

FORTY-SECOND DAY - MARCH 15, 2010**LEGISLATIVE JOURNAL****ONE HUNDRED FIRST LEGISLATURE
SECOND SESSION****FORTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska
Monday, March 15, 2010

PRAYER

The prayer was offered by Pastor Howard Jordan, Bible Baptist Church, Beatrice.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Speaker Flood presiding.

The roll was called and all members were present except Senators Heidemann and Pahls who were excused; and Senators Carlson, Cook, Cornett, Fischer, Giese, Lautenbaugh, and Stuthman who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-first day was approved.

RESOLUTION

LEGISLATIVE RESOLUTION 378. Introduced by Pirsch, 4.

WHEREAS, Boys Town was awarded the contract to operate the Children and Family Support Hotline and the Family Navigator Program authorized in Laws 2009, LB 603, beginning January 1, 2010; and

WHEREAS, the Children and Family Support Hotline provides a single point of access for children's behavioral health services that is available twenty-four hours per day, seven days per week, and is operated by trained personnel; and

WHEREAS, the Family Navigator Program provides additional children's behavioral health services, which include family peer support and assistance in identifying existing services that may be available to the family; and

WHEREAS, Boys Town has done and will continue to do an excellent job in providing these important children's behavioral health services.

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

1. That the Legislature expresses its appreciation to Boys Town for operating the Children and Family Support Hotline and the Family Navigator Program.

2. That a copy of this resolution be sent to Boys Town.

Laid over.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 346, 347, 348, 349, 350, 351, and 352 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 346, 347, 348, 349, 350, 351, and 352.

GENERAL FILE

LEGISLATIVE BILL 701. Considered.

SENATOR JANSSEN PRESIDING

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

BILL ON FIRST READING

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

LEGISLATIVE BILL 510A. Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 510, One Hundred First Legislature, Second Session, 2010.

AMENDMENTS - Print in Journal

Senator Harms filed the following amendment to LB862:
AM2197

(Amendments to Standing Committee amendments, AM2004)

- 1 1. On page 3, line 6, after "of" insert "ground water";
- 2 in line 7 after "per" insert "ground water"; and in line 20 after
- 3 "irrigated" insert "and certified by the district as ground water
- 4 irrigated".

Senator Louden filed the following amendment to LB862:
AM2200

(Amendments to Standing Committee amendments, AM2004)

- 1 1. On page 1, reinstate the stricken matter in lines 8
- 2 through 11; and in line 11 strike "is part of a" and strike "for
- 3 which the district" and insert ", for which river basin the natural
- 4 resources district".

Senator Campbell filed the following amendment to LB1110:
AM2202

(Amendments to Standing Committee amendments, AM2124)

- 1 1. Insert the following new amendment:
- 2 1. On page 3, line 7, strike "that are".
- 3 2. Renumber the remaining amendments accordingly.

Senator Hansen filed the following amendment to LB836:
AM2191

(Amendments to Standing Committee amendments, AM1864)

- 1 1. On page 2, line 26, strike "one-hundred-yard" and
- 2 insert "four-hundred-forty-yard".

GENERAL FILE

LEGISLATIVE BILL 1071. Title read. Considered.

Committee AM2103, found on page 747, was considered.

Senator Adams withdrew his amendment, AM2165, found on page 848.

Senator Adams offered the following amendment to the committee amendment:

AM2182

(Amendments to Standing Committee amendments, AM2103)

- 1 1. Insert the following new sections:
- 2 Sec. 4. Section 79-2,136, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 79-2,136 Each school board shall allow the part-time
- 5 enrollment of students who are residents of the school district
- 6 pursuant to ~~subsection (1)~~ subsections (1) and (2) of section
- 7 79-215 and who are also enrolled in a private, denominational,
- 8 or parochial school or in a school which elects pursuant to
- 9 section 79-1601 not to meet accreditation or approval requirements
- 10 and shall establish policies and procedures for such part-time
- 11 enrollment. Such policies and procedures may include provisions
- 12 permitting the part-time enrollment of such students who are
- 13 not residents of such school districts and may require part-time
- 14 students to follow school policies that apply to other students at

15 any time the part-time student is present on school grounds or at
16 a school-sponsored activity or athletic event. Part-time enrollment
17 shall not entitle a student to transportation or transportation
18 reimbursements pursuant to section 79-611. Nothing in this section
19 shall be construed to exempt any student from the compulsory
20 attendance provisions of sections 79-201 to 79-207.

21 Sec. 5. Section 79-318, Revised Statutes Supplement,
22 2009, is amended to read:

1 79-318 The State Board of Education shall:

2 (1) Appoint and fix the compensation of the Commissioner
3 of Education;

4 (2) Remove the commissioner from office at any time for
5 conviction of any crime involving moral turpitude or felonious act,
6 for inefficiency, or for willful and continuous disregard of his or
7 her duties as commissioner or of the directives of the board;

8 (3) Upon recommendation of the commissioner, appoint and
9 fix the compensation of a deputy commissioner and all professional
10 employees of the board;

11 (4) Organize the State Department of Education into such
12 divisions, branches, or sections as may be necessary or desirable
13 to perform all its proper functions and to render maximum service
14 to the board and to the state school system;

15 (5) Provide, through the commissioner and his or her
16 professional staff, enlightened professional leadership, guidance,
17 and supervision of the state school system, including educational
18 service units. In order that the commissioner and his or her
19 staff may carry out their duties, the board shall, through the
20 commissioner: (a) Provide supervisory and consultation services
21 to the schools of the state; (b) issue materials helpful in the
22 development, maintenance, and improvement of educational facilities
23 and programs; (c) establish rules and regulations which govern
24 standards and procedures for the approval and legal operation
25 of all schools in the state and for the accreditation of all
26 schools requesting state accreditation. All public, private,
27 denominational, or parochial schools shall either comply with
1 the accreditation or approval requirements prescribed in this
2 section and section 79-703 or, for those schools which elect not
3 to meet accreditation or approval requirements, the requirements
4 prescribed in subsections (2) through (6) of section 79-1601.
5 Standards and procedures for approval and accreditation shall
6 be based upon the program of studies, guidance services, the
7 number and preparation of teachers in relation to the curriculum
8 and enrollment, instructional materials and equipment, science
9 facilities and equipment, library facilities and materials, and
10 health and safety factors in buildings and grounds. Rules and
11 regulations which govern standards and procedures for private,
12 denominational, and parochial schools which elect, pursuant to the
13 procedures prescribed in subsections (2) through (6) of section
14 79-1601, not to meet state accreditation or approval requirements

