

FORTY-SEVENTH DAY - MARCH 24, 2010**LEGISLATIVE JOURNAL****ONE HUNDRED FIRST LEGISLATURE
SECOND SESSION****FORTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 24, 2010

PRAYER

The prayer was offered by Evangelist Sharon Anderson-Towery, Sharon Adele Ministries, Lincoln.

ROLL CALL

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

The roll was called and all members were present except Senators Ashford, Cornett, Dierks, Fulton, Giese, Haar, Loudon, and Sullivan who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-sixth day was approved.

AMENDMENT - Print in Journal

Senator Gay filed the following amendment to LB849:
AM2297

(Amendments to Standing Committee amendments, AM2120)

- 1 1. On page 19, lines 5 and 25, strike "as the act",
- 2 show as stricken, and insert "7 U.S.C. 2011 et seq., as
- 3 such sections"; and strike beginning with "Refugees" in line
- 4 12 through the comma in line 16, show as stricken, and insert
- 5 "Non-United-States citizens described in 8 U.S.C. 1613(b)(1)(A)
- 6 through (C), as such section existed on January 1, 2010.".
- 7 2. On page 20, line 1, strike beginning with "Public"
- 8 through the period, show as stricken, and insert "7 U.S.C. 2015, as
- 9 such section existed on January 1, 2010.".

MOTION - Return LB1106A to Select File

Senator Nordquist moved to return LB1106A to Select File for his specific amendment, AM2300, found on page 1005.

The Nordquist motion to return prevailed with 37 ayes, 0 nays, 4 present and not voting, and 8 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 1106A. The Nordquist specific amendment, AM2300, found on page 1005, was adopted with 37 ayes, 0 nays, 4 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

GENERAL FILE

LEGISLATIVE BILL 918A. Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 709. Considered.

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

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

Voting in the affirmative, 22:

Ashford	Council	Langemeier	Nordquist	Wallman
Carlson	Dubas	Lathrop	Pahls	White
Conrad	Giese	Louden	Pankonin	
Cook	Haar	McGill	Rogert	
Cornett	Karpisek	Mello	Sullivan	

Voting in the negative, 17:

Adams	Fischer	Hadley	Janssen	Wightman
Avery	Fulton	Hansen	Schilz	
Campbell	Gay	Harms	Stuthman	
Coash	Gloor	Heidemann	Utter	

Present and not voting, 8:

Christensen	Krist	McCoy	Pirsch
Howard	Lautenbaugh	Nelson	Price

Excused and not voting, 2:

Dierks	Flood
--------	-------

Failed to advance to Enrollment and Review Initial with 22 ayes, 17 nays, 8 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

RESOLUTIONS

LEGISLATIVE RESOLUTION 423. Introduced by McCoy, 39.

PURPOSE: The purpose of this resolution is to study the way that Nebraska awards electoral votes in presidential elections and whether any changes should be made to the current system.

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

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 424. Introduced by Pahls, 31.

PURPOSE: The purpose of this resolution is to study whether Nebraska should update its version of Uniform Commercial Code article 9 (Secured Transactions). The study should include consideration of changes recommended to the states by the National Conference of Commissioners on Uniform State Laws and, in particular, any changes in Uniform Commercial Code section 9-506 regarding errors and omissions in debtors' names in financing statements. The study should accordingly include an examination of issues raised during consideration of amendments adopted in Uniform Commercial Code section 9-506 in 2008 (LB 716, LB 851, and LB 308A), 2009 (LB 87), and 2010 (LB 751). In order to carry out the purpose of this resolution, the study committee should seek and consider the input of interested persons as the committee deems necessary and beneficial.

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

1. That the Banking, Commerce and Insurance 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.

COMMITTEE REPORTS

Judiciary

LEGISLATIVE BILL 795. Placed on General File.

LEGISLATIVE BILL 830. Placed on General File with amendment. AM2258 is available in the Bill Room.

LEGISLATIVE BILL 853. Indefinitely postponed.

LEGISLATIVE BILL 1029. Indefinitely postponed.

(Signed) Brad Ashford, Chairperson

GENERAL FILE

LEGISLATIVE BILL 507. Title read. Considered.

Committee AM2107, found on page 811, was considered.

Senator Ashford offered the following amendment to the committee amendment:

AM2302

(Amendments to Standing Committee amendments, AM2107)

- 1 1. On page 1, line 21, strike beginning with "second"
- 2 through the comma, show the old matter as stricken, and insert
- 3 "subsequent violation of subdivision (1)(a) or (b) of this
- 4 section.".

The Ashford amendment was adopted with 34 ayes, 0 nays, and 15 present and not voting.

