

**THIRTY-SEVENTH DAY - MARCH 4, 2010****LEGISLATIVE JOURNAL****ONE HUNDRED FIRST LEGISLATURE  
SECOND SESSION****THIRTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, March 4, 2010

**PRAYER**

The prayer was offered by Pastor Ernie Waltke, Our Savior Lutheran Church, Wymore.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Sheehy presiding.

The roll was called and all members were present except Senator Pahls who was excused; and Senators Ashford, Cornett, Loudon, Pankonin, and Sullivan who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirty-sixth day was approved.

**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of March 3, 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

Bydalek, Dave  
Family First

**REPORTS**

The following reports were received by the Legislature:

**Revenue, Nebraska Department of**  
Property Assessment Division 2009 Tax Increment Financing Report

**University of Nebraska**

Collective Bargaining Negotiations Report

**MOTION - Approve Appointment**

Senator Langemeier moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 724:

Game and Parks Commission  
 Jerrod Burke

Voting in the affirmative, 39:

Adams	Dubas	Hadley	Lathrop	Rogert
Campbell	Fischer	Hansen	McCoy	Schilz
Carlson	Flood	Harms	McGill	Stuthman
Christensen	Fulton	Howard	Mello	Utter
Coash	Gay	Janssen	Nelson	Wallman
Conrad	Giese	Karpisek	Nordquist	White
Cook	Gloor	Krist	Pirsch	Wightman
Dierks	Haar	Langemeier	Price	

Voting in the negative, 0.

Present and not voting, 4:

Avery	Council	Heidemann	Lautenbaugh
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Excused and not voting, 6:

Ashford	Louden	Pankonin
Cornett	Pahls	Sullivan

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

**GENERAL FILE**

**LEGISLATIVE BILL 888A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 799.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 926.** ER8175, found on page 692, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 1063.** ER8172, found on page 692, was adopted.

Advanced to Enrollment and Review for Engrossment.

### GENERAL FILE

**LEGISLATIVE BILL 952.** Senator Fischer renewed her amendment, FA67, found on page 739, to the White amendment.

Senator Fischer withdrew her amendment.

The White amendment, AM2091, found on page 739, was renewed.

The White amendment lost with 20 ayes, 0 nays, 21 present and not voting, and 8 excused and not voting.

Senator White moved for a call of the house. The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

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

Voting in the affirmative, 25:

Ashford	Council	Howard	McGill	Price
Coash	Dubas	Karpisek	Mello	Rogert
Conrad	Gay	Krist	Nelson	Sullivan
Cook	Giese	Lathrop	Nordquist	Wallman
Cornett	Haar	Lautenbaugh	Pirsch	White

Voting in the negative, 18:

Adams	Dierks	Hadley	Janssen	Utter
Avery	Fischer	Hansen	Langemeier	Wightman
Campbell	Flood	Harms	Louden	
Carlson	Gloor	Heidemann	Stuthman	

Present and not voting, 2:

McCoy	Pankonin
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Excused and not voting, 4:

Christensen	Fulton	Pahls	Schilz
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Advanced to Enrollment and Review Initial with 25 ayes, 18 nays, 2 present and not voting, and 4 excused and not voting.

**MOTION - Print in Journal**

Senator Karpisek filed the following motion to LB867:  
MO86

Becomes law notwithstanding the objections of the Governor.

**COMMITTEE REPORT**

Transportation and Telecommunications

**LEGISLATIVE BILL 945.** Placed on General File with amendment.  
AM2098

- 1 1. On page 5, line 11, after "read" insert "a written
- 2 communication" and after "type" insert "a written communication".

(Signed) Deb Fischer, Chairperson

**COMMITTEE REPORTS**

Enrollment and Review

**LEGISLATIVE BILL 1036.** Placed on Select File with amendment.  
ER8180 is available in the Bill Room.

**LEGISLATIVE BILL 919.** Placed on Select File with amendment.  
ER8178

- 1 1. On page 1, strike beginning with "permit" in line
- 2 2 through "decrease" in line 4 and insert "change population
- 3 requirements for reorganization of cities of the first class as
- 4 cities of the second class; to require a plan to increase a city's
- 5 population".

