 28-101, 28-311, 28-318, 28-319.01, 28-320.02, 28-813.01, 28-1010, 28-1463.02, 28-1463.03, 28-1463.04, 28-1463.05, 29-110, 29-4001, 29-4003, 29-4006, 29-4007, 29-4008, and 83-4,143, Reissue Revised Statutes of Nebraska; to change provisions relating to service on and revocation of certificates of authority of foreign corporations; to adopt new rules of evidence relating to sexual misconduct and sexual offenses; to change and eliminate provisions relating to admissibility of evidence; to change provisions and penalties regarding criminal child enticement, use of a computer in sexual assault, sexual assault of a child, visual depictions of sexually explicit conduct, and the Child Pornography Prevention Act; to prohibit certain Internet use by sexually violent predators; to eliminate a statute of limitations for incest; to provide for confidentiality of certain property or material of a sexual nature held by law enforcement; to change provisions relating to the Sex Offender Registration Act; to prohibit certain convicted or charged individuals from providing transportation services for the Department of Health and Human Services; to provide a penalty; to harmonize provisions; to provide a duty for the Revisor of Statutes; to provide operative dates; to provide severability; to repeal the original sections; to outright repeal section 28-321, 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.

Present 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 97A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 97, 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.

Present and not voting, 1:

Council

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

**LEGISLATIVE BILL 187.** With Emergency Clause.

A BILL FOR AN ACT relating to school employees retirement; to amend sections 79-958, 79-966, and 79-9,113, Reissue Revised Statutes of Nebraska; to change contribution rates for required deposits by employees and employers; 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, 49:

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

Voting in the negative, 0.

Not voting, 0.

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 LB195 with 48 ayes, 0 nays, and 1 present and not voting.

The following bill was put upon final passage:

### **LEGISLATIVE BILL 195.**

A BILL FOR AN ACT relating to public health and welfare; to amend sections 28-401, 28-407, 28-414, 37-413, 38-101, 38-121, 38-167, 38-507, 38-511, 38-512, 38-524, 38-1215, 38-1217, 38-1218, 38-1219, 38-1221, 38-1224, 38-1232, 38-1501, 38-1502, 38-1503, 38-1504, 38-1505, 38-1506, 38-1507, 38-1508, 38-1509, 38-1510, 38-1511, 38-1512, 38-1513, 38-1514, 38-1515, 38-1516, 38-1517, 38-1518, 38-2008, 38-2014, 38-2015, 38-2017, 38-2018, 38-2037, 38-2047, 38-2049, 38-2050, 38-2055, 38-2801, 38-2802, 38-2871, 69-2603, 71-201, 71-208.02, 71-208.06, 71-216, 71-219, 71-219.01, 71-219.02, 71-223.01, 71-224, 71-239, 71-242, 71-245, 71-2413, 71-2414, 71-2416, 71-2417, 71-3604, 71-5829.04, 71-5865, 71-8205, 71-8207, 71-8208, 71-8210, 71-8216, 71-8218, 71-8222, 71-8230, 71-8232, 71-8234, 71-8235, 71-8237, 71-8240, 71-8242, 71-8243, 71-8244, 71-8245, 71-8246, 71-8247, 71-8248, and 86-275, Reissue Revised Statutes of

Nebraska, and sections 48-120, 71-604, 71-605, 71-2411, 71-2412, 71-2445, 71-2447, 71-2449, 71-2450, 71-3601, 71-3602, 71-3614, 71-5403, 71-5829.03, 71-5830.01, and 71-8239, Revised Statutes Cumulative Supplement, 2008; to adopt, change, and eliminate provisions relating to controlled substances, hearing aid fitting and dispensing, emergency medical services licensure classifications, physician assistants, transfer of prescriptions, barbering, the Emergency Box Drug Act, automated medication systems, tuberculosis detection and prevention, drug product selection, certificates of need, and statewide trauma systems; to define and redefine terms; to rename an act and a board; to harmonize provisions; to repeal the original sections; and to outright repeal sections 38-2009, 38-2051, 71-2415, 71-5829.01, 71-5829.02, and 71-8223, Reissue Revised Statutes of Nebraska, and section 71-1,106.01, Revised Statutes Cumulative Supplement, 2008.

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, 49:

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

Voting in the negative, 0.

Not voting, 0.

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

The following bills were read and put upon final passage:

### **LEGISLATIVE BILL 232.**

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-177, Reissue Revised Statutes of Nebraska, and section 53-101, Revised Statutes Cumulative Supplement, 2008; to permit the sale of alcoholic liquor by community college culinary education programs as prescribed; 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	Dierks	Hadley	McGill	Schilz
Ashford	Dubas	Hansen	Mello	Stuthman
Avery	Fischer	Harms	Nantkes	Sullivan
Campbell	Flood	Heidemann	Nelson	Utter
Carlson	Friend	Janssen	Nordquist	Wallman
Christensen	Fulton	Karpisek	Pahls	White
Coash	Gay	Langemeier	Pankonin	Wightman
Cook	Giese	Lathrop	Pirsch	
Cornett	Gloor	Lautenbaugh	Price	
Council	Haar	McCoy	Rogert	

Voting in the negative, 0.

Present and not voting, 2:

Howard          Louden

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

### **LEGISLATIVE BILL 342.**

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-901, Revised Statutes Cumulative Supplement, 2008; to provide duties for the Department of Health and Human Services relating to payment for treatment of pediatric feeding disorders; to provide a termination date; 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, 49:

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

Voting in the negative, 0.

Not voting, 0.

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

**LEGISLATIVE BILL 342A.**

A BILL FOR AN ACT relating to appropriations; to reduce an appropriation to aid in carrying out the provisions of Legislative Bill 342, 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, 49:

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

Voting in the negative, 0.

Not voting, 0.

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

**LEGISLATIVE BILL 402.** With Emergency Clause.

A BILL FOR AN ACT relating to political subdivisions; to amend sections 13-2611 and 13-2612, Reissue Revised Statutes of Nebraska; to change provisions relating to the elections for bonds under the Convention Center Facility Financing Assistance Act; to extend the application acceptance deadline under the Convention Center Facility Financing Assistance Act; to authorize the investment of public endowment funds; 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, 49:

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

Voting in the negative, 0.

Not voting, 0.

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 463.**

A BILL FOR AN ACT relating to veterinary medicine and surgery; to amend sections 38-1,140, 38-3301, 38-3302, 38-3314, and 38-3321, Reissue Revised Statutes of Nebraska, and sections 71-8909, 71-8910, and 71-8922, Revised Statutes Cumulative Supplement, 2008; to provide for licensure of animal therapists; to change provisions relating to the practice of veterinary medicine and surgery and the performance of collaborative animal health care tasks; to provide for a civil penalty and disciplinary grounds; to redefine terms under the Veterinary Drug Distribution Licensing Act; to change provisions relating to the distribution of veterinary legend drugs; 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, 49:

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

Voting in the negative, 0.

Not voting, 0.

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

**LEGISLATIVE BILL 463A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 463, 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, 49:

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

Voting in the negative, 0.

Not voting, 0.

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

**LEGISLATIVE BILL 476.** With Emergency Clause.

A BILL FOR AN ACT relating to education; to adopt the Center for Student Leadership and Extended Learning Act; to repeal the Career Education Partnership Act; to provide an operative date; to outright repeal sections 79-763, 79-764, 79-765, 79-766, 79-767, and 79-768, 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, 49:

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

Voting in the negative, 0.

Not voting, 0.

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

#### **MOTION - Return LB476A to Select File**

Senator Stuthman moved to return LB476A to Select File for his specific amendment, FA36, found on page 1380.

Senator Stuthman withdrew his motion to return.

#### **BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 476A.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 476, One Hundred First Legislature, First Session, 2009; to reduce an appropriation; 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, 49:

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

Voting in the negative, 0.

Not voting, 0.

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 532.**

A BILL FOR AN ACT relating to counties; to provide for the adoption of ordinances as prescribed.

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:

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

Voting in the negative, 4:

Adams	Friend	Janssen	Louden
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Not voting, 0.

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

**LEGISLATIVE BILL 160.**

A BILL FOR AN ACT relating to natural resources districts; to amend sections 2-3234 and 2-3290.01, Revised Statutes Cumulative Supplement, 2008; to provide for issuance of flood protection and water quality enhancement bonds as prescribed; to provide powers and duties; to provide for public access as prescribed; to harmonize provisions; to provide a duty for the Revisor of Statutes; 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:

Adams	Council	Haar	Nantkes	Sullivan
Ashford	Dubas	Hadley	Nelson	Wallman
Avery	Fischer	Harms	Nordquist	White
Campbell	Flood	Lathrop	Pahls	Wightman
Carlson	Fulton	Louden	Pankonin	
Christensen	Gay	McCoy	Price	
Cook	Giese	McGill	Schilz	
Cornett	Gloor	Mello	Stuthman	

Voting in the negative, 12:

Dierks	Heidemann	Karpisek	Pirsch
Friend	Howard	Langemeier	Rogert
Hansen	Janssen	Lautenbaugh	Utter

Present and not voting, 1:

Coash

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

**LEGISLATIVE BILL 224.** With Emergency Clause.

A BILL FOR AN ACT relating to the Nebraska State Fair; to amend sections 2-109, 2-110, 2-111, and 2-1208.01, Reissue Revised Statutes of Nebraska, and sections 2-101 and 2-113, Revised Statutes Cumulative Supplement, 2008; to change and eliminate provisions relating to relocation, matching funds, reports, studies, and taxes on horseracing; to provide operative dates; to repeal the original sections; to outright repeal section 2-131, 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, 43:

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

Voting in the negative, 2:

Hansen            Karpisek

Present and not voting, 3:

Howard            Wallman            White

Excused and not voting, 1:

Gay

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 263.**

A BILL FOR AN ACT relating to agriculture; to amend sections 81-2,147 and 81-2,162.22, Reissue Revised Statutes of Nebraska; to provide that state law preempts local law for the Nebraska Seed Law and the Nebraska Commercial Fertilizer and Soil Conditioner Act; 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, 44:

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

Voting in the negative, 4:

Dierks	Dubas	Haar	Sullivan
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Excused and not voting, 1:

Gay

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

### **MOTION - Return LB440 to Select File**

Senator Adams moved to return LB440 to Select File for the following specific amendment:

FA44

Strike the enacting clause.

Senator Adams withdrew his motion to return.

### **BILLS ON FINAL READING**

The following bills were read and put upon final passage:

#### **LEGISLATIVE BILL 440.**

A BILL FOR AN ACT relating to postsecondary educational institutions; to amend sections 85-9,178, 85-9,182, and 85-1402, Reissue Revised Statutes of Nebraska; to change the diversity criteria under the Student Diversity Scholarship Program Act; to change provisions relating to capital and facility expenditures; 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	Council	Hadley	McCoy	Price
Ashford	Dierks	Hansen	McGill	Rogert
Avery	Dubas	Harms	Mello	Schilz
Campbell	Fischer	Heidemann	Nantkes	Stuthman
Carlson	Flood	Janssen	Nelson	Sullivan
Christensen	Fulton	Karpisek	Nordquist	Wallman
Coash	Giese	Langemeier	Pahls	White
Cook	Gloor	Lathrop	Pankonin	Wightman
Cornett	Haar	Louden	Pirsch	

Voting in the negative, 0.

Present and not voting, 4:

Friend	Howard	Lautenbaugh	Utter
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Excused and not voting, 1:

Gay

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

#### **LEGISLATIVE BILL 494.**

A BILL FOR AN ACT relating to 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.

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

Voting in the negative, 0.

Excused and not voting, 1:

Gay

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

### **LEGISLATIVE BILL 568.**

A BILL FOR AN ACT relating to real estate; to amend section 66-911.01, Reissue Revised Statutes of Nebraska; to provide requirements and conditions for wind agreements; to harmonize provisions; and to repeal the original section.

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

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Gay

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 97, 97A, 187, 195, 232, 342, 342A, 402, 463, 463A, 476, 476A, 532, 160, 224, 263, 440, 494, and 568.

**MOTION - Return LB392 to Select File**

Senator Adams moved to return LB392 to Select File for his specific amendment, AM1409, found on page 1490.

The Adams motion to return prevailed with 46 ayes, 0 nays, 2 present and not voting, and 1 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 392.** The Adams specific amendment, AM1409, found on page 1490, was adopted with 46 ayes, 0 nays, 2 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

**LEGISLATIVE BILL 218.** ER8132, found on page 1430, was adopted.

Senator Giese renewed his amendment, AM1423, found on page 1501.

**SENATOR CARLSON PRESIDING**

Senator Giese moved for a call of the house. The motion prevailed with 38 ayes, 0 nays, and 11 not voting.

Senator Giese requested a roll call vote on his amendment.

Voting in the affirmative, 16:

Avery	Gloor	Lathrop	Pahls
Council	Haar	McGill	Sullivan
Dubas	Howard	Mello	Wallman
Giese	Karpisek	Nantkes	White

Voting in the negative, 26:

Adams	Dierks	Harms	McCoy	Utter
Campbell	Fischer	Heidemann	Nelson	Wightman
Carlson	Flood	Janssen	Pirsch	
Christensen	Friend	Langemeier	Rogert	
Coash	Hadley	Lautenbaugh	Schilz	
Cornett	Hansen	Louden	Stuthman	

Present and not voting, 4:

Cook	Fulton	Pankonin	Price
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Excused and not voting, 3:

Ashford            Gay            Nordquist

The Giese amendment lost with 16 ayes, 26 nays, 4 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 155.** Introduced by Gay, 14.

**PURPOSE:** The purpose of this resolution is to review, assess, and provide recommendations relating to rates paid by the state to providers of publicly-funded behavioral health services, rate methodologies employed to determine such rates, the frequency with which such rates are adjusted, and the timeliness of payments made to providers of such services.

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

1. That the Appropriations and Health and Human Services Committees of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 156.** Introduced by Gay, 14.

**PURPOSE:** (1) The Legislature finds that:

(a) The Department of Health and Human Services has been entrusted by the Legislature with numerous powers and duties relating to the protection and promotion of the health and welfare of persons in Nebraska;

(b) The department has initiated and expanded numerous programs and services under its administration to carry out such powers and duties;

(c) The Legislature has appropriated General Funds and other funds for such programs and services, but the amount of such appropriations is often less than the amount identified by the department as being necessary and appropriate for such purposes, despite repeated legislative action to increase such appropriations;

(d) State budget constraints are inconsistent with increasing budget needs of programs and services administered by the department; and

(e) Further legislative action is necessary and appropriate to identify and prioritize core responsibilities of the department, to adequately fund such priorities, and to identify nongovernmental alternatives for the administration and funding of nonpriority programs and services.

