

**TWENTY-NINTH DAY - FEBRUARY 19, 2010****LEGISLATIVE JOURNAL****ONE HUNDRED FIRST LEGISLATURE  
SECOND SESSION****TWENTY-NINTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Friday, February 19, 2010

**PRAYER**

The prayer was offered by Pastor Tyler Hauptmeier, St. Peter's Lutheran Church, Wymore.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Flood presiding.

The roll was called and all members were present except Senators Conrad, Dierks, and Pahls who were excused; and Senators Ashford, Cook, Janssen, Karpisek, and Price who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the twenty-eighth day was approved.

**COMMITTEE REPORTS**

Urban Affairs

**LEGISLATIVE BILL 381.** Placed on General File with amendment.  
AM1609 is available in the Bill Room.

(Signed) Amanda McGill, Chairperson

Revenue

**LEGISLATIVE BILL 952.** Placed on General File with amendment.  
AM1945

- 1 1. On page 7, line 24, after "means" insert "the actual
- 2 cost of".

(Signed) Abbie Cornett, Chairperson

**NOTICE OF COMMITTEE HEARING**  
Rules

Room 1510

Tuesday, February 23, 2010 1:00 p.m.

Senator Avery's proposed rules change  
Legislative Journal page 556

(Signed) Scott Lautenbaugh, Chairperson

**RESOLUTIONS****LEGISLATIVE RESOLUTION 324.** Introduced by Cook, 13; Coash, 27; Krist, 10; Lathrop, 12; McGill, 26; Rogert, 16; White, 8.

PURPOSE: The purpose of this interim study is to examine the need for public utility ratepayer assistance programs in the state. The statewide costs for operation, maintenance, and capital improvements to our water, wastewater, natural gas, and electrical utility infrastructure systems are increasing faster than the rate of inflation, and increasing numbers of utility customers are struggling to pay service charges. The study shall focus on the adequacy of existing assistance programs and evaluate alternatives to better meet the future needs of public utility customers in the state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND 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 325.** Introduced by Stuthman, 22.

WHEREAS, Alex Kurtenbach, of Troop 212, 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 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, Alex 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. Alex earned 26 merit badges and constructed a cabinet for the Columbus Rescue Mission in Columbus, Nebraska, for his Eagle Scout community service project; and

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

WHEREAS, Alex, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, such as astronauts, political and industry leaders, artists, scientists, and athletes.

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

1. That the Legislature congratulates Alex Kurtenbach on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Alex Kurtenbach.

Laid over.

### ANNOUNCEMENTS

Senator White designates LB952 as his priority bill.

Senator Adams designates LB1072 as his priority bill.

Senator McGill designates LB925 as her priority bill.

Senator Flood designates LB1103 as his priority bill.

Senator Cook designates LB975 as her priority bill.

Senator Mello designates LB1081 as his priority bill.

The Health and Human Services Committee designates LB849 and LB1110 as its priority bills.

The Revenue Committee designates LB879 and LB1079 as its priority bills.

The Natural Resources Committee designates LB1048 and LB862 as its priority bills.

Senator Campbell designates LB999 as her priority bill.

**REPORTS**

The following reports were received by the Legislature:

**Criminal Justice, Commission on Law Enforcement and**

Nebraska Coalition for Juvenile Justice Annual Report FY08-09

**Energy Office, Nebraska**

Nebraska Energy Office 2009 Annual Report

Nebraska Energy Statistics

**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of February 18, 2010, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

Amack, Angela K.

Criminal Defense Attorneys Association, Nebraska

Crepps, Janet

Center for Reproductive Rights

Goldberg, Jordan

Center for Reproductive Rights

Heyl, Dean A.

Direct Selling Association

Howell, Rachel

Nebraska Friends of Midwives

Larsen, Mary

March of Dimes Birth Defects Foundation

Loontjer, Pat

Gambling With the Good Life

**MOTION - Return LB226 to Select File**

Senator Rogert moved to return LB226 to Select File for his specific amendment, AM1894, found on page 544.

The Rogert motion to return prevailed with 31 ayes, 0 nays, 10 present and not voting, and 8 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 226.** The Rogert specific amendment, AM1894, found on page 544, was adopted with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

**LEGISLATIVE BILL 512.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 579.** ER8152, found on page 393, was adopted.

Senator Cornett offered the following amendment:  
AM1952 is available in the Bill Room.

**SENATOR LANGEMEIER PRESIDING**

The Cornett amendment was adopted with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 867.** ER8159, found on page 479, was adopted.

Senator Karpisek renewed his amendment, AM1801, found on page 505.

The Karpisek amendment was adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 848.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 746.** ER8160, found on page 479, was adopted.

Senator Giese withdrew his amendment, AM1795, found on page 505.

Senator Giese offered the following amendment:  
AM1962

(Amendments to Standing Committee amendments, AM1669)

- 1 1. On page 1, line 14, strike "Mexican-Americans" and
- 2 insert "Latino-Americans".
- 3 2. On page 2, strike beginning with "Minority" in line 12
- 4 through "and" in line 13; and in line 13 after "Association" insert
- 5 "appointed by the Governor from a list of attorneys submitted by
- 6 the executive council of the Nebraska State Bar Association".