**LEGISLATIVE BILL 937.** Placed on Select File with amendment.  
ER8179

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 32-546.01, Revised Statutes
- 4 Supplement, 2009, is amended to read:
- 5 32-546.01 (1) Each learning community shall be governed
- 6 by a learning community coordinating council consisting of eighteen
- 7 voting members, with twelve members elected on a nonpartisan ballot
- 8 from six numbered subcouncil districts created pursuant to section
- 9 32-555.01 and with six members appointed from such subcouncil
- 10 districts pursuant to this section. Each voter shall be allowed
- 11 to cast votes for one candidate at both the primary and general
- 12 elections to represent the subcouncil district in which the voter
- 13 resides. The four candidates receiving the most votes at the
- 14 primary election shall advance to the general election. The two

15 candidates receiving the most votes at the general election shall  
16 be elected. A candidate shall reside in the subcouncil district for  
17 which he or she is a candidate. Coordinating council members shall  
18 be elected on the nonpartisan ballot.

19 (2) The initial elected members shall be nominated at  
20 the statewide primary election and elected at the statewide  
21 general election immediately following the certification of the  
22 establishment of the learning community, and subsequent members  
23 shall be nominated at subsequent statewide primary elections  
1 and elected at subsequent statewide general elections. Except  
2 as provided in this section, such elections shall be conducted  
3 pursuant to the Election Act.

4 (3) Vacancies in office for elected members shall occur  
5 as set forth in section 32-560. Whenever any such vacancy occurs,  
6 the remaining elected members of such council shall appoint an  
7 individual residing within the geographical boundaries of the  
8 subcouncil district for the balance of the unexpired term.

9 (4) Members elected to represent odd-numbered districts  
10 in the first election for the learning community coordinating  
11 council shall be elected for two-year terms. Members elected  
12 to represent even-numbered districts in the first election for  
13 the learning community coordinating council shall be elected for  
14 four-year terms. Members elected in subsequent elections shall be  
15 elected for four-year terms and until their successors are elected  
16 and qualified.

17 (5) The appointed members shall be appointed in November  
18 of each even-numbered year after the general election. Appointed  
19 members shall be school board members of school districts in the  
20 learning community either elected to take office the following  
21 January or continuing their current term of office for the  
22 following two years. For learning communities to be established  
23 the following January pursuant to orders issued pursuant to section  
24 79-2102, the Secretary of State shall hold a meeting of the school  
25 board members of the school districts in such learning community to  
26 appoint one member from such school boards to represent each of the  
27 subcouncil districts on the coordinating council of such learning  
1 community. For subsequent appointments, the current appointed  
2 members of the coordinating council shall hold a meeting of  
3 the school board members of such school districts to appoint one  
4 member from such school boards to represent each of the subcouncil  
5 districts on the coordinating council of the learning community.  
6 The appointed members shall be selected by the school board members  
7 of the school districts in the learning community who reside in the  
8 subcouncil district to be represented pursuant to a secret ballot,  
9 shall reside in the subcouncil district to be represented, and  
10 shall be appointed for two-year terms and until their successors  
11 are appointed and qualified.

12 (6) Vacancies in office for appointed members shall occur  
13 upon the resignation, death, or disqualification from office of

14 an appointed member. Disqualification from office shall include  
 15 ceasing membership on the school board for which membership  
 16 qualified the member for the appointment to the learning community  
 17 coordinating council or ceasing to reside in the subcouncil  
 18 district represented by such member of the learning community  
 19 coordinating council. Whenever such vacancy occurs, the remaining  
 20 appointed members shall hold a meeting of the school board members  
 21 of the school districts in such learning community to appoint a  
 22 member from such school boards who lives in the subcouncil district  
 23 to be represented to serve for the balance of the unexpired term.