(2) The purpose of this resolution is to:

(a) Identify and categorize the statutory powers and duties of the department and prioritize the programs and services administered by the department to carry out such powers and duties;

(b) Indicate the amount of funding necessary to adequately fund each program or service;

(c) Identify those programs and services which would not be funded if the FY2009-10 budget for the department was first allocated to each program and service in the order of priority at its adequately funded level; and

(d) Recommend nongovernmental alternatives for the administration and funding of such nonpriority programs and services.

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 157.** Introduced by Gay, 14.

PURPOSE: The purpose of this resolution is to review, assess, and provide recommendations relating to the implementation of the Nebraska Health Care Funding Act. The issues addressed by the study shall include, but not be limited to, the distribution of funding under the act, the outcomes achieved from such funding, and the future sustainability of the Nebraska Health Care Cash Fund.

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

1. That the Appropriations and Health and Human Services Committees of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 158.** Introduced by Gay, 14.

PURPOSE: The purpose of this interim study is to conduct research and provide recommendations for substantive reform of Nebraska's health care delivery system and health care financing system to ensure the provision of high-quality, affordable, and accessible health care coverage for all Nebraskans.

This study shall be conducted by a select committee consisting of two members of the Appropriations Committee of the Legislature appointed by the chairperson of the committee, two members of the Banking, Commerce and Insurance Committee of the Legislature appointed by the chairperson of the committee, two members of the Health and Human Services Committee of the Legislature appointed by the chairperson of the committee, and three additional members who are not members of such committees, with one member appointed by each chairperson of such committees. The chairperson of the select committee shall be the chairperson of the Health and Human Services Committee unless he or she is not appointed to the select committee, in which case the chairperson of the select committee shall be one of the two members of the Health and Human Services Committee who were appointed to the select committee, selected by the chairperson of the Health and Human Services Committee.

In conducting the study, the select committee shall consult with employers, small businesses, consumers, insurers, health care providers, the Department of Health and Human Services, the Department of Insurance, and other interested parties.

Issues considered by the select committee may include, but shall not be limited to:

(1) The anticipated effect of national health care reform initiatives on Nebraska;

(2) The role of employer-sponsored insurance and public programs in providing health care coverage for Nebraskans;

(3) The large number of Nebraskans who are uninsured or underinsured;

(4) The cost shift imposed on Nebraska employers and consumers who purchase health insurance by the underfunding of public programs and the high levels of uncompensated care borne by hospitals and clinics;

(5) Policy options available to reduce the number of Nebraskans who are uninsured or underinsured, make private health insurance more affordable for businesses and individuals, and strengthen public programs for low-income Nebraskans;

(6) The desirability and feasibility of establishing a state plan to provide Nebraskans access to affordable health insurance coverage; and

(7) Available funding options to assure a financially sustainable and affordable health care system.

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, the Banking, Commerce and Insurance Committee, and the Appropriations Committee of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of their study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature on or before December 31, 2009.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 159.** Introduced by Gay, 14.

**PURPOSE:** The purpose of this interim study is to examine the future need for health care workers in Nebraska and to review recommendations to meet the state's needs now and in the future. The study shall include, but not be limited to:

(1) A review of the current match of the supply of health care professionals to the needs of the state, including a detailed review of the match within each of the state's health planning regions for all health professions for which valid and reliable data are available;

(2) A review of educational and training programs in the state that produce graduates that serve Nebraska's residents;

(3) A review of special programs in Nebraska designed to recruit and retain health care professionals in areas designated as health profession shortage areas or medically underserved areas and in areas that might become shortage or underserved areas but for successful locally-based efforts to recruit and retain health professionals;

(4) Forecasts of numbers of professionals needed in Nebraska up to twenty years into the future, including distribution of those professionals across the regions of the state;

(5) Recommendations for public policies and educational and training programs designed to help the state meet its future needs; and

(6) Assessment of the benefits and costs of establishing a Nebraska health care workforce commission through a private/public partnership.

**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 160.** Introduced by Gay, 14.

**PURPOSE:** The purpose of this resolution is to review, assess, and provide recommendations relating to the statewide telehealth network, including, but not limited to, (1) organization and operation of the network, (2) costs, (3) utilization, (4) rates, and (5) regulatory issues relating to network utilization by out-of-state providers.

**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 161.** Introduced by Cornett, 45.

**PURPOSE:** The purpose of this interim study is to examine Nebraska's sales and use tax provisions. The study shall include, but not be limited to, an examination of the role of the sales tax as a revenue source in state and local fiscal systems.

**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 162.** Introduced by Avery, 28.

**PURPOSE:** The purpose of this resolution is to provide an opportunity for the Government, Military and Veterans Affairs Committee of the Legislature to study the competitive bidding statutes for the purchase of machinery and equipment. The study will include consideration of the total cost of ownership in the competitive bidding process. The study of such costs should include consideration of alternatives for all classes of equipment, evidence of expected life, costs of repair and maintenance, efficiency standards, energy consumption on a per-year basis, and potential resale value. This interim study is intended to facilitate the committee's review of the total cost of ownership as a primary focus of the competitive bidding process.

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

1. That the Government, Military and Veterans Affairs 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 163.** Introduced by Avery, 28.

**PURPOSE:** The purpose of this interim study is to examine the issues which fall under the jurisdiction of the Nebraska Accountability and Disclosure Commission, including the financing of campaigns, the Campaign Finance Limitation Act, the role of lobbyists, and ethics in the political system. Specific issues to be examined include, but are not limited to:

- (1) Independent committees and their role in campaigns;
- (2) Ways to provide more transparency in the system, including reporting requirements; and
- (3) Elected officials becoming lobbyists.

The Nebraska Accountability and Disclosure Commission, along with other interested parties, will be invited to participate in this study.

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

1. That the Government, Military and Veterans Affairs 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 164.** Introduced by Campbell, 25.

**PURPOSE:** The purpose of this study is to examine the federal Fostering Connections to Success and Increasing Adoptions Act of 2008 and its implementation in Nebraska. The act was passed by the United States House of Representatives and the United States Senate in September of 2008 and signed into law by President Bush in October of 2008. The law includes, among other things, provisions to promote permanent families for foster children through relative guardianships and adoptions, to enhance adoption incentives, to increase federal support for adoption assistance regardless of income, to increase support for youth who age out of foster care, to improve education and health care for foster children, to require early identification of potential relative placements for children, to extend federal support for children in foster care after age eighteen, and to offer federal assistance and support to American Indian children.

The committee shall examine:

(1) The implementation of the act in Nebraska, specifically the various optional and mandatory provisions of the act and which optional provisions of the act the State of Nebraska has chosen to carry out;

(2) The various benefits and implications of the act for Nebraska; and

(3) Whether any changes should be made to current state statute in accordance with the act.

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 165.** Introduced by Friend, 10; Fulton, 29.

**PURPOSE:** The purpose of this interim study is to examine issues related to the adoption of a corporate and individual income tax credit scholarship program as contemplated by LB 67 (Friend), which was introduced in 2009 and referred to the Revenue Committee of the Legislature. The study shall include, but not be limited to: An analysis of the fiscal impact of such a program; an analysis of enrollment patterns in public and private schools; an analysis of recent trends in private school attrition rates and the economic factors related thereto; and an analysis of the potential cost savings for state and local taxpayers and the State of Nebraska from adopting such a program.

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

1. That the Education and Revenue Committees of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 166.** Introduced by Dierks, 40.

**PURPOSE:** The Revenue Committee of the Legislature shall conduct a comprehensive study and review of state and local taxes in Nebraska with the objective of developing alternatives in taxation and funding which will substantially reduce reliance on property taxes. In conducting this study, the committee shall first assemble or cause to be assembled the following information:

(1) Specific sales tax exemptions, which shall be put into the following categories:

- (a) Seller-based;
- (b) Item sold;

(c) Buyer-based; and

(d) Item use;

(2) Information regarding each exemption showing the estimated amount of the sales tax base, the taxes not collected because of the exemption, and the year the exemption was enacted;

(3) The services subject to the sales tax and when the tax was imposed, including the tax base and the amount collected from the tax on each service;

(4) Services not currently taxed by the State of Nebraska but taxed by other states and an estimate of such tax base in Nebraska; and

(5) The income tax basis and rates for individuals and corporations in South Dakota, Iowa, Missouri, Kansas, Colorado, and Wyoming.

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 167.** Introduced by Nantkes, 46.

**PURPOSE:** The purpose of this resolution is to study the issue of homeless youth in the State of Nebraska. Specifically, this study will look at what is being done to address this issue and what resources are being utilized to address the problem. The study will also evaluate the effectiveness of current state government programs that address homeless youth and will identify alternative strategies to help combat this growing problem in our state.

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 and Education Committees of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 168.** Introduced by Nordquist, 7.

**PURPOSE:** The purpose of this resolution is to study the factors contributing to childhood obesity, as well as its consequences. The issues addressed by the study should include, but not be limited to:

- (1) An examination of the factors contributing to childhood obesity in underserved and low-income populations;
- (2) An examination of the costs of childhood obesity, both in terms of medical expenses and physical well-being;
- (3) An analysis of methods to increase access to safe places for children to exercise and participate in physical activity; and
- (4) An analysis of ways to increase children's access to nutritious meals.

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 169.** Introduced by Campbell, 25.

WHEREAS, the United States Department of Energy created the National Science Bowl in 1991 to encourage students to excel in and pursue careers in mathematics and science; and

WHEREAS, the Lux Middle School 2009 Science Bowl Team members are Ben Bradley, Trevor Henning, Akshay Rajagopal, Katie Sedlar, and Alex Toalson, who were among twenty thousand students from across the country who participated in science bowls in 2009; and

WHEREAS, forty Nebraska middle school teams competed at the Nebraska Middle School Science Bowl on January 29, 2009, at the University of Nebraska-Lincoln; and

WHEREAS, the Lux Middle School team won the state competition, thereby also winning a trip to Washington, D.C., with expenses paid by the United States Department of Energy, to compete at the National Science Bowl April 30 through May 5, 2009; and

WHEREAS, the Lux Middle School team competed against thirty-six other teams in the National Science Bowl, advancing to the final round of sixteen teams and finishing fifth in the nation.

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

1. That the Legislature congratulates the students of the Lux Middle School 2009 Science Bowl Team on winning the Nebraska Middle School Science Bowl Competition and finishing fifth in the National Middle School Science Bowl Competition.

2. That a copy of this resolution be presented to Mr. Rich Powers and Ms. Colleen Toalson, coaches of the Lux Middle School 2009 Science Bowl Team.

Laid over.

**LEGISLATIVE RESOLUTION 170.** Introduced by Pirsch, 4.

WHEREAS, the Academic Decathlon competition is a strenuous mental competition that many teams enter, but in which few prevail; and

WHEREAS, the Academic Decathlon is a scholastic competition for teams of high school students; and

WHEREAS, the Harry A. Burke High School team from Omaha, Nebraska, entered and won the Nebraska Academic Decathlon; and

WHEREAS, the Burke High School Academic Decathlon team achieved second in Division I schools and third nationally, and therefor finished higher in the national competition than ever before; and

WHEREAS, team members Alec Agan, Cristen Cavel, Michelle Clifford, Robert Dooling, John Gill, Erika Goergen, Eugene Kim, Shelby Miller, Andrew Nguyen, Kyle Seneker, and Caya Simonsen deserve special recognition for their teamwork and diverse knowledge, which contributed to the team's outstanding success in 2009; and

WHEREAS, the accomplishments of students should be recognized by the Legislature.

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

1. That the Legislature recognizes and congratulates the members of the Burke High School Academic Decathlon team and their coach, Judy Kennedy, for their outstanding success in 2009.

2. That a copy of this resolution be sent to the Burke High School Academic Decathlon team and their coach, Judy Kennedy.

Laid over.

**LEGISLATIVE RESOLUTION 171.** Introduced by Ashford, 20; Council, 11.

With the April 24th announcement by the Director of Correctional Services that the State of Nebraska's correctional institutions have reached a level of one hundred forty percent of capacity, Nebraska statutes require notification of the Governor with a recommendation as to what should be done to address the issue of capacity. This recent level of incarceration provides an opportunity for the state to address the proper sentencing of individuals for violations of the Nebraska Criminal Code and an opportunity to assess the degree to which the state is successful in rehabilitating individuals sentenced to Nebraska correctional institutions, particularly when viewed through the reentry of these convicted individuals into Nebraska communities. Failure to provide proven and adequate reentry programming contributes to the recidivism of previously convicted individuals, who then end up back in Nebraska correctional institutions, thereby further increasing Nebraska's rate of incarceration.

The Legislature, recognizing that a prolonged period of high incarceration rates places a pronounced strain on the state's fiscal resources, believes it to be imperative to implement adequate measures to address sentencing and rehabilitative programs for individuals incarcerated in Nebraska correctional institutions.

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

1. That the Legislature hereby calls for the Executive Board of the Legislative Council to meet forthwith and appoint a special committee to be known as the Sentencing and Recidivism Committee of the Legislature. The committee shall consist of seven members of the Legislature appointed by the Executive Board. The committee shall elect a chairperson and vice-chairperson from the membership of the committee. The Executive Board is hereby authorized to provide the committee with a legal counsel, committee clerk, and other staff as required by the committee from existing legislative staff. The Executive Board is also authorized to hire outside consultants as deemed necessary by the committee.

2. The Sentencing and Recidivism Committee of the Legislature is hereby authorized to study the sentencing of juveniles and adults to Nebraska correctional institutions for rehabilitative purposes, including the associated fiscal impact. The committee shall study issues relating to the reentry of these juveniles and adults into Nebraska communities, including, but not limited to, the sufficiency and effectiveness of the rehabilitative and reentry programs, the number of spaces available for these programs, and the effectiveness of these programs in reducing the rate of recidivism. Finally, the committee shall study the sentencing of individuals convicted of crimes for equality of sentencing for the same or similar crimes statewide. The committee shall issue a report of its findings and recommendations to the Legislature on or before January 1, 2011.

Laid over.