The Giese amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 890.** ER8161, found on page 519, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 891.** ER8163, found on page 523, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 892.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 643.** ER8162, found on page 523, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 723.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 787.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 914.** Advanced to Enrollment and Review for Engrossment.

### GENERAL FILE

**LEGISLATIVE BILL 685.** Title read. Considered.

### SENATOR ROBERT PRESIDING

Senator Wightman moved for a call of the house. The motion prevailed with 37 ayes, 0 nays, and 12 not voting.

Senator Wightman requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 20:

Carlson	Fulton	Hansen	Krist	Price
Christensen	Gay	Harms	Lautenbaugh	Stuthman
Fischer	Gloor	Heidemann	McCoy	Utter
Flood	Hadley	Karpisek	Nelson	Wightman

Voting in the negative, 22:

Adams	Council	Janssen	Nordquist	Wallman
Ashford	Dubas	Langemeier	Pirsch	White
Avery	Giese	Lathrop	Rogert	
Cook	Haar	Louden	Schilz	
Cornett	Howard	McGill	Sullivan	

Present and not voting, 3:

Coash	Mello	Pankonin
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Excused and not voting, 4:

Campbell	Conrad	Dierks	Pahls
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Failed to advance to Enrollment and Review Initial with 20 ayes, 22 nays, 3 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

### COMMITTEE REPORTS

#### Agriculture

**LEGISLATIVE BILL 986.** Placed on General File.

**LEGISLATIVE BILL 882.** Placed on General File with amendment.  
AM1853

- 1 1. On page 3, after line 25 insert the following new
- 2 subsection:
- 3 "(4) In addition to methods listed in subsections (1)
- 4 and (2) of this section, animal carcasses or carcass parts may
- 5 be disposed of by a veterinary clinic or veterinary diagnostic
- 6 laboratory by alkaline hydrolysis tissue digestion. For purposes
- 7 of this section, alkaline hydrolysis tissue digestion means a
- 8 process that utilizes an alkaline agent and heat to catalyze the
- 9 decomposition and reduction of biological tissues. This section
- 10 shall not exempt the products of alkaline hydrolysis tissue
- 11 digestion from any applicable law, rule, or regulation governing
- 12 disposal of wastes."
- 13 2. On page 4, line 1, strike "(4)", show as stricken, and
- 14 insert "(5)".

(Signed) Tom Carlson, Chairperson

Revenue

**LEGISLATIVE BILL 704.** Placed on General File.

(Signed) Abbie Cornett, Chairperson

## Judiciary

**LEGISLATIVE BILL 817.** Placed on General File with amendment. AM1964

1 1. Strike the original sections and insert the following  
 2 new sections:  
 3 Section 1. Section 28-1212.04, Revised Statutes  
 4 Supplement, 2009, is amended to read:  
 5 28-1212.04 Any person, within the territorial boundaries  
 6 of any city, ~~incorporated village~~, of the first class or county  
 7 containing a city of the metropolitan class or primary class, who  
 8 unlawfully, knowingly, and intentionally ~~or recklessly~~ discharges  
 9 a firearm, while in any motor vehicle or in the proximity of  
 10 any motor vehicle that such person has just exited, at or in the  
 11 general direction of any person, dwelling, building, structure,  
 12 occupied motor vehicle, occupied aircraft, inhabited motor home as  
 13 defined in section 71-4603, or inhabited camper unit as defined in  
 14 section 60-1801, is guilty of a Class IC felony.

15 Sec. 2. Section 69-2403, Reissue Revised Statutes of  
 16 Nebraska, is amended to read:

17 69-2403 (1) Except as provided in this section and  
 18 section 69-2409, a person shall not purchase, lease, rent, or  
 19 receive transfer of a handgun until he or she has obtained a  
 20 certificate in accordance with section 69-2404. Except as provided  
 21 in this section and section 69-2409, a person shall not sell,  
 22 lease, rent, or transfer a handgun to a person who has not obtained  
 23 a certificate.

1 (2) The certificate shall not be required if:  
 2 ~~(1)-(a)~~ The person acquiring the handgun is a licensed  
 3 firearms dealer under federal law;  
 4 ~~(2)-(b)~~ The handgun is an antique handgun;  
 5 ~~(3)-(c)~~ The person acquiring the handgun is authorized to  
 6 do so on behalf of a law enforcement agency;  
 7 ~~(4)-(d)~~ The transfer is a temporary transfer of a handgun  
 8 and the transferee remains ~~(a)-(i)~~ in the line of sight of the  
 9 transferor or ~~(b)-(ii)~~ within the premises of an established  
 10 shooting facility; ~~or~~  
 11 ~~(5)-(e)~~ The transfer is between a person and his or  
 12 her spouse, sibling, parent, child, aunt, uncle, niece, nephew, or  
 13 grandparent; ~~or~~  
 14 (f) The person acquiring the handgun is a holder of a  
 15 valid permit under the Concealed Handgun Permit Act; or  
 16 (g) The person acquiring the handgun is a peace officer  
 17 as defined in section 69-2429.

