

TWENTY-SIXTH DAY - FEBRUARY 16, 2010**LEGISLATIVE JOURNAL****ONE HUNDRED FIRST LEGISLATURE
SECOND SESSION****TWENTY-SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 16, 2010

PRAYER

The prayer was offered by Pastor Rod Lyon, Conestoga Parish United Methodist Churches, Denton, Pleasant Dale, and Raymond.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Sheehy presiding.

The roll was called and all members were present except Senators Giese and Pahls who were excused; and Senators Ashford, Cornett, Dierks, and McGill who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-fifth day was approved.

COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 735. Placed on Select File.

(Signed) Jeremy Nordquist, Chairperson

COMMITTEE REPORTS

Government, Military and Veterans Affairs

LEGISLATIVE BILL 951. Placed on General File.

LEGISLATIVE BILL 978. Placed on General File.

LEGISLATIVE RESOLUTION 278CA. Indefinitely postponed.

(Signed) Bill Avery, Chairperson

MESSAGE FROM THE GOVERNOR

February 11, 2010

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 139, 147, 181, 183, 197e, 210e, 216, 235e, 254e, 261, 279, 325, 475, 522, 550, 552, 682, 683, and 684 were received in my office on February 5, 2010.

These bills were signed and delivered to the Secretary of State on February 11, 2010.

Sincerely,
 (Signed) Dave Heineman
 Governor

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 312, 313, 314, 315, and 316 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 312, 313, 314, 315, and 316.

MOTION - Approve Appointment

Senator Adams moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 533:

Board of Educational Lands and Funds
 Martin Demuth

Voting in the affirmative, 39:

Adams	Fischer	Harms	Louden	Rogert
Avery	Flood	Howard	McCoy	Schilz
Carlson	Fulton	Janssen	Mello	Stuthman
Christensen	Gay	Karpisek	Nelson	Sullivan
Coash	Gloor	Krist	Nordquist	Utter
Conrad	Haar	Langemeier	Pankonin	White
Cook	Hadley	Lathrop	Pirsch	Wightman
Council	Hansen	Lautenbaugh	Price	

Voting in the negative, 0.

Present and not voting, 4:

Campbell Dubas Heidemann Wallman

Excused and not voting, 6:

Ashford Dierks McGill
Cornett Giese Pahls

The appointment was confirmed with 39 ayes, 0 nays, 4 present and not voting, and 6 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 258. Committee AM1803, found on page 502 and considered on page 532, was renewed.

Senator Karpisek offered the following amendment to the committee amendment:

AM1888

(Amendments to Standing Committee amendments, AM1803)

- 1 On page 2, lines 15, 21, and 27; and page 3, lines 10,
- 2 17, and 25, strike "shall" and insert "may".

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

Senator Ashford moved for a call of the house. The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

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

Voting in the affirmative, 19:

Adams	Cook	Fulton	Howard	Nordquist
Ashford	Dierks	Gloor	Lathrop	Stuthman
Avery	Dubas	Hadley	Louden	Wightman
Coash	Flood	Harms	McCoy	

Voting in the negative, 28:

Campbell	Fischer	Karpisek	Nelson	Sullivan
Carlson	Gay	Krist	Pankonin	Utter
Christensen	Haar	Langemeier	Pirsch	Wallman
Conrad	Hansen	Lautenbaugh	Price	White
Cornett	Heidemann	McGill	Rogert	
Council	Janssen	Mello	Schilz	

Excused and not voting, 2:

Giese Pahls

The motion to cease debate failed with 19 ayes, 28 nays, and 2 excused and not voting.

The Chair declared the call raised.

Pending.

NOTICE OF COMMITTEE HEARING
Nebraska Retirement Systems

Room 1525

Thursday, February 25, 2010 08:45 a.m.

Randall Rehmeier - Public Employees Retirement Board

(Signed) Dave Pankonin, Chairperson

COMMITTEE REPORTS
Revenue

LEGISLATIVE BILL 878. Placed on General File with amendment.
AM1872

- 1 1. On page 2, line 22, strike "hundred" and insert
- 2 "thousand".
- 3 2. On page 3, line 3, strike "Any", show as stricken,
- 4 and insert "Except for individual income tax payments required
- 5 under section 77-2715 and estimated payments for individuals under
- 6 section 77-2769, any".
- 7 3. On page 9, lines 9 and 10, strike the new matter.
- 8 4. On page 10, strike beginning with "any" in line 3
- 9 through "and" in line 9.