### **SPEAKER'S ANNOUNCEMENT**

Pursuant to Rule 4, Section 8, LR171 was referred to the Reference Committee.

### **NOTICE OF COMMITTEE HEARING**

General Affairs

Room 1510

Tuesday, May 26, 2009 1:00 p.m.

Janice Wiebusch - Nebraska Liquor Control Commission

(Signed) Russ Karpisek, Chairperson

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on May 18, 2009, at 11:34 a.m. were the following: LBs 97e, 97A, 187e, 195, 232, 342, 342A, 402e, 463, 463A, 476e, 476Ae, 532, 160, 224e, 263, 440, 494, and 568.

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

**RESOLUTION**

**LEGISLATIVE RESOLUTION 172.** Introduced by Harms, 48; Campbell, 25; Fulton, 29; Heidemann, 1; Wallman, 30; Wightman, 36.

**PURPOSE:** The purpose of this interim study is to analyze the education and training available that could lead to careers in high-demand industries in Nebraska. The Department of Labor predicts gaps in the labor force in several high-demand industries, such as health care, information technology, insurance, and green jobs. These industries are a cornerstone of Nebraska's future economic development and require higher-skilled labor. Only thirty-six percent of Nebraska adults have a postsecondary educational degree and one in ten do not have a high school diploma or GED. Other states, such as California, Massachusetts, and Kentucky, have developed pipeline programs to build worker skills for high-demand industries. The general objective of this study is to examine high-demand industries, the skills and education of the current workforce, the programs currently in place for worker education and training, and the opportunities to align systems and programs to meet business and worker needs.

The study shall include, but not be limited to, the following topics:

- (1) Examination of high-demand industries with high earning and economic development potential in Nebraska and the education, training, and skills required for workers to fill those high-demand jobs;
- (2) Analysis of the current skills and education levels of Nebraska's current workforce, specifically using a regional analysis;
- (3) A catalog of current major education and training opportunities in high-demand career fields;
- (4) Models of career pipeline programs in other states that may be appropriate for Nebraska;
- (5) Barriers to education and training, particularly adult basic education; and
- (6) Opportunities to align or improve systems to improve Nebraska's workforce.

**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.

### **VISITORS**

Visitors to the Chamber were 41 fourth-grade students and teachers from Paddock Lane School, Beatrice; Bruce and Carol Hendrickson from Holdrege; members of Human Resources Association of the Midlands from across the state; 33 sixth-grade students, teachers, and sponsors from Edison Elementary, Omaha; and 70 fourth-grade students and teachers from Holling Height Elementary, Omaha.

### **RECESS**

At 12:06 p.m., on a motion by Senator Langemeier, 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 Gay who was excused; and Senators Cornett and Pahls who were excused until they arrive.

### **RESOLUTIONS**

**LEGISLATIVE RESOLUTION 173.** Introduced by Mello, 5.

**PURPOSE:** The purpose of this interim study is to examine the film industry in Nebraska and whether tax incentives could be used to encourage future economic growth in this area. The study shall include, but not be limited to, an examination of the types and numbers of jobs in Nebraska created by the film industry, the amount of revenue generated in Nebraska by the film industry, the tax incentives other states are offering to attract the film industry, and the tax incentives Nebraska could offer to attract the film industry. The primary focus of the study will be to find ways to encourage future job growth and economic development in Nebraska's film industry.

**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 174.** Introduced by Mello, 5.

**PURPOSE:** The purpose of this interim study is to examine ways to provide low-income families with access to high-quality child care. Nebraska consistently ranks among the states with the highest number of all available parents in the workforce, particularly when it comes to parents of children under five years of age, yet the state does not perform as well when it comes to the number of parents who are eligible for child care subsidies. An adequate amount of child care subsidies is extremely important in helping parents stay in the workforce and off of full welfare assistance. It also helps children by increasing access to quality child care which helps set the foundation for future success in school and later in life.

This interim study shall attempt to produce a workable proposal to increase access to high-quality child care. The study shall include, but not be limited to, an examination of eligibility requirements to qualify for child care subsidies and an analysis of whether the Department of Health and Human Services should allow low-income families a choice between receiving child care pursuant to a contracted slot or a voucher.

**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 175.** Introduced by Mello, 5.

**PURPOSE:** The purpose of this interim study is to examine ways to increase financial literacy in Nebraska through financial literacy education classes. The issues addressed by this interim study shall include, but not be limited to, an examination of incentives that could be offered to adults to take financial literacy classes, an examination of the most efficient and effective ways to offer such classes, and an analysis of the options for requiring instruction on financial literacy in elementary and high school courses.

**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.

**LEGISLATIVE RESOLUTION 176.** Introduced by Mello, 5.

**PURPOSE:** The purpose of this interim study is to examine the feasibility of creating a fund that would be used to help organizations market large-scale events held in Nebraska. Such large-scale events are important to the state for generating tourism and a high level of national and international attention. Recently, organizers of the United States Olympic Swim Trials, the Great American Comedy Festival, the Special Olympics, and the United States Senior Open have all asked for appropriations from the state for the marketing of these events. This study shall look into creating one fund that would be used for all such requests rather than having each organization request a direct appropriation from the state.

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

1. That the Appropriations 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 177.** Introduced by Christensen, 44.

**PURPOSE:** A vital part of the public safety network in the State of Nebraska is wireless and landline 911 emergency telephone service. Pursuant to the Emergency Telephone Communication Systems Act, individual cities and counties are responsible for the implementation of landline 911 service in their respective areas and are permitted to impose a uniform service charge to cover costs associated with the purchase, installation, maintenance, and operation of landline 911 service.

As for wireless 911 emergency telephone service, pursuant to the Enhanced Wireless 911 Service Act, the Nebraska Public Service Commission is responsible for administering the implementation of enhanced wireless 911 service throughout the state and currently administers the Enhanced Wireless 911 Fund. Annually, the commission determines the level of surcharge to be assessed on each wireless subscriber which will be credited to the Enhanced Wireless 911 Fund for ultimate distribution to wireless carriers and public service answering points to cover eligible costs

for implementing and maintaining enhanced wireless 911 service designed to locate calls coming from wireless telephones.

This study will investigate issues relating to the current mechanism utilized by the commission to allocate available money deposited in the Enhanced Wireless 911 Fund to wireless carriers and public service answering points for reimbursement of eligible costs for implementing and maintaining the final phase of wireless 911 service mandated by the Federal Communications Commission called Phase II E-911 Service, which will permit the seamless and exact location of the wireless caller's location by longitude and latitude.

Study topics shall include, but need not be limited to, the following areas:

(1) Analysis of the mechanism currently used by the Public Service Commission to allocate and distribute funds deposited to the Enhanced Wireless 911 Fund to public service answering points and wireless carriers to recover eligible Phase II costs;

(2) Analysis of whether the mechanism currently used by the commission to allocate and distribute funds from the Enhanced Wireless 911 Fund is technologically and competitively neutral;

(3) Analysis of whether the commission's current funding mechanism is consistent with the stated intent of the Legislature to fund the E-911 costs of both public service answering points and wireless carriers;

(4) Analysis of whether the Enhanced Wireless 911 Fund has adequate funds to cover the reasonably foreseeable costs of both public service answering points and wireless carriers;

(5) Analysis of commission funding decisions regarding Phase II deployment costs of public service answering points, wireless carriers, and local exchange carriers;

(6) Analysis of commission financial reports, projections, estimates, forecasts, and studies concerning current and future expenditures from the Enhanced Wireless 911 Fund for Phase II costs;

(7) Analysis of membership and duties of the Enhanced Wireless 911 Advisory Board, including the following:

(a) The adequacy of representation of wireless carriers on the advisory board;

(b) Scope of responsibilities delegated to the advisory board;

(c) Scope of authority of the advisory board; and

(d) Technical expertise of advisory board members; and

(8) Any other issues arising during the course of the study related to furthering access to E-911 Phase II service.

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 178.** Introduced by Nordquist, 7; Ashford, 20.

**PURPOSE:** The purpose of this interim study is to examine the Nebraska need-based financial aid program (Nebraska Scholarship Act) that was created by the Nebraska Legislature in 2003 and other issues relating to higher education. The study shall include: (1) A determination of the differences in allocations of state funds to students attending particular sectors of higher education institutions in the state compared to the allocations to students before 2003, and whether those changes were intended and are appropriate in light of changing state policies; (2) a determination of student aid currently available from all sources, including direct and indirect state assistance, federal assistance from financial aid programs, including changes made in the stimulus plan enacted by the United States Congress in 2009, institutional assistance, and private sector assistance, and a comparison with other states' efforts relating to student aid, including eligibility of students attending for-profit colleges; (3) a determination of whether the state's investment in higher education has resulted in an appropriately-educated workforce in Nebraska; (4) an analysis of college graduate migration patterns to and from Nebraska; (5) an analysis of the ability of the state to maintain successful institutions and educational programs in Nebraska, both public and private nonprofit, in the event that financial resources become more scarce in the future; and (6) an analysis of other issues relating to higher education and higher education financial aid programs in Nebraska.

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

1. That the Education and Appropriations Committees of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 179.** Introduced by Howard, 9.

**PURPOSE:** The state contracts with Magellan Behavioral Health Services to manage, maintain, and coordinate state-funded behavioral health services for the identified populations of the Division of Behavioral Health, the Division of Children and Family Services, and the Division of Medicaid and Long-Term Care of the Department of Health and Human Services. Because of the magnitude of the services coordinated by Magellan and the issues raised recently by recipients, providers, and members of the judiciary, a greater understanding of the contract is desired by the Legislature.

This study will include, but is not limited to, a description of the requirements and conditions of the contract, an identification of the costs, and an examination of the reasons for denials and the options available to individuals, caseworkers, judges and others when services are denied by Magellan.

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 180.** Introduced by Adams, 24.

PURPOSE: The purpose of this interim study is to examine the role of educational service units within learning communities.

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.

### GENERAL FILE

**LEGISLATIVE BILL 36.** Title read. Considered.

Committee AM828, found on page 1081, was considered.

Pending.

### COMMITTEE REPORTS

Government, Military and Veterans Affairs

**LEGISLATIVE BILL 638.** Placed on General File.

**LEGISLATIVE BILL 635.** Placed on General File with amendment.  
AM1140

- 1 1. Strike original sections 1, 2, and 6 and insert the
- 2 following new sections:

- 3 Sec. 4. Original section 49-1472, Reissue Revised
- 4 Statutes of Nebraska, and sections 49-1455 and 49-1478.01, Revised
- 5 Statutes Cumulative Supplement, 2008, are repealed.
- 6 Sec. 5. The following section is outright repealed:
- 7 Section 49-1457, Reissue Revised Statutes of Nebraska.
- 8 2. Renumber the remaining sections accordingly.

(Signed) Bill Avery, Chairperson

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 181.** Introduced by McCoy, 39.

PURPOSE: The purpose of this interim study is to examine the feasibility and benefits of restructuring the natural resources districts. The study shall focus on the advantages of having a natural resources district encompass the entirety of a watershed, water basin, river, or other specific area of the state. The study shall also review the processes and ramifications of realigning, and perhaps reducing, the number of natural resources districts.

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

1. That the Natural Resources 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 182.** Introduced by Dubas, 34.

PURPOSE: The purpose of this interim study is to study the growing problem in recruiting and retaining volunteer firefighters and volunteer emergency medical care providers. The Legislature recognizes that volunteer firefighters and volunteer emergency medical care providers have provided fire suppression and emergency medical services to their local communities for over a century at only a fraction of the cost to the taxpayers that would have resulted from implementing a system of paid fire departments and paid emergency medical services. Many cities, villages, and rural areas could not afford the costs of maintaining their current level of fire suppression and emergency response services without the presence of a local pool of committed and dedicated volunteer firefighters and volunteer emergency medical care providers. It is necessary for the public health, safety, and welfare of many Nebraska communities to encourage the recruitment and retention of such individuals. Volunteer firefighters and emergency medical care providers are relied upon by the entire State of Nebraska, including Nebraskans traveling throughout the state.

The Legislature finds that Nebraska communities that rely on volunteers to provide fire suppression and emergency medical services are faced with numerous economic and demographic trends and conditions which make the recruitment and retention of qualified volunteers increasingly difficult and that, as a consequence, some volunteer departments are trying to cope with declining rosters of active volunteers.

The Legislature finds that the recruitment and retention of qualified men and women in fire suppression and emergency medical services are matters of statewide as well as local concern.

The issues to be examined by the interim study shall include, but are not limited to:

(1) Economic incentives available to assist communities with the recruitment and retention of volunteer firefighters and volunteer emergency medical care providers;

(2) Noneconomic incentives available to assist communities with the recruitment and retention of such volunteers; and

(3) The financial cost to Nebraska's cities, villages, and rural areas if such volunteer services cease to exist.

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 183.** Introduced by Coash, 27.

**PURPOSE:** The purpose of this interim study is to examine the possibility of creating a specialized magistrate for the state's largest courts. The intent for creating the position would be to provide an independent, unbiased review of complaints brought by law enforcement and citizens. The magistrate would be specially trained and empowered to issue search warrants, subpoenas, arrest warrants, and summonses and to set bail. The intent would also be for the magistrate to be a state employee under the control and supervision of the judiciary. It is the expectation that the creation of this position would curb the need for new judges and help reduce populations at correctional facilities.

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.

**LEGISLATIVE RESOLUTION 184.** Introduced by Coash, 27; McGill, 26.

**PURPOSE:** The purpose of this interim study is to examine the process by which the Division of Children and Family Services of the Department of Health and Human Services places Nebraska citizens on the central register of child protection cases. The issues addressed by this interim study shall include, but not be limited to:

(1) The procedure used by the division in placing a citizen on the central register of child protection cases, which should include an examination of the investigative procedures used by the Department of Health and Human Services and an examination of the categories used by the department, including court substantiated, agency substantiated, court pending, and unfounded;

(2) The due process implications of procedures relating to the central register of child protection cases; and

(3) The expungement process.

The study will seek to involve various interested parties and organizations, including, but not limited to, legal experts on investigative procedures, the Division of Children and Family Services of the Department of Health and Human Services, child welfare advocates, and family advocates.