15 shall be as described in such section; (d) institute a statewide
16 system of testing to determine the degree of achievement and
17 accomplishment of all the students within the state's school
18 systems if it determines such testing would be advisable;
19 (e) prescribe a uniform system of records and accounting for
20 keeping adequate educational and financial records, for gathering
21 and reporting necessary educational data, and for evaluating
22 educational progress; (f) cause to be published laws, rules, and
23 regulations governing the schools and the school lands and funds
24 with explanatory notes for the guidance of those charged with the
25 administration of the schools of the state; (g) approve teacher
26 education programs conducted in Nebraska postsecondary educational
27 institutions designed for the purpose of certifying teachers
1 and administrators; (h) approve ~~teacher-certificated-employee~~
2 evaluation policies and procedures developed by school districts
3 and educational service units; and (i) approve general plans and
4 adopt educational policies, standards, rules, and regulations for
5 carrying out the board's responsibilities and those assigned to the
6 State Department of Education by the Legislature;

7 (6) Adopt and promulgate rules and regulations for
8 the guidance, supervision, accreditation, and coordination of
9 educational service units. Such rules and regulations for
10 accreditation shall include, but not be limited to, (a) a
11 requirement that programs and services offered to school districts
12 by each educational service unit shall be evaluated on a regular
13 basis, but not less than every seven years, to assure that
14 educational service units remain responsive to school district
15 needs and (b) guidelines for the use and management of funds
16 generated from the property tax levy and from other sources of
17 revenue as may be available to the educational service units,
18 to assure that public funds are used to accomplish the purposes
19 and goals assigned to the educational service units by section
20 79-1204. The State Board of Education shall establish procedures to
21 encourage the coordination of activities among educational service
22 units and to encourage effective and efficient educational service
23 delivery on a statewide basis;

24 (7) Submit a biennial report to the Governor and the
25 Clerk of the Legislature covering the actions of the board, the
26 operations of the State Department of Education, and the progress
27 and needs of the schools and recommend such legislation as may be
1 necessary to satisfy these needs;

2 (8) Prepare and distribute reports designed to acquaint
3 school district officers, teachers, and patrons of the schools with
4 the conditions and needs of the schools;

5 (9) Provide for consultation with professional educators
6 and lay leaders for the purpose of securing advice deemed necessary
7 in the formulation of policies and in the effectual discharge of
8 its duties;

9 (10) Make studies, investigations, and reports and
10 assemble information as necessary for the formulation of policies,
11 for making plans, for evaluating the state school program, and for
12 making essential and adequate reports;

13 (11) Submit to the Governor and the Legislature a
14 budget necessary to finance the state school program under its
15 jurisdiction, including the internal operation and maintenance of
16 the State Department of Education;

17 (12) Interpret its own policies, standards, rules, and
18 regulations and, upon reasonable request, hear complaints and
19 disputes arising therefrom;

20 (13) With the advice of the Department of Motor Vehicles,
21 adopt and promulgate rules and regulations containing reasonable
22 standards, not inconsistent with existing statutes, governing: (a)
23 The general design, equipment, color, operation, and maintenance
24 of any vehicle with a manufacturer's rated seating capacity of
25 eleven or more passengers used for the transportation of public,
26 private, denominational, or parochial school students; and (b)
27 the equipment, operation, and maintenance of any vehicle with a
1 capacity of ten or less passengers used for the transportation of
2 public, private, denominational, or parochial school students, when
3 such vehicles are owned, operated, or owned and operated by any
4 public, private, denominational, or parochial school or privately
5 owned or operated under contract with any such school in this
6 state, except for vehicles owned by individuals operating a school
7 which elects pursuant to section 79-1601 not to meet accreditation
8 or approval requirements. Similar rules and regulations shall be
9 adopted and promulgated for operators of such vehicles as provided
10 in section 79-607;

11 (14) Accept, on behalf of the Nebraska Center for the
12 Education of Children who are Blind or Visually Impaired, devises
13 of real property or donations or bequests of other property, or
14 both, if in its judgment any such devise, donation, or bequest
15 is for the best interest of the center or the students receiving
16 services from the center, or both, and irrigate or otherwise
17 improve any such real estate when in the board's judgment it would
18 be advisable to do so; and

19 (15) Upon acceptance of any devise, donation, or bequest
20 as provided in this section, administer and carry out such devise,
21 donation, or bequest in accordance with the terms and conditions
22 thereof. If not prohibited by the terms and conditions of any such
23 devise, donation, or bequest, the board may sell, convey, exchange,
24 or lease property so devised, donated, or bequeathed upon such
25 terms and conditions as it deems best and remit all money derived
26 from any such sale or lease to the State Treasurer for credit to
27 the State Department of Education Trust Fund.

1 Each member of the Legislature shall receive a copy of
2 the report required by subdivision (7) of this section by making a
3 request for it to the commissioner.

4 None of the duties prescribed in this section shall
 5 prevent the board from exercising such other duties as in its
 6 judgment may be necessary for the proper and legal exercise of its
 7 obligations.

8 Sec. 37. Section 86-505, Reissue Revised Statutes of
 9 Nebraska, is amended to read:

10 86-505 Enterprise means ~~the entirety of all~~ one or
 11 more departments, offices, boards, bureaus, commissions, or
 12 institutions ~~in~~ of the state for which money is to be appropriated
 13 for communications or data processing services, equipment, or
 14 facilities, including all executive, legislative, and judicial
 15 departments, the Nebraska state colleges, the University of
 16 Nebraska, and all other state institutions and entities.

17 2. On page 30, strike beginning with "prioritizing" in
 18 line 6 through "education" in line 8, show as stricken, and insert
 19 "scheduling courses brokered by the council"; strike lines 11
 20 through 13 and show as stricken; in line 14 strike "services;" and
 21 show the old matter as stricken; in line 16 strike "(9)", show as
 22 stricken, and insert "(8)" and in line 21 strike "(10)", show as
 23 stricken, and insert "(9)".

24 3. Amend the operative date and repealer sections so that
 25 section 4 added by this amendment becomes operative three calendar
 26 months after adjournment of this legislative session and sections 5
 27 and 37 added by this amendment become operative on their effective
 1 date with the emergency clause.

2 4. Renumber the remaining sections and correct internal
 3 references accordingly.

The Adams amendment was adopted with 34 ayes, 0 nays, 9 present and not voting, and 6 excused and not voting.

The committee amendment, as amended, was adopted with 37 ayes, 0 nays, 6 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 5 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 800. Title read. Considered.

Committee AM2109, found on page 761, was considered.

Pending.

RESOLUTIONS**LEGISLATIVE RESOLUTION 379.** Introduced by Utter, 33.