18 Sec. 3. Original sections 69-2403, Reissue Revised  
 19 Statutes of Nebraska, and section 28-1212.04, Revised Statutes  
 20 Supplement, 2009, are repealed.

(Signed) Brad Ashford, Chairperson



### Agriculture

The Agriculture 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.

Sallie Atkins - Nebraska State Fair Board

Aye: 8 Senators Carlson, Council, Dierks, Dubas, Karpisek, Price, Schilz, Wallman. Nay: 0. Absent: 0. Present and not voting: 0.

The Agriculture 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.

Linda Lovgren - Nebraska State Fair Board

Aye: 8 Senators Carlson, Council, Dierks, Dubas, Karpisek, Price, Schilz, Wallman. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Tom Carlson, Chairperson

### **NOTICE OF COMMITTEE HEARING** Nebraska Retirement Systems

Room 1525

Tuesday, March 23, 2010 12:10 p.m.

Nebraska Investment Council Annual Report  
Nebraska Public Employees Retirement Systems Annual Report

(Signed) Dave Pankonin, Chairperson

### **ANNOUNCEMENTS**

Senator Gloor designates LB949 as his priority bill.

Senator Giese designates LB709 as his priority bill.

The Judiciary Committee designates LB800 and LB712 as its priority bills.

Senator Lathrop designates LB779 as his priority bill.

The Business and Labor Committee designates LB563 and LB961 as its priority bills.

Senator Stuthman designates LB1036 as his priority bill.

Senator Wallman designates LB780 as his priority bill.

Senator Utter designates LR284CA as his priority resolution.

Senator Rogert designates LB1087 as his priority bill.

Senator Howard designates LB507 as her priority bill.

Senator Coash designates LB1018 as his priority bill.

Senator Sullivan designates LB965 as her priority bill.

Senator Fulton designates LB817 as his priority bill.

Senator Lautenbaugh designates LB1102 as his priority bill.

Senator Dierks designates LB594 as his priority bill.

Senator Price designates LB948 as his priority bill.

Senator Nelson designates LR300CA as his priority resolution.

#### **AMENDMENT - Print in Journal**

Senator Adams filed the following amendment to LB711:  
AM1951

(Amendments to Final Reading copy)

1 1. Strike section 2 and insert the following new  
2 sections:  
3 Sec. 2. Section 79-1022, Revised Statutes Supplement,  
4 2009, is amended to read:  
5 79-1022 (1) On ~~or before June 1, 2009,~~ on or before March  
6 ~~4, 10, 2010,~~ and on or before February 1 of each year thereafter,  
7 the department shall determine the amounts to be distributed to  
8 each local system and each district pursuant to the Tax Equity  
9 and Educational Opportunities Support Act and shall certify the  
10 amounts to the Director of Administrative Services, the Auditor of  
11 Public Accounts, each learning community, and each district. The  
12 amount to be distributed to each district that is not a member  
13 of a learning community from the amount certified for a local  
14 system shall be proportional based on: (a) For school fiscal years  
15 prior to school fiscal year 2008-09, the weighted formula students  
16 attributed to each district in the local system; and (b) for school  
17 fiscal year 2008-09 and each school fiscal year thereafter, the  
18 formula students attributed to each district in the local system.  
19 The amount to be distributed to each district that is a member of  
20 a learning community from the amount certified for the local system  
21 shall be proportional based on the formula needs calculated for

22 each district in the local system. On ~~or before June 1, 2009, on or~~  
 1 before March ~~4, 10, 2010~~, and on or before February 1 of each year  
 2 thereafter, the department shall report the necessary funding level  
 3 to the Governor, the Appropriations Committee of the Legislature,  
 4 and the Education Committee of the Legislature. Certified state  
 5 aid amounts, including adjustments pursuant to section 79-1065.02,  
 6 shall be shown as budgeted non-property-tax receipts and deducted  
 7 prior to calculating the property tax request in the district's  
 8 general fund budget statement as provided to the Auditor of Public  
 9 Accounts pursuant to section 79-1024.

10 (2) Except as provided in subsection (8) of section  
 11 79-1016 and sections 79-1033 and 79-1065.02, the amounts certified  
 12 pursuant to subsection (1) of this section shall be distributed in  
 13 ten as nearly as possible equal payments on the last business day  
 14 of each month beginning in September of each ensuing school fiscal  
 15 year and ending in June of the following year, except that when a  
 16 school district is to receive a monthly payment of less than one  
 17 thousand dollars, such payment shall be one lump-sum payment on  
 18 the last business day of December during the ensuing school fiscal  
 19 year.

20 Sec. 3. Section 79-1023, Revised Statutes Supplement,  
 21 2009, as amended by section 11, Legislative Bill 5, One Hundred  
 22 First Legislature, First Special Session, 2009, is amended to read:  
 23 79-1023 (1) On ~~or before June 1, 2009, on or~~ before March  
 24 ~~4, 10, 2010~~, and on or before February 1 of each year thereafter,  
 25 the department shall determine and certify to each school district  
 26 the maximum general fund budget of expenditures minus the special  
 27 education budget of expenditures for the immediately following  
 1 school fiscal year.

