

EIGHTY-FOURTH DAY - MAY 26, 2009

LEGISLATIVE JOURNAL

**ONE HUNDRED FIRST LEGISLATURE
FIRST SESSION**

EIGHTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, May 26, 2009

PRAYER

The prayer was offered by Senator Wallman.

ROLL CALL

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

The roll was called and all members were present except Senator Haar who was excused; and Senators Adams, Ashford, Cook, Giese, Gloor, and Sullivan who were excused until they arrive.

SPEAKER FLOOD PRESIDING

CORRECTIONS FOR THE JOURNAL

The Journal for the eighty-third day was approved.

MESSAGES FROM THE GOVERNOR

May 22, 2009

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

Dear Mr. O'Donnell:

Engrossed Legislative Bill 160 was received in my office on May 18, 2009.

I signed this bill and delivered it to the Secretary of State on May 22, 2009.

Sincerely,
(Signed) Dave Heineman

Governor

May 22, 2009

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 603e and 603A were received in my office on May 21, 2009.

These bills were signed and delivered to the Secretary of State on May 22, 2009.

Sincerely,
(Signed) Dave Heineman
Governor

May 22, 2009

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 187e, 195, 224e, 232, 263, 342, 342A, 402e, 440, 463, 463A, 476e, 476Ae, 494, 532, and 568 were received in my office on May 18, 2009.

These bills were signed and delivered to the Secretary of State on May 22, 2009.

Sincerely,
(Signed) Dave Heineman
Governor

COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 285. Placed on Final Reading.
ST9063

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

1. In the Lautenbaugh amendment, AM1465:

a. On page 10, line 15, "subdivision" has been struck and "section" inserted;

- b. On page 30, line 17, the first "in" has been struck and "of" inserted;
- c. On page 31, lines 4 and 6, the first "in" has been struck, shown as stricken, and "of" inserted; and in line 23 an underscored comma has been inserted after "attendance";
- d. On page 34, line 14, "(1)(a)(ix)(A) through (1)(a)(ix)(J)" has been struck, shown as stricken, and "(1)(a)(xiv)(A) through (1)(a)(xiv)(J)" inserted;
- e. On page 36, line 25, "had" has been inserted after "has" and "is" has been struck and "has been" inserted;
- f. On page 37, line 7, an underscored comma has been inserted after "attendance"; and
- g. On page 39, line 25, "(3)(a)(ix)(A) through (3)(a)(ix)(J)" has been struck, shown as stricken, and "(3)(a)(xiv)(A) through (3)(a)(xiv)(J)" inserted.
2. On page 1, lines 2 through 9 have been struck and "29-2264, 29-4004, 29-4005, 29-4009, 29-4011, 29-4013, 29-4016, and 83-174.03, Reissue Revised Statutes of Nebraska, sections 29-4003, 29-4006, and 29-4007, Reissue Revised Statutes of Nebraska, as amended by sections 25, 26, and 27, respectively, Legislative Bill 97, One Hundred First Legislature, First Session, 2009, and sections 14 and 24, Legislative Bill 97, One Hundred First Legislature, First Session, 2009; to change and eliminate provisions relating to the Sex Offender Registration Act; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal section 29-4010, Reissue Revised Statutes of Nebraska; and to declare an emergency." inserted.

(Signed) Jeremy Nordquist, Chairperson

MOTION - Print in Journal

Senator Friend filed the following motion to LB658:
MO57
Bracket until May 29, 2009.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 16.

A BILL FOR AN ACT relating to state government; to amend section 84-602, Reissue Revised Statutes of Nebraska; to provide for the establishment of a web site known as the Taxpayer Transparency Act; to provide powers and duties for the State Treasurer; and to repeal the original section.

PRESIDENT SHEEHY PRESIDING

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, 40:

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

Voting in the negative, 0.

Present and not voting, 2:

Avery Howard

Excused and not voting, 7:

Adams	Cook	Gloor	Sullivan
Ashford	Giese	Haar	

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

LEGISLATIVE BILL 218.

A BILL FOR AN ACT relating to state aid; to amend sections 13-518, 47-120, 71-5326, 77-27,136, 77-27,139, 81-15,158, 83-380, and 83-4,133, Reissue Revised Statutes of Nebraska, and sections 77-27,137.01 and 77-27,137.02, Revised Statutes Cumulative Supplement, 2008; to change and eliminate provisions relating to aid to various political subdivisions; to change and eliminate provisions relating to jail reimbursement; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 47-119, 47-119.01, 47-121, 47-121.01, 77-27,137, and 77-3618, Reissue Revised Statutes of Nebraska.

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

Voting in the affirmative, 37:

Ashford	Flood	Janssen	Nantkes	Schilz
Campbell	Friend	Karpisek	Nelson	Stuthman
Carlson	Fulton	Langemeier	Nordquist	Utter
Christensen	Gay	Lathrop	Pahls	Wallman
Coash	Hadley	Lautenbaugh	Pankonin	Wightman
Dierks	Hansen	Louden	Pirsch	
Dubas	Harms	McCoy	Price	
Fischer	Heidemann	McGill	Rogert	

Voting in the negative, 1:

Council

Present and not voting, 5:

Avery	Cornett	Howard	Mello	White
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Excused and not voting, 6:

Adams	Giese	Haar
Cook	Gloor	Sullivan

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

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB241 with 38 ayes, 0 nays, 5 present and not voting, and 6 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 241.

A BILL FOR AN ACT relating to animals; to amend sections 54-626 and 54-640, Reissue Revised Statutes of Nebraska, and sections 54-625, 54-627, 54-628, 54-629, and 54-632, Revised Statutes Cumulative Supplement, 2008; to change provisions relating to licensing requirements, inspections, rules and regulations, and duties of commercial breeders under the Commercial Dog and Cat Operator Inspection Act; to define and redefine terms; to provide for stop-movement orders as prescribed; to prohibit certain acts; to adopt the Dog and Cat Purchase Protection Act; to harmonize provisions; to provide operative dates; 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, 41:

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

Voting in the negative, 0.