**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.

**LEGISLATIVE RESOLUTION 185.** Introduced by Lathrop, 12.

**PURPOSE:** The purpose of this interim study is to examine the impact of employer misclassification of employees in Nebraska. The committee shall conduct a study that includes, but is not limited to, the following topics:

(1) A review of information from state agencies, including, but not limited to, the Department of Revenue, the Department of Labor, and the Nebraska Workers' Compensation Court, detailing how employer misclassification affects employee benefits and protections as well as state revenue, unemployment insurance, and the workers' compensation system;

(2) An evaluation of current agency guidelines and practices to identify employers who misclassify and what, if any, consequence follows;

(3) An evaluation of current agency guidelines and practices to coordinate and share information regarding employer misclassification;

(4) An analysis of information from both the public and private sectors on how employer misclassification affects law-abiding employers;

(5) An analysis of information from other states that have addressed employer misclassification; and

(6) An analysis of how the committee can legislatively address employer misclassification.

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 186.** Introduced by Lathrop, 12.

**PURPOSE:** The purpose of this interim study is to examine workers' compensation insurance premiums in Nebraska. The committee shall conduct a study that includes, but is not limited to, the following topics:

(1) An evaluation, both historical and current, of premium rates by industry, including what information is used to calculate the rates;

(2) An evaluation of the effect, if any, of the hospital fee schedule on premiums; and

(3) A comparison of other states' premium rates.

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 187.** Introduced by Lathrop, 12.

**PURPOSE:** The purpose of this resolution is to examine the issues raised by the introduction of Legislative Bill 560, which would have made several changes to Nebraska's laws regarding the towing of motor vehicles. The study will include an examination of current state laws and city ordinances in Nebraska as they relate to the towing of motor vehicles, a review of other states' laws regarding the towing of motor vehicles, and a review of other issues raised during the hearing on LB 560.

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 188.** Introduced by Lathrop, 12.

PURPOSE: The purpose of this resolution is to review the practice of using credit information in connection with the issuance, underwriting, renewal, cancellation, or denial of insurance. The study should include an examination of the issues raised during the public hearing on Legislative Bill 176, including a further examination of the extent of this practice in Nebraska and in other states and a review of legislation in other states that would seek to prohibit this practice.

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 189.** Introduced by Lathrop, 12.

PURPOSE: The purpose of this interim study is to examine Nebraska's court-appointed special advocate programs and to develop a proposal to provide for sustainability of the programs in Nebraska's rural and urban areas. The study shall seek to involve advocates, judges, legal experts, and other interested parties to examine the court-appointed special advocate programs and to recommend actions to clarify, improve, and sustain the programs.

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.

**LEGISLATIVE RESOLUTION 190.** Introduced by Lathrop, 12.

**PURPOSE:** The purpose of this resolution is to review the current practice of issuing handicapped parking permits. The issues addressed in this study shall include, but not be limited to, the identifying information that is included on handicapped parking permits, the procedures involved in issuing handicapped parking permits, and the appropriate use of handicapped parking permits.

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

1. That the Urban Affairs 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 191.** Introduced by Christensen, 44.

**PURPOSE:** The purpose of this interim study is to examine Nebraska's laws regarding a person's right in their home to defend his or her own life or another's life by reasonable force, which may include the use of deadly force, and to examine similar laws in other states that would potentially provide a model for expanding this right in Nebraska. The right to defend yourself by the use of reasonable force in one's home, which may include the use of deadly force, is generally called the Castle Doctrine. This study shall include, but not be limited to: (1) An examination of Nebraska's laws regarding one's right to self-defense within the home; (2) the review of Castle Doctrine laws in other states; and (3) the development of potential policy changes, if needed, to strengthen the right to self-defense within the home in Nebraska.

**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.

**LEGISLATIVE RESOLUTION 192.** Introduced by Christensen, 44.

**PURPOSE:** Many students in Nebraska are holders of a school permit and are allowed to operate a motor vehicle, moped, or motorcycle at the ages of fourteen and fifteen years pursuant to section 60-4,124. School-permit holders are allowed to operate a motor vehicle, moped, or motorcycle under certain conditions and can drive from home to their school and its activities and then back home again. A school-permit holder must use the most direct route when traveling from home to school. This study will seek to examine the feasibility of allowing individuals who are fourteen and fifteen years of age, in addition to their current authority to obtain a school permit, the authority to travel to and from work under similar laws and regulations to school permits. This study shall include, but not be limited to: (1) Identifying any additional safety concerns for such students when traveling to work beyond what is already present with school-permit holders; (2) comparing any strengths and weaknesses to narrowing such a work permit to certain classes of cities or villages; and (3) comparing the strengths and weaknesses between adding such a privilege under a school permit, allowing a school-permit holder to add a work endorsement similar to a Class M endorsement, or creating a whole new, separate permit.

**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.

**GENERAL FILE**

**LEGISLATIVE BILL 36.** Committee AM828, found on page 1081 and considered in this day's Journal, was renewed.

Senator Avery offered the following amendment to the committee amendment:

AM1455

(Amendments to Standing Committee amendments, AM828)

- 1 1. Insert the following new amendments:
- 2 1. Insert the following new section:
- 3 Section 1. Section 28-105.01, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 28-105.01 (1) Notwithstanding any other provision of law,
- 6 the death penalty shall not be imposed upon any person who was
- 7 under the age of eighteen years at the time of the commission of

8 the crime.

9 (2) Notwithstanding any other provision of law, the  
10 death penalty shall not be imposed upon any person with mental  
11 retardation. As used in this subsection, (3) As used in subsection  
12 (2) of this section, mental retardation means significantly  
13 subaverage general intellectual functioning existing concurrently  
14 with deficits in adaptive behavior. An intelligence quotient of  
15 seventy or below on a reliably administered intelligence quotient  
16 test shall be presumptive evidence of mental retardation.

17 (3) Notwithstanding any other provision of law, the death  
18 penalty shall not be imposed upon any person unless at least  
19 one of the following was admitted as evidence at the person's  
20 trial: (a) Deoxyribonucleic acid conclusively proving that the  
21 person committed the offense; (b) a video recording of the person  
22 confessing to the offense, including video recordings of all  
1 prior interrogations of the person by a peace officer; or (c) a  
2 video recording conclusively proving that the person committed the  
3 offense.

4 (4) If (a) a jury renders a verdict finding the existence  
5 of one or more aggravating circumstances as provided in section  
6 29-2520 or (b)(i) the information contains a notice of aggravation  
7 as provided in section 29-1603 and (ii) the defendant waives his or  
8 her right to a jury determination of the alleged aggravating  
9 circumstances, the court shall hold a hearing prior to any  
10 sentencing determination proceeding as provided in section 29-2521  
11 upon a verified motion of the defense requesting a ruling that the  
12 penalty of death be precluded under subsection (2) of this section.  
13 If the court finds, by a preponderance of the evidence, that the  
14 defendant is a person with mental retardation, the death sentence  
15 shall not be imposed. A ruling by the court that the evidence  
16 of diminished intelligence introduced by the defendant does not  
17 preclude the death penalty under subsection (2) of this section  
18 shall not restrict the defendant's opportunity to introduce such  
19 evidence at the sentencing determination proceeding as provided in  
20 section 29-2521 or to argue that such evidence should be given  
21 mitigating significance.

22 5. On page 15, line 2, after "sections" insert  
23 "28-105.01,".

24 6. Renumber the remaining sections and correct internal  
25 references accordingly.

26 2. Renumber the remaining amendments accordingly.

**SENATOR STUTHMAN PRESIDING**

**SENATOR LANGEMEIER PRESIDING**

**SENATOR CARLSON PRESIDING**

Pending.

**REFERENCE COMMITTEE REPORT**

The Executive Board submits the following report:

**LB/LR**     **Committee**  
LR171     Executive Board

(Signed) John Wightman, Chairperson  
Executive Board

**NOTICE OF COMMITTEE HEARING**  
Executive Board

Room 2102

Tuesday, May 26, 2009     12:00 p.m.

LR171

(Signed) John Wightman, Chairperson

**RESOLUTIONS**

**LEGISLATIVE RESOLUTION 193.** Introduced by Haar, 21.

**PURPOSE:** The 2009 Legislature passed LB 436, which established a statewide net metering policy. This study will examine the impact of the passage of LB 436. Issues to be studied shall include, but are not limited to, the following:

- (1) Whether the passage of LB 436 has stimulated investments in renewable energy equipment by electrical consumers;
- (2) Whether increasing the rated capacity cap would increase consumer investments in renewable energy;
- (3) Whether changes in credit carryover procedures would increase consumer investments in renewable energy;
- (4) Whether statewide interconnection standards should be established;
- (5) Recognized best practices in net metering policies; and
- (6) The impact of LB 436 on Nebraska's public utilities.

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

1. That the Natural Resources 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 194.** Introduced by Haar, 21.

**PURPOSE:** The purpose of this interim study is to examine unintended pregnancies and sexually transmitted diseases. It is in the interest of the State of Nebraska to prevent both unintended pregnancies and sexually transmitted diseases to the greatest extent possible. Approximately half of all pregnancies in the United States are unintended. Unintended pregnancies can lead to mental and physical health problems, poverty, and abortions. The rise of sexually transmitted diseases is also a growing concern in Nebraska. Unsafe and unhealthy sexual practices lead to a rise in sexually transmitted diseases, unintended pregnancies, and abortions. The study shall include, but not be limited to:

(1) A study of Nebraska's sex education policy for determining effective, age-appropriate sex education curriculum in Nebraska's public schools;

(2) A study of the role of families and communities in providing information on sex and pregnancy and how parents can be equipped to provide accurate information to their children;

(3) A study of the role of the state in providing family planning services to economically disadvantaged Nebraskans, including the effectiveness of applying for the federal medicaid waiver;

(4) A study of the effectiveness, availability, and accuracy of information regarding contraceptives and their role in preventing unintended pregnancies and sexually transmitted diseases; and

(5) A recommendation for any legislation necessary to address issues and solutions suggested by this study.

**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 195.** Introduced by Haar, 21.

**PURPOSE:** The purpose of this interim study is to examine energy efficiency. Greater energy efficiency can provide many benefits, including the following: (1) Reduction of pollution and other environmental impacts associated with the production, generation, and use of electricity, natural gas, and oil; (2) increasing the reliability of electricity systems by reducing the strain on the electrical grid during peak demand periods, which can also reduce or delay the need for new power plants, power transmission lines, and power distribution upgrades; (3) improving national security by

reducing dependence on oil and other resources from other countries, particularly from areas that are politically unstable or hostile toward the United States; (4) reduction in the amount of money required to heat, cool, and light buildings and operate motor vehicles; and (5) improving the economy of the state and its communities by reducing money sent out-of-state to pay for energy costs. The State of Nebraska and its political subdivisions should have the most up-to-date information on current energy usage and energy efficiency measures that are available and being utilized. The issues to be addressed by this study shall include, but are not limited to:

(1) A review of methods of determining energy usage by the state and its political subdivisions;

(2) A review of effective energy efficiency methods currently being used in the state by state agencies, political subdivisions, including school districts, and Nebraska's public power districts;

(3) A review of studies of energy efficiency being conducted by academic institutions, including the University of Nebraska;

(4) A review of effective energy efficiency methods being utilized in other states;

(5) A review of methods of providing funding for energy efficiency projects, including how to best utilize federal stimulus money;

(6) A review of any other topics deemed necessary for a complete examination of this issue; and

(7) A recommendation for any legislation needed to accomplish the goals of energy efficiency, including any legislation necessary to utilize federal stimulus money.

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

1. That the Natural Resources 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 196.** Introduced by General Affairs Committee: Karpisek, 32, Chairperson; Coash, 27; Cook, 13; Dierks, 40; Dubas, 34; Friend, 10; Price, 3; Rogert, 16.

**PURPOSE:** The purpose of this interim study is to examine and review the Nebraska Liquor Control Act to determine whether the act should be revised and updated with respect to retail licenses. The study shall also include recommendations regarding what, if anything, should be updated in the act. The act was initially passed in 1935, making it 75 years old in 2010.

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

1. That the General Affairs 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 197.** Introduced by General Affairs Committee: Karpisek, 32, Chairperson; Coash, 27; Cook, 13; Dierks, 40; Dubas, 34; Friend, 10; Price, 3; Rogert, 16.

**PURPOSE:** To investigate and review matters and issues arising during the interim which are within the jurisdiction of the General Affairs 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 General Affairs 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 198.** Introduced by Nordquist, 7; Mello, 5.

**PURPOSE:** The purpose of this resolution is to study 529 college savings plans, including their performance and administration. The increasing cost of tuition makes financial planning for secondary education critical to most Nebraska families. As such, the citizens of Nebraska must be able to rely on their state government to offer highly-rated and high-performing 529 college savings plans. Recent reports demonstrate that the 529 college savings plans currently offered by Nebraska do not meet these expectations. This study shall:

(1) Compare the performance of Nebraska's 529 college savings plans with those offered by other states;

(2) Determine why Nebraska's plans have underperformed as compared to their peers;

(3) Identify attributes common to the elite 529 college savings plans in the country and evaluate how these plans are administered; and

(4) Make recommendations to enhance the performance of Nebraska's 529 college savings plans.

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.

**LEGISLATIVE RESOLUTION 199.** Introduced by General Affairs Committee: Karpisek, 32, Chairperson; Coash, 27; Cook, 13; Dierks, 40; Dubas, 34; Friend, 10; Price, 3; Rogert, 16; Ashford, 20; Lautenbaugh, 18.

**PURPOSE:** The purpose of this interim study is to examine and review the situation in Whiteclay, Nebraska, regarding the sale of alcohol and its secondary effects. The study shall also include recommendations for what, if anything, should be done to address the issues regarding alcohol sales in Whiteclay. The study may include, but is not limited to, the following:

(1) An examination of whether the Whiteclay alcohol licensees are violating the Nebraska Liquor Control Act;

(2) An examination of the socioeconomic impact of alcohol and related issues on the Whiteclay area;

(3) An examination of whether the Nebraska Liquor Control Act is effective in its current form or whether changes should be made to more effectively address the issues in Whiteclay;

(4) An examination of whether law enforcement efforts to enforce the Nebraska Liquor Control Act and other state and federal statutes are effective; and

(5) An examination of the relationship between local and state authorities, Pine Ridge Native American authorities, the State of South Dakota, and the federal Bureau of Indian Affairs.

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

1. That the General Affairs and Judiciary Committees of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 200.** Introduced by Rogert, 16; Karpisek, 32.