WHEREAS, from 1955 to 1956, Glen Larsen taught in a K-8 rural school in Keya Paha County with a junior certificate when he was just out of high school and had no college education; and

WHEREAS, from 1959 to 1960, Glen Larsen taught at Long Pine Public Schools with an emergency certificate and coached all high school athletics; and

WHEREAS, from 1962 to 1967, Glen Larsen graduated from Chadron State College with a bachelor of science degree, acquired an initial Nebraska teaching certificate, and began teaching American government, biology, and physical education and coaching football, basketball, and baseball in the Ashland Public Schools; and

WHEREAS, from 1967 to 1968, Glen Larsen acquired a provisional administrative certificate and served as secondary principal, taught American government and physical education, and coached football, basketball, and track in the Deshler Public Schools; and

WHEREAS, from 1968 to 1971, Glen Larsen became superintendent of schools in the Deshler Public Schools and continued to work on his master's degree in educational administration at the University of Nebraska-Lincoln; and

WHEREAS, from 1971 to 1981, Glen Larsen was employed as superintendent of schools at Fullerton and received his master's degree in school administration; and

WHEREAS, from 1981 to 2001, Glen Larsen served as the superintendent of schools in the Adams Central School District and as the Adams County superintendent of schools, and he also coached football for five years and boys golf for fifteen years; and

WHEREAS, in 2001, Glen Larsen retired from Adams Central and from education after forty-one years; and

WHEREAS, in 2006, Glen Larsen was hired as interim superintendent of schools in the Blue Hill Public Schools, a position that he has held for a total of four years; and

WHEREAS, Glen Larsen is retiring from the Blue Hill Public Schools effective June 30, 2010, after forty-five years of service in education.

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

1. That the Legislature extends its appreciation to Glen Larsen for his forty-five years of service in education.

2. That a copy of this resolution be sent to Glen Larsen.

Laid over.

LEGISLATIVE RESOLUTION 380. Introduced by Wallman, 30.

WHEREAS, the Freeman Falcons won the 2010 Class D-1 Boys' State Basketball Championship; and

WHEREAS, the Falcons defeated Overton High School 52-38 in the championship game; and

WHEREAS, the Falcons and the Freeman fans also received the 2010 Class D-1 Sportsmanship Award; and

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

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

1. That the Legislature congratulates the Freeman Falcons on winning the 2010 Class D-1 Boys' State Basketball Championship.

2. That a copy of this resolution be sent to the Falcons and their head coach, Jim McLaughlin.

Laid over.

LEGISLATIVE RESOLUTION 381. Introduced by Ashford, 20.

WHEREAS, Ingrid Johnson, a nurse for over thirty years, recently participated in a medical relief trip to Haiti with Omaha Rapid Response (ORR), a nonprofit organization founded by members of various churches in Omaha in response to the increasing number of natural and manmade disasters around the world. Ms. Johnson's ORR team was comprised of four nurses, one doctor, and two emergency medical personnel. Each team member was responsible for financing their portion of the trip expenses. Many of the volunteers work full-time and were using paid vacation time to travel; and

WHEREAS, the team arrived in Port-au-Prince after two full days of travel. They stayed in a church courtyard. The church was damaged by the earthquake but was still standing, but the school was destroyed. Everyone, even those from the orphanages, slept outside. The team immediately went out into neighborhoods and started setting up medical clinics in the nearby tent cities. The tents were nothing more than shabbily hung sheets that provided shelter from the scorching sun; and

WHEREAS, Haitians would search out the team and soon long lines would form of those needing medical care. Virtually everyone had eyes that burned, women had kidney problems from not drinking enough water, and many had wounds that had been treated previously but now needed redressing. Many had lost toes, broken legs, and open wounds. Some were transported to the hospital where they could get further care; and

WHEREAS, while part of Ms. Johnson's team held medical clinics, the men worked among the people, setting up a water tank in one neighborhood and obtaining food from some of the larger organizations so that they could distribute it to the smaller tent cities. They bought rice and beans which they

were able to package up into smaller bags and then give out to the people; and

WHEREAS, the head of the ORR team, Brian Smith, met with leaders in the communities in advance and took their requests for immediate needs. ORR then purchased those items in the nearest city. This eliminated delays that can occur with other relief efforts and allowed the ORR team to travel to areas where other larger agencies cannot or will not serve.

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

1. That the Legislature extends its appreciation and gratitude to Ingrid Johnson and all the members of Omaha Rapid Response for their selfless work in Haiti.

2. That a copy of this resolution be sent to Ingrid Johnson.

Laid over.

LEGISLATIVE RESOLUTION 382. Introduced by Wightman, 36.

WHEREAS, the Ravenna Blue Jays won the 2010 Class C-2 Boys' State Basketball Championship; and

WHEREAS, Ravenna defeated Archbishop Bergan High School 57-51 in the championship game; and

WHEREAS, Ravenna finished the season with a record of twenty-five wins and three losses; and

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

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

1. That the Legislature congratulates the Ravenna Blue Jays on winning the 2010 Class C-2 Boys' State Basketball Championship.

2. That a copy of this resolution be sent to the Blue Jays and their head coach, Paul Beranek.

Laid over.

LEGISLATIVE RESOLUTION 383. Introduced by Wightman, 36.

WHEREAS, the Overton Eagles finished the season as the runner-up in Class D-1 at the 2010 Boys' State Basketball Championship; and

WHEREAS, Overton lost to Freeman High School 52-38 in a hard-fought championship game, marking the end of a very successful season; and

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

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

1. That the Legislature congratulates the Overton Eagles for their runner-up finish in Class D-1 at the 2010 Boys' State Basketball Championship.

2. That a copy of this resolution be sent to the Eagles and their head coach, Jay Staehr.

Laid over.

LEGISLATIVE RESOLUTION 384. Introduced by Krist, 10; Coash, 27; Cook, 13; Gloor, 35; Lathrop, 12; McGill, 26; Rogert, 16.

PURPOSE: The purpose of this interim study is to examine the fire sprinkler mandate contained in 2009 building codes. The study shall include, but not be limited to:

(1) A determination of whether legislative authority is appropriately delegated to a body outside the Legislature, such as the International Code Council;

(2) An exploration of how cities and counties across Nebraska currently adopt building codes and how such political subdivisions have amended the state building code as authorized in section 71-6406, including changes to reduce unnecessary costs of construction, increase safety, durability, or efficiency, or address special local conditions;

(3) An examination of what state or local agencies would regulate and enforce regarding the proper installation of fire sprinklers in residential dwellings;

(4) A study of the 2009 International Residential Code recommendations as to proper installation of fire sprinklers;

(5) A study of the effect of a fire sprinkler mandate on the new residential housing market, particularly the affordable housing market;

(6) A study of the effects of installed fire sprinklers on the valuation of residential dwellings;

(7) A study of the benefits or detriments the installation of fire sprinklers in residential dwellings has on homeowners or renters insurance;

(8) A study of the safety and effectiveness of fire sprinklers;

(9) An exploration of what, if any, problems fire sprinklers might present in extreme weather conditions;

(10) A determination of the appropriate regulation and certification for businesses and individuals that install fire sprinklers in residential dwellings;

(11) An assessment of the State Fire Marshal's statutory jurisdiction regarding commercial versus residential fire suppression system installation, inspection, and recurring inspections;

(12) A comparison of required versus optional fire suppression systems;

(13) An exploration of the role and benefits of various types of fire suppression systems, including water deluge versus chemical application systems; and

(14) Any other related topics as the committee deems appropriate.