Present and not voting, 2:

Avery Howard

Excused and not voting, 6:

Adams	Giese	Haar
Cook	Gloor	Sullivan

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

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB288 with 37 ayes, 0 nays, 6 present and not voting, and 6 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 288. With Emergency Clause.

A BILL FOR AN ACT relating to health and human services; to amend sections 32-310, 38-2893, 38-2894, 42-358.02, 42-364, 42-369, 43-512, 43-512.03, 43-512.07, 43-512.12, 43-512.15, 43-512.16, 43-512.17, 48-2302, 68-1017.01, 71-531, 77-27,166, 81-2270, 81-2271, 81-3119, 83-1209, 83-1211, 83-1213, 83-1217, 83-1217.02, and 85-2104, Reissue Revised Statutes of Nebraska, and sections 44-3,144, 48-647, 68-717, 68-901, 68-906, 68-908, 68-934, 68-940, 68-948, 68-1016, 68-1017, 68-1017.02, 68-1070, 68-1713, 71-401, 71-604.05, and 71-5309, Revised Statutes Cumulative Supplement, 2008; to define and redefine terms; to change references to the federal food stamp program; to change provisions relating to support orders and collection of past-due payments, interest, assignment, setoff, medical support, and health care coverage for dependent children; to change a date within the Medical Assistance Act relating to acceptance of federal provisions; to eliminate references to a pilot project; to

change provisions relating to pharmacy technicians, a registry, the medical assistance program, false medicaid claims, the Medicaid Reform Council, consent to human immunodeficiency virus infection testing, public water system operator licensing, and the Developmental Disabilities Services Act; to create a fund; to provide for and eliminate provisions relating to itemized billing statements by health care facilities; to provide for a transfer of funds; to provide for relabeling and redispensing drugs at correctional facilities and jails; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal sections 71-2049, 81-2265, and 81-2267, 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, 44:

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

Voting in the negative, 0.

Excused and not voting, 5:

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

The following bill was read and put upon final passage:

LEGISLATIVE BILL 288A. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 288, One Hundred First Legislature, First Session, 2009; to reduce appropriations; 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, 44:

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

Voting in the negative, 0.

Excused and not voting, 5:

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

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 16, 218, 241, 288, and 288A.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 169 and 170 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 169 and 170.

COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 658. Placed on Select File with amendment.
ER8135

- 1 1. In the Standing Committee amendment, AM1487:
- 2 a. On page 10, line 20, after "infrastructure" insert
- 3 "system";
- 4 b. On page 11, line 19, after "excise" insert "tax";
- 5 c. On page 12, line 9; and page 19, line 2, strike "was"
- 6 and insert "were";
- 7 d. On page 13, line 18, after "possible" insert "to";
- 8 e. On page 17, line 3, after "shall" insert "be";
- 9 f. On page 18, line 3, after "or" insert

10 "jurisdictional"; and
11 g. On page 19, line 11, after "charge" insert "by" and in
12 line 15 strike "that" and insert "during which".
13 2. On page 1, strike lines 2 through 7 and insert "to
14 amend sections 66-1802, 66-1839, and 84-712.05, Reissue Revised
15 Statutes of Nebraska, and section 66-1801, Revised Statutes
16 Cumulative Supplement, 2008; to define and redefine terms; to
17 provide for loans for negotiations; to provide procedures for
18 infrastructure system replacement cost recovery; to harmonize
19 provisions; and to repeal the original sections.".

(Signed) Jeremy Nordquist, Chairperson

SELECT FILE

LEGISLATIVE BILL 36. ER8134, found on page 1652, was adopted.

SENATOR MCGILL PRESIDING

Pending.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 26, 2009, at 9:56 a.m. were the following: LBs 16, 218, 241, 288e, and 288Ae.

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

RESOLUTIONS

LEGISLATIVE RESOLUTION 243. Introduced by Cornett, 45.

WHEREAS, the Omaha Gross Catholic High School baseball team won the 2009 Class B State Baseball Championship; and

WHEREAS, the Cougars defeated Lincoln Pius X 4-2 in a hard-fought championship game; and

WHEREAS, head coach Mike Filipowicz has served as a mentor and leader for all of the members of the team; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates the Omaha Gross Catholic High School baseball team on winning the 2009 Class B State Baseball Championship.

2. That head coach Mike Filipowicz be congratulated for his efforts in teaching, coaching, and providing guidance to the members of the Omaha Gross Catholic High School baseball team.

3. That a copy of this resolution be sent to the Omaha Gross Catholic High School baseball team and their head coach, Mike Filipowicz.

Laid over.

LEGISLATIVE RESOLUTION 244. Introduced by Mello, 5.

WHEREAS, the Greater Omaha Chamber of Commerce held its Omaha 25 Awards Luncheon on May 12, 2009; and

WHEREAS, at this event, the Greater Omaha Chamber of Commerce recognized Social Settlement as one of the 2009 recipients of the Nonprofit Organization of the Year award, recognizing Social Settlement's excellent stewardship of resources and exceptional outcomes; and

WHEREAS, Social Settlement has helped serve the social and economic needs of the south Omaha community for one hundred one years; and

WHEREAS, the Legislature recognizes the important work of charitable organizations like Social Settlement.

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

1. That the Legislature congratulates Social Settlement for being honored by the Greater Omaha Chamber of Commerce as one of the 2009 recipients of the Nonprofit Organization of the Year award.

2. That a copy of this resolution be sent to Social Settlement and its executive director, Renee Franklin.

Laid over.

COMMITTEE REPORT

Government, Military and Veterans Affairs

The Government, Military and Veterans Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Kevin Brostrom - Nebraska Accountability and Disclosure Commission

Aye: 8 Senators Avery, Giese, Janssen, Karpisek, Pahls, Pirsch, Price, Sullivan. Nay: 0. Absent: 0.

(Signed) Bill Avery, Chairperson

EXPLANATION OF VOTES

Had I been present, I would have voted "aye" on final passage of LBs 16, 218, 241, 288e, and 288Ae.