2 (2) Except as provided in section 79-1028.01, no  
 3 school district shall have a general fund budget of expenditures  
 4 minus special grant funds and the special education budget of  
 5 expenditures more than the greater of (a) the product of the  
 6 difference of the general fund budget of expenditures minus special  
 7 grant funds and the special education budget of expenditures  
 8 for the immediately preceding school fiscal year multiplied by  
 9 (i) except as otherwise provided in subdivision (a)(ii) of this  
 10 subsection, the sum of one plus the local system's applicable  
 11 allowable growth rate or (ii) for school fiscal year 2010-11, the  
 12 sum of one plus seventy-five hundredths of one percent plus the  
 13 local system's applicable allowable growth rate or (b)(i) except as  
 14 otherwise provided in subdivision (b)(ii) of this subsection, the  
 15 difference of one hundred twenty percent of formula need for such  
 16 school fiscal year minus the product of the sum of one plus the  
 17 basic allowable growth rate for such school fiscal year multiplied  
 18 by the special education budget of expenditures as filed on the  
 19 school district budget statement on or before September 20 for  
 20 the immediately preceding school fiscal year or (ii) for school  
 21 fiscal years 2009-10 and 2010-11, the difference of one hundred

22 sixteen and fifteen-hundredths percent of formula need for such  
 23 school fiscal year minus the product of the sum of one plus the  
 24 basic allowable growth rate for such school fiscal year multiplied  
 25 by the special education budget of expenditures as filed on the  
 26 school district budget statement on or before September 20 for the  
 27 immediately preceding school fiscal year.

1 Sec. 4. Section 79-1026.01, Revised Statutes Supplement,  
 2 2009, is amended to read:

3 79-1026.01 For school fiscal year 2008-09 and each school  
 4 fiscal year thereafter, ~~on or before June 1, 2009,~~ on or before  
 5 March 4, 10, 2010, and on or before February 1 of each year  
 6 thereafter, the department shall determine and certify to each  
 7 Class II, III, IV, or V district an applicable allowable growth  
 8 rate carried out at least four decimal places as follows:

9 (1) The department shall establish a target budget level  
 10 range of general fund operating expenditure levels for each school  
 11 fiscal year for each school district which shall begin at twenty  
 12 percent less than the school district's formula need and end at the  
 13 school district's formula need. The beginning point of the range  
 14 shall be assigned a number equal to the maximum allowable growth  
 15 rate established in section 79-1025, and the end point of the range  
 16 shall be assigned a number equal to the basic allowable growth rate  
 17 as prescribed in such section such that the lower end of the range  
 18 shall be assigned the maximum allowable growth rate and the higher  
 19 end of the range shall be assigned the basic allowable growth rate;  
 20 and

21 (2) For each school fiscal year, each school district's  
 22 general fund operating expenditures shall be compared to its target  
 23 budget level along the range described in subdivision (1) of  
 24 this section to arrive at an applicable allowable growth rate  
 25 as follows: If each school district's general fund operating  
 26 expenditures fall below the lower end of the range, such applicable  
 27 allowable growth rate shall be the maximum growth rate identified  
 1 in section 79-1025. If each school district's general fund  
 2 operating expenditures are greater than the higher end of the  
 3 range, the school district's allowable growth rate shall be the  
 4 basic allowable growth rate identified in such section. If each  
 5 school district's general fund operating expenditures fall between  
 6 the lower end and the higher end of the range, the department shall  
 7 use a linear interpolation calculation between the end points of  
 8 the range to arrive at the applicable allowable growth rate for the  
 9 school district.

10 Sec. 5. Section 79-1027, Revised Statutes Supplement,  
 11 2009, is amended to read:

12 79-1027 No district shall adopt a budget, which includes  
 13 total requirements of depreciation funds, necessary employee  
 14 benefit fund cash reserves, and necessary general fund cash  
 15 reserves, exceeding the applicable allowable reserve percentages

16 of total general fund budget of expenditures as specified in the  
 17 schedule set forth in this section.

18 Average daily	Allowable
19 membership of	reserve
20 district	percentage
21 0 - 471	45
22 471.01 - 3,044	35
23 3,044.01 - 10,000	25
24 10,000.01 and over	20

25 ~~On or before June 1, 2009, on or before March 4, 10,~~  
 26 2010, and on or before February 1 each year thereafter, the  
 27 department shall determine and certify each district's applicable  
 1 allowable reserve percentage.

2 Each district with combined necessary general fund cash  
 3 reserves, total requirements of depreciation funds, and necessary  
 4 employee benefit fund cash reserves less than the applicable  
 5 allowable reserve percentage specified in this section may,  
 6 notwithstanding the district's applicable allowable growth rate,  
 7 increase its necessary general fund cash reserves such that the  
 8 total necessary general fund cash reserves, total requirements  
 9 of depreciation funds, and necessary employee benefit fund  
 10 cash reserves do not exceed such applicable allowable reserve  
 11 percentage.