**PURPOSE:** In 1983, the program created under sections 23-362 and 23-362.01 in 1957 was placed under the jurisdiction of the Nebraska Commission on Law Enforcement and Criminal Justice (LB 607), Program 196.

Since 1986 and the most recent criminal retrocession for the Winnebago Tribe, the commission has interpreted the statute to mean that the counties, including Thurston County, should not receive state aid any longer for law enforcement on the reservations.

However, Thurston County may still be spending county funds in order to provide for law enforcement and county operations on the reservation since the criminal retrocession for the Winnebago Tribe in 1986 due to the exception left in for traffic violations when the Omaha Tribe retroceded in 1969.

The purpose of this study is to determine if Thurston County is still entitled to automatic state aid payments and a reimbursement and, if this is the case, how to reimburse the county.

The issues to be addressed by this study include, but are not limited to:

(1) What are the geographic boundaries of the Winnebago and Omaha Tribes in Thurston County;

(2) Is the method for reimbursement to Thurston County a federal or a state responsibility;

(3) How much has Thurston County lost due to traffic violations since the decision to stop state aid due to the criminal retrocession for the Winnebago Tribe in 1986;

(4) Is the commission correct in its interpretation that state aid ceases to Thurston County after the criminal retrocession for the Winnebago Tribe in 1986; and

(5) What is the appropriate method for reimbursement.

Based on this study, the committee shall make any recommendations necessary to address any concerns relative to the funding and reimbursement to Thurston County.

**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 201.** Introduced by Rogert, 16; Friend, 10.

**PURPOSE:** In the last legislative session the Urban Affairs Committee of the Legislature considered LB 381. That bill proposes two separate and independent acts, the Community Improvement District Act (sections 1 to 19 of the bill) and the Transportation Development District Act (sections 20 to 55 of the bill).

Both acts propose the creation of local, self-governing political subdivisions given broad general taxation powers, generally based upon local voter approval, and general power to act to implement economic development and infrastructure construction and improvement agendas, independent of political subdivision oversight.

In the light of the significant issues involved in the legislation and the potential they have for providing new economic development tools for local governments, the committee decided that it would be appropriate to devote study during the interim to the provisions of the bill and their impact and how best modify it to meet the particular needs of our municipalities in the current economic environment. In addition, some time would be devoted to determining the effectiveness of the proposed acts in other states.

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

1. That the Urban Affairs 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 202.** Introduced by Friend, 10.

**PURPOSE:** Under Nebraska law, cities and villages exercise jurisdiction for a number of purposes over areas outside of their boundaries. In addition to planning and zoning regulations, subdivision regulations, and building codes, these areas are also subject to some police power regulations, including nuisance laws. The citizens who live in that area often pay higher fees or taxes as the result of municipal action on the construction, improvement, or expansion of some utility facilities.

Municipal decisions involving expansions of facilities that provide water, sewer, gas, or solid waste disposal services can have a significant influence on the cost and quality of life of the residents both inside and outside city limits.

The purpose of this study will be to investigate the full range of powers granted to municipalities, both cities and villages, which involve jurisdiction over residents in areas outside of municipal boundaries, determine how widespread is the exercise of these powers and the extent of their reach, and

determine if these powers are necessary or appropriate or if they should be expanded or modified.

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

1. That the Urban Affairs 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 203.** Introduced by Friend, 10.

**PURPOSE:** The purpose of this resolution is for the Urban Affairs Committee of the Legislature to study the cost-effectiveness of upgrading the Nebraska Energy Code for new commercial construction to thirty percent beyond the existing code. Nebraska's current standard for new commercial construction is the 2003 International Energy Conservation Code as developed by the International Code Council. The most recent national energy standard is the 2009 International Energy Conservation Code. Nebraska consumers are requesting more energy efficiency and environmental standards in new commercial construction. The results of this study will provide the basis for the Urban Affairs Committee to determine whether Nebraska should upgrade the Nebraska Energy Code.

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

1. That the Urban Affairs 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 204.** Introduced by Urban Affairs Committee: Friend, 10, Chairperson; Coash, 27; Cook, 13; Lathrop, 12; McGill, 26; Rogert, 16; White, 8.

**PURPOSE:** This study will provide the opportunity for the Urban Affairs Committee of the Legislature to investigate and review matters and issues arising during the interim which are within its jurisdiction and which may be the subject of bills to be introduced in the 2010 legislative session.

The study will involve:

(1) A review of any legislation considered by the committee during the 2009 legislative session which failed to advance from committee or to be

adopted to determine what further action by the committee might be warranted with regard to the particular subjects of the individual bills;

(2) A review of problems, concerns, or legislation proposed for introduction by senators or other parties for study, technical discussion, or conceptual refinement before the start of the next legislative session; and

(3) The conduct of at least one public hearing to provide an opportunity for public comment and discussion with members of the committee and the public on issues involving matters within the committee's jurisdiction.

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

1. That the Urban Affairs 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 205.** Introduced by Friend, 10.

PURPOSE: State law gives authority to cities and villages to adopt various building codes, plumbing codes, electrical codes, fire prevention codes, energy efficiency codes, and other codes relating to the building or construction of structures, both residential and commercial.

Over the course of time various issues have come to the Urban Affairs Committee of the Legislature regarding building codes: The appropriate code or version of a code to adopt by statute; the adoption and enforcement of these codes on the local level; the interrelationship of the various codes; the proper role of the various state agencies with authority regarding the codes and their enforcement; and the various jurisdictional issues surrounding local subdivision enactment and enforcement of codes.

This study would examine these issues and questions and review the status of current state law regarding the various codes currently in use by cities and villages in Nebraska.

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

1. That the Urban Affairs 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 206.** Introduced by Adams, 24.

**PURPOSE:** The purpose of this interim study is to examine issues related to learning communities.

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.

**LEGISLATIVE RESOLUTION 207.** Introduced by Nantkes, 46.

**PURPOSE:** The purpose of this interim study is to (1) examine the statutory means by which a city of the primary class would establish a separate transit authority, similar to Omaha's Metro Area Transit (MAT) and (2) identify the steps that need to be taken at the federal or state level to facilitate the transfer of transit assets from a city of the primary class to a separate transit authority.

MAT is Omaha's public transit system. Created pursuant to the Transit Authority Law, MAT is a governmental subdivision that is separate from the city of Omaha. It is vested with a number of powers and duties, including the ability to set routes and raise revenue. MAT is governed by a five-member board of directors who are appointed by local elected officials.

The Transit Authority Law applies only to cities of the metropolitan class. In the city of Lincoln (a primary class city), the public transit system is known as StarTran. StarTran is not a separate governmental subdivision; rather, it is a division of the city's Public Works and Utilities Department. As such, many of StarTran's activities, including budgeting and major route-setting, are subject to approval by the city council or the mayor.

It is the intent of the Legislature that this interim study will examine whether or not it is sound public policy to allow a city of the primary class to create a separate transit authority and determine an outline of the steps necessary at the federal or state level to facilitate the transfer of transit assets from a city of the primary class to the separate transit authority.

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

1. That the Urban Affairs 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 208.** Introduced by Nantkes, 46.

PURPOSE: During tough economic times when traditional sources of funds to grow businesses are limited, it becomes important to study innovative ways to invest in economic development. The purpose of this interim study is to focus on innovative and creative solutions to supplement traditional economic development tools, including the use of private "angel investors" in new companies. The study will also evaluate innovative programs in other states and report on what is lacking and needed in Nebraska.

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 209.** Introduced by Nantkes, 46.

PURPOSE: The State of Nebraska is about to embark on a major modernization effort in its delivery of legally authorized health and human services. The current proposal seeks to reduce the number of state employees employed by the Department of Health and Human Services. The modernization proposal requires communities to partner with the state in the delivery of services previously provided by state employees. Other states have embarked on similar efforts. Nebraskans who are elderly or disabled have difficulties interacting with new technologies.

The purpose of this interim study is to explore the implications of the Department of Health and Human Services' discontinuance of the existing manner in which they interact with citizens of this state and the utilization of new technologies, such as Access Nebraska.

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

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

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

Referred to the Executive Board.

**GENERAL FILE**

**LEGISLATIVE BILL 36.** The Avery amendment, AM1455, found in this day's Journal, to the committee amendment, was renewed.

Pending.

**COMMITTEE REPORTS**

## Enrollment and Review

**LEGISLATIVE BILL 155.** Placed on Final Reading.

ST9056

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

1. In the Rogert amendment, AM1432, section 21 has been renumbered as section 18.

2. In the Standing Committee amendments, AM1271, section 17 and all amendments thereto have been struck and the following new section inserted.

Sec. 20. Original sections 28-101, 28-518, 28-603, 28-604, 28-608, 28-611, 29-110, and 87-302, Reissue Revised Statutes of Nebraska, are repealed.

3. In the E & R amendments, ER8129, on page 1, line 5, "and 29-110" has been struck and "29-110, and 87-302" inserted; and in line 10 "to create an additional deceptive trade practice under the Uniform Deceptive Trade Practices Act;" has been inserted after the first semicolon.

**LEGISLATIVE BILL 218.** Placed on Final Reading.

**LEGISLATIVE BILL 392.** Placed on Final Reading Second.

(Signed) Jeremy Nordquist, Chairperson

**COMMITTEE REPORTS**

## Education

**LEGISLATIVE BILL 281.** Placed on General File with amendment.  
AM353

1 1. Strike the original sections and insert the following  
2 new sections:  
3 Section 1. Section 79-1212, Reissue Revised Statutes of  
4 Nebraska, is amended to read:  
5 79-1212 ~~Members~~ (1) Except as provided in subsection  
6 (2) of this section, members of boards of educational service  
7 units existing prior to approval of any plan of reorganization  
8 shall serve as board members of educational service units which  
9 are reorganized pursuant to sections 79-1206 to 79-1211 until the  
10 expiration of their original terms. Such persons shall be members  
11 of the board of the reorganized educational service unit in which

12 they reside. Within thirty days after approval of any plan of  
13 reorganization by the State Board of Education, the Commissioner of  
14 Education shall call a meeting of board members of each educational  
15 service unit being reorganized pursuant to sections 79-1206 to  
16 79-1211. At such meeting, members of each such board shall appoint  
17 one member from each election district to be created pursuant to  
18 the plan of reorganization not having representation on such board  
19 to serve until the next general election. The board shall take  
20 all necessary action to prepare for operation of the reorganized  
21 educational service unit commencing one year following approval  
22 of any plan of reorganization by the State Board of Education.  
23 Expenses incurred by such board prior to such times shall be  
1 prorated between the counties comprising the educational service  
2 unit on the basis of the assessed valuation of such counties.

3 (2) Except as otherwise provided in this subsection,  
4 for any plan of reorganization that includes the addition of  
5 one school district to a single-district educational service unit  
6 to form a two-district educational service unit, members of the  
7 boards of educational service units existing prior to approval of  
8 any plan of reorganization shall serve as members of the boards  
9 of educational service units which are reorganized pursuant to  
10 sections 79-1206 to 79-1211 until the educational service unit  
11 board members elected in the next statewide general election  
12 take office. Such persons shall be members of the board of the  
13 reorganized educational service unit in which they reside. In  
14 addition, the school board of the school district that is being  
15 added to the existing single-district educational service unit  
16 shall appoint a number of school board members to serve on the  
17 educational service unit board until the educational service unit  
18 board members elected in the next statewide general election  
19 take office such that the combination of board members from any  
20 previous educational service unit residing within such school  
21 district plus the members appointed from such school board equal  
22 the number of school board members serving as educational service  
23 unit members for the single-district educational service unit  
24 immediately prior to the reorganization. If the number of school  
25 board members serving as educational service unit board members for  
26 the single-district educational service unit immediately prior to  
27 the reorganization exceeds the number of school board members of  
1 the school district that is being added to the educational service  
2 unit plus the board members from another educational service unit  
3 residing within the school district, then the school board members  
4 serving as educational service unit board members prior to the  
5 reorganization shall appoint a number of such board members to  
6 serve on the reorganized educational service unit board equal to  
7 the number of board members for the reorganized educational service  
8 unit that reside in the other school district. Within thirty days  
9 after approval of any plan of reorganization by the State Board of  
10 Education, the Commissioner of Education shall call a meeting of

11 board members of each educational service unit being reorganized  
 12 pursuant to sections 79-1206 to 79-1211. The board shall take  
 13 all necessary action to prepare for operation of the reorganized  
 14 educational service unit commencing one year following approval  
 15 of any plan of reorganization by the State Board of Education.  
 16 Expenses incurred by such educational service unit board prior to  
 17 such times shall be prorated between the counties comprising the  
 18 educational service unit on the basis of the assessed valuation of  
 19 such counties.  
 20 Sec. 2. Original section 79-1212, Reissue Revised  
 21 Statutes of Nebraska, is repealed.

**LEGISLATIVE BILL 22.** Indefinitely postponed.  
**LEGISLATIVE BILL 215.** Indefinitely postponed.  
**LEGISLATIVE BILL 558.** Indefinitely postponed.  
**LEGISLATIVE BILL 607.** Indefinitely postponed.  
**LEGISLATIVE BILL 654.** Indefinitely postponed.  
**LEGISLATIVE BILL 665.** Indefinitely postponed.

(Signed) Greg Adams, Chairperson

**NOTICE OF COMMITTEE HEARING**  
 Education

Room 1525

Tuesday, May 26, 2009 9:00 a.m.

Colleen Adam - Coordinating Commission for Postsecondary Education  
 Ronald Hunter - Coordinating Commission for Postsecondary Education  
 Eric Seacrest - Coordinating Commission for Postsecondary Education

(Signed) Greg Adams, Chairperson

**RESOLUTIONS**

**LEGISLATIVE RESOLUTION 210.** Introduced by Revenue Committee:  
 Cornett, 45, Chairperson; Adams, 24; Dierks, 40; Friend, 10; Hadley, 37;  
 Loudon, 49; Utter, 33; White, 8.

**PURPOSE:** The purpose of this interim study is to determine whether lodging taxes should apply to home rentals since a bed and breakfast is subject to lodging tax but if a homeowner rents their home out for multiple weeks to persons not intending to use it as a residence, no lodging tax is collected.

**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 211.** Introduced by Revenue Committee: Cornett, 45, Chairperson; Adams, 24; Dierks, 40; Friend, 10; Hadley, 37; Loudon, 49; Utter, 33; White, 8.