(Signed) Kate Sullivan

SELECT FILE

LEGISLATIVE BILL 36. Senator Nantkes offered the following motion:
MO59

Bracket until May 29, 2009.

PRESIDENT SHEEHY PRESIDING

Pending.

RESOLUTION

LEGISLATIVE RESOLUTION 245. Introduced by Lathrop, 12;
Wightman, 36.

WHEREAS, the One Hundred First Legislature, First Session, 2009, adopted Legislative Resolution 11, which provides for the continuation of the Developmental Disabilities Special Investigative Committee of the Legislature; and

WHEREAS, the committee consists of seven members of the Legislature appointed by the Executive Board of the Legislative Council; and

WHEREAS, in the event that a vacancy occurs on the committee, it is in the best interests of the State of Nebraska that such a vacancy be filled.

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

1. If a vacancy occurs on the Developmental Disabilities Special Investigative Committee of the Legislature for any reason, the Executive Board of the Legislative Council shall appoint another member of the Legislature to fill such vacancy.

2. If any such vacancy on the committee is in the position of chairperson or vice-chairperson of the committee, after the executive board appoints a new member to fill such vacancy, the committee shall elect a new chairperson or vice-chairperson, as the case may be, from the membership of the committee.

Laid over.

EXPLANATIONS OF VOTES

Had I been present, I would have voted "nay" on final passage of LB218.

(Signed) Robert Giese

Had I been present, I would have voted "aye" on final passage of LBs 155, 392e, 358, 503, 626, 630e, 27e, 27Ae, 60, 84, 94e, 113e, 122, 129, 131, 133, 137, 152, 163, 175, 208, 209, 238e, 274, 278, 294, 299, 302e, 339, 343, 347, 348, 360, 372, 389e, 394, 412, 422, 432, 434, 441, 445, 446, 447, 450, 488, 498e, 500, 501, 524, 528, 531, 533e, 537, 540e, 562, 587, 598, 604e, 627, 631e, 9e, 63e, 63Ae, 237, 237A, 246, 246A, 420e, 464, 464A, 555, 603e, 603A, 671, and 671A.

(Signed) Beau McCoy

VISITORS

Visitors to the Chamber were Senator Christensen's daughter, Ryelee Christensen, from Imperial; Scott and Jordan Utech from Bellevue; Ethan Bell from Grand Island; 45 fifth-grade students and teachers from Swanson Elementary, Omaha; 50 students of Kaplan University from Omaha and Lincoln; and Jean Ann, Leslie, and Dan Watermeier.

RECESS

At 12:01 p.m., on a motion by Senator Sullivan, the Legislature recessed until 1:30 p.m.

AFTER RECESS

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

ROLL CALL

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

PRESIDENT SHEEHY PRESIDING**RESOLUTIONS**

LEGISLATIVE RESOLUTION 246. Introduced by Hadley, 37.

WHEREAS, the Kearney Bearcats boys' track team won the 2009 Class A State Track and Field Championship; and

WHEREAS, the Bearcats rallied from a fifth-place finish after the first day of competition to win the state title; and

WHEREAS, this is the 13th state title for the Bearcats boys' track team; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates the Kearney Bearcats boys' track team on winning the 2009 Class A State Track and Field Championship.

2. That a copy of this resolution be sent to the Bearcats and their head coach, Roger Mathiesen.

Laid over.

LEGISLATIVE RESOLUTION 247. Introduced by Pahls, 31.

WHEREAS, James Allen Roberts has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest achievement rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Allen has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 12 of which are in required areas, and complete a community service project approved by the troop and the scout council. Allen earned 23 merit badges and built and hung 30 birdhouses for the Gene Eppley Camp located in Bellevue, Nebraska, for his community service project; and

WHEREAS, Allen served as senior patrol leader of Troop 430 for 3 years, the highest scout-held leadership position for a Boy Scout; and

WHEREAS, only five percent of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout.

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

1. That the Legislature congratulates James Allen Roberts on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to James Allen Roberts.

Laid over.

SELECT FILE

LEGISLATIVE BILL 36. Senator Nantkes renewed her motion, MO59, found in this day's Journal, to bracket until May 29, 2009.

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

Senator Nantkes requested a roll call vote on her motion to bracket.

Voting in the affirmative, 11:

Avery	Council	McGill	Nordquist
Coash	Dierks	Mello	Wallman
Cook	Howard	Nantkes	

Voting in the negative, 35:

Adams	Fischer	Hadley	Lautenbaugh	Price
Ashford	Flood	Hansen	Louden	Schilz
Campbell	Friend	Harms	McCoy	Stuthman
Carlson	Fulton	Heidemann	Nelson	Sullivan
Christensen	Gay	Janssen	Pahls	Utter
Cornett	Giese	Karpisek	Pankonin	White
Dubas	Gloor	Langemeier	Pirsch	Wightman

Present and not voting, 2:

Lathrop	Rogert
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Excused and not voting, 1:

Haar

The Nantkes motion to bracket failed with 11 ayes, 35 nays, 2 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

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

Voting in the affirmative, 34:

Adams	Flood	Hansen	Louden	Schilz
Ashford	Friend	Harms	McCoy	Stuthman
Campbell	Fulton	Heidemann	Nelson	Sullivan
Carlson	Gay	Janssen	Pahls	Utter
Christensen	Giese	Karpisek	Pirsch	White
Cornett	Gloor	Langemeier	Price	Wightman
Fischer	Hadley	Lautenbaugh	Rogert	

Voting in the negative, 11:

Coash	Dierks	McGill	Nordquist
Cook	Dubas	Mello	Wallman
Council	Howard	Nantkes	

Present and not voting, 3:

Avery	Lathrop	Pankonin
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Excused and not voting, 1:

Haar

Advanced to Enrollment and Review for Engrossment with 34 ayes, 11 nays, 3 present and not voting, and 1 excused and not voting.