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.

VISITORS

Visitors to the Chamber were Consul General Martin Loken from Canada, John Cavanaugh from Omaha, and Graham Rush, Joel Weissman, Courtney Selstad, and Angela Graham from Minneapolis; 28 twelfth-grade students and teacher from Wilcox and Hildreth; former Senator Joyce Hillman from Gering and Brad and Brian Johnston, Austin Peterson, and Monty and Sheri Copsy from Scottsbluff; 50 fourth-grade students and teachers from Betz Elementary, Bellevue; Senator Krist's wife, Peggy, from Omaha; and members of Delta Kappa Gamma Educators from across the state.

RECESS

At 11:56 a.m., on a motion by Speaker Flood, the Legislature recessed until 1:30 p.m.

AFTER RECESS

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

ROLL CALL

The roll was called and all members were present except Senators Fulton, Heidemann, Pahls, and Wallman who were excused; and Senators Carlson, Cornett, Loudon, and Stuthman who were excused until they arrive.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 836. Placed on Select File with amendment.
ER8190

- 1 1. On page 1, strike beginning with "deer" in line 1
- 2 through line 11 and insert "wildlife management; to amend sections
- 3 37-448 and 37-559, Reissue Revised Statutes of Nebraska, and
- 4 sections 37-201 and 37-523, Revised Statutes Supplement, 2009;
- 5 to authorize the extension of existing deer hunting seasons as
- 6 prescribed; to change certain hunting and trapping restrictions; to
- 7 provide for the destruction of mountain lions and other predators
- 8 as prescribed; to define a term; to provide for permits and the
- 9 use of certain fees; to harmonize provisions; and to repeal the
- 10 original sections."

LEGISLATIVE BILL 965. Placed on Select File.

LEGISLATIVE BILL 918. Placed on Select File with amendment.
ER8191

- 1 1. On page 1, line 2, after "sections" insert "77-5707,"
- 2 and strike "77-5717, 77-5719.02,".

LEGISLATIVE BILL 975. Placed on Select File.

LEGISLATIVE BILL 1057. Placed on Select File with amendment.
ER8192

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. (1) The Republican River Basin Water
- 4 Sustainability Task Force is created. The task force shall consist
- 5 of twenty-one voting members, and except for the state agency
- 6 representatives, the members shall be residents representing a
- 7 cross-section of the Republican River basin. The Governor shall
- 8 appoint two representatives from each natural resources district in
- 9 the basin; four representatives from the irrigation districts in
- 10 the basin; one representative each from the University of Nebraska
- 11 Institute of Agriculture and Natural Resources, the Game and Parks
- 12 Commission, the Department of Agriculture, and the Department of
- 13 Natural Resources; one representative each from a school district,
- 14 a city, a county, and a public power district in the basin; and
- 15 two representatives from agriculture-related businesses in the
- 16 Republican River basin. The chairperson of the Executive Board of
- 17 the Legislative Council shall appoint three ex officio, nonvoting
- 18 members from the Legislature, two of whom are residents of the
- 19 basin and one who is the chairperson of the Natural Resources
- 20 Committee of the Legislature. For administrative and budgetary
- 21 purposes only, the task force shall be housed within the Department
- 22 of Natural Resources. Additional advisory support may be requested
- 23 from appropriate federal and state agencies. Members of the task
- 1 force who are not state employees shall be reimbursed for their
- 2 actual and necessary expenses incurred in carrying out their duties
- 3 as members as provided in sections 81-1174 to 81-1177.
- 4 (2) The task force shall meet no less than quarterly
- 5 and shall hire a trained facilitator to conduct its meetings. The
- 6 purposes of the task force are to define water sustainability for
- 7 the Republican River basin, develop and recommend a plan to help
- 8 reach water sustainability in the basin, and develop and recommend
- 9 a plan to help avoid a water-short year in the basin. The task
- 10 force shall convene within thirty days after appointment of the
- 11 members is completed to elect a chairperson and conduct such other
- 12 business as deemed necessary.
- 13 (3) The task force shall present a preliminary report to
- 14 the Governor and the Legislature on or before May 15, 2011, and a

15 final report before May 15, 2012. This section terminates on June
16 30, 2012.

17 Sec. 2. It is the intent of the Legislature that expenses
18 of the Republican River Basin Water Sustainability Task Force be
19 paid from funds appropriated from the Water Resources Cash Fund and
20 not exceed twenty-five thousand dollars per fiscal year.

21 Sec. 3. Section 61-218, Revised Statutes Cumulative
22 Supplement, 2008, as amended by section 39, Legislative Bill
23 3, One Hundred First Legislature, First Special Session, 2009, is
24 amended to read:

25 61-218 (1) The Water Resources Cash Fund is created. The
26 fund shall be administered by the Department of Natural Resources.
27 Transfers may be made from the fund to the General Fund at the
1 direction of the Legislature. Any money in the Water Resources
2 Cash Fund available for investment shall be invested by the state
3 investment officer pursuant to the Nebraska Capital Expansion Act
4 and the Nebraska State Funds Investment Act.

5 (2) The State Treasurer shall credit to the fund such
6 money as is (a) transferred to the fund by the Legislature, (b)
7 paid to the state as fees, deposits, payments, and repayments
8 relating to the fund, both principal and interest, (c) donated as
9 gifts, bequests, or other contributions to such fund from public or
10 private entities, (d) made available by any department or agency of
11 the United States if so directed by such department or agency, and
12 (e) credited to the fund from the excise taxes imposed by section
13 66-1345.01 beginning January 1, 2013.

14 (3) The fund shall be expended by the department (a)
15 to aid management actions taken to reduce consumptive uses of
16 water in river basins, subbasins, or reaches which are deemed
17 by the department overappropriated pursuant to section 46-713 or
18 fully appropriated pursuant to section 46-714 or are bound by
19 an interstate compact or decree or a formal state contract or
20 agreement and (b) to the extent funds are not expended pursuant to
21 subdivision (a) of this subsection, the department may conduct a
22 statewide assessment of short-term and long-term water management
23 activities and funding needs to meet statutory requirements in
24 sections 46-713 to 46-718 and 46-739 and any requirements of an
25 interstate compact or decree or formal state contract or agreement.
26 The fund may be used to pay for up to twenty-five thousand
27 dollars in annual expenses for the Republican River Basin Water
1 Sustainability Task Force but shall not be used to pay for any
2 other administrative expenses or any salaries for the department or
3 any political subdivision.