The committee amendment, as amended, was adopted with 34 ayes, 0 nays, and 15 present and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, and 15 present and not voting.

LEGISLATIVE BILL 925. Title read. Considered.

Committee AM2106, found on page 807, was considered.

SENATOR ROBERT PRESIDING

Senator Lathrop moved for a call of the house. The motion prevailed with 36 ayes, 0 nays, and 13 not voting.

Senator Lathrop requested a roll call vote on the committee amendment.

Voting in the affirmative, 19:

Ashford	Cornett	Haar	McGill	Sullivan
Coash	Council	Howard	Mello	Wallman
Conrad	Dubas	Karpisek	Nordquist	White
Cook	Giese	Lathrop	Rogert	

Voting in the negative, 24:

Adams	Dierks	Gloor	Langemeier	Price
Avery	Fischer	Hadley	Lautenbaugh	Schilz
Campbell	Flood	Hansen	McCoy	Stuthman
Carlson	Fulton	Heidemann	Nelson	Utter
Christensen	Gay	Janssen	Pirsch	

Present and not voting, 4:

Harms	Krist	Pankonin	Wightman
-------	-------	----------	----------

Excused and not voting, 2:

Louden	Pahls
--------	-------

The committee amendment lost with 19 ayes, 24 nays, 4 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Conrad moved for a call of the house. The motion prevailed with 43 ayes, 0 nays, and 6 not voting.

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

Voting in the affirmative, 13:

Conrad	Giese	Karpisek	Mello	White
Cook	Haar	Lathrop	Nordquist	
Council	Howard	McGill	Wallman	

Voting in the negative, 26:

Adams	Coash	Gloor	Lautenbaugh	Stuthman
Ashford	Dierks	Hadley	McCoy	Utter
Avery	Fischer	Hansen	Nelson	
Campbell	Flood	Heidemann	Pirsch	
Carlson	Fulton	Janssen	Price	
Christensen	Gay	Langemeier	Schilz	

Present and not voting, 8:

Cornett	Harms	Pankonin	Sullivan
Dubas	Krist	Rogert	Wightman

Excused and not voting, 2:

Louden	Pahls
--------	-------

Failed to advance to Enrollment and Review Initial with 13 ayes, 26 nays, 8 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

RESOLUTIONS

LEGISLATIVE RESOLUTION 425. Introduced by Flood, 19.

PURPOSE: The purpose of this resolution is to study issues relating to brain injuries. The issues addressed by this study shall include, but not be limited to:

- (1) An examination of medicaid issues in covering out-of-state behavioral services that are not available in Nebraska;
- (2) An examination of the feasibility of establishing a trust fund to help address traumatic brain injuries; and
- (3) An examination of the feasibility of creating resource facilitators who would provide ongoing support to veterans with brain injuries, as proposed in LB141 (Rogert), which was introduced in 2009, or other options to help care for survivors of traumatic brain injuries.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 426. Introduced by Dubas, 34.

PURPOSE: The purpose of this interim study is to examine the honeybee industry in the State of Nebraska. The issues addressed by this interim study shall include, but not be limited to:

- (1) An examination of the rules and regulations administered by the Department of Agriculture relating to the honeybee industry; and
- (2) An examination of state and federal definitions of honey.

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

1. That the Agriculture 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.

COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 1106A. Placed on Final Reading Second.

(Signed) Jeremy Nordquist, Chairperson

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 801. Placed on Select File with amendment. ER8216 is available in the Bill Room.

LEGISLATIVE BILL 1094. Placed on Select File with amendment. ER8217

- 1 1. Strike original section 2 and all amendments thereto
- 2 and insert the following new section:
- 3 Sec. 2. For purposes of the Nonrecourse Civil Litigation
- 4 Act:
- 5 (1) Civil litigation funding company means a person or
- 6 entity that enters into a nonrecourse civil litigation funding
- 7 transaction with a consumer;
- 8 (2) Consumer means a person residing or domiciled in
- 9 Nebraska or who elects to enter into a transaction under the act,
- 10 whether it be in person, over the Internet, by facsimile, or by
- 11 any other electronic means, and who has a pending legal claim and
- 12 is represented by an attorney at the time he or she receives the
- 13 nonrecourse civil litigation funding;
- 14 (3) Legal claim means a civil claim or action; and
- 15 (4) Nonrecourse civil litigation funding means a
- 16 transaction in which a civil litigation funding company purchases
- 17 and a consumer assigns the contingent right to receive an amount of
- 18 the potential proceeds of the consumer's legal claim to the civil
- 19 litigation funding company out of the proceeds of any realized
- 20 settlement, judgment, award, or verdict the consumer may receive
- 21 in the legal claim.
- 22 2. On page 1, line 1, strike "courts" and insert
- 23 "consumer protection".