24 (7) Each learning community coordinating council shall  
 25 also have a nonvoting member from each member school district which  
 26 does not have either an elected or an appointed member who resides  
 27 in the school district on the council. Such nonvoting members  
 1 shall be appointed by the school board of the school district  
 2 to be represented to serve for two-year terms, and notice of the  
 3 nonvoting member selected shall be submitted to the Secretary of  
 4 State by such board prior to December 31 of each even-numbered  
 5 year. Each such nonvoting member shall be a resident of the  
 6 appointing school district and shall not be a school administrator  
 7 employed by such school district. Whenever a vacancy occurs, the  
 8 school board of such school district shall appoint a new nonvoting  
 9 member and submit notice to the Secretary of State and to the  
 10 learning community coordinating council.

11 (8) Members of a learning community coordinating council  
 12 shall take office on the first Thursday after the first Tuesday  
 13 in January following their election or appointment, except that  
 14 members appointed to fill vacancies shall take office immediately  
 15 following administration of the oath of office. Each voting member  
 16 elected or appointed prior to the effective date of this act shall  
 17 be paid a per diem in an amount determined by such council up to  
 18 two hundred dollars per day for official meetings of the council  
 19 and the achievement subcouncil for which he or she is a member,  
 20 for meetings that occur during the term of office for which the  
 21 election or appointment of the member took place prior to the  
 22 effective date of this act up to a maximum of twelve thousand  
 23 dollars per fiscal year. Each voting member, ~~and~~ shall be eligible  
 24 for reimbursement of reasonable expenses related to service on the  
 25 learning community coordinating council.

26 Sec. 2. Original section 32-546.01, Revised Statutes  
 27 Supplement, 2009, is repealed.

1 Sec. 3. Since an emergency exists, this act takes effect  
 2 when passed and approved according to law.

3 2. On page 1, line 3, strike "eliminate" and insert  
 4 "terminate" and strike "and"; and in line 4 after "section" insert  
 5 "; and to declare an emergency".

**LEGISLATIVE BILL 763.** Placed on Select File.

**LEGISLATIVE BILL 1087.** Placed on Select File with amendment.  
ER8181

- 1 1. On page 1, line 2, strike "and 79-1140" and insert
- 2 "79-1125.01, and 79-1142"; and in line 7 after the second semicolon
- 3 insert "to provide an operative date;".

(Signed) Jeremy Nordquist, Chairperson

### **GENERAL FILE**

**LEGISLATIVE BILL 882.** Title read. Considered.

### **SPEAKER FLOOD PRESIDING**

### **PRESIDENT SHEEHY PRESIDING**

Committee AM1853, found on page 573, was considered.

Senator Rogert renewed his amendment, AM2074, found on page 730, to the committee amendment.

The Rogert amendment was adopted with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

The committee amendment, as amended, was adopted with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 5 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 956.** Title read. Considered.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 6 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 877.** Title read. Considered.

Committee AM1877, found on page 559, was adopted with 36 ayes, 0 nays, 6 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 9 present and not voting, and 7 excused and not voting.

## COMMITTEE REPORTS

## General Affairs

**LEGISLATIVE BILL 906.** Placed on General File with amendment.  
AM2056

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

3 Section 1. Section 53-133, Revised Statutes Cumulative  
4 Supplement, 2008, is amended to read:

5 53-133 (1) The commission shall set for hearing before  
6 it any application for a retail license, craft brewery license, or  
7 microdistillery license relative to which it has received:

8 (a) Within forty-five days after the date of receipt  
9 of such application by the city, village, or county clerk, a  
10 recommendation of denial from the city, village, or county;

11 (b) Within ten days after the receipt of a recommendation  
12 from the city, village, or county, or, if no recommendation is  
13 received, within forty-five days after the date of receipt of  
14 such application by the city, village, or county clerk, objections  
15 in writing by not less than three persons residing within such  
16 city, village, or county, protesting the issuance of the license.  
17 Withdrawal of the protest does not prohibit the commission from  
18 conducting a hearing based upon the protest as originally filed and  
19 making an independent finding as to whether the license should or  
20 should not be issued; ~~or~~

21 (c) Within forty-five days after the date of receipt of  
22 such application by the city, village, or county clerk, objections  
23 by the commission or any duly appointed employee of the commission,  
1 protesting the issuance of the license; ~~or~~-

2 (d) An indication on the application that the location of  
3 a proposed retail establishment is within one hundred fifty feet of  
4 a church as described in subsection (2) of section 53-177.