4 (4) It is the intent of the Legislature that two million
5 seven hundred thousand dollars be transferred each fiscal year from
6 the General Fund to the Water Resources Cash Fund for FY2009-10
7 through FY2018-19.

8 (5)(a) Expenditures from the Water Resources Cash
9 Fund may be made to natural resources districts eligible under

10 subsection (3) of this section for activities to either achieve a
 11 sustainable balance of consumptive water uses or assure compliance
 12 with an interstate compact or decree or a formal state contract
 13 or agreement and shall require a match of local funding in an
 14 amount equal to or greater than forty percent of the total cost
 15 of carrying out the eligible activity. The department shall, no
 16 later than August 1 of each year, beginning in 2007, determine the
 17 amount of funding that will be made available to natural resources
 18 districts from the Water Resources Cash Fund and notify natural
 19 resources districts of this determination. The department shall
 20 adopt and promulgate rules and regulations governing application
 21 for and use of the Water Resources Cash Fund by natural resources
 22 districts. Such rules and regulations shall, at a minimum, include
 23 the following components:

24 (i) Require an explanation of how the planned activity
 25 will assure compliance with an interstate compact or decree or a
 26 formal state contract or agreement as required by section 46-715
 27 and the controls, rules, and regulations designed to carry out the
 1 activity; and

2 (ii) A schedule of implementation of the activity or its
 3 components.

4 (b) Any natural resources district that fails to
 5 implement and enforce its controls, rules, and regulations as
 6 required by section 46-715 shall not be eligible for funding
 7 from the Water Resources Cash Fund until it is determined by the
 8 department that compliance with the provisions required by section
 9 46-715 has been established.

10 (6) The Department of Natural Resources shall submit an
 11 annual report to the Legislature no later than October 1 of each
 12 year, beginning in the year 2007, that shall detail the use of the
 13 Water Resources Cash Fund in the previous year. The report shall
 14 provide:

15 (a) Details regarding the use and cost of activities
 16 carried out by the department; and

17 (b) Details regarding the use and cost of activities
 18 carried out by each natural resources district that received funds
 19 from the Water Resources Cash Fund.

20 Sec. 4. Original section 61-218, Revised Statutes
 21 Cumulative Supplement, 2008, as amended by section 39, Legislative
 22 Bill 3, One Hundred First Legislature, First Special Session, 2009,
 23 is repealed.

24 Sec. 5. Since an emergency exists, this act takes effect
 25 when passed and approved according to law.

26 2. On page 1, strike beginning with "create" in line 1
 27 through line 4 and insert "amend section 61-218, Revised Statutes
 1 Cumulative Supplement, 2008, as amended by section 39, Legislative
 2 Bill 3, One Hundred First Legislature, First Special Session, 2009;
 3 to create the Republican River Basin Water Sustainability Task
 4 Force; to provide duties; to state intent relating to expenses;

- 5 to harmonize provisions; to repeal the original section; and to
6 declare an emergency."

LEGISLATIVE BILL 728. Placed on Select File with amendment.
ER8194

- 1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:
3 Section 1. Sections 1 to 7 of this act shall be known and
4 may be cited as the Exploited Children's Civil Remedy Act.
5 Sec. 2. For purposes of the Exploited Children's Civil
6 Remedy Act:
7 (1) Access software provider means a provider of
8 software, including client or server software, or enabling tools
9 that do any one or more of the following: (a) Filter, screen,
10 allow, or disallow content; (b) pick, choose, analyze, or digest
11 content; or (c) transmit, receive, display, forward, cache, search,
12 subset, organize, reorganize, or translate content;
13 (2) Aid or assist another with the creation,
14 distribution, or active acquisition of child pornography means
15 help a principal in some appreciable manner with the creation,
16 distribution, or active acquisition of a visual depiction of
17 sexually explicit conduct which has a child as one of its
18 participants or portrayed observers. The term also includes
19 knowingly employing, forcing, authorizing, inducing, or otherwise
20 causing a child to engage in any visual depiction of sexually
21 explicit conduct which has a child as one of its participants
22 or portrayed observers. No parent, stepparent, legal guardian, or
23 person with custody and control of a child, knowing the content
1 thereof, may consent to such child engaging in any visual depiction
2 of sexually explicit conduct which has a child as one of its
3 participants or portrayed observers;
4 (3) Cable operator means any person or group of persons
5 (a) who provides cable service over a cable system and directly or
6 through one or more affiliates owns a significant interest in such
7 cable system or (b) who otherwise controls or is responsible for,
8 through any arrangement, the management and operation of such a
9 cable system;
10 (4) Child has the same meaning as in section 28-1463.02;
11 (5) Create means to knowingly create, make, manufacture,
12 direct, publish, finance, or in any manner generate;
13 (6) Distribute means the actual, constructive, or
14 attempted transfer from one person, source, or location to another
15 person, source, or location. The term includes, but is not limited
16 to, renting, selling, delivering, displaying, advertising, trading,
17 mailing, procuring, circulating, lending, exhibiting, transmitting,
18 transmuting, transferring, disseminating, presenting, or providing
19 any visual depiction of sexually explicit conduct which has a child
20 as one of its participants or portrayed observers;

21 (7) Interactive computer service means any information
22 service system or access software provider that provides or enables
23 computer access by multiple users to a computer server, including
24 specifically a service or system that provides access to the
25 Internet and such systems operated or services offered by libraries
26 or educational institutions;

27 (8) Participant means a child who appears in any visual
1 depiction and is portrayed or actively engaged in acts of sexually
2 explicit conduct appearing therein;

3 (9) Portrayed observer means a child who appears in
4 any visual depiction where sexually explicit conduct is likewise
5 portrayed or occurring within the child's presence or in the
6 child's proximity;

7 (10) Sexually explicit conduct has the same meaning as in
8 section 28-1463.02;

9 (11) Telecommunications service means the offering of
10 telecommunications for a fee directly to the public, or to such
11 classes of users as to be effectively available directly to the
12 public, regardless of the facilities used; and

13 (12) Visual depiction has the same meaning as in section
14 28-1463.02.

15 Sec. 3. (1) Any participant or portrayed observer in a
16 visual depiction of sexually explicit conduct or his or her parent
17 or legal guardian who suffered or continues to suffer personal
18 or psychological injury as a result of such participation or
19 portrayed observation may bring a civil action against any person
20 who knowingly and willfully (a) created, distributed, or actively
21 acquired such visual depiction while in this state or (b) aided
22 or assisted with the creation, distribution, or active acquisition
23 of such visual depiction while such person or the person aided or
24 assisted was in this state.