MOTION - Return LB35 to Select File

Senator Ashford moved to return LB35 to Select File for the following specific amendment:

AM1498

(Amendments to Second Final Reading copy)

- 1 1. Strike original section 4 and insert the following
- 2 section:
- 3 Sec. 4. Section 24-301.02, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 24-301.02 The State of Nebraska shall be divided into the
- 6 following twelve district court judicial districts:
- 7 District No. 1 shall contain the counties of Clay,
- 8 Nuckolls, Saline, Jefferson, Gage, Thayer, Johnson, Pawnee, Nemaha,
- 9 Fillmore, and Richardson;
- 10 District No. 2 shall contain the counties of Sarpy, Cass,
- 11 and Otoe;
- 12 District No. 3 shall contain the county of Lancaster;
- 13 District No. 4 shall contain the county of Douglas;
- 14 District No. 5 shall contain the counties of Merrick,
- 15 Platte, Colfax, Boone, Nance, Hamilton, Polk, York, Butler, Seward,
- 16 and Saunders;
- 17 District No. 6 shall contain the counties of Dixon,
- 18 Dakota, Cedar, Burt, Thurston, Dodge, and Washington;
- 19 District No. 7 shall contain the counties of Knox,
- 20 Cuming, Antelope, Pierce, Wayne, Madison, and Stanton;
- 21 District No. 8 shall contain the counties of Cherry,
- 22 Keya Paha, Brown, Rock, Blaine, Loup, Custer, Boyd, Holt, Garfield,
- 1 Wheeler, Valley, Greeley, Sherman, and Howard;
- 2 District No. 9 shall contain the counties of Buffalo and
- 3 Hall;
- 4 District No. 10 shall contain the counties of Adams,
- 5 Phelps, Kearney, Harlan, Franklin, and Webster;
- 6 District No. 11 shall contain the counties of Hooker,

7 Thomas, Arthur, McPherson, Logan, Keith, Perkins, Lincoln, Dawson,
 8 Chase, Hayes, Frontier, Gosper, Dundy, Hitchcock, Red Willow, and
 9 Furnas; and

10 District No. 12 shall contain the counties of Sioux,
 11 Dawes, Box Butte, Sheridan, Scotts Bluff, Morrill, Garden, Banner,
 12 Kimball, Cheyenne, Grant, and Deuel.

13 In the fourth district there shall be sixteen judges of
 14 the district court. In the third district, until June 30, 2011,
 15 there shall be seven judges of the district court and, beginning
 16 July 1, 2011, there shall be eight judges of the district court.

17 In the second, fifth, ninth, eleventh, and twelfth districts there
 18 shall be four judges of the district court. In the first and sixth
 19 districts there shall be three judges of the district court. In the
 20 seventh, eighth, and tenth districts there shall be two judges of
 21 the district court.

The Ashford motion to return prevailed with 42 ayes, 1 nay, 5 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 35. The Ashford specific amendment, AM1498, found in this day's Journal, was adopted with 46 ayes, 1 nay, 1 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

COMMITTEE REPORT

Judiciary

The Judiciary Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Jeffrey Davis - Community Corrections Council
 Eleanor Marie Devlin - Community Corrections Council
 Thomas Dorwart - Community Corrections Council
 Darrell Fisher - Community Corrections Council

Aye: 8 Senators Ashford, Christensen, Coash, Council, Lathrop, Lautenbaugh, McGill, Rogert. Nay: 0. Absent: 0.

(Signed) Brad Ashford, Chairperson

EXPLANATION OF VOTES

Had I been present, I would have voted "aye" on final passage of LBs 16 and 241.

(Signed) Ken Haar

SELECT FILE

LEGISLATIVE BILL 622. Senator Lathrop offered the following motion:
MO61
Bracket until May 27, 2009.

Senator Lathrop withdrew his motion to bracket.

Senator Lautenbaugh offered the following motion:
MO60
Recommit to the Business and Labor Committee.

Senator Lautenbaugh withdrew his motion to recommit to committee.

Senator Lathrop renewed his amendment, AM1198, found on page 1697.

SENATOR PIRSCH PRESIDING

Senator Lautenbaugh offered the following amendment to the Lathrop amendment:
AM1500

(Amendments to AM1198)

- 1 1. On page 1, line 13, strike "an appeal" and insert
- 2 "a cross appeal"; and in line 16 strike "there is no reasonable
- 3 controversy" and insert "no appeal or cross appeal is taken".

Senator Lautenbaugh moved for a call of the house. The motion prevailed with 40 ayes, 0 nays, and 9 not voting.

Senator Lautenbaugh requested a roll call vote on his amendment.

Voting in the affirmative, 27:

Campbell	Flood	Harms	McCoy	Schilz
Carlson	Friend	Heidemann	Nelson	Utter
Christensen	Fulton	Janssen	Pahls	Wightman
Coash	Gloor	Langemeier	Pankonin	
Dierks	Hadley	Lautenbaugh	Pirsch	
Fischer	Hansen	Louden	Price	

Voting in the negative, 19:

Ashford	Council	Howard	Mello	Sullivan
Avery	Dubas	Karpisek	Nantkes	Wallman
Cook	Gay	Lathrop	Nordquist	White
Cornett	Giese	McGill	Rotert	

Present and not voting, 2:

Adams Stuthman

Excused and not voting, 1:

Haar

The Lautenbaugh amendment was adopted with 27 ayes, 19 nays, 2 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

PRESIDENT SHEEHY PRESIDING

Senator Lathrop offered the following amendment to his amendment:

FA50

Amend AM1198

Strike "no appeal or cross appeal is taken" on page 1 lines 15 and 16 and insert "there is no reasonable controversy".

Senator Lathrop moved for a call of the house. The motion prevailed with 33 ayes, 0 nays, and 16 not voting.

Senator Lathrop requested a roll call vote on his amendment.

Voting in the affirmative, 16:

Ashford	Council	Karpisek	Nantkes
Avery	Gay	Lathrop	Nordquist
Cook	Giese	McGill	Rogert
Cornett	Howard	Mello	White

Voting in the negative, 27:

Adams	Flood	Harms	Nelson	Stuthman
Campbell	Friend	Janssen	Pahls	Utter
Carlson	Fulton	Langemeier	Pankonin	Wightman
Christensen	Gloor	Lautenbaugh	Pirsch	
Coash	Hadley	Louden	Price	
Fischer	Hansen	McCoy	Schilz	

Present and not voting, 3:

Dierks Dubas Sullivan

Excused and not voting, 3:

Haar Heidemann Wallman

The Lathrop amendment lost with 16 ayes, 27 nays, 3 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Pending.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 35. Placed on Final Reading Third.