5 (2) Hearings upon such applications shall be in the  
6 following manner: Notice indicating the time and place of such  
7 hearing shall be mailed to the applicant, the local governing body,  
8 ~~and~~ each individual protesting a license pursuant to subdivision  
9 (1)(b) of this section, and any church affected as described in  
10 subdivision (1)(d) of this section, by certified mail, return  
11 receipt requested, at least fifteen days prior to such hearing.  
12 The notice shall state that the commission will receive evidence  
13 for the purpose of determining whether to approve or deny the  
14 application. Mailing to the attorney of record of a party shall be  
15 deemed to fulfill the purposes of this section. The commission may  
16 receive evidence, including testimony and documentary evidence, and  
17 may hear and question witnesses concerning the application.

18 Sec. 2. Section 53-177, Revised Statutes Supplement,  
19 2009, is amended to read:

20 53-177 (1) ~~No~~ Except as otherwise provided in subsection  
21 (2) of this section, no license shall be issued for the sale at



22 retail of any alcoholic liquor within one hundred ~~and~~ fifty feet of  
 23 any church, school, hospital, or home for aged or indigent persons  
 24 or for veterans, their wives or children. This prohibition does not  
 25 apply (a) to any location within such distance of one hundred ~~and~~  
 26 fifty feet for which a license to sell alcoholic liquor at retail  
 27 has been granted by the Nebraska Liquor Control Commission for two  
 1 years continuously prior to making of application for license and  
 2 (b) to hotels offering restaurant service, to regularly organized  
 3 clubs, or to restaurants, food shops, or other places where sale of  
 4 alcoholic liquor is not the principal business carried on, if such  
 5 place of business so exempted was established for such purposes  
 6 prior to May 24, 1935.

7 (2) If a proposed location for the sale at retail of  
 8 any alcoholic liquor is within one hundred fifty feet of any  
 9 church, a license may be issued if the commission gives notice to  
 10 the affected church and holds a hearing as prescribed in section  
 11 53-133.

12 ~~(2)~~ (3) No alcoholic liquor, other than beer, shall be  
 13 sold for consumption on the premises within three hundred feet from  
 14 the campus of any college or university in the state, except that  
 15 this section:

16 (a) Does not prohibit a nonpublic college or university  
 17 from contracting with an individual or corporation holding a  
 18 license to sell alcoholic liquor at retail for the purpose of  
 19 selling alcoholic liquor at retail on the campus of such college  
 20 or university at events sanctioned by such college or university  
 21 but does prohibit the sale of alcoholic liquor at retail by such  
 22 licensee on the campus of such nonpublic college or university at  
 23 student activities or events; and

24 (b) Does not prohibit sales of alcoholic liquor by a  
 25 community college culinary education program pursuant to section  
 26 53-124.15.

27 Sec. 3. Original section 53-133, Revised Statutes  
 1 Cumulative Supplement, 2008, and section 53-177, Revised Statutes  
 2 Supplement, 2009, are repealed.

**LEGISLATIVE BILL 1013.** Placed on General File with amendment.  
 AM1996

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

3 Section 1. Section 9-647, Reissue Revised Statutes of  
 4 Nebraska, is amended to read:

5 9-647 No lottery shall be conducted between the hours of  
 6 ~~1 a.m. and 6 a.m.~~ during which alcoholic liquor may not be sold or  
 7 dispensed pursuant to section 53-179.

8 Sec. 2. Section 53-179, Reissue Revised Statutes of  
 9 Nebraska, is amended to read:

10 53-179 (1) No alcoholic liquor, including beer, shall be  
 11 sold at retail or dispensed on any day between the hours of 1 a.m.