25 (2) A plaintiff who prevails in a civil action brought
26 pursuant to the Exploited Children's Civil Remedy Act may recover
27 his or her actual damages, which are deemed to be a minimum of one
1 hundred fifty thousand dollars, plus any and all attorney's fees
2 and costs reasonably associated with the civil action. In addition
3 to all other remedies available under the act, the court may also
4 award temporary, preliminary, and permanent injunctive relief as
5 the court deems necessary and appropriate.

6 (3) This section does not create a cause of action if
7 the participant was sixteen years of age or older at the time
8 the visual depiction was created and the participant willfully and
9 voluntarily participated in the creation of the visual depiction.

10 (4) No provider of interactive computer service, provider
11 of telecommunications service, or cable operator is subject to a
12 civil action under the Exploited Children's Civil Remedy Act.

13 Sec. 4. Notwithstanding any other provisions of law, any
14 action to recover damages under the Exploited Children's Civil
15 Remedy Act shall be filed within three years after the later of:

16 (1) The conclusion of any related criminal prosecution
 17 against the person or persons from whom recovery is sought;

18 (2) The receipt of actual or constructive notice sent or
 19 given to the participant or portrayed observer or his or her parent
 20 or legal guardian by a member of a law enforcement entity informing
 21 the participant or portrayed observer or his or her parent or legal
 22 guardian that the entity has identified the person;

23 (a) Who created, distributed, or actively acquired the
 24 visual depiction of the participant or portrayed observer; or

25 (b) Who aided or assisted another person with the
 26 creation, distribution, or active acquisition of the visual
 27 depiction of the participant or portrayed observer; or

1 (3) The participant or portrayed observer reaching the
 2 age of eighteen years.

3 Sec. 5. In any action brought pursuant to the Exploited
 4 Children's Civil Remedy Act, a plaintiff may request to use a
 5 pseudonym instead of his or her legal name in all court proceedings
 6 and records. Upon finding that the use of a pseudonym is proper,
 7 the court shall ensure that the pseudonym is used in all court
 8 proceedings and records.

9 Sec. 6. It is not a defense to a cause of action brought
 10 pursuant to the Exploited Children's Civil Remedy Act that the
 11 defendant:

12 (1) Did not know the participant or portrayed observer
 13 appearing in the visual depiction of sexually explicit conduct;

14 (2) Did not appear in the visual depiction of sexually
 15 explicit conduct containing the participant or portrayed observer;
 16 or

17 (3) Did not commit, assist with the commission of,
 18 or personally observe the commission of acts of sexually
 19 explicit conduct portrayed in the visual depiction containing the
 20 participant or portrayed observer.

21 Sec. 7. To prevent ongoing and further exploitation of
 22 any person who was a participant or portrayed observer or his or
 23 her parent or legal guardian, the Attorney General, upon request,
 24 may pursue cases on behalf of any participant or portrayed observer
 25 or his or her parent or legal guardian who has a bona fide cause of
 26 action under the Exploited Children's Civil Remedy Act. All damages
 27 obtained shall go to the plaintiff or plaintiffs. For his or her
 1 role in pursuing a civil action under the act, the Attorney General
 2 may seek all of his or her reasonable attorney's fees and costs
 3 associated with the civil action.

4 Sec. 8. Section 29-119, Reissue Revised Statutes of
 5 Nebraska, is amended to read:

6 29-119 For purposes of this section and sections 23-1201,
 7 29-120, and 29-2261, unless the context otherwise requires:

8 (1) A plea agreement means that as a result of a
 9 discussion between the defense counsel and the prosecuting
 10 attorney:

11 (a) A charge is to be dismissed or reduced; or
 12 (b) A defendant, if he or she pleads guilty to a charge,
 13 may receive less than the maximum penalty permitted by law; and
 14 (2) Victim means a person who, as a result of a homicide
 15 ~~as defined in under~~ sections 28-302 to 28-306, a first degree
 16 sexual assault ~~as defined in under~~ section 28-319, a first degree
 17 assault ~~as defined in under~~ section 28-308, a sexual assault
 18 of a child in the second or third degree ~~as defined in under~~
 19 section 28-320.01, a sexual assault of a child in the first
 20 degree ~~as defined in under~~ section 28-319.01, a possession of
 21 a visual depiction of sexually explicit conduct under section
 22 28-813.01 who has been identified and can be reasonably notified,
 23 a distribution offense of a visual depiction of sexually explicit
 24 conduct under section 28-1463.03, 28-1463.04, or 28-1463.05 who has
 25 been identified and can be reasonably notified, a second degree
 26 assault ~~as defined in under~~ section 28-309, a first degree false
 27 imprisonment ~~as defined in under~~ section 28-314, a second degree
 1 sexual assault ~~as defined in under~~ section 28-320, or a robbery ~~as~~
 2 ~~defined in under~~ section 28-324, has had a personal confrontation
 3 with the offender and also includes a person who has suffered
 4 serious bodily injury as defined in section 28-109 as a result of a
 5 motor vehicle accident when the driver was charged with a violation
 6 of section 60-6,196 or 60-6,197 or with a violation of a city or
 7 village ordinance enacted in conformance with either section. In
 8 the case of a homicide, victim means the nearest surviving relative
 9 under the law as provided by section 30-2303 but does not include
 10 the alleged perpetrator of the homicide. In the case of a sexual
 11 assault of a child, a possession of a visual depiction of sexually
 12 explicit conduct, or a distribution offense of a visual depiction
 13 of sexually explicit conduct, victim means the child victim and the
 14 parents, guardians, or duly appointed legal representative of the
 15 child victim but does not include the alleged perpetrator of the
 16 ~~sexual assault. crime.~~
 17 Sec. 9. Original section 29-119, Reissue Revised Statutes
 18 of Nebraska, is repealed.

LEGISLATIVE BILL 742. Placed on Select File with amendment.
 ER8193

1 1. Strike the original section and all amendments thereto
 2 and insert the following new section:
 3 Section 1. (1) A public entity or public agency providing
 4 coverage to a public entity, public official, or public employee
 5 shall maintain a public written or electronic record of all settled
 6 claims. The record for all such claims settled in the amount
 7 of fifty thousand dollars or more, or one percent of the total
 8 annual budget of the public entity, whichever is less, shall
 9 include a written executed settlement agreement. The settlement
 10 agreement shall contain a brief description of the claim, the party
 11 or parties released under the settlement, and the amount of the

12 financial compensation, if any, paid by or to the public entity or
 13 on its behalf.