LEGISLATIVE BILL 36. Placed on Final Reading.

(Signed) Jeremy Nordquist, Chairperson

COMMITTEE REPORTS

General Affairs

The General Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Janice Wiebusch - Nebraska Liquor Control Commission

Aye: 8 Senators Coash, Cook, Dierks, Dubas, Friend, Karpisek, Price, Rogert. Nay: 0. Absent: 0.

(Signed) Russ Karpisek, Chairperson

Business and Labor

The Business and Labor Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Loren Lindahl - Commission of Industrial Relations

Aye: 7 Senators Carlson, Council, Lathrop, McGill, Schilz, Wallman, White. Nay: 0. Absent: 0.

(Signed) Steve Lathrop, Chairperson

ANNOUNCEMENT

The Legislature's Planning Committee elected Senator Harms as Chairperson and Senator Gloor as Vice Chairperson.

AMENDMENTS - Print in Journal

Senator Fulton filed the following amendment to LB675:
AM1503

(Amendments to Final Reading copy)

- 1 1. Strike section 3 and insert the following section:
 2 Sec. 3. Section 28-327.01, Reissue Revised Statutes of
 3 Nebraska, is amended to read:
 4 28-327.01 (1) The Department of Health and Human Services
 5 shall cause to be published, ~~within sixty days after September 9,~~
 6 ~~1993,~~ the following easily comprehensible printed materials:
 7 (a) Geographically indexed materials designed to inform
 8 the woman of public and private agencies and services available to
 9 assist a woman through pregnancy, upon childbirth, and while the
 10 child is dependent, including adoption agencies and agencies and
 11 services for prevention of unintended pregnancies, which materials
 12 shall include a comprehensive list of the agencies available,
 13 a description of the services they offer, and a description of
 14 the manner, including telephone numbers and addresses in which
 15 such agencies may be contacted or printed materials including a
 16 toll-free, twenty-four-hour-a-day telephone number which may be
 17 called to orally obtain such a list and description of agencies in
 18 the locality of the caller and of the services they offer; ~~and~~
 19 (b) Materials designed to inform the woman of the
 20 probable anatomical and physiological characteristics of the unborn
 21 child at two-week gestational increments from the time when a woman
 22 can be known to be pregnant to full term, including pictures or
 1 drawings representing the development of unborn children at the
 2 two-week gestational increments, and any relevant information on
 3 the possibility of the unborn child's survival. Any such pictures
 4 or drawings shall contain the dimensions of the unborn child and
 5 shall be realistic and appropriate for the stage of pregnancy
 6 depicted. The materials shall be objective, nonjudgmental, and
 7 designed to convey only accurate scientific information about
 8 the unborn child at the various gestational ages. The materials
 9 shall also contain objective information describing the methods of
 10 abortion procedures commonly employed, the medical risks commonly
 11 associated with each such procedure, the possible detrimental
 12 psychological effects of abortion, the medical risks commonly
 13 associated with abortion, and the medical risks commonly associated
 14 with carrying a child to term; ~~and~~:-
 15 (c) A comprehensive list of health care providers,
 16 facilities, and clinics that offer to have ultrasounds performed by
 17 a person at least as qualified as a registered nurse licensed under
 18 the Uniform Credentialing Act, including and specifying those that
 19 offer to perform such ultrasounds free of charge. The list shall be
 20 arranged geographically and shall include the name, address, hours
 21 of operation, and telephone number of each entity.
 22 (2) The materials shall be printed in a typeface large

23 enough to be clearly legible.

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

Senator Hadley filed the following amendment to LB420:
 AM1504

(Amendments to Final Reading copy)

- 1 1. On page 6, line 18, strike "2009" and insert "2010".

EXPLANATION OF VOTES

Had I been present, I would have voted "aye" on final passage of LBs 16, 218, 241, 288e, and 288Ae.

(Signed) Tanya Cook

SELECT FILE

LEGISLATIVE BILL 622. The Lathrop amendment, AM1198, found on page 1697 and considered in this day's Journal, as amended, was renewed.

Senator Lautenbaugh moved for a call of the house. The motion prevailed with 42 ayes, 0 nays, and 7 not voting.

Senator Lautenbaugh requested a roll call vote on the Lathrop amendment, as amended.

Voting in the affirmative, 27:

Adams	Flood	Hansen	Nelson	Stuthman
Campbell	Friend	Harms	Pahls	Utter
Christensen	Fulton	Janssen	Pankonin	Wightman
Coash	Gay	Lautenbaugh	Pirsch	
Dierks	Gloor	Louden	Price	
Fischer	Hadley	McCoy	Schilz	

Voting in the negative, 18:

Ashford	Cornett	Karpisek	Mello	Wallman
Avery	Council	Langemeier	Nantkes	White
Carlson	Giese	Lathrop	Nordquist	
Cook	Howard	McGill	Rogert	

Present and not voting, 2:

Dubas	Sullivan
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Excused and not voting, 2:

Haar Heidemann

The Lathrop amendment, as amended, was adopted with 27 ayes, 18 nays, 2 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Lautenbaugh offered the following amendment:

AM1463

1 1. Strike section 1 and all amendments thereto and insert
 2 the following section:
 3 Section 1. Section 48-125, Revised Statutes Cumulative
 4 Supplement, 2008, is amended to read:
 5 48-125 (1) Except as hereinafter provided, all amounts
 6 of compensation payable under the Nebraska Workers' Compensation
 7 Act shall be payable periodically in accordance with the methods
 8 of payment of wages of the employee at the time of the injury
 9 or death. Fifty percent shall be added for waiting time for all
 10 ~~delinquent payments after thirty days' notice has been given of~~
 11 ~~disability or after thirty days compensation payments which are~~
 12 not made within thirty days: (a) After notice has been given of
 13 disability for which there is no reasonable controversy; (b) after
 14 the deadline for filing a cross appeal of an order, award, or
 15 judgment of the compensation court which is on review or appeal
 16 with regard to those portions of such order, award, or judgment for
 17 which no appeal or cross appeal is taken; or (c) from the entry
 18 of a final order, award, or judgment of the compensation court;
 19 from which no further review or further appeal is or may be taken;
 20 except that for any award or judgment against the state in excess
 21 of one hundred thousand dollars which must be reviewed by the
 22 Legislature as provided in section 48-1,102, fifty percent shall be
 23 added for waiting time for delinquent payments thirty days after
 1 the effective date of the legislative bill appropriating any funds
 2 necessary to pay the portion of the award or judgment in excess of
 3 one hundred thousand dollars. Such payments shall be sent directly
 4 to the person entitled to compensation or his or her designated
 5 representative except as otherwise provided in section 48-149.
 6 (2) Whenever the employer refuses payment of compensation
 7 or medical payments subject to section 48-120, or when the employer
 8 neglects to pay compensation for thirty days after injury or
 9 neglects to pay medical payments subject to such section after
 10 thirty days' notice has been given of the obligation for medical
 11 payments, and proceedings are held before the Nebraska Workers'
 12 Compensation Court, a reasonable attorney's fee shall be allowed
 13 the employee by the compensation court in all cases when the
 14 employee receives an award. Attorney's fees allowed shall not
 15 be deducted from the amounts ordered to be paid for medical

16 services nor shall attorney's fees be charged to the medical
17 providers. If the employer files an application for review before
18 the compensation court from an award of a judge of the compensation
19 court and fails to obtain any reduction in the amount of such
20 award, the compensation court shall allow the employee a reasonable
21 attorney's fee to be taxed as costs against the employer for such
22 review, and the Court of Appeals or Supreme Court shall in like
23 manner allow the employee a reasonable sum as attorney's fees for
24 the proceedings in the Court of Appeals or Supreme Court. If the
25 employee files an application for a review before the compensation
26 court from an order of a judge of the compensation court denying an
27 award and obtains an award or if the employee files an application
1 for a review before the compensation court from an award of a judge
2 of the compensation court when the amount of compensation due is
3 disputed and obtains an increase in the amount of such award, the
4 compensation court may allow the employee a reasonable attorney's
5 fee to be taxed as costs against the employer for such review, and
6 the Court of Appeals or Supreme Court may in like manner allow the
7 employee a reasonable sum as attorney's fees for the proceedings in
8 the Court of Appeals or Supreme Court. A reasonable attorney's fee
9 allowed pursuant to this section shall not affect or diminish the
10 amount of the award.

11 (3) When an attorney's fee is allowed pursuant to this
12 section, there shall further be assessed against the employer an
13 amount of interest on the final award obtained, computed from the
14 date compensation was payable, as provided in section 48-119, until
15 the date payment is made by the employer, at a rate equal to the
16 rate of interest allowed per annum under section 45-104.01, as such
17 rate may from time to time be adjusted by the Legislature. Interest
18 shall apply only to those weekly compensation benefits awarded
19 which have accrued as of the date payment is made by the employer.
20 If the employer pays or tenders payment of compensation, the amount
21 of compensation due is disputed, and the award obtained is greater
22 than the amount paid or tendered by the employer, the assessment of
23 interest shall be determined solely upon the difference between the
24 amount awarded and the amount tendered or paid.

Senator Lautenbaugh withdrew his amendment.

Senator Lathrop offered the following motion:

MO62

Indefinitely postpone.

Laid over.

MOTION - Return LB679 to Select File

Senator Council moved to return LB679 to Select File for her specific amendment, AM1245, found on page 1247.

Pending.

MESSAGES FROM THE GOVERNOR

May 26, 2009

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 27e, 27Ae, 60, 84, 94e, 113e, 122, 129, 131, 133, 137, 152, 155, 163, 175, 208, 209, 238e, 274, 278, 294, 299, 302e, 339, 343, 347, 348, 358, 360, 372, 389e, 392e, 394, 412, 422, 432, 434, 441, 445, 446, 447, 450, 488, 498e, 500, 501, 503, 524, 528, 531, 533e, 537, 540e, 562, 587, 598, 604e, 627, 630e, and 631e were received in my office on May 20, 2009.

These bills were signed and delivered to the Secretary of State on May 26, 2009.

Sincerely,
(Signed) Dave Heineman
Governor

May 26, 2009

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

Dear Mr. President and Members of the Legislature:

I am returning LB 626 without my signature and with my objections.

This legislation would provide that limited use of public resources by public officials or employees for private financial gain or campaigning is not a violation of law. Additionally, the bill permits the use of a government resource, including a vehicle, for personal use if it is bargained for in an employment contract.

I believe very strongly that government resources should not be used for political purposes. On this issue, there should be a bright line. This legislation blurs the rules regarding the use of these public resources.

LB 626 has the potential to erode the integrity of the public positions we hold. Government resources, including mobile communication devices, computers, and vehicles, are paid for by Nebraska taxpayers. Any misuse of these resources, or the appearance of misuse, damages the trust of the people that we are elected to serve.

For these reasons, I respectfully urge you to sustain my veto of LB 626.

Sincerely,
(Signed) Dave Heineman
Governor

RESOLUTION

LEGISLATIVE RESOLUTION 248. Introduced by Cook, 13.

WHEREAS, information and referral (I&R) services provide the active process of linking the citizens of Nebraska who have a need or problem with the most appropriate services that can address that need or problem; and

WHEREAS, quality I&R services are key entry points to the entire health and human services delivery system; and

WHEREAS, in 2000, the Federal Communications Commission reserved the 2-1-1 dialing code for community information and referral services, which was intended to provide an easy-to-remember and universally recognizable number that would enable a critical connection between individuals and families in need and the appropriate community-based organizations and government agencies, especially during times of disaster and health emergencies; and

WHEREAS, Nebraska is currently served by a number of I&R services, including 2-1-1 programs, aging I&R services, aging and disability resource centers, child care resource and referral services, military family centers, Answers 4 Families, and other specialty I&R services, and informed individuals are better equipped to make decisions when they understand the variety of services available; and

WHEREAS, during these challenging economic times, citizens of Nebraska are in need of easy access to health and human services information and referral services more so now than at any other time. There is an increased need for information on items such as the Earned Income Tax Credit (EITC) and the digital television conversion and information on mortgages and foreclosures and the H1N1 virus (Swine Flu).