12 and 6 a.m., ~~except that the~~ ~~The~~ local governing body of any city  
 13 or village with respect to area inside the corporate limits of such  
 14 city or village, or the county board with respect to area outside  
 15 the corporate limits of any city or village, may by ordinance or  
 16 resolution ~~require~~ adopted by a vote of at least sixty percent of  
 17 the members of such local governing body or county board permit  
 18 closing prior to 1 at 2 a.m. on any day.

19 (2) Except as provided for and allowed by ordinance of a  
 20 local governing body applicable to area inside the corporate limits  
 21 of a city or village or by resolution of a county board applicable  
 22 to area inside such county and outside the corporate limits of any  
 23 city or village, no alcoholic liquor, including beer, shall be sold  
 1 at retail or dispensed between the hours of 6 a.m. Sunday and 1  
 2 a.m. Monday. No ordinance or resolution allowed by this subsection  
 3 shall permit alcoholic liquor, other than beer and wine, to be  
 4 sold at retail or dispensed between the hours of 6 a.m. Sunday  
 5 and 12 noon Sunday. This subsection shall not apply after 12 noon  
 6 on Sunday to a licensee which is a nonprofit corporation and the  
 7 holder of a Class C license or a Class I license.

8 (3) It shall be unlawful on property licensed to sell  
 9 alcoholic liquor at retail to allow alcoholic liquor in open  
 10 containers to remain or be in possession or control of any person  
 11 for purposes of consumption between the hours of ~~4:15 a.m.~~ fifteen  
 12 minutes after the closing hour applicable to the licensed premises  
 13 and 6 a.m. on any day. When any city or village provides by  
 14 ordinance or any county provides by resolution for an earlier  
 15 closing hour, the provisions of this subsection shall become  
 16 effective fifteen minutes after such closing hour instead of 1:15  
 17 a.m.

18 (4) Nothing in this section shall prohibit licensed  
 19 premises from being open for other business on days and hours  
 20 during which the sale or dispensing of alcoholic liquor is  
 21 prohibited by this section.

22 Sec. 3. Original sections 9-647 and 53-179, Reissue  
 23 Revised Statutes of Nebraska, are repealed.

(Signed) Russ Karpisek, Chairperson

Judiciary

**LEGISLATIVE BILL 510.** Placed on General File with amendment.  
 AM2095

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

3 Section 1. (1) In addition to all other costs assessed  
 4 according to law, an assessment of one dollar shall be assessed for  
 5 each conviction of a person for any misdemeanor or felony in county  
 6 court or district court and each affirmation on appeal. No such  
 7 assessment shall be collected in any juvenile court proceeding. No

8 county shall be liable for the assessment imposed pursuant to this  
9 section. The assessments shall be remitted to the State Treasurer  
10 on forms prescribed by the State Treasurer within ten days after  
11 the end of the month.

12 (2) The State Treasurer shall credit the funds remitted  
13 pursuant to subsection (1) of this section and section 83-184 to  
14 the Department of Correctional Services Facility Cash Fund and the  
15 Supreme Court Automation Cash Fund to pay for the initial costs in  
16 implementing this legislative bill, in amounts to be determined by  
17 the Department of Correctional Services and the Supreme Court and  
18 certified to the State Treasurer. When such costs are fully  
19 reimbursed, the State Treasurer shall distribute seventy-five  
20 percent of such funds to the Victim's Compensation Fund to be  
21 awarded as compensation for losses and expenses allowable under  
22 the Nebraska Crime Victim's Reparations Act and shall distribute  
23 twenty-five percent of such funds to the Reentry Cash Fund.

1 Sec. 2. Section 29-2207, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3 29-2207 In every case of conviction of any person for  
4 any felony or misdemeanor, it shall be the duty of the court  
5 or magistrate to render judgment for the costs of prosecution  
6 against the person convicted and remit the assessment as provided  
7 in section 1 of this act.

8 Sec. 3. In every case of appeal of a conviction of any  
9 person for any felony or misdemeanor to the district court, Court  
10 of Appeals, or Supreme Court that is affirmed, the court shall  
11 remit the assessment as provided in section 1 of this act.