12 Sec. 6. Section 79-1031.01, Revised Statutes Supplement,  
 13 2009, is amended to read:

14 79-1031.01 The Appropriations Committee of the  
 15 Legislature shall annually include the amount necessary to fund the  
 16 state aid that will be certified to school districts ~~on or before~~  
 17 ~~June 1, 2009,~~ on or before March 4, 10, 2010, and on or before  
 18 February 1 for each school year thereafter in its recommendations  
 19 to the Legislature to carry out the requirements of the Tax Equity  
 20 and Educational Opportunities Support Act.

21 Sec. 7. Original section 79-4,108, Reissue Revised  
 22 Statutes of Nebraska, sections 79-1022, 79-1026.01, 79-1027, and  
 23 79-1031.01, Revised Statutes Supplement, 2009, and section 79-1023,  
 24 Revised Statutes Supplement, 2009, as amended by section 11,  
 25 Legislative Bill 5, One Hundred First Legislature, First Special  
 26 Session, 2009, are repealed.

27 2. On page 1, strike beginning with "unified" in line  
 1 1 through the semicolon in line 4 and insert "schools; to  
 2 amend section 79-4,108, Reissue Revised Statutes of Nebraska,  
 3 sections 79-1022, 79-1026.01, 79-1027, and 79-1031.01, Revised  
 4 Statutes Supplement, 2009, and section 79-1023, Revised Statutes  
 5 Supplement, 2009, as amended by section 11, Legislative Bill 5, One  
 6 Hundred First Legislature, First Special Session, 2009; to change  
 7 provisions relating to interlocal agreements for unified school  
 8 systems; to change dates relating to certification of state aid  
 9 under the Tax Equity and Educational Opportunities Support Act; to

10 repeal the original sections;"

11 3. Renumber the remaining section accordingly.

### GENERAL FILE

**LEGISLATIVE BILL 1006.** Title read. Considered.

Committee AM1816, found on page 532, was considered.

### SENATOR STUTHMAN PRESIDING

The committee amendment was adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 865.** Title read. Considered.

Committee AM1739, found on page 451, was adopted with 30 ayes, 0 nays, 11 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 10 present and not voting, and 9 excused and not voting.

**LEGISLATIVE BILL 910.** Title read. Considered.

Committee AM1789, found on page 539, was adopted with 31 ayes, 1 nay, 8 present and not voting, and 9 excused and not voting.

Senator Carlson offered the following amendment:

AM1934

1 1. Strike original section 13.

2 2. On page 9, line 8, strike "an animal rescue," strike  
3 "or" and show as stricken, and after "shelter" insert ", or,  
4 beginning October 1, 2010, as an animal rescue"; in line 9 after  
5 each comma insert "a"; and in line 10 after the first comma insert  
6 "an", strike "animal rescue," strike "or", show as stricken, and  
7 insert "an", and after "shelter" insert ", or, beginning October 1,  
8 2010, as an animal rescue".

The Carlson amendment was adopted with 31 ayes, 0 nays, 9 present and not voting, and 9 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 1 nay, 7 present and not voting, and 9 excused and not voting.

**COMMITTEE REPORTS**

## Transportation and Telecommunications

**LEGISLATIVE BILL 926.** Placed on General File with amendment.  
AM1942

- 1 1. Strike the original sections and insert the following  
2 new sections:
- 3 Section 1. Section 39-204, Reissue Revised Statutes of  
4 Nebraska, is amended to read:
- 5 39-204 (1) Signs, displays, and devices giving specific  
6 information of interest to the traveling public shall be erected  
7 by or at the direction of the Department of Roads and maintained  
8 within the right-of-way at appropriate distances from interchanges  
9 on the National System of Interstate and Defense Highways and from  
10 roads of the state primary system as shall conform with the rules  
11 and regulations adopted and promulgated by the department to carry  
12 out this section and section 39-205. Such rules and regulations  
13 shall be consistent with national standards promulgated from time  
14 to time by the appropriate authority of the federal government  
15 pursuant to 23 U.S.C. 131(f).
- 16 (2) For purposes of this section, specific information of  
17 interest to the traveling public shall mean only information about  
18 camping, lodging, food, attractions, and motor fuel and associated  
19 services, including trade names.
- 20 (3) The minimum service that is required to be available  
21 for each type of service shall include:
- 22 (a) Motor fuel services including:
- 23 (i) Vehicle services, which shall include fuel, oil, ~~tire~~  
1 ~~repair~~, and water;
- 2 (ii) Restroom facilities and drinking water;
- 3 (iii) Continuous operation of such services for at least  
4 sixteen hours per day, seven days per week, for freeways and  
5 expressways and continuous operation of such services for at least  
6 twelve hours per day, seven days per week, for conventional roads;  
7 and
- 8 (iv) Telephone services;
- 9 (b) Attraction services including:
- 10 (i) An attraction of regional significance with the  
11 primary purpose of providing amusement, historical, cultural, or  
12 leisure activity to the public;
- 13 (ii) Restroom facilities and drinking water; and  
14 (iii) Adequate parking accommodations;
- 15 ~~(b)~~ (c) Food services including:
- 16 (i) Licensing or approval of such services, when  
17 required;
- 18 (ii) Continuous operation of such services to serve ~~three~~  
19 at least two meals per day, seven-six days per week; and
- 20 (iii) Modern sanitary facilities; and
- 21 ~~(iii)~~ (iv) Telephone services;