(Signed) Abbie Cornett, Chairperson

Health and Human Services

LEGISLATIVE BILL 702. Placed on General File with amendment.
AM1730

- 1 1. On page 2, line 13, after the stricken period insert
- 2 "If an authorization does not contain an expiration date or specify
- 3 an event the occurrence of which causes the authorization to
- 4 expire, the authorization shall expire twelve months after the date
- 5 the authorization was executed by the patient.".

(Signed) Tim Gay, Chairperson

Judiciary

LEGISLATIVE BILL 687. Placed on General File.

LEGISLATIVE BILL 727. Placed on General File.

LEGISLATIVE BILL 792. Placed on General File.

LEGISLATIVE BILL 695. Placed on General File with amendment.
AM1849

- 1 1. On page 2, line 23, strike "five thousand" and insert
2 "three thousand five hundred".

(Signed) Brad Ashford, Chairperson

Agriculture

LEGISLATIVE BILL 910. Placed on General File with amendment.
AM1789

- 1 1. Strike sections 4 and 8 and insert the following new
2 section:
3 Sec. 3. Section 54-603, Revised Statutes Cumulative
4 Supplement, 2008, is amended to read:
5 54-603 (1) Any county, city, or village shall have
6 authority by ordinance or resolution, to impose a license tax in an
7 amount which shall be determined by the appropriate governing body,
8 on the owner or harbinger of any dog or dogs, to be paid under such
9 regulations as shall be provided by such ordinance or resolutions.
10 (2) Every service animal shall be licensed as required
11 by local ordinances or resolutions, but no license tax shall be
12 charged. Upon the retirement or discontinuance of the animal as
13 a service animal, the owner of the animal shall be liable for
14 the payment of a license tax as prescribed by local ordinances or
15 resolutions.
16 (3) Any county, city, or village that imposes a license
17 tax on the owner or harbinger of any cat or cats or upon any dog
18 or dogs under this section shall, in addition to the license tax
19 imposed by the licensing jurisdiction, collect from the licensee
20 a fee of one dollar. The person designated by the licensing
21 jurisdiction to collect and administer the license tax shall act as
22 agent for the State of Nebraska in the collection of the fee. From
23 each one dollar fee collected, such person shall retain three cents
1 to be placed in the general fund of the licensing jurisdiction and
2 shall remit the balance to the State Treasurer for credit to the
3 Commercial Dog and Cat Operator Inspection Program Cash Fund. Such
4 remittance shall be made at least annually at the conclusion of
5 the licensing jurisdiction's fiscal year, except that any licensing
6 jurisdiction that collects fifty dollars or less of such fees

7 during the fiscal year may remit the fees when the cumulative
 8 amount of fees collected reaches fifty dollars.

9 2. On page 10, strike line 15, show as stricken, and
 10 insert

11 "(iii) Fifty-one to one hundred dogs or cats, two hundred
 12 fifty dollars;

13 (iv) One hundred one to one hundred fifty dogs or cats,
 14 three hundred dollars;

15 (v) One hundred fifty-one to two hundred dogs or cats,
 16 three hundred fifty dollars;

17 (vi) Two hundred one to two hundred fifty dogs or cats,
 18 four hundred dollars;

19 (vii) Two hundred fifty-one to three hundred dogs or
 20 cats, four hundred fifty dollars;

21 (viii) Three hundred one to three hundred fifty dogs or
 22 cats, five hundred dollars;

23 (ix) Three hundred fifty-one to four hundred dogs or
 24 cats, five hundred fifty dollars;

25 (x) Four hundred one to four hundred fifty dogs or cats,
 26 six hundred dollars;

27 (xi) Four hundred fifty-one to five hundred dogs or
 1 cats, six hundred fifty dollars; and"; and in line 16 strike

2 "(iii)", show as stricken, and insert "(xii)", strike "fifty", show
 3 as stricken, and insert "five hundred", and strike "two hundred
 4 fifty", show as stricken, and insert "two thousand".

5 3. On page 11, strike beginning with "The" in line 2
 6 through the period in line 3, show as stricken, and insert: "The
 7 maximum fee that may be charged shall not result in a fee for any
 8 license category that exceeds the license fee set forth in this
 9 subsection by more than one hundred dollars.".