12 Sec. 4. Section 81-1835, Revised Statutes Supplement,  
13 2009, is amended to read:

14 81-1835 The Victim's Compensation Fund is created. The  
15 fund shall be used to pay awards or judgments under the Nebraska  
16 Crime Victim's Reparations Act other than distributions from the  
17 Community Trust. The fund shall include deposits pursuant to  
18 sections 29-2286, 81-1836, ~~and~~ 83-183.01, and 83-184 and section 1  
19 of this act and donations or contributions from public or private  
20 sources and shall be in such amount as the Legislature shall  
21 determine to be reasonably sufficient to meet anticipated claims.  
22 When the amount of money in the fund is not sufficient to pay any  
23 awards or judgments under the act, the Director of Administrative  
24 Services shall immediately advise the Legislature and request an  
25 emergency appropriation to satisfy such awards and judgments. Any  
26 money in the fund available for investment shall be invested by the  
27 state investment officer pursuant to the Nebraska Capital Expansion  
1 Act and the Nebraska State Funds Investment Act.

2 Sec. 5. Section 83-184, Reissue Revised Statutes of  
3 Nebraska, is amended to read:

4 83-184 (1) When the conduct, behavior, mental attitude,  
5 and conditions indicate that a person committed to the department  
6 and the general society of the state will be benefited, and there

7 is reason to believe that the best interests of the people of the  
 8 state and the person committed to the department will be served  
 9 thereby, in that order, and upon the recommendation of the ~~Board of~~  
 10 ~~Parole board~~ in the case of each committed offender, the ~~Director~~  
 11 ~~of Correctional Services director~~ may authorize such person, under  
 12 prescribed conditions, to:

13 (a) Visit a specifically designated place or places and  
 14 return to the same or another facility. An extension of limits  
 15 may be granted to permit a visit to a dying relative, attendance  
 16 at the funeral of a relative, the obtaining of medical services,  
 17 the contacting of prospective employers, or for any other reason  
 18 consistent with the public interest; or

19 (b) Work at paid employment or participate in a training  
 20 program in the community on a voluntary basis whenever:

21 (i) Such paid employment will not result in the  
 22 displacement of employed workers, or be applied in skills, crafts,  
 23 or trades in which there is a surplus of available gainful labor in  
 24 the locality, or impair existing contracts for services; and

25 (ii) The rates of pay and other conditions of employment  
 26 will not be less than those paid or provided for work of similar  
 27 nature in the locality in which the work is to be performed.

1 (2) The wages earned by a person authorized to work  
 2 at paid employment in the community under the provisions of this  
 3 section shall be credited by the chief executive officer of the  
 4 facility to such person's wage fund. The director shall authorize  
 5 the chief executive officer to withhold up to five percent of such  
 6 person's net wages. The funds withheld pursuant to this subsection  
 7 shall be remitted to the State Treasurer for credit as provided in  
 8 subsection (2) of section 1 of this act.

9 (3) A person authorized to work at paid employment  
 10 in the community under the provisions of this section may be  
 11 required to pay, and the ~~Director of Correctional Services director~~  
 12 is authorized to collect, such costs incident to the person's  
 13 confinement as the ~~Director of Correctional Services director~~ deems  
 14 appropriate and reasonable. Collections shall be deposited in the  
 15 state treasury as miscellaneous receipts.

16 (4) The willful failure of a person to remain within  
 17 the extended limits of his or her confinement or to return within  
 18 the time prescribed to a facility designated by the ~~Director of~~  
 19 ~~Correctional Services director~~ may be deemed an escape from custody  
 20 punishable as provided in section 28-912.

21 (5) No person employed in the community under the  
 22 provisions of this section or otherwise released shall, while  
 23 working in such employment in the community or going to or from  
 24 such employment or during the time of such release, be deemed to be  
 25 an agent, employee, or servant of the state.