22 ~~(e)~~(d) Lodging services including:

23 (i) Licensing or approval of such services, when  
24 required;

25 (ii) Adequate sleeping accommodations; and

26 (iii) Telephone services; and

27 ~~(d)~~(e) Camping services including:

1 (i) Licensing or approval of such services, when  
2 required;

3 (ii) Adequate parking accommodations; and

4 (iii) Modern sanitary facilities and drinking water.

5 Sec. 2. Section 39-205, Reissue Revised Statutes of

6 Nebraska, is amended to read:

7 39-205 (1) Applicants for business signs shall furnish  
8 business signs to the Department of Roads and shall pay to the  
9 department an annual fee for posting each business sign and the  
10 actual cost of material for, fabrication of, and erecting the  
11 specific information sign panels where specific information sign  
12 panels have not been installed.

13 (2) Upon receipt of the business signs and the annual  
14 fee, the department shall post or cause to be posted the business  
15 signs where specific information sign panels have been installed.  
16 The applicant shall not be required to remove any advertising  
17 device to qualify for a business sign except any advertising device  
18 which was unlawfully erected or in violation of section 39-202,  
19 39-203, 39-204, 39-205, 39-206, 39-215, 39-216, or 39-220, any rule  
20 or regulation of the department, or any federal rule or regulation  
21 relating to informational signs. The specific information sign  
22 panels and business signs shall conform to the requirements of  
23 the Federal Beautification Act and the Manual on Uniform Traffic  
24 Control Devices adopted pursuant to section 60-6,118.

25 (3) All revenue received for the posting or erecting  
26 of business signs or specific information sign panels pursuant to  
27 this section shall be deposited in the Highway Cash Fund, except  
1 that any revenue received from the annual fee and for posting  
2 or erecting such signs in excess of the state's costs shall be  
3 deposited in the General Fund.

4 (4) For purposes of this section, unless the context  
5 otherwise requires:

6 (a) Business sign ~~shall mean~~ means a sign displaying  
7 a commercial brand, symbol, trademark, or name, or combination  
8 thereof, designating a motorist service. Business signs shall be  
9 mounted on a rectangular information panel; and

10 (b) Specific information sign panel ~~shall mean~~ means a  
11 rectangular sign panel with:

12 (i) The word gas, food, attraction, lodging, or camping;

13 (ii) Directional information; and

14 (iii) One or more business signs.

15 (5) The department shall provide notice of space

16 available for business signs on any specific information sign panel



17 at least ninety days prior to accepting or approving the posting  
 18 of any business sign.  
 19 Sec. 3. Section 39-210, Reissue Revised Statutes of  
 20 Nebraska, is amended to read:  
 21 39-210 To qualify to appear on a tourist-oriented  
 22 directional sign panel, an activity shall be licensed and approved  
 23 by the state and local agencies if required by law and be open  
 24 to the public at least eight hours per day, five days per week,  
 25 including Saturdays or Sundays, during the normal season of the  
 26 activity, except that if the activity is a winery, the winery  
 27 shall be open at least twenty hours per week. The activity,  
 1 before qualifying to appear on a sign panel, shall provide to  
 2 the Department of Roads assurance of its conformity with all  
 3 applicable laws relating to discrimination based on race, creed,  
 4 color, sex, national origin, ancestry, political affiliation, or  
 5 religion. If the activity violates any of such laws, it shall  
 6 lose its eligibility to appear on a tourist-oriented directional  
 7 sign panel. In addition, the qualifying activity shall be required  
 8 to remove any advertising device which was unlawfully erected or  
 9 which is in violation of section 39-202, 39-203, 39-204, 39-205,  
 10 39-206, 39-215, 39-216, or 39-220, any rule or regulation of  
 11 the department, or any federal rule or regulation relating to  
 12 tourist-oriented directional sign panels. The tourist-oriented  
 13 directional sign panels shall conform to the requirements of the  
 14 Federal Beautification Act and the Manual on Uniform Traffic  
 15 Control Devices as adopted pursuant to section 60-6,118.  
 16 Sec. 4. Original sections 39-204, 39-205, and 39-210,  
 17 Reissue Revised Statutes of Nebraska, are repealed.