- 1 3. On page 11, line 3, strike "such" and show as stricken
 2 and after "sections" insert "84-901 to 84-908".

LEGISLATIVE BILL 1094A. Placed on Select File.

LEGISLATIVE BILL 842. Placed on Select File.

LEGISLATIVE BILL 862. Placed on Select File.

(Signed) Jeremy Nordquist, Chairperson

UNANIMOUS CONSENT - Add Cointroducers

Senator Mello asked unanimous consent to add his name as cointroducer to LB507. No objections. So ordered.

Senator Coash asked unanimous consent to add his name as cointroducer to LB817. No objections. So ordered.

Senators Coash, Harms, and Schilz asked unanimous consent to add their names as cointroducers to LR292. No objections. So ordered.

VISITORS

Visitors to the Chamber were members of Youth Leadership Service Institute - YWCA from Lincoln; members of Student/Senator Program from District 47; Ted and Phyllis Russ from North Carolina; members of Plainview Days Delegation from Plainview; J. J. Snodgrass from Norfolk and Bob Snodgrass from Neligh; 36 fourth-grade students from Eagle; members of Americans for Prosperity; and 45 fourth-grade students from Washington Elementary, Norfolk.

RECESS

At 11:57 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 Carlson presiding.

ROLL CALL

The roll was called and all members were present except Senator Pahls who was excused; and Senators Dierks and Hansen who were excused until they arrive.

SELECT FILE

LEGISLATIVE BILL 817. ER8176, found on page 704, was adopted.

Senator Christensen withdrew his amendment, AM2035, found on page 701.

Senator Ashford withdrew his amendment, AM2096, found on page 735.

Senator Ashford renewed his amendment, AM2203, found on page 913.

The Ashford amendment was adopted with 40 ayes, 0 nays, 6 present and not voting, and 3 excused and not voting.

Senator Rogert offered the following amendment:
AM2308

(Amendments to Standing Committee amendments, AM1964)

- 1 1. Insert the following new section:
- 2 Sec. 3. Section 69-2431, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 69-2431 In order to insure an applicant's initial
- 5 compliance with sections 69-2430 and 69-2433, the applicant for
- 6 a permit to carry a concealed handgun shall be fingerprinted by
- 7 the Nebraska State Patrol and a check made of his or her criminal
- 8 history record information ~~maintained by the Federal Bureau of~~
- 9 ~~Investigation through the Nebraska State Patrol. The criminal~~
- 10 ~~history record information check under the Concealed Handgun Permit~~
- 11 ~~Act is for initial compliance only, through the National Instant~~
- 12 Criminal Background Check System. In order to insure continuing
- 13 compliance with sections 69-2430 and 69-2433 and compliance for
- 14 renewal pursuant to section 69-2436, a check shall be made of
- 15 a permit holder's criminal history record information through the
- 16 National Instant Criminal Background Check System.
- 17 2. Renumber the remaining section and correct the
- 18 repealer section accordingly.

The Rogert amendment was adopted with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

Senator Lautenbaugh offered the following amendment:
AM2045

- 1 1. Insert the following new section:
- 2 Sec. 3. Section 69-2433, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 69-2433 An applicant shall:
- 5 (1) Be at least twenty-one years of age;
- 6 (2) Not be prohibited from purchasing or possessing a
- 7 handgun by 18 U.S.C. 922, as such section existed on January 1,
- 8 2005;
- 9 (3) Possess the same powers of eyesight as required under
- 10 section 60-4,118 for a Class O operator's license. If an applicant
- 11 does not possess a current Nebraska motor vehicle operator's
- 12 license, the applicant may present a current optometrist's or
- 13 ophthalmologist's statement certifying the vision reading obtained
- 14 when testing the applicant. If such certified vision reading meets

15 the vision requirements prescribed by section 60-4,118 for a Class
 16 O operator's license, the vision requirements of this subdivision
 17 shall have been met;

18 (4) Not have pled guilty to, not have pled nolo
 19 contendere to, or not have been convicted of a felony ~~or a~~
 20 ~~crime of violence~~ under the laws of this state or under the laws of
 21 any other jurisdiction;

22 (5) Not have pled guilty to, not have pled nolo
 23 contendere to, or not have been convicted of a misdemeanor crime
 1 of violence under the laws of this state or under the laws of any
 2 other jurisdiction within the ten years immediately preceding the
 3 date of application;