26 Sec. 6. The Reentry Cash Fund is created. The fund shall  
 27 be administered by the Department of Correctional Services. The  
 1 State Treasurer shall credit funds remitted pursuant to section

2 83-184 and section 1 of this act and donations or contributions  
 3 from public or private sources to the Reentry Cash Fund. The  
 4 fund shall be used by the department for tuition, fees, and other  
 5 costs associated with reentry and reintegration programs offered to  
 6 offenders that are placed in the incarceration work camp. Any money  
 7 in the fund available for investment shall be invested by the state  
 8 investment officer pursuant to the Nebraska Capital Expansion Act  
 9 and the Nebraska State Funds Investment Act.

10 Sec. 7. The Revisor of Statutes shall assign section 3 of  
 11 this act to Chapter 29, article 23, and section 6 of this act to  
 12 Chapter 83.

13 Sec. 8. Original sections 29-2207 and 83-184, Reissue  
 14 Revised Statutes of Nebraska, and section 81-1835, Revised Statutes  
 15 Supplement, 2009, are repealed.

**LEGISLATIVE BILL 800.** Placed on General File with amendment.  
 AM2109 is available in the Bill Room.

**LEGISLATIVE BILL 901.** Placed on General File with amendment.  
 AM1926 is available in the Bill Room.

(Signed) Brad Ashford, Chairperson

#### AMENDMENT - Print in Journal

Senator Loudon filed the following amendment to LB836:  
 AM2115

(Amendments to Standing Committee amendments, AM1864)

- 1 1. Insert the following new sections:
- 2 Section 1. Section 37-201, Revised Statutes Supplement,
- 3 2009, is amended to read:
- 4 37-201 Sections 37-201 to 37-811 and section 5 of this
- 5 act shall be known and may be cited as the Game Law.
- 6 Sec. 4. Section 37-559, Reissue Revised Statutes of
- 7 Nebraska, is amended to read:
- 8 37-559 (1) Any farmer or rancher owning or operating a
- 9 farm or ranch may destroy or have destroyed any predator preying
- 10 on livestock or poultry or causing other agricultural depredation
- 11 on land owned or controlled by him or her without a permit issued
- 12 by the commission. For purposes of this subsection, predator means
- 13 a badger, bobcat, coyote, gray fox, long-tailed weasel, mink,
- 14 opossum, raccoon, red fox, or skunk.
- 15 (2) Any farmer or rancher owning or operating a farm or
- 16 ranch, or his or her agent, may kill a mountain lion immediately
- 17 without prior notice to or permission from the commission if he
- 18 or she encounters a mountain lion and the mountain lion is in
- 19 the process of stalking, killing, or consuming livestock on the
- 20 farmer's or rancher's property. The farmer or rancher or his or her
- 21 agent shall be responsible for immediately notifying the commission

22 and arranging with the commission to transfer the mountain lion to  
 1 the commission.

2 (3) Any person shall be entitled to defend himself or  
 3 herself or another person without penalty if, in the presence of  
 4 such person, a mountain lion stalks, attacks, or shows unprovoked  
 5 aggression toward such person or another person.

6 ~~(2)-(4) This section shall not be construed to allow~~  
 7 ~~such a farmer or rancher or his or her agent to destroy or have~~  
 8 ~~destroyed species which are protected by the provisions of sections~~  
 9 ~~37 314 and 37 501 to 37 503, the Nongame and Endangered Species~~  
 10 ~~Conservation Act or rules and regulations adopted and promulgated~~  
 11 ~~under the act, the federal Endangered Species Act of 1973, as~~  
 12 ~~amended, 16 U.S.C. 1531 et seq., the federal Fish and Wildlife~~  
 13 ~~Coordination Act, as amended, 16 U.S.C. 661 et seq., the federal~~  
 14 ~~Bald and Golden Eagle Protection Act, as amended, 16 U.S.C. 668 et~~  
 15 ~~seq., the federal Migratory Bird Treaty Act, as amended, 16 U.S.C.~~  
 16 ~~703 et seq., or rules and regulations adopted and promulgated~~  
 17 ~~pursuant to such provisions, federal regulations under such federal~~  
 18 ~~acts.~~

19 Sec. 5. (1) The commission may issue a permit for  
 20 the killing of one or more mountain lions which are preying on  
 21 livestock or poultry. The permit shall be valid for up to thirty  
 22 days and shall require the commission to be notified immediately  
 23 by the permit holder after the killing of a mountain lion and shall  
 24 require the carcass to be transferred to the commission.