(Signed) Deb Fischer, Chairperson

#### Appropriations

**LEGISLATIVE BILL 1063.** Placed on General File with amendment.  
 AM1961

1 1. Insert the following new section:  
 2 Sec. 3. Section 82-331, Revised Statutes Supplement,  
 3 2009, is amended to read:  
 4 82-331 (1) There is hereby established in the state  
 5 treasury a trust fund to be known as the Nebraska Cultural  
 6 Preservation Endowment Fund. The fund shall consist of funds  
 7 appropriated or transferred by the Legislature, and only the  
 8 earnings of the fund may be used as provided in this section.  
 9 (2) On August 1, 1998, the State Treasurer shall transfer  
 10 five million dollars from the General Fund to the Nebraska Cultural  
 11 Preservation Endowment Fund.  
 12 (3) Except as provided in subsection (4) of this section,  
 13 it is the intent of the Legislature that the State Treasurer  
 14 shall transfer (a) an amount not to exceed five hundred thousand

15 dollars from the General Fund to the Nebraska Cultural Preservation  
 16 Endowment Fund on December 31 of 2009 and 2010 and (b) an amount  
 17 not to exceed ~~one million~~ five hundred thousand dollars from the  
 18 General Fund to the Nebraska Cultural Preservation Endowment Fund  
 19 on December 31 of 2011, ~~and~~ 2012, 2013, 2014, 2015, and 2016.

20 (4) Prior to the transfer of funds from any state  
 21 account into the Nebraska Cultural Preservation Endowment Fund,  
 22 the Nebraska Arts Council shall provide documentation to the  
 23 budget division of the Department of Administrative Services that  
 1 qualified endowments have generated a dollar-for-dollar match  
 2 of new money, up to the amount of state funds authorized  
 3 by the Legislature to be transferred to the Nebraska Cultural  
 4 Preservation Endowment Fund. The budget division of the Department  
 5 of Administrative Services shall notify the State Treasurer to  
 6 execute a transfer of state funds up to the amount specified by the  
 7 Legislature, but only to the extent that the Nebraska Arts Council  
 8 has provided documentation of a dollar-for-dollar match. Funds not  
 9 transferred shall be carried forward to the succeeding year and be  
 10 added to the funds authorized for a dollar-for-dollar match during  
 11 that year.

12 (5) The Legislature shall not appropriate or transfer  
 13 money from the Nebraska Cultural Preservation Endowment Fund for  
 14 any purpose other than the purposes stated in sections 82-330 to  
 15 82-333, except that the Legislature may appropriate or transfer  
 16 money from the fund upon a finding that the purposes of such  
 17 sections are not being accomplished by the fund.

18 (6) Any money in the Nebraska Cultural Preservation  
 19 Endowment Fund available for investment shall be invested by the  
 20 state investment officer pursuant to the Nebraska Capital Expansion  
 21 Act and the Nebraska State Funds Investment Act.

22 (7) All investment earnings from the Nebraska Cultural  
 23 Preservation Endowment Fund shall be credited to the Nebraska Arts  
 24 and Humanities Cash Fund.

25 2. On page 2, line 24, after the comma insert "and  
 26 section 82-331, Revised Statutes Supplement, 2009,".

27 3. Renumber the remaining section accordingly.

(Signed) Lavon Heidemann, Chairperson

Natural Resources

**LEGISLATIVE BILL 836.** Placed on General File with amendment.  
 AM1864

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

3 Section 1. Section 37-448, Reissue Revised Statutes of  
 4 Nebraska, is amended to read:

5 37-448 (1) Subject to rules and regulations adopted and  
 6 promulgated by the commission, the secretary of the commission

7 may designate special deer depredation seasons or extensions of  
 8 existing deer hunting seasons by executive order. The secretary  
 9 may designate a depredation season or an extension of an existing  
 10 deer hunting season whenever he or she determines that deer are  
 11 causing excessive property damage. The secretary shall specify the  
 12 number of permits to be issued, the species of deer allowed to be  
 13 taken, the bag limit for such species, the beginning and ending  
 14 dates for the depredation season or hunting season extension,  
 15 shooting hours, the length of the depredation season or hunting  
 16 season extension, and the geographic area in which hunting will be  
 17 permitted. ~~Each such permit shall give the holder the right to take~~  
 18 ~~one deer.~~ Hunting during a special depredation season or hunting  
 19 season extension shall be limited to residents, and the rules and  
 20 regulations shall be restricted to firearms which are allow use of  
 21 any weapon permissible for use during the regular deer season.

22 (2) The depredation season may commence not less than  
 23 five days after the first public announcement that the depredation  
 1 season has been established. Permits shall be issued beginning  
 2 ~~not less than three days after the first public announcement of~~  
 3 ~~the depredation season and shall be issued in an impartial manner~~  
 4 at a location determined by the secretary. The commission shall,  
 5 pursuant to section 37-327, establish and charge a fee of not more  
 6 than twenty-five dollars for a special depredation season permit.  
 7 ~~Fifty percent of the fee shall be paid by the commission to a~~  
 8 ~~landowner or operator within the designated area upon satisfactory~~  
 9 ~~proof a deer was killed upon his or her farm or ranch during the~~  
 10 ~~special depredation season.~~ The commission shall use the income  
 11 from the sale of special depredation season permits for abatement  
 12 of damage caused by deer. The commission shall also provide for  
 13 an unlimited number of free permits for the taking of antlerless  
 14 deer upon request to any person owning or operating at least twenty  
 15 acres of farm or ranch land within the geographic area in which  
 16 hunting will be permitted and to any member of the immediate family  
 17 of any such person as defined in subdivision (2)(a) of section  
 18 37-455. A free permit shall be valid only within such area and  
 19 only during the designated deer depredation season. Receipt of a  
 20 depredation season permit shall not in any way affect a person's  
 21 eligibility for a regular season permit.