**PURPOSE:** The purpose of this interim study is to determine whether the sales tax collected on heating fuels should be changed to an excise tax so as to minimize the impact of the volatility of sales prices.

**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 212.** Introduced by Revenue Committee: Cornett, 45, Chairperson; Adams, 24; Dierks, 40; Friend, 10; Hadley, 37; Loudon, 49; Utter, 33; White, 8.

**PURPOSE:** The purpose of this interim study is to examine the valuation of agricultural land for tax purposes in Nebraska and in surrounding states. The goal of the study is to produce a workable legislative proposal for valuing agricultural land. The study shall also examine issues raised by the enforcement of greenbelt statutes and other laws relating to the valuation of agricultural land.

**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 213.** Introduced by Revenue Committee: Cornett, 45, Chairperson; Adams, 24; Dierks, 40; Friend, 10; Hadley, 37; Loudon, 49; Utter, 33; White, 8.

**PURPOSE:** The purpose of this interim study is to determine whether current business tax incentive programs should be changed to recognize that jobs that were part of a bankrupt entity that are now part of a business that qualifies for a tax incentive program may be counted regardless of the waiting periods in place.

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 214.** Introduced by Revenue Committee: Cornett, 45, Chairperson; Adams, 24; Dierks, 40; Friend, 10; Hadley, 37; Loudon, 49; Utter, 33; White, 8.

**PURPOSE:** The purpose of this interim study is to examine the local government levy limits and the property tax related proposals that have been implemented since 1995. The study should include an analysis of the impact that such legislation has had on taxpayers and on local government finances.

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 215.** Introduced by Revenue Committee: Cornett, 45, Chairperson; Adams, 24; Dierks, 40; Friend, 10; Hadley, 37; Loudon, 49; Utter, 33; White, 8.

**PURPOSE:** The purpose of this resolution is to study the current processes and procedures in statute applicable to county boards of equalization.

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 216.** Introduced by Friend, 10; Pirsch, 4.

**PURPOSE:** Municipalities in Nebraska have been granted broad general authority to levy occupation taxes. The full extent to which the authority has been exercised has not been fully investigated or documented.

During the course of this legislative session, the Urban Affairs Committee of the Legislature considered two bills involving modifications to occupation tax authority, LB 174 (to modify wheel tax authority in Omaha) and LB 470 (to limit certain city occupation taxes).

This study will endeavor to identify the range of occupation taxes which are currently levied by cities and villages in Nebraska, the types of business activities which are the subject of such taxes, the impact of such taxes upon the general business climate in such communities, and the reliance of municipalities upon such taxes and the extent to which municipalities use such taxes to supplement other local sources of revenue. The study will also seek to determine the role such taxes play in helping municipalities who use them to cope with budget and property tax levy limits.

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

1. That the Urban Affairs 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 217.** Introduced by Mello, 5.

**PURPOSE:** The purpose of this interim study is to examine ways to encourage entrepreneurship and private funding programs in Nebraska. The study shall include, but not be limited to: (1) A list and review of existing state and private funding for microlending, entrepreneurship, seed capital, angel capital, and venture capital programs in Nebraska; (2) an examination of ways to increase any needed state involvement in these programs; and (3) an examination of ways to encourage private businesses to leverage additional federal research funds.

**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 218.** Introduced by Pirsch, 4.

**PURPOSE:** The purpose of this resolution is to determine ways the State of Nebraska can promote and increase the export of Nebraska's agricultural products.

**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 219.** Introduced by Pirsch, 4.

**PURPOSE:** To determine ways the state can play a role in reducing truancies among Nebraska's K-12 students.

**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.

**LEGISLATIVE RESOLUTION 220.** Introduced by Pirsch, 4.

**PURPOSE:** The purpose of this resolution is to review recent trends and developments in the regulation of the business of insurance, especially those concerning the financial soundness of insurers in an evolving national and global economic environment.

**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 221.** Introduced by Pirsch, 4.

**PURPOSE:** The purpose of this resolution is to determine ways the State of Nebraska could promote energy conservation in commercial buildings and residential properties.

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

1. That the Natural Resources 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 222.** Introduced by Langemeier, 23.

**PURPOSE:** To study the issues related to granting the Department of Environmental Quality the statutory authority to file and collect environmental liens on property (both real and personal) of responsible parties in order to recover state funds expended if responsible parties (1) are insolvent, (2) refuse to take responsibility, or (3) are unavailable to undertake the required investigation, remediation, cleanup, or closure of property or a facility. An environmental lien would allow the state to equitably recover any state funds expended if significant environmental activity has occurred.

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

1. That the Natural Resources 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.

**GENERAL FILE**

**LEGISLATIVE BILL 36.** The Avery amendment, AM1455, found in this day's Journal, to the committee amendment, was renewed.

**SENATOR ROBERT PRESIDING**

The Avery amendment lost with 7 ayes, 31 nays, 9 present and not voting, and 2 excused and not voting.

Pending.

**AMENDMENTS - Print in Journal**

Senator Pirsch filed the following amendment to LB288:  
AM1428

- 1 1. Insert the following section:  
 2 Sec. 4. Section 43-512.15, Reissue Revised Statutes of  
 3 Nebraska, is amended to read:  
 4 43-512.15 (1) The county attorney or authorized attorney,  
 5 upon referral from the Department of Health and Human Services,  
 6 shall file a complaint to modify a child support order unless the  
 7 attorney determines in the exercise of independent professional  
 8 judgment that:  
 9 (a) The variation from the Supreme Court child support  
 10 guidelines pursuant to section 42-364.16 is based on material  
 11 misrepresentation of fact concerning any financial information  
 12 submitted to the attorney;  
 13 (b) The variation from the guidelines is due to a  
 14 voluntary reduction in net monthly income. For purposes of this  
 15 section, a person who has been incarcerated for a period of one  
 16 year or more in a county or city jail or a federal or state  
 17 correctional facility shall be considered to have an involuntary  
 18 reduction of income unless (i) the incarceration is a result of  
 19 a conviction for criminal nonsupport pursuant to section 28-706  
 20 or a conviction for a violation of any federal law or law of  
 21 another state substantially similar to section 28-706, ~~or~~ (ii)  
 22 the incarcerated individual has a documented record of willfully  
 23 failing or neglecting to provide proper support which he or  
 1 she knew or reasonably should have known he or she was legally  
 2 obligated to provide when he or she had sufficient resources to  
 3 provide such support, or (iii) the incarceration is a result of a  
 4 conviction for a crime in which the child who is the subject of the  
 5 child support order was victimized; or  
 6 (c) When the amount of the order is considered with all  
 7 the other undisputed facts in the case, no variation from the  
 8 criteria set forth in subdivisions (1) and (2) of section 43-512.12  
 9 exists.  
 10 (2) The department, a county attorney, or an authorized

11 attorney shall not in any case be responsible for reviewing or  
 12 filing an application to modify child support for individuals  
 13 incarcerated as described in subdivision (1)(b) of this section.

14 (3) The proceedings to modify a child support order shall  
 15 comply with section 42-364, and the county attorney or authorized  
 16 attorney shall represent the state in the proceedings.

17 (4) After a complaint to modify a child support order is  
 18 filed, any party may choose to be represented personally by private  
 19 counsel. Any party who retains private counsel shall so notify the  
 20 county attorney or authorized attorney in writing.

21 2. Renumber the remaining sections, correct internal  
 22 references, and correct the repealer so that the section added  
 23 by this amendment becomes operative three calendar months after  
 24 adjournment of this legislative session.

Senator Cornett filed the following amendment to LB218A:  
 AM1453

1 1. Strike the original sections and insert the following  
 2 new sections:

3 Section 1. Section 77-27,228, Revised Statutes Cumulative  
 4 Supplement, 2008, is amended to read:

5 77-27,228 (1) For purposes of sections 77-27,228 to  
 6 77-27,234, subject to subsection (2) of this section, planned gift  
 7 means an irrevocable contribution to a qualified endowment when the  
 8 contribution uses any of the following techniques authorized under  
 9 the Internal Revenue Code of 1986, as amended:

10 (a) Charitable remainder unitrusts, as defined by section  
 11 664(d)(2) of the code;

12 (b) Charitable remainder annuity trusts, as defined by  
 13 section 664(d)(1) of the code;

14 (c) Pooled income ~~fund trusts, funds,~~ as defined by  
 15 section 642(c)(5) of the code;

16 (d) Charitable lead unitrusts qualifying under section  
 17 170(f)(2)(B) of the code;

18 (e) Charitable lead annuity trusts qualifying under  
 19 section 170(f)(2)(B) of the code;

20 (f) Charitable gift annuities ~~undertaken pursuant to~~  
 21 ~~section 1011(b) of the code;~~ qualifying under section 59-1802;

22 (g) Deferred charitable gift annuities ~~undertaken~~  
 23 ~~pursuant to section 1011(b) of the code;~~ qualifying under section  
 1 59-1802;

2 (h) Charitable life estate agreements qualifying under  
 3 section 170(f)(3)(B) of the code; or

4 (i) Paid-up life insurance policies qualifying as a  
 5 deduction under section 170 of the code.

6 (2)(a) A contribution using a technique described in  
 7 subdivision (1)(a) or (1)(b) of this section is not a planned gift  
 8 unless the trust agreement provides that the trust cannot terminate  
 9 and the beneficiaries' interest in the trust cannot be assigned or

10 contributed to the qualified endowment sooner than the earlier of:

11 (i) The date of death of the beneficiaries; or

12 (ii) Five years after the date of the contribution.

13 (b) A contribution using the technique described in  
 14 subdivision (1)(g) of this section is not a planned gift unless  
 15 the payment of the annuity is required to begin within the life  
 16 expectancy of the annuitant or of the joint life expectancies  
 17 of the annuitants, if more than one annuitant, as determined  
 18 using the actuarial tables adopted by the Department of Revenue  
 19 in effect on the date of the contribution. The department may  
 20 adopt and promulgate rules and regulations adopting life expectancy  
 21 tables that are derived from the actuarial tables contained in the  
 22 publications of the Internal Revenue Service.

23 (c) A contribution using a technique described in  
 24 subdivision (1)(f) or (1)(g) of this section is not a planned gift  
 25 unless the annuity agreement provides that the interest of the  
 26 annuitant or annuitants in the gift annuity cannot be assigned to  
 27 the qualified endowment sooner than the earlier of:

1 (i) The date of death of the annuitant or annuitants; or

2 (ii) Five years after the date of the contribution.

3 (d) A contribution using a technique described in  
 4 subdivision (1)(f) or (1)(g) of this section is not a planned gift  
 5 unless the annuity is made by way of a qualified-charitable gift  
 6 annuity contribution as defined in section ~~59-1802~~. 170 of the  
 7 code.

8 Sec. 2. Section 77-27,229, Revised Statutes Cumulative  
 9 Supplement, 2008, is amended to read:

10 77-27,229 (1) For purposes of sections 77-27,228 to  
 11 77-27,234, endowment fund means an institutional fund, or part  
 12 thereof, as defined in section 58-611.

13 (2) For purposes of sections 77-27,228 to 77-27,234,  
 14 qualified endowment means a permanent, irrevocable an endowment  
 15 fund that is used for Nebraska charitable purposes and held by a  
 16 Nebraska incorporated or established organization that:

17 ~~(1)(a)~~ (a)(i) Is a tax-exempt organization under section  
 18 501(c)(3) of the Internal Revenue Code of 1986, as amended; or

19 ~~(b)~~ (ii) Is a bank or trust company that is holding the  
 20 fund on behalf of a tax-exempt organization under section 501(c)(3)  
 21 of the code; and

22 ~~(2)(b)~~ Holds the fund as a permanent-qualified endowment  
 23 fund from which funds may only be appropriated under the standards  
 24 set forth in section 58-613.

25 Sec. 3. Section 77-27,234, Revised Statutes Cumulative  
 26 Supplement, 2008, is amended to read:

27 77-27,234 Sections 77-27,228 to 77-27,233 terminate for  
 1 taxable years beginning or deemed to begin on or after January 1,  
 2 2010, December 31, 2015, under the Internal Revenue Code of 1986,  
 3 as amended.

4 Sec. 4. This act becomes operative for all taxable years

5 beginning or deemed to begin on or after January 1, 2009, under the  
 6 Internal Revenue Code of 1986, as amended.  
 7 Sec. 5. Original sections 77-27,228, 77-27,229, and  
 8 77-27,234, Revised Statutes Cumulative Supplement, 2008, are  
 9 repealed.

Senator Langemeier filed the following amendment to LB561:  
 AM1454

(Amendments to E & R amendments, ER8126)

- 1 1. Strike section 3 and insert the following new  
 2 sections:  
 3 Sec. 3. Section 70-1903, Revised Statutes Cumulative  
 4 Supplement, 2008, is amended to read:  
 5 70-1903 For purposes of the Rural Community-Based Energy  
 6 Development Act:  
 7 (1) C-BED project or community-based energy development  
 8 project means a new wind energy project that:  
 9 (a) Has an ownership structure as follows:  
 10 (i) For a C-BED project that consists of more than  
 11 two turbines, has one or more qualified owners with no single  
 12 individual qualified owner owning directly or indirectly more than  
 13 fifteen percent of the project and with at least thirty-three  
 14 percent of the gross power purchase agreement payments flowing to  
 15 the qualified owner or owners or local community; or  
 16 (ii) For a C-BED project that consists of one or  
 17 two turbines, has one or more qualified owners with at least  
 18 thirty-three percent of the gross power purchase agreement payments  
 19 flowing to a qualified owner or owners or local community; and  
 20 (b) Has a resolution of support adopted:  
 21 (i) By the county board of each county in which the C-BED  
 22 project is to be located; or  
 1 (ii) By the tribal council for a C-BED project located  
 2 within the boundaries of an Indian reservation;  
 3 (2) Debt financing payments means principal, interest,  
 4 and other typical financing costs paid by the C-BED project company  
 5 to one or more third-party financial institutions for the financing  
 6 or refinancing of the construction of the C-BED project. Debt  
 7 financing payments does not include the repayment of principal at  
 8 the time of a refinancing;  
 9 ~~(2)-(3)~~ Electric utility means an electric supplier that:  
 10 (a) Owns more than one hundred miles of  
 11 one-hundred-fifteen-kilovolt or larger transmission lines in the  
 12 State of Nebraska;  
 13 (b) Owns more than two hundred megawatts of electric  
 14 generating facilities; and  
 15 (c) Has the obligation to directly serve more than two  
 16 hundred megawatts of wholesale or retail electric load in the State  
 17 of Nebraska; ~~and~~  
 18 (4) Gross power purchase agreement payments means the

19 total amount of payments during the life of the agreement. For  
 20 power purchase agreements entered into on or before December 31,  
 21 2011, if the qualified owners have a combined total of at least  
 22 thirty-three percent of the equity ownership in the C-BED project,  
 23 gross power purchase agreement payments shall be reduced by the  
 24 debt financing payments; and

25 ~~(3)~~(5) Qualified owner means:

26 (a) A Nebraska resident;

27 (b) A limited liability company that is organized under  
 1 the Limited Liability Company Act and that is made up of members  
 2 who are Nebraska residents;

3 (c) A Nebraska nonprofit corporation organized under the  
 4 Nebraska Nonprofit Corporation Act;

5 (d) An electric supplier as defined in section  
 6 70-1001.01, except that ownership in a single C-BED project is  
 7 limited to no more than:

8 (i) Fifteen percent either directly or indirectly by a  
 9 single electric supplier; and

10 (ii) A combined total of twenty-five percent ownership  
 11 either directly or indirectly by multiple electric suppliers; or

12 (e) A tribal council.