14 (2) Any claim or settlement agreement involving a public
 15 entity shall be a public record but, to the extent permitted
 16 by sections 84-712.04 and 84-712.05 and as otherwise provided by
 17 statute, specific portions of the claim or settlement agreement
 18 may be withheld from the public. A private insurance company
 19 or public agency providing coverage to the public entity shall,
 20 without delay, provide to the public entity a copy of any claim or
 21 settlement agreement to be maintained as a public record.

22 (3) Except for settlement agreements involving the state,
 23 any state agency, or any employee of the state or pursuant to
 1 claims filed under the State Tort Claims Act, any settlement
 2 agreement with an amount of financial consideration of fifty
 3 thousand dollars or more, or one percent of the total annual budget
 4 of the public entity, whichever is less, shall be included as an
 5 agenda item at the next meeting of a public agency providing
 6 coverage to a public entity and as an agenda item on the
 7 next regularly scheduled public meeting of the public body for
 8 informational purposes or for approval if required.

9 (4) For purposes of this section, a confidentiality
 10 or nondisclosure clause or provision contained in or relating
 11 to a settlement agreement shall neither cause nor permit a
 12 settlement agreement or the claim or any other public record
 13 to be withheld from the public. Nothing in this section shall
 14 require a public official or public employee or any party to the
 15 settlement agreement to comment on the settlement agreement.

16 (5) For purposes of this section:

17 (a) Confidentiality or nondisclosure clause or provision
 18 means any covenant or stipulation adopted by parties to a
 19 settlement agreement that designates the settlement agreement,
 20 the claim, or any other public record as confidential, or in any
 21 other way restricts public access to information concerning the
 22 settlement agreement or claim;

23 (b) Public body means public body as defined in
 24 subdivision (1) of section 84-1409;

25 (c) Public entity means a public entity listed in
 26 subdivision (1) of section 84-712.01; and

27 (d) Settlement agreement means any contractual agreement
 1 to settle or resolve a claim involving a public entity or on behalf
 2 of the public entity, a public official, or a public employee by
 3 (i) the public entity, (ii) a private insurance company, or (iii) a
 4 public agency providing coverage.

5 (6) This section does not apply to claims made in
 6 connection with insured or self-insured health insurance contracts.

7 2. On page 1, strike lines 2 through 4 and insert "for
 8 settled claims and settlement agreements; to provide that settled
 9 claims and settlement agreements are public records;".

LEGISLATIVE BILL 820. Placed on Select File with amendment.
ER8196

- 1 1. On page 1, strike beginning with "sections" in line
- 2 1 through line 7 and insert "section 60-6,298, Revised Statutes
- 3 Cumulative Supplement, 2008; to change provisions relating to
- 4 operating permits for certain emergency vehicles; and to repeal the
- 5 original section."

LEGISLATIVE BILL 924. Placed on Select File with amendment.
ER8195

- 1 1. On page 10, line 17, strike "subsection" and insert
- 2 "subdivision"; and in lines 17 and 19 strike the comma.
- 3 2. On page 15, line 5; and page 22, line 19, strike the
- 4 new matter.
- 5 3. On page 15, line 6; and page 22, line 20, after "to"
- 6 insert "subdivision (1)(b) of".

LEGISLATIVE BILL 970. Placed on Select File.

LEGISLATIVE BILL 864. Placed on Select File with amendment.
ER8197

- 1 1. In the Standing Committee amendments, AM1679, on page
- 2 5, line 11, strike "Committee of the Legislature" and insert "Task
- 3 Force".
- 4 2. On page 1, line 3, after "provide" insert ", change,
- 5 and eliminate".

(Signed) Jeremy Nordquist, Chairperson

GENERAL FILE

LEGISLATIVE BILL 800. Committee AM2109, found on page 761 and considered in this day's Journal, was renewed.

The committee amendment was adopted with 33 ayes, 0 nays, 9 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 3 present and not voting, and 7 excused and not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 757A. Introduced by Wightman, 36.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 757, One Hundred First Legislature, Second Session, 2010.

LEGISLATIVE BILL 880A. Introduced by Rogert, 16.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 880, One Hundred First Legislature, Second Session, 2010.

RESOLUTIONS

LEGISLATIVE RESOLUTION 385. Introduced by Utter, 33.

WHEREAS, the Hastings St. Cecilia Bluehawks won the 2010 Class C-1 Boys' State Basketball Championship; and

WHEREAS, the Bluehawks defeated Chadron High School 46-40 in the championship game; and

WHEREAS, the victory gives the Bluehawks their third straight state championship in Class C-1; and

WHEREAS, the Bluehawks were led by Dalton Sealey, who scored a game-high 24 points in the championship game; and

WHEREAS, the Bluehawks finished an outstanding season with a record of twenty-five wins and one loss.

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

1. That the Legislature congratulates the Hastings St. Cecilia Bluehawks on winning the 2010 Class C-1 Boys' State Basketball Championship.

2. That a copy of this resolution be sent to the Bluehawks and their head coach, Kevin Asher.

Laid over.

LEGISLATIVE RESOLUTION 386. Introduced by Giese, 17.

WHEREAS, the South Sioux City Cardinals won the 2010 Class B Boys' State Basketball Championship; and

WHEREAS, the Cardinals' victory was the first boys' basketball title in school history; and

WHEREAS, the Cardinals defeated Skutt Catholic High School 60-56 for a thrilling overtime victory in the championship game; and

WHEREAS, the Cardinals were led by sophomore guards Mike Gesell and Austin Groth, who scored twenty-nine and eighteen points, respectively, in the championship game; and

WHEREAS, the Cardinals finished the season with a record of nineteen wins and five losses; and

WHEREAS, the Cardinals have exemplified teamwork, sportsmanship, discipline, and determination; and

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

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

1. That the Legislature congratulates the South Sioux City Cardinals on winning the 2010 Class B Boys' State Basketball Championship.

2. That a copy of this resolution be sent to the South Sioux City Cardinals and their head coach, Terry Comstock.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 849. Title read. Considered.

Committee AM2120, found on page 785, was adopted with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 10 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 510. Title read. Considered.

Committee AM2095, found on page 758, was considered.

Senator Pirsch renewed his amendment, AM2136, found on page 878, to the committee amendment.

The Pirsch amendment was adopted with 33 ayes, 0 nays, 9 present and not voting, and 7 excused and not voting.

The committee amendment, as amended, was adopted with 32 ayes, 2 nays, 8 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 1 nay, 6 present and not voting, and 7 excused and not voting.

AMENDMENT - Print in Journal

Senator Nordquist filed the following amendment to LB1106A:
AM2204

- 1 1. On page 2, line 3, strike "341" and insert "33"; in
- 2 line 9 strike "\$163,665" and insert "\$161,583"; and in line 10
- 3 strike "\$398,950" and insert "\$401,032".