4 ~~(5)-(6)~~ Not have been found in the previous ten years to
 5 be a mentally ill and dangerous person under the Nebraska Mental
 6 Health Commitment Act or a similar law of another jurisdiction or
 7 not be currently adjudged mentally incompetent;

8 ~~(6)(a)-(7)(a)~~ Have been a resident of this state for
 9 at least one hundred eighty days. For purposes of this section,
 10 resident does not include an applicant who maintains a residence in
 11 another state and claims that residence for voting or tax purposes
 12 except as provided in subdivision (b) of this subdivision; or

13 (b) If an applicant is a member of the United States
 14 Armed Forces, such applicant shall be considered a resident of
 15 this state for purposes of this section after he or she has been
 16 stationed at a military installation in this state pursuant to
 17 permanent duty station orders even though he or she maintains a
 18 residence in another state and claims that residence for voting or
 19 tax purposes;

20 ~~(7)-(8)~~ Have had no violations of any law of this state
 21 relating to firearms, unlawful use of a weapon, or controlled
 22 substances or of any similar laws of another jurisdiction in the
 23 ten years preceding the date of application;

24 ~~(8)-(9)~~ Not be on parole, probation, house arrest, or
 25 work release;

26 ~~(9)-(10)~~ Be a citizen of the United States; and

27 ~~(10)-(11)~~ Provide proof of training.

- 1 2. Renumber the remaining sections and correct internal
- 2 references and the repealer section accordingly.

The Lautenbaugh amendment was adopted with 31 ayes, 0 nays, 16 present
 and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1002. ER8177, found on page 713, was adopted.

Senator Louden renewed his amendment, AM2276, found on page 990.

Senator Louden moved for a call of the house. The motion prevailed with 32

ayes, 0 nays, and 17 not voting.

Senator Louden requested a roll call vote on his amendment.

Voting in the affirmative, 25:

Ashford	Council	Hansen	Louden	Schilz
Avery	Dierks	Howard	McGill	Stuthman
Coash	Dubas	Karpisek	Mello	Sullivan
Conrad	Giese	Krist	Nordquist	Wallman
Cook	Haar	Lathrop	Rogert	White

Voting in the negative, 15:

Adams	Christensen	Gay	Heidemann	McCoy
Campbell	Fischer	Gloor	Janssen	Pirsch
Carlson	Fulton	Hadley	Lautenbaugh	Utter

Present and not voting, 8:

Cornett	Harms	Nelson	Price
Flood	Langemeier	Pankonin	Wightman

Excused and not voting, 1:

Pahls

The Louden amendment was adopted with 25 ayes, 15 nays, 8 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

The Chair declared the call raised.

AMENDMENT - Print in Journal

Senator Price filed the following amendment to LB563:
AM2299

(Amendments to E & R amendments, ER8214)

- 1 1. On page 1, line 11, strike "a delivery service or";
- 2 strike lines 13 through 15; in line 16 strike "(5)" and insert
- 3 "(4)"; in line 17 strike "(6)" and insert "(5)"; and in line 18
- 4 strike "or delivery services".
- 5 2. On page 2, strike beginning with line 9 through "(3)"
- 6 in line 14 and insert "(2)".
- 7 3. On page 4, line 27; and page 5, line 2, strike "or
- 8 delivery service".

RESOLUTIONS**LEGISLATIVE RESOLUTION 427.** Introduced by Gloor, 35.

PURPOSE: The purpose of this interim study is to determine if hospitals in Nebraska are communicating their community benefit to community members and how newly licensed hospitals affect the cost of health care. The study shall include, but not be limited to:

(1) An exploration of how not-for-profit hospitals justify their tax-exempt status through the provision of services and uncompensated care to the community;

(2) An exploration of the profit margin of for-profit hospitals and methods for reporting such profits and the uncompensated care and services to the community; and

(3) An exploration of how new hospitals affect the overall cost of health care in the communities and regions they reside in, particularly the cost and utilization of Nebraska medicaid.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 428. Introduced by Price, 3; McCoy, 39.

WHEREAS, Kyle Christensen, of Troop 363, Gretna, Nebraska, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Kyle 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 a small percentage 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 Kyle Christensen on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Kyle Christensen.

Laid over.

LEGISLATIVE RESOLUTION 429. Introduced by Price, 3; McCoy, 39.

WHEREAS, Jacob Beran, of Troop 363, Gretna, Nebraska, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

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

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 12 of which are in required areas, and complete a community service project approved by the troop and the scout council; and

WHEREAS, only a small percentage 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 Jacob Beran on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Jacob Beran.

Laid over.