13 Sec. 4. Section 70-1904, Revised Statutes Cumulative  
 14 Supplement, 2008, is amended to read:

15 70-1904 (1) A C-BED project developer and an electric  
 16 utility are authorized to negotiate in good faith mutually  
 17 agreeable power purchase agreement terms.

18 (2) A qualified owner or any combination of qualified  
 19 owners may develop a C-BED project with an equity partner that is  
 20 not a qualified owner, if not more than sixty-seven percent of the  
 21 gross power purchase agreement payments flow to the nonqualified  
 22 owners.

23 (3) Except for an inherited interest, the transfer of  
 24 a C-BED project to any person other than a qualified owner is  
 25 prohibited during the initial ten years of the power purchase  
 26 agreement.

27 (4) A C-BED project that is operating under a power  
 1 purchase agreement is not eligible for any applicable net energy  
 2 billing.

3 (5) A C-BED project shall be subject to approval by the  
 4 Nebraska Power Review Board in accordance with Chapter 70, article  
 5 10, or shall receive certification as a qualifying facility in  
 6 accordance with the federal Public Utility Regulatory Policies Act  
 7 of 1978, 16 U.S.C. 2601 et seq., with written notice of such  
 8 certification provided to the Nebraska Power Review Board.

9 (6) A C-BED project developer shall notify the electric  
 10 utility that has a power purchase agreement with a C-BED project if  
 11 there is a change in project ownership which makes the project no  
 12 longer eligible as a C-BED project.

13 Sec. 5. Section 77-2704.57, Revised Statutes Cumulative

14 Supplement, 2008, is amended to read:

15 77-2704.57 (1) Sales and use tax shall not be imposed  
 16 on the gross receipts from the sale, lease, or rental of personal  
 17 property for use in a C-BED project or community-based energy  
 18 development project. This exemption shall be conditioned upon  
 19 filing requirements for the exemption as imposed by the Tax  
 20 Commissioner. The requirements imposed by the Tax Commissioner  
 21 shall be related to ensuring that the property purchased qualifies  
 22 for the exemption. The Tax Commissioner may require the filing  
 23 of the documents showing compliance with section 70-1907, the  
 24 organization of the project, the distribution of the payments,  
 25 the power purchase agreements, the project pro forma, articles of  
 26 incorporation, operating agreements, and any amendments or changes  
 27 to these documents during the life of the power purchase agreement.

1 (2) The Tax Commissioner shall notify an electric utility  
 2 that has a power purchase agreement with a C-BED project if  
 3 there is a change in project ownership which makes the project no  
 4 longer eligible as a C-BED project. Purchase of a C-BED project  
 5 by an electric utility prior to the end of the power purchase  
 6 agreement disqualifies the C-BED project for the exemption, but the  
 7 Department of Revenue may not recover the amount of the sales and  
 8 use tax that was not paid by the project prior to the purchase.

9 (3) For purposes of this section:

10 (a) C-BED project or community-based energy development  
 11 project means a new wind energy project that:

12 (i) Has an ownership structure as follows:

13 (A) For a C-BED project that consists of more than  
 14 two turbines, has one or more qualified owners with no single  
 15 individual qualified owner owning directly or indirectly more than  
 16 fifteen percent of the project and with at least thirty-three  
 17 percent of the gross power purchase agreement payments flowing to  
 18 the qualified owner or owners or local community; or

19 (B) For a C-BED project that consists of one or  
 20 two turbines, has one or more qualified owners with at least  
 21 thirty-three percent of the gross power purchase agreement payments  
 22 flowing to a qualified owner or owners or local community; and

23 (ii) Has a resolution of support adopted:

24 (A) By the county board of each county in which the C-BED  
 25 project is to be located; or

26 (B) By the tribal council for a C-BED project located  
 27 within the boundaries of an Indian reservation;

1 (b) Debt financing payments means principal, interest,  
 2 and other typical financing costs paid by the C-BED project company  
 3 to one or more third-party financial institutions for the financing  
 4 or refinancing of the construction of the C-BED project. Debt  
 5 financing payments does not include the repayment of principal at  
 6 the time of a refinancing;

7 ~~(b)~~(c) New wind energy project means any tangible  
 8 personal property incorporated into the manufacture, installation,

9 construction, repair, or replacement of a device, such as a wind  
 10 charger, windmill, or wind turbine, which is used to convert wind  
 11 energy to electrical energy or for the transmission of electricity  
 12 to the purchaser; and

13 ~~(e)~~(d) Qualified owner means:

14 (i) A Nebraska resident;

15 (ii) A limited liability company that is organized under  
 16 the Limited Liability Company Act and that is entirely made up of  
 17 members who are Nebraska residents;

18 (iii) A Nebraska nonprofit corporation organized under  
 19 the Nebraska Nonprofit Corporation Act;

20 (iv) An electric supplier as defined in section  
 21 70-1001.01, except that ownership in a single C-BED project is  
 22 limited to no more than:

23 (A) Fifteen percent either directly or indirectly by a  
 24 single electric supplier; and

25 (B) A combined total of twenty-five percent ownership  
 26 either directly or indirectly by multiple electric suppliers; or

27 (v) A tribal council.

1 (4) ~~Power~~Gross power purchase agreement payments are the  
 2 total amount of payments during the life of the agreement. For  
 3 power purchase agreements entered into on or before December 31,  
 4 2011, if the qualified owners have a combined total of at least  
 5 thirty-three percent of the equity ownership in the C-BED project,  
 6 gross power purchase agreement payments shall be reduced by the  
 7 debt financing payments. For the ~~purposes~~purpose of determining  
 8 eligibility of the project, an estimate of the payments and their  
 9 recipients shall be used.

10 (5) Payments to the local community include, but are not  
 11 limited to, lease payments to property owners on whose property a  
 12 turbine is located, wind energy easement payments, and real and  
 13 personal property tax receipts from the C-BED project.

14 (6) The Department of Revenue may examine the actual  
 15 payments and the distribution of the payments to determine if the  
 16 projected distributions were met. If the payment distributions to  
 17 qualified owners do not meet the requirements of this section, the  
 18 department may recover the amount of the sales or use tax that was  
 19 not paid by the project at any time up until the end of three years  
 20 after the end of the power purchase agreement.

21 (7) At any time prior to the end of the power purchase  
 22 agreements, the project may voluntarily surrender the exemption  
 23 granted by the Tax Commissioner and pay the amount of sales and use  
 24 tax that would have otherwise have been due.

25 (8) The amount of the tax due under either subsection  
 26 (6) or (7) of this section shall be increased by interest at the  
 27 rate specified in section 45-104.02, as such rate may from time to  
 1 time be adjusted, from the date the tax would have been due if no  
 2 exemption was granted until the date paid.

3 Sec. 6. Original sections 70-670 and 70-1014.01, Reissue

4 Revised Statutes of Nebraska, and sections 70-1903, 70-1904,  
5 and 77-2704.57, Revised Statutes Cumulative Supplement, 2008, are  
6 repealed.

## RESOLUTION

### LEGISLATIVE RESOLUTION 223. Introduced by Council, 11.

WHEREAS, the State of Nebraska recognizes its immigrant history of hard-working families coming to our state to make a better life for themselves; and

WHEREAS, immigrants have always been an important part of the social and economic fabric of the State of Nebraska; and

WHEREAS, in recent years new immigrants are once again coming to the State of Nebraska, helping to boost our population and revitalize our communities; and

WHEREAS, the economic and other contributions of these newcomers to our state are significant and include paying taxes and contributing to our schools, churches, neighborhoods, and communities; and

WHEREAS, our federal immigration system is broken, leaving local communities and the state to grapple with the consequences. This broken system has also led to lost opportunities; and

WHEREAS, our federal immigration system should uphold our basic values of family, economic opportunity, and fairness; and

WHEREAS, by restoring order to our federal immigration system, such reform will make our nation more secure, help to meet our labor needs, and uphold our basic values as a nation; and

WHEREAS, the need for rational and humane immigration reform is recognized by businesses, educators, faith communities, labor groups, state and local elected officials, and other leaders and sectors in the State of Nebraska; and

WHEREAS, the State of Nebraska recognizes that there is now a movement and a real possibility to enact meaningful immigration reform at the federal level.

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

1. That the Legislature urges the members of Nebraska's congressional delegation to work to pass rational and humane immigration reform which simultaneously addresses the following:

- a. The situation of undocumented workers currently in the United States;
- b. The future flow of undocumented workers into the United States;
- c. The need for tailored, targeted, and effective enforcement that respects the human and legal rights of all involved;
- d. Support for the successful integration of newcomers into the communities where they settle; and
- e. The need to ensure full due process rights for all.

2. That the Legislature further urges the members of Nebraska's congressional delegation to ensure that any immigration reform conform with the following principles:

- a. Provide a meaningful path to citizenship for undocumented workers currently in the United States and for future workers and close family members;
- b. Protect workers, both immigrant and American-born, from exploitation;
- c. Reunite families;
- d. Restore the rule of law and enhance security; and
- e. Promote citizenship and civic participation.

3. That a copy of this resolution be sent to the President of the United States, the President Pro Tempore of the United States Senate, the Speaker of the United States House of Representatives, and each member of Nebraska's congressional delegation.

Laid over.

### SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Section 8, LR223 was referred to the Reference Committee.

### RESOLUTION

**LEGISLATIVE RESOLUTION 224.** Introduced by Mello, 5; Adams, 24; Ashford, 20; Campbell, 25; Christensen, 44; Coash, 27; Cornett, 45; Council, 11; Dierks, 40; Dubas, 34; Friend, 10; Giese, 17; Gloor, 35; Haar, 21; Hadley, 37; Hansen, 42; Harms, 48; Howard, 9; Janssen, 15; Karpisek, 32; Langemeier, 23; Lathrop, 12; McGill, 26; Nantkes, 46; Nelson, 6; Nordquist, 7; Pankonin, 2; Pirsch, 4; Price, 3; Rogert, 16; Schilz, 47; Sullivan, 41; Utter, 33; Wallman, 30; White, 8; Wightman, 36.

The Legislature recognizes that it is essential for the State of Nebraska to have an effective, efficient, and transparent budgeting process that yields a budget from which success or failure can be measured. In order to ensure that the state's budgeting process is as effective, efficient, and transparent as possible, it becomes necessary to periodically review the process in detail and to make changes to it when necessary.

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

1. That the Legislature hereby calls for the Executive Board of the Legislative Council to meet forthwith and appoint a task force to be known as the Budget Reform Task Force. The task force shall consist of the following members:

- (a) The chairperson of the Executive Board of the Legislative Council or another member of the board as his or her designee;
- (b) The chairperson of the Appropriations Committee of the Legislature or another member of the committee as his or her designee;

(c) The chairperson of the Education Committee of the Legislature or another member of the committee as his or her designee;

(d) The chairperson of the Legislature's Planning Committee or another member of the committee as his or her designee;

(e) Two members of the Appropriations Committee of the Legislature other than the chairperson or his or her designee, appointed by the chairperson of such committee;

(f) Two members of the Revenue Committee of the Legislature, appointed by the chairperson of such committee; and

(g) Three members from other standing committees of the Legislature, appointed by the Executive Board.

The task force shall elect a chairperson and vice-chairperson from the membership of the task force. The Executive Board is hereby authorized to provide the task force with a legal counsel, committee clerk, and other staff as required by the task force from existing legislative staff. The task force is hereby authorized to hold hearings and issue subpoenas as is deemed necessary by the task force.

2. The Budget Reform Task Force is hereby authorized to study the budgeting process for the State of Nebraska. The issues examined by the task force shall include, but not be limited to:

(a) Zero-based budgeting;

(b) Performance measurements;

(c) Oversight of public contracts;

(d) An evaluation of existing programs and agencies;

(e) An evaluation of the fiscal note process, including an analysis of the roles played by outside departments and agencies; and

(f) Strategic planning on budgeting.

The task force shall issue a report with its findings and recommendations to the Legislature no later than June 30, 2010.

Laid over.

## **SPEAKER'S ANNOUNCEMENT**

Pursuant to Rule 4, Section 8, LR224 was referred to the Reference Committee.

## **RESOLUTIONS**

**LEGISLATIVE RESOLUTION 225.** Introduced by Christensen, 44.

**PURPOSE:** With divorce rates remaining high throughout the United States, many states have enacted laws to reduce divorce and mitigate its effects. Many government leaders have recognized the large and increasing cost divorce has had on not only the immediate couple and their families, but also communities and states as a whole. Many state governments are interested in identifying what part the states' policies, incentives, and initiatives can play in reversing the high rates of divorce.

Though many states have taken some action in this area, approximately ten years ago, Oklahoma took major steps to address divorce and its negative effects through a comprehensive effort called the Oklahoma Marriage Initiative. This initiative has provided thousands of couples with, and directed many to, a variety of marriage education courses and resources. During the initiative, evidence showed that while the national divorce rate was increasing, Oklahoma's divorce rate was decreasing.

Results from an economic study of the State of Oklahoma showing the negative effects of divorce on the state's economy helped spark this initiative. The Governor of Oklahoma, realizing his state's economy had been negatively affected by divorce, and realizing his state had one of the highest rates of divorce in the nation at the time, pushed for the development of a plan to help reduce divorce in Oklahoma through policy changes, marriage education courses, and other resources.