RESOLUTIONS**LEGISLATIVE RESOLUTION 387.** Introduced by Dubas, 34.

WHEREAS, Stephen Stauffer has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

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

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

1. That the Legislature congratulates Stephen Stauffer on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Stephen Stauffer.

Laid over.

LEGISLATIVE RESOLUTION 388. Introduced by Dubas, 34.

WHEREAS, Andrew Bergman has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

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

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

1. That the Legislature congratulates Andrew Bergman on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Andrew Bergman.

Laid over.

LEGISLATIVE RESOLUTION 389. Introduced by Dubas, 34.

WHEREAS, Zack Eckert has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

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

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

1. That the Legislature congratulates Zack Eckert on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Zack Eckert.

Laid over.

LEGISLATIVE RESOLUTION 390. Introduced by Dubas, 34.

WHEREAS, Nate Suck has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

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

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

1. That the Legislature congratulates Nate Suck on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Nate Suck.

Laid over.

LEGISLATIVE RESOLUTION 391. Introduced by Dubas, 34.

WHEREAS, Ben Harvey has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

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

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

1. That the Legislature congratulates Ben Harvey on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Ben Harvey.

Laid over.

LEGISLATIVE RESOLUTION 392. Introduced by Dubas, 34.

WHEREAS, Zach Wilsey has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

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

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

1. That the Legislature congratulates Zach Wilsey on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Zach Wilsey.

Laid over.

LEGISLATIVE RESOLUTION 393. Introduced by Dubas, 34.

WHEREAS, Josh Dana has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

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

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

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

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

Laid over.

LEGISLATIVE RESOLUTION 394. Introduced by Dubas, 34.

WHEREAS, Ben Sohl has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest achievement rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First

Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Ben 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.

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

1. That the Legislature congratulates Ben Sohl on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Ben Sohl.

Laid over.

LEGISLATIVE RESOLUTION 395. Introduced by Dubas, 34.

WHEREAS, Jon Sims has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

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

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

1. That the Legislature congratulates Jon Sims on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Jon Sims.

Laid over.

LEGISLATIVE RESOLUTION 396. Introduced by Dubas, 34.

WHEREAS, William Obermier has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest achievement rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership,

service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, William 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.

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

1. That the Legislature congratulates William Obermier on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to William Obermier.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 1070. Title read. Considered.

Committee AM2084, found on page 747, was adopted with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

SENATOR SULLIVAN PRESIDING

LEGISLATIVE BILL 1010. Title read. Considered.

Committee AM2029, found on page 770, was adopted with 40 ayes, 0 nays, 4 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 3 present and not voting, and 5 excused and not voting.

PROPOSED RULES CHANGE

The Rules Committee Report, found on page 826, for the Avery proposed rules change to Rule 1, Sec. 19, found on page 556, was renewed.

The Avery proposed rules change was adopted with 39 ayes, 0 nays, 3 present and not voting, and 7 excused and not voting.

AMENDMENT - Print in Journal

Senator Cornett filed the following amendment to LB1018:
AM2214

(Amendments to E & R amendments, ER8186)

- 1 1. Insert the following new sections:
- 2 Sec. 36. Section 18-2506, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 18-2506 Measure ~~shall mean~~ means an ordinance, charter
- 5 provision, or resolution which is within the legislative authority
- 6 of the governing body of a municipal subdivision to pass; and
- 7 which is not excluded from the operation of referendum by the
- 8 exceptions in section 18-2528. Measure does not include any action
- 9 permitted by the Nebraska Advantage Transformational Tourism and
- 10 Redevelopment Act.
- 11 Sec. 37. Original section 18-2506, Reissue Revised
- 12 Statutes of Nebraska, is repealed.
- 13 2. On page 6, lines 7 and 9, after "attraction" insert
- 14 "or redevelopment project".
- 15 3. On page 8, line 4, after the third comma insert
- 16 "amusement parks."; in line 6 after "real" insert "property"; and
- 17 in line 8 strike "city" and insert "municipal".
- 18 4. On page 10, line 4, before the period insert "or
- 19 county clerk"; and in line 19 strike "tax".
- 20 5. On page 12, line 14; page 14, line 6; page 15, line
- 21 10; and page 19, lines 4 and 7, strike "benefits" and insert
- 22 "incentives".
- 1 6. On page 12, line 19, strike "city council" and insert
- 2 "governing body of the municipality".
- 3 7. On page 13, line 21, strike "credits" and insert
- 4 "incentives".
- 5 8. On page 14, lines 18, 20, and 24; and page 15, lines 1
- 6 and 5, strike "city" and insert "municipality".
- 7 9. On page 15, line 4, strike "fifteen" and insert "ten";
- 8 in line 18 after "state" insert ", except that for a redevelopment
- 9 project in a municipality within a county in which the net taxable
- 10 sales in the preceding calendar year were less than one hundred
- 11 million dollars, the requirements shall be investment in qualified
- 12 property of at least seven million five hundred thousand dollars
- 13 and a net employment increase to the state"; and in line 27 strike
- 14 "only" and insert "not".
- 15 10. On page 16, line 26, after "levied" insert "within
- 16 the boundaries of the project".
- 17 11. On page 17, line 6, after "taxpayer" insert "within
- 18 the boundaries of the project".
- 19 12. On page 18, line 6, strike "credits" and insert
- 20 "incentives".

RESOLUTION

LEGISLATIVE RESOLUTION 397. Introduced by Council, 11; Cook, 13; Howard, 9; Nordquist, 7; White, 8.

WHEREAS, the Omaha Central Eagles won the 2010 Class A Boys' State Basketball Championship; and

WHEREAS, the Eagles defeated Norfolk High School 71-58 in the championship game; and

WHEREAS, the Eagles have won four state titles in five seasons; and

WHEREAS, the Eagles are No. 1 in the Omaha World-Herald's final Top 10 rankings for the sixth time; and

WHEREAS, the Eagles have become a model for competing at a high level each season; and

WHEREAS, Deverell Biggs has been an outstanding member of three of the Eagles' last four championship teams; and

WHEREAS, Akoy Agau had the most outstanding performance ever by a freshman in a state championship game, coming just one blocked shot short of a triple-double.

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

1. That the Legislature congratulates the Omaha Central Eagles on winning the 2010 Class A Boys' State Basketball Championship.

2. That a copy of this resolution be sent to the Eagles and their head coach, Eric Behrens.

Laid over.

VISITORS

Visitors to the Chamber were Dennis, Diane, and Laura McCallister from Lincoln.

ADJOURNMENT

At 4:42 p.m., on a motion by Senator Conrad, the Legislature adjourned until 9:00 a.m., Tuesday, March 16, 2010.

Patrick J. O'Donnell
Clerk of the Legislature