22 Sec. 2. Section 37-523, Revised Statutes Supplement,  
 23 2009, is amended to read:

24 37-523 (1) It shall be unlawful to hunt or trap any  
 25 form of wild mammal or wild bird within a ~~two hundred yard~~  
 26 ~~one-hundred-yard~~ radius of an inhabited dwelling or livestock  
 27 feedlot, or to trap within a two-hundred-yard radius of any passage  
 1 used by livestock to pass under any highway, road, or bridge.

2 (2) This section shall not prohibit any owner, tenant, or  
 3 operator or his or her guests from hunting or trapping any form of  
 4 wild mammal or wild bird within such radius if the area is under  
 5 his or her ownership or control. This section shall not prohibit

6 duly authorized personnel of any county, city, or village health or  
 7 animal control department from trapping with a humane live box trap  
 8 or pursuing any form of wild mammal or wild bird, when conducting  
 9 such activities within the scope of the authorization, within such  
 10 radius if the area is under the jurisdiction of the county, city,  
 11 or village.

12 (3) Any person violating this section shall be guilty of  
 13 a Class III misdemeanor and shall be fined at least one hundred  
 14 dollars upon conviction.

15 Sec. 3. Original section 37-448, Reissue Revised Statutes  
 16 of Nebraska, and section 37-523, Revised Statutes Supplement, 2009,  
 17 are repealed.

(Signed) Chris Langemeier, Chairperson

## RESOLUTIONS

### LEGISLATIVE RESOLUTION 326. Introduced by Harms, 48.

WHEREAS, Tanner Manley, of Troop 5, 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 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, Tanner 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; and

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

WHEREAS, Tanner, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, such as astronauts, political and industry leaders, artists, scientists, and athletes.

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

1. That the Legislature congratulates Tanner Manley on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Tanner Manley.

Laid over.

**LEGISLATIVE RESOLUTION 327.** Introduced by Harms, 48.

WHEREAS, Rogelio Munoz, of Troop 17, 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 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, Rogelio 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; and

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

WHEREAS, Rogelio, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, such as astronauts, political and industry leaders, artists, scientists, and athletes.

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

1. That the Legislature congratulates Rogelio Munoz on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Rogelio Munoz.

Laid over.

**LEGISLATIVE RESOLUTION 328.** Introduced by Harms, 48.

WHEREAS, Reynaldo Castro, of Troop 17, 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 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, Reynaldo 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; and

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

WHEREAS, Reynaldo, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, such as astronauts, political and industry leaders, artists, scientists, and athletes.

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

1. That the Legislature congratulates Reynaldo Castro on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Reynaldo Castro.

Laid over.

**LEGISLATIVE RESOLUTION 329.** Introduced by Harms, 48.

WHEREAS, Josh McBride, of Troop 17, 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 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, Josh 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; and

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

WHEREAS, Josh, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, such as astronauts, political and industry leaders, artists, scientists, and athletes.

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

1. That the Legislature congratulates Josh McBride on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Josh McBride.

Laid over.

**LEGISLATIVE RESOLUTION 330.** Introduced by Harms, 48.

WHEREAS, Jacob Douglas, of Troop 13, 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 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, Jacob 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; and

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

WHEREAS, Jacob, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, such as astronauts, political and industry leaders, artists, scientists, and athletes.

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

1. That the Legislature congratulates Jacob Douglas on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Jacob Douglas.

Laid over.

### ANNOUNCEMENTS

Senator Pirsch designates LB510 as his priority bill.

Senator Langemeier designates LB728 as his priority bill.

Senator Council designates LB1105 as her priority bill.

Senator Hansen designates LB937 as his priority bill.

Senator Karpisek designates LR296CA as his priority resolution.

Senator Christensen designates LB443 as his priority bill.

### UNANIMOUS CONSENT - Add Cointroducers

Senator Giese asked unanimous consent to add his name as cointroducer to LB709. No objections. So ordered.

Senator Council asked unanimous consent to add her name as cointroducer to LB992. No objections. So ordered.

Senator Karpisek asked unanimous consent to add his name as cointroducer to LB1002. No objections. So ordered.

Senator Price asked unanimous consent to add his name as cointroducer to LR292. No objections. So ordered.

**VISITORS**

Visitors to the Chamber were members of the Nebraska State Bar Association Leadership Academy; members of the Attorney General's Youth Advisory Council from across the state; and Representative Charles Key from Oklahoma City, Oklahoma.

The Doctor of the Day was Dr. Kathy Amyot from Hastings.

**ADJOURNMENT**

At 11:43 a.m., on a motion by Speaker Flood, the Legislature adjourned until 10:00 a.m., Monday, February 22, 2010.

Patrick J. O'Donnell  
Clerk of the Legislature