This study will seek to understand the process Oklahoma went through to study the problem of divorce and implement the Oklahoma Marriage Initiative so that Nebraska may explore and learn from Oklahoma's actions and formulate possible changes in policy, which could potentially launch Nebraska's own marriage initiative. In addition, this study will seek to learn from other states and organizations that have taken actions to strengthen marriage and reduce divorce through policy change and marriage education. This study shall include, but not be limited to (1) examining steps Oklahoma used to understand divorce and its affect on the state's economy and public services, (2) examining Oklahoma's implementation of new policies and education under the marriage initiative, (3) examining the effectiveness of the Oklahoma Marriage Initiative in strengthening marriages and reducing divorce, (4) applying Oklahoma's successes with successes from other states to develop potential recommendations for policy changes and education, or a potential plan for a Nebraska Marriage Initiative, and (5) exploring the need for marriage education in Nebraska and how state government may appropriately partner with public and private organizations to reduce divorce in Nebraska.

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.

**LEGISLATIVE RESOLUTION 226.** Introduced by Howard, 9.

**PURPOSE:** The purpose of this interim study is to examine medical malpractice liability. In 1976, the Legislature passed the Nebraska Hospital-Medical Liability Act. The act included several provisions to protect doctors and hospitals from exposure to litigation for medical negligence, including

limitations on the damages recoverable by those harmed by medical mistakes and elimination of the right to trial by jury. Over the three decades since the act was adopted, the Legislature has not studied the impact that the act has had on those persons who have been injured by medical negligence. The Legislature should study the impact that the provisions of the act have had on victims, including, but not limited to, (1) whether the limitations on damages have unfairly shifted the costs of medical negligence to the victims of medical negligence and to the state or political subdivisions, (2) the impact on the lives of persons whose damages exceeded the limitations, (3) whether the cap on damages has kept pace with inflation and medical cost inflation, (4) whether the denial of trial by jury has negatively impacted victims of medical mistakes, and (5) whether the limitation on damages has provided unfair negotiating leverage for insurance carriers.

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.

**LEGISLATIVE RESOLUTION 227.** Introduced by Nordquist, 7.

PURPOSE: The purpose of this resolution is to conduct research and make recommendations relating to peer support for mental health consumers. The issues to be addressed shall include, but not be limited to, (1) the concept of peer support, (2) education and training, (3) employment, salary, benefit, and career opportunities, (4) state recognition certifications, and (5) public and private funding mechanisms.

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 228.** Introduced by Dierks, 40.

PURPOSE: The purpose of this interim study is to examine organic foods. Consumer demand for organic foods is rapidly increasing. Nebraska farmers have an opportunity to become leaders in the growth and marketing of

organic foods as farmers markets, grocery stores, restaurants, and other businesses continue to add more organic products in response to the demand. Organic foods can provide economic development opportunities for Nebraska farmers, ranchers, and businesses. Organic products must maintain certain standards in order to be granted organic certification. This study shall include, but not be limited to, examination of the following:

- (1) Methods of increasing organic food production;
- (2) Whether incentives are necessary or effective in supporting organic food production;
- (3) Whether there are barriers to developing organic food production;
- (4) Whether policies are needed to protect organic agriculture from contamination by other agriculture which is not organic;
- (5) Methods of developing and expanding markets for organic foods; and
- (6) Policies of other states and the federal government related to support for organic agriculture.

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 229.** Introduced by Dierks, 40.

**PURPOSE:** The purpose of this resolution is to examine the impact of federal and state bans on the slaughter of horses and the transport of horses for slaughter and the options available for the disposal of horses. The study shall also consider the impact of legislation and resolutions passed by other states regarding the issue of the slaughter of horses.

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 230.** Introduced by Dierks, 40.

**PURPOSE:** The purpose of this resolution is to examine matchup or lineup video gaming devices that award monetary prizes, in which two or more numerals, symbols, letters, icons, or other objects align to form a winning

combination on one or more lines vertically, horizontally, diagonally, or otherwise, with or without assistance by the player. The study shall include, but not be limited to, a determination of the estimated number of devices thought to be in operation in Nebraska and the projected number of future devices, a determination of how revenue generated from the devices is allocated, a determination of the amount of taxes and fees collected on the devices, an analysis of the current and future projected impact such devices are having on legal forms of gaming in Nebraska, including the revenue impact on local governments and nonprofit organizations, and an analysis of any other issues deemed relevant by the committee. The committee shall determine whether any legislation addressing such video gaming devices is necessary.

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

1. That the General Affairs 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 231.** Introduced by Pirsch, 4.

PURPOSE: The purpose of this resolution is to examine ways the state could promote job creation in the more economically disadvantaged, rural communities in Nebraska.

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 232.** Introduced by Pirsch, 4.

PURPOSE: The purpose of this interim study is to examine the occupation taxes imposed on wireless telecommunication services. Nebraska had the highest rate of taxation on wireless telecommunication consumers in the country with a rate in excess of 18%, in part due to occupation taxes. There is no limit on the occupation tax rate that may be imposed on wireless telecommunication services. Customers in some areas pay an occupation tax

of up to 6.25% on wireless telecommunication services, while consumers in other areas pay no occupation tax. The occupation tax is a regressive tax, burdening lower-income customers at the same rate as higher-income customers. The State of Nebraska covers a large geographic area, and it is in the interest of all Nebraskans to have affordable statewide wireless telecommunication services. Occupation taxes create a burden on the development of new wireless telecommunication services and the growth of existing wireless telecommunication services. The Legislature should study the occupation taxes currently imposed on wireless telecommunication services in Nebraska and determine ways the state can maintain and advance the efficiency and availability of telecommunication services in the state.

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 233.** Introduced by Coash, 27.

**PURPOSE:** The purpose of this interim study is to examine judicial resources and the allocation of judicial resources to determine whether changes should be made in order for the state to utilize such resources more efficiently.

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.

**LEGISLATIVE RESOLUTION 234.** Introduced by Coash, 27.

**PURPOSE:** The purpose of this study is to review current statutes and regulations related to community-based developmental disability service providers. The issues addressed by this interim study shall include, but not be limited to:

(1) Identifying existing regulations currently needed to promote the safety of persons receiving services and the safety of the community; and

(2) Recommendations to the Legislature about statutes and regulations that no longer address the safety of persons receiving services and the safety of the community.

The study may involve interested parties, both public and private.

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 235.** Introduced by Christensen, 44.

PURPOSE: This study will examine two different water issues in Nebraska. First, it will examine potential programs to achieve the needed amount of retired irrigated acres under the Platte River Recovery Implementation Program, entered into by the State of Nebraska under the Platte River Cooperative Agreement, and how to finance such programs. Second, the study will examine potential programs to address future water-short years in the Republican River Basin, and how to finance these programs.

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

1. That the Natural Resources 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 236.** Introduced by Christensen, 44.

PURPOSE: The purpose of this interim study is to examine in vitro fertilization. The reproductive technology called in vitro fertilization (IVF) has allowed many couples and women to have children who could not have children otherwise. Because IVF creates a human embryo, which is a new and unique human being at its earliest stage of human development, and because several recent uses of this technology in the United States have appeared to treat human life trivially and like a commodity, many Americans are calling for tougher regulations of doctors and clinics that perform this procedure.

In one such case of questionable use of IVF, a single mother with six children had, in one single IVF procedure, at least eight human embryos implanted into her uterus. All eight of these embryos became viable, and she successfully delivered eight children. She is now a single mom with fourteen children.

In many other cases, IVF clinics create more human embryos through IVF than they will use or need. Many of these human embryos are frozen, discarded, or destroyed during medical research. This advancement in reproductive technology has given rise to many moral and ethical questions and dilemmas. Millions of Americans are calling for their state governments to look into increasing the regulation of this procedure to protect and show respect for human life at all stages of development.

This study seeks to review Nebraska's policies regarding IVF and identify potential areas where regulation is lacking and proper protections do not exist to appropriately secure the dignity of human life.

This study shall include, but not be limited to, examining Nebraska's current regulations regarding IVF, examining the appropriateness of limiting the number of human embryos created during a single IVF procedure, and examining what is the appropriate handling of human embryos created by IVF after their parents no longer want them.

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.

### GENERAL FILE

**LEGISLATIVE BILL 36.** Committee AM828, found on page 108 and considered in this day's Journal, was renewed.

The committee amendment was adopted with 34 ayes, 4 nays, 7 present and not voting, and 4 excused and not voting.

Pending.

### RESOLUTIONS

**LEGISLATIVE RESOLUTION 237.** Introduced by Pirsch, 4.

**PURPOSE:** The purpose of this resolution is to evaluate the period of time juveniles are involved in the Nebraska juvenile court system and examine ways to improve and streamline the process.

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.

**LEGISLATIVE RESOLUTION 238.** Introduced by Nordquist, 7.

PURPOSE: The purpose of this resolution is to study the proliferation of retail liquor licenses. Unrestrained proliferation could prove harmful to a community, as well as reduce the value of existing retail liquor-serving businesses. This study shall:

(1) Find what methods are available to control the proliferation of alcohol-serving establishments;

(2) Determine what impact such methods would have on existing businesses;

(3) Determine what impact such methods would have on investment in new businesses; and

(4) Recommend appropriate action, if any.

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

1. That the General Affairs 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 239.** Introduced by Pirsch, 4.

PURPOSE: The purpose of this resolution is to assess the effectiveness of existing community corrections programs and to determine whether the community corrections concept could be expanded to save taxpayer money, prevent nonviolent, low-risk offender recidivism, and free up prison space for high-risk and violent offenders.

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.

**LEGISLATIVE RESOLUTION 240.** Introduced by Christensen, 44; Schilz, 47.

**PURPOSE:** Rural economic development is an important tool to encourage economic growth in rural Nebraska. Livestock production is vital to the economic prosperity and overall growth of Nebraska and the well-being of its citizens. This study seeks to examine ideas for encouraging responsible livestock development through voluntary participation and partnerships between communities, counties, organizations, and state agencies. This study shall include, but not be limited to, identifying obstacles to successful economic development through enhanced livestock development, examining appropriate voluntary participation and partnerships between communities, counties, organizations, and state agencies in achieving the desired livestock development, and examining the funding for potential assistance or incentives for counties to help with infrastructure needs due to livestock development in their counties.

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.

### GENERAL FILE

**LEGISLATIVE BILL 36.** Senator Avery withdrew his amendment AM1412, found on page 1505.

Senator Nantkes offered the following amendment:  
AM1439

- 1 1. On page 5, line 18, before "If" insert "Since it is
- 2 the policy of this state to respect life from conception through
- 3 natural death, the commission shall take all reasonable steps to
- 4 insure that the life of the baby is preserved before the state
- 5 takes the life of its mother.".

Senator Nantkes withdrew her amendment.

Senator Dierks offered the following amendment:

AM62

- 1 1. Insert the following new section:
- 2 Sec. 18. Section 29-3903, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 29-3903 At a felony defendant's first appearance before
- 5 a judge, the judge shall advise him or her of the right to
- 6 court-appointed counsel if such person is indigent. If he or she
- 7 asserts indigency, the court shall make a reasonable inquiry to
- 8 determine such person's financial condition and shall require him
- 9 or her to execute an affidavit of indigency for filing with the
- 10 clerk of the court.
- 11 If the court determines the defendant to be indigent,
- 12 it shall formally appoint the public defender or, in counties not
- 13 having a public defender, an attorney or attorneys licensed to
- 14 practice law in this state, not exceeding two, to represent the
- 15 indigent felony defendant at all future critical stages of the
- 16 criminal proceedings against such defendant, consistent with the
- 17 provisions of section 23-3402, but appointed counsel other than the
- 18 public defender must obtain leave of court before being authorized
- 19 to proceed beyond an initial direct appeal to either the Court of
- 20 Appeals or the Supreme Court of Nebraska to any further direct,
- 21 collateral, or postconviction appeals to state or federal courts.
- 22 If the criminal proceedings involve a capital offense, the public
- 23 defender or appointed counsel shall have been licensed to practice
- 1 law in the State of Nebraska for at least five years prior to the
- 2 date of appointment, and shall be experienced in the practice of
- 3 criminal defense, including the defense of capital offenses.
- 4 A felony defendant who is not indigent at the time of his
- 5 or her first appearance before a judge may nevertheless assert his
- 6 or her indigency at any subsequent stage of felony proceedings, at
- 7 which time the judge shall consider appointing counsel as otherwise
- 8 provided in this section.
- 9 The judge shall make a notation of such appointment and
- 10 all appearances of appointed counsel upon the court's docket. If at
- 11 the time of appointment of counsel the indigent felony defendant
- 12 and appointed counsel have not had a reasonable opportunity to
- 13 consult concerning the prosecution, the judge shall continue the
- 14 arraignment, trial, or other next stage of the felony proceedings
- 15 for a reasonable period of time to allow for such consultation.
- 16 2. On page 15, line 4, strike "and" and after the last
- 17 comma insert "and 29-3903,".
- 18 3. Renumber the remaining sections accordingly.

Senator Dierks withdrew his amendment.

Pending.

**UNANIMOUS CONSENT - Add Cointroducers**

Senators Adams, Dierks, Friend, Hadley, Louden, Utter, and White asked unanimous consent to add their names as cointroducers to LR161. No objections. So ordered.

**RESOLUTION**

**LEGISLATIVE RESOLUTION 241.** Introduced by Pirsch, 4.

**PURPOSE:** The purpose of this resolution is to study the valuation processes of real property in Nebraska insofar as it affects our citizen's local property taxes and to investigate whether the state's valuation processes can be improved.

**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.

**AMENDMENT - Print in Journal**

Senator Council filed the following amendment to LB36:  
AM1452 is available in the Bill Room.

**VISITORS**

Visitors to the Chamber were Dennis and Diane McCallister from Lincoln; Diane Armstrong from Omaha; 100 fourth-grade students, teachers, and sponsors from Field Club Elementary, Omaha; and 70 fourth-grade students and teachers from Gothenburg.

The Doctor of the Day was Dr. Aaron Lanik from Omaha.

**ADJOURNMENT**

At 7:40 p.m., on a motion by Senator Lathrop, the Legislature adjourned until 9:00 a.m., Tuesday, May 19, 2009.

Patrick J. O'Donnell  
Clerk of the Legislature