WHEREAS, Nebraska 2-1-1 telephone service, hosted by United Way of the Midlands, was established on February 11, 2004, as a 24-hour telephone information and referral service for Nebraskans using the easy to remember 2-1-1 dialing code for access; and

WHEREAS, www.ne211.org internet service, hosted by the University of Nebraska Public Policy Center, was established in February 2005 to provide Nebraskans enhanced online access to needed health and human services; and

WHEREAS, access to information about services provides individuals with lower-cost and safer options for managing needs and is likely to reduce confusion, frustration, and inaccessibility of such services.

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

1. That the Legislature designates the week of September 6 through September 12, 2009, as Information and Referral Services Week to raise public awareness about the existence and importance of information and referral services for all Nebraskans and to more effectively target these services to reach those most in need.

2. That a copy of this resolution be sent to the United Way of the Midlands and to the Department of Health and Human Services.

Laid over.

MOTION - Return LB679 to Select File

The Council motion to return LB679 to Select File, found in this day's Journal, for her specific amendment, AM1245, found on page 1247, was renewed.

Senator Council withdrew her motion to return.

WITHDRAW - Amendment to LB679

Senator Gay withdrew his amendment, AM1427, found on page 1502, to LB679.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 679.

A BILL FOR AN ACT relating to the State Foster Care Review Board; to amend section 43-1302, Reissue Revised Statutes of Nebraska; to require certain disclosure from potential board members as prescribed; to eliminate obsolete 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, 43:

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

Voting in the negative, 0.

Excused and not voting, 6:

Ashford	Haar	Pahls
Giese	Karpisek	Stuthman

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

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LB679.

RESOLUTIONS

LEGISLATIVE RESOLUTION 249. Introduced by Sullivan, 41.

WHEREAS, the 2009 Nebraska Envirothon is an environmental competition for high school students sponsored by the Nebraska Association of Resources Districts as part of the national Canon Envirothon program to encourage students to excel in and pursue careers in environmental studies; and

WHEREAS, the Canon Envirothon is a national program in which fifty five-member teams of high school students compete based on their knowledge of seven categories of environmental studies: Soils; aquatics; forestry; wildlife; range; policy; and the current environmental issue, titled Biodiversity in a Changing World; and

WHEREAS, the 2009 Nebraska Envirothon State Championship team is from Ord High School; and

WHEREAS, the 2009 Ord High School Envirothon team members are Amanda Duvall, Kris Hornickel, Aaron Kokes, Samantha Krikac, and Debra Wray. Their coach is Dave Ference, and the team is sponsored by the Lower Loup Natural Resources District; and

WHEREAS, by virtue of winning the Nebraska Envirothon State Championship, the 2009 Ord High School Envirothon team received a \$1,000 scholarship from the Nebraska Association of Resources Districts and an invitation to represent Nebraska at the national Canon Envirothon at

the University of North Carolina at Asheville from August 2nd through the 8th, 2009.

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

1. That the Legislature congratulates the 2009 Ord High School Envirothon team on winning the Nebraska Envirothon State Championship and wishes them the best of luck in competition at the national Canon Envirothon in August.

2. That a copy of this resolution be sent to coach Dave Ference and the 2009 Ord High School Envirothon team.

Laid over.

LEGISLATIVE RESOLUTION 250. Introduced by Sullivan, 41.

WHEREAS, the Burwell Longhorns won the 2009 Class C Boys' State Track and Field Championship; and

WHEREAS, the Longhorns only qualified five athletes for the 2009 Boys' State Track and Field meet; and

WHEREAS, the Longhorns wanted to win a boys' track title for coach Allen Boucher, who has coached the team for forty-six years; and

WHEREAS, Jacob Holmquist won the pole vault and the 110-meter high hurdles and finished third in the 300-meter intermediate hurdles, Derek Snyder won the 800-meter run, and the 3200-meter relay team finished fifth to clinch the title.

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

1. That the Legislature congratulates the Burwell Longhorns for winning the 2009 Class C Boys' State Track and Field Championship.

2. That a copy of this resolution be sent to the Burwell Longhorns and their coach, Allen Boucher.

Laid over.

AMENDMENTS - Print in Journal

Senator Friend filed the following amendment to LB658:
AM1505

(Amendments to Standing Committee amendments, AM1487)

- 1 1. On page 2, line 17, strike "case" and insert
- 2 "proceeding".
- 3 2. On page 5, line 17, after "or" insert "negotiations or
- 4 litigation under"; and in line 19 strike "such", show as stricken,
- 5 and insert "each".
- 6 3. On page 6, line 17, before the period insert "or
- 7 litigation under section 6 of this act".
- 8 4. On page 7, line 23; page 9, line 16; page 10, lines 3

9 and 26; and page 14, line 10, strike "a petition" and insert "an
10 application".

11 5. On page 8, lines 1, 8, and 21; page 9, line 17; page
12 12, lines 16 and 20; page 13, lines 7, 14, and 23; page 14, line
13 11; page 17, line 22; page 18, lines 11 and 22; page 19, lines 9
14 and 13; and page 20, lines 3 and 10, strike "an" and insert "any".

15 6. On page 8, lines 3, 9, 14, and 22; page 9, lines 18
16 and 23; page 10, lines 7, 13, and 20; page 12, lines 17, 21, and
17 24; page 13, lines 3, 8, 15, and 24; page 14, lines 12 and 16; page
18 15, line 3; page 17, lines 3, 7, 10, 14, and 23; page 18, lines 12,
19 15, and 23; page 19, lines 10, 14, 17, and 22; and page 20, lines 4
20 and 11, strike "schedule" and insert "schedules".