10 4. Renumber the remaining sections and correct the
 11 repealer accordingly.

(Signed) Tom Carlson, Chairperson

Judiciary

LEGISLATIVE BILL 1026. Placed on General File with amendment.
 AM1802

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

3 Section 1. Section 25-410, Reissue Revised Statutes of
 4 Nebraska, is amended to read:

5 25-410 (1) For the convenience of the parties and
 6 witnesses or in the interest of justice, a district court of
 7 any county, the transferor court, may transfer any civil action
 8 to the district court of any other county in this state, the
 9 transferee court. The transfer may occur before or after the entry

10 of judgment, and there shall be no additional fees required for the
 11 transfer.

12 (2) To transfer a civil action, the transferor court
 13 shall order transfer of the action to the specific transferee court
 14 requested. The clerk of the transferor court shall file with the
 15 transferee court within ten days after the entry of the transfer
 16 order: Certification of the proceedings; all original documents of
 17 the action; certification of the transcript of docket entries; and
 18 certification of the payment records of any judgment in the action
 19 maintained by the transferor court.

20 (3) Upon the filing of such documents by the clerk of the
 21 transferor court, the clerk of the transferee court shall enter any
 22 judgment in the action on the judgment record of the transferee
 23 court. The judgment, once filed and entered on the judgment record
 1 of the transferee court, shall be a lien on the property of the
 2 debtor in any county in which such judgment is filed. Transfer of
 3 the action shall not change the obligations of the parties under
 4 any judgment entered in the action regardless of the status of the
 5 transfer.

6 (4) If the transferred civil action involves a support
 7 order that has payment records maintained by the Title IV-D
 8 division, as defined in section 43-3341, the transferor court order
 9 shall notify the division to make the necessary changes in the
 10 support payment records. Support payments shall commence in the
 11 transferee court on the first day of the month following the
 12 order of transfer and payments made prior to such date shall be
 13 considered payment on a judgment entered by the transferor court
 14 and payments made on and after such date shall be considered
 15 payment on a judgment entered by the transferee court.

16 Sec. 2. Original section 25-410, Reissue Revised Statutes
 17 of Nebraska, is repealed.

(Signed) Brad Ashford, Chairperson

Natural Resources

The Natural Resources 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.

Norris Marshall - Game and Parks Commission

Aye: 8 Senators Carlson, Cook, Dubas, Fischer, Haar, Langemeier, McCoy, Schilz. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Chris Langemeier, Chairperson

AMENDMENT - Print in Journal

Senator Heidemann filed the following amendment to LB987:
AM1854

- 1 1. Insert the following new sections:
- 2 Sec. 3. It is the intent of the Legislature to reduce
- 3 the cash fund appropriation from the Nebraska Health Care Cash
- 4 Fund by eighty-five thousand dollars in fiscal year 2009-10 and by
- 5 thirty thousand dollars in fiscal year 2010-11 to Agency No. 3 -
- 6 Legislative Council, Program No. 122 - Legislative Services.
- 7 Sec. 5. Since an emergency exists, this act takes effect
- 8 when passed and approved according to law.
- 9 2. On page 4, line 12, after "(6)" insert "The State
- 10 Treasurer shall transfer two million six hundred fifty thousand
- 11 dollars no later than July 15, 2010, from the Nebraska Health Care
- 12 Cash Fund to the Tobacco Prevention and Control Cash Fund." and
- 13 strike "2010," show as stricken, and insert "2011".
- 14 3. Renumber the remaining section accordingly.

MOTION - Print in Journal

Senator Campbell filed the following motion:

Suspend Rule 5, Section 4(c) to permit introduction of a bill (Req. 04451) after the tenth legislative day.

VISITORS

Visitors to the Chamber were members of Leadership Lincoln County from Lincoln County; Mike Hilgers from Lincoln; and members of Leadership Grand Island from Grand Island.

The Doctor of the Day was Dr. Derrick Anderson from Lincoln.

ADJOURNMENT

At 11:58 a.m., on a motion by Speaker Flood, the Legislature adjourned until 9:00 a.m., Wednesday, February 17, 2010.

Patrick J. O'Donnell
Clerk of the Legislature