25 (2) To be eligible for a permit under this section, a  
 26 farmer or rancher owning or operating a farm or ranch shall contact  
 27 the commission to confirm that livestock or poultry on his or her  
 1 property or property under his or her control has been subject  
 2 to depredation by a mountain lion. The commission shall confirm  
 3 that the damage was caused by a mountain lion prior to issuing  
 4 the permit. The farmer or rancher shall be allowed up to thirty  
 5 days, as designated by the commission, to kill the mountain lion  
 6 on such property and shall notify the commission immediately after  
 7 the killing of a mountain lion and arrange with the commission to  
 8 transfer the mountain lion to the commission.

9 (3) The commission may adopt and promulgate rules and  
 10 regulations to carry out this section.

11 2. Renumber the remaining sections and correct the  
 12 repealer accordingly.

### BILL ON FIRST READING

The following bill was read for the first time by title:

**LEGISLATIVE BILL 937A.** Introduced by Fischer, 43.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2009, First Special Session, LB 1, section 227; to change appropriations to aid in

carrying out the provisions of Legislative Bill 937, One Hundred First Legislature, Second Session, 2010; to repeal the original section; and to declare an emergency.

## RESOLUTION

**LEGISLATIVE RESOLUTION 352.** Introduced by Adams, 24; Ashford, 20; Avery, 28; Campbell, 25; Carlson, 38; Coash, 27; Conrad, 46; Cook, 13; Cornett, 45; Council, 11; Dierks, 40; Dubas, 34; Fischer, 43; Flood, 19; Gay, 14; Giese, 17; Gloor, 35; Haar, 21; Hadley, 37; Hansen, 42; Harms, 48; Heidemann, 1; Howard, 9; Janssen, 15; Karpisek, 32; Krist, 10; Langemeier, 23; Lathrop, 12; Lautenbaugh, 18; Louden, 49; McCoy, 39; McGill, 26; Mello, 5; Nelson, 6; Nordquist, 7; Pankonin, 2; Pirsch, 4; Price, 3; Rogert, 16; Schilz, 47; Stuthman, 22; Sullivan, 41; Utter, 33; Wallman, 30; White, 8; Wightman, 36.

WHEREAS, on February 27, 2010, the United States four-man bobsled team won the gold medal in the 2010 Winter Olympics at the Whistler Sliding Centre in British Columbia, Canada; and

WHEREAS, the United States four-man bobsled team, made up of pilot Steven Holcomb, Justin Olsen, Steve Mesler, and Nebraska native Curt Tomasevicz, entered the Olympic games as the reigning world champions and continued their success by winning the Olympic gold medal, the first gold medal for the United States in the four-man bobsled competition since 1948; and

WHEREAS, Curt Tomasevicz is a native of Shelby, Nebraska; and

WHEREAS, Curt Tomasevicz's dedication to the sport and his years of practice and sacrifice were rewarded with the gold medal win.

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

1. That the Legislature congratulates Nebraska native Curt Tomasevicz and his teammates on winning a gold medal in the four-man bobsled competition at the 2010 Winter Olympics.

2. That a copy of this resolution be sent to Curt Tomasevicz.

Laid over.

## VISITORS

Visitors to the Chamber were Taylor Weichman from Ainsworth; members of the Nebraska College of Technical Agriculture from Curtis; Senator Janssen's cousin, Mike Janssen, from Blair; and 84 fourth grade students, teachers, and sponsors from Norris Elementary, Omaha.

The Doctor of the Day was Dr. Rick Gustafson from Lincoln.

**ADJOURNMENT**

At 11:53 a.m., on a motion by Speaker Flood, the Legislature adjourned until 10:00 a.m., Tuesday, March 9, 2010.

Patrick J. O'Donnell  
Clerk of the Legislature