21 7. On page 8, lines 3 and 9, strike "it" and insert "such
22 schedules"; in line 13 strike "An" and insert "Any"; in line 20
1 after "act" insert "or as approved by the affected cities to the
2 extent provided in subsection (6) and subdivision (7)(c) of section
3 6 of this act"; and in line 25 strike "past".

4 8. On page 9, line 14, after "provided" insert "for"; and
5 in line 16 after "utility" insert "governed by this section".

6 9. On page 9, line 19; page 10, lines 15, 17, 21, and 25;
7 page 14, line 16; page 15, line 27; and page 18, line 24, strike
8 "petition" and insert "application".

9 10. On page 10, line 6, strike "investigation" and insert
10 "examination"; in line 24 strike "for" and insert "before"; and in
11 line 25 strike "ninety" and insert "one hundred twenty" and after
12 "filed" insert ", except that the commission may, for good cause,
13 extend such period for an additional thirty days".

14 11. On page 11, line 5; and page 18, line 21, strike
15 "petition" and insert "apply".

16 12. On page 11, line 6, strike "its rate" and insert
17 "any infrastructure system replacement cost recovery charge rate
18 schedules approved"; and in line 7 after the period insert "Any
19 such application for a change shall be pursued in the manner
20 provided for in this section.".

21 13. On page 12, line 19; and page 19, line 12, strike
22 "filing" and insert "application".

23 14. On page 12, line 24; and page 19, line 17, strike
24 "is" and insert "are".

25 15. On page 13, line 1, strike "a" and insert "any"; and
26 in line 5 strike the second "charge".

27 16. On page 15, line 5, after "(d)" insert "the purpose
1 of the projects, (e)"; in line 6 strike "(e)" and insert "(f)"; in
2 line 7 strike "(f)" and insert "(g)"; in line 11 strike "fifteen"
3 and insert "thirty"; and in line 20 strike "fifteen-day" and insert
4 "thirty-day".

5 17. On page 16, line 3, strike "notice" and insert
6 "copies of resolutions"; in line 11 strike "received" and insert
7 "entered"; strike beginning with "filing" in line 17 through
8 "schedule" in line 19 and insert "commission's certification to

9 pursue negotiations"; in line 20 strike beginning with "for"
 10 through the second "period" and insert "to a future date certain";
 11 and strike lines 22 through 27.

12 18. On page 17, line 1, strike "(g)" and insert "(f)"; in
 13 line 16 strike "(h)" and insert "(g)"; in line 21 strike "(i)" and
 14 insert "(h)"; and in line 24 strike "shall" and insert "may".

15 19. On page 18, line 8, after the period insert "In
 16 determining the appropriate pretax revenue of the jurisdictional
 17 utility, the commission shall consider the factors set out in
 18 subsection (5) of section 5 of this act."; after line 10 insert the
 19 following new subdivision:

20 "(i) If information filed pursuant to subdivision (h)
 21 of this subsection is not considered a public record within the
 22 meaning of sections 84-712 to 84-712.09, such information may
 23 be submitted to the commission by the jurisdictional utility or
 24 affected cities for the limited purpose of consideration by the
 25 commission under this section subject to a protective order issued
 26 by the commission."; in line 18 strike "(f)" and insert "(h) or
 27 (j)"; and in line 26 strike "A" and insert "The".

1 20. On page 19, line 27, strike the first "for an" and
 2 insert "in the commission order on the".

3 21. On page 20, line 1, strike "as provided in this
 4 section"; in line 18 strike "replacement cost recovery charges"
 5 and insert "replacements"; and in line 23 after "general" insert
 6 "rate".

Senator Friend filed the following amendment to LB658:
 AM1506

(Amendments to Standing Committee amendments, AM1487)

1 1. Insert the following new section:

2 Sec. 7. Section 66-1830, Reissue Revised Statutes of
 3 Nebraska, is amended to read:

4 66-1830 (1) The office of public advocate is created as
 5 a separate and independent division within the commission. The
 6 public advocate shall represent the interests of Nebraska citizens
 7 and all classes of jurisdictional utility ratepayers, other
 8 than high-volume ratepayers, in matters involving jurisdictional
 9 utilities and shall act as trial staff before the commission.

10 In the exercise of his or her powers, the public advocate shall
 11 consider all relevant factors, including, but not limited to, the
 12 provision of safe, efficient, and reliable utility services at just
 13 and reasonable rates.

14 (2) Notwithstanding the provisions of section 75-105, the
 15 executive director of the commission, upon consultation with the
 16 members of the commission, shall appoint the public advocate. The
 17 public advocate position shall be a full-time position, and the
 18 public advocate shall devote all of his or her time and efforts to
 19 fulfilling the requirements of the position and performing his or
 20 her duties under the State Natural Gas Regulation Act. The public

21 advocate shall serve a four-year term and shall be removed only
22 for good cause. The executive director shall be responsible for
1 reviewing the performance of the public advocate, for removing the
2 public advocate in accordance with law, and for filling any vacancy
3 in that position in the same manner as the original appointment.
4 (3) The public advocate shall be an attorney and shall
5 have experience in consumer-related utility issues or in the
6 operation, management, or regulation of utilities. No person owning
7 stocks or bonds in a corporation subject in whole or in part to
8 regulation by the commission or who has any pecuniary interest in
9 such corporation shall be appointed as public advocate.
10 2. Renumber the remaining sections and correct the
11 repealer accordingly.

MOTION - Print in Journal

Senator Hadley filed the following motion to LB420:
MO58

Suspend Rule 7, Section 7(d) and (e) to request return from the Governor for further action.

VISITORS

Visitor to the Chamber was Kerry Kimple.

The Doctor of the Day was Dr. Daniel Belts from Omaha.

ADJOURNMENT

At 6:57 p.m., on a motion by Senator Wightman, the Legislature adjourned until 9:00 a.m., Wednesday, May 27, 2009.

Patrick J. O'Donnell
Clerk of the Legislature