COMMITTEE REPORTS

Health and Human Services

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

Marcia Anderson - Foster Care Review Board
Gabriella "Gay" McTate - Foster Care Review Board

Aye: 7 Senators Campbell, Gay, Gloor, Howard, Pankonin, Stuthman, Wallman. Nay: 0. Absent: 0. Present and not voting: 0.

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

Raymond Meester - Commission for the Deaf and Hard of Hearing
Susan Petersen - Commission for the Deaf and Hard of Hearing

Aye: 7 Senators Campbell, Gay, Gloor, Howard, Pankonin, Stuthman, Wallman. Nay: 0. Absent: 0. Present and not voting: 0.

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

Camille Ohri - Child Abuse Prevention Fund Board

Aye: 7 Senators Campbell, Gay, Gloor, Howard, Pankonin, Stuthman, Wallman. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Tim Gay, Chairperson

SELECT FILE

LEGISLATIVE BILL 952. ER8185, found on page 766, was adopted.

Senator Utter renewed his amendment, AM2176, found on page 1004.

SENATOR ROBERT PRESIDING

SENATOR CARLSON PRESIDING

Senator Utter withdrew his amendment.

Pending.

COMMITTEE REPORT

Judiciary

LEGISLATIVE BILL 712. Placed on General File with amendment. AM2288 is available in the Bill Room.

(Signed) Brad Ashford, Chairperson

AMENDMENT - Print in Journal

Senator Karpisek filed the following amendment to LB861:
AM2287

(Amendments to Standing Committee amendments, AM2140)

- 1 1. On page 55, line 3, reinstate the stricken
- 2 "forty-five" and strike "four"; and in line 4 strike "hundred".
- 3 2. On page 65, line 3, after "each" insert
- 4 "four-hundred-dollar"; and in line 4 after "each" insert
- 5 "forty-five-dollar application fee and each".

COMMUNICATIONS

March 24, 2010

Mr. Patrick O'Donnell
Clerk of the Legislature
Room 2018
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Pursuant to the Provisions of Section 85-404, R.R.S. of Nebraska, 1943, Legislative approval is required for the following University of Nebraska project:

University of Nebraska at Omaha, Student Housing Project. The University of Nebraska at Omaha proposes to purchase new housing facilities from the Suzanne and Walter Scott Foundation. The project will accommodate up to 480 students with associated parking on the Pacific site in an area adjacent to Scott Village in apartment suite-style living configurations. Each suite will have a living space and a kitchen space, and will be designed so that residents access suites through a central hallway. This project will increase campus housing to a total of approximately 2,100 available student housing beds serving 17 percent of the current UNO student population. On average, peer institutions provide student housing for 20 percent of their student population. The project is estimated to cost a maximum of \$23,471,837.

Request. The University requests approval of the purchase of this student housing project to be financed from the University of Nebraska at Omaha Student Facilities Revenue Bonds Series 2010, not to exceed \$18,000,000.

The Board of Regents authorized these expenditures at its March 5, 2010, meeting. The Nebraska Coordinating Commission for Postsecondary Education recommended approval on March 24, 2010. The CCPE Revenue Bond Project Evaluation Forms indicating approval of the projects are

attached.

Thank you for your consideration of this project.

Respectfully submitted,
(Signed) Donal J. Burns
Corporation Secretary

March 24, 2010

Senator John Wightman
Chairperson, Executive Board
Room 2010
State Capitol
Lincoln, NE 68509

Dear Senator Wightman,

Enclosed is correspondence from Donal J. Burns, Corporation Secretary for the Office of the President of the University of Nebraska and correspondence from the Coordinating Commission for Postsecondary Education. The correspondence relates to expenditure of bond funds for the following:

University of Nebraska at Omaha: Student Housing Project.

I am forwarding this correspondence to you for Executive Board action.

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

PJO:ck

Enclosure

REFERENCE COMMITTEE REPORT

The Executive Board referred the University of Nebraska's request to issue revenue bonds to the Appropriations Committee for further consideration.

(Signed) John Wightman, Chairperson
Executive Board

SELECT FILE

LEGISLATIVE BILL 952. Senator Adams renewed his amendment, AM2171, found on page 1005.

SENATOR CAMPBELL PRESIDING

Senator Adams withdrew his amendment.

Pending.

NOTICE OF COMMITTEE HEARING

Appropriations

Room 1003

Wednesday, March 31, 2010 12:30 p.m.

Expenditure of Bond Funds for a Student Housing Project at the University of Nebraska at Omaha

(Signed) Lavon Heidemann, Chairperson

CORRECTED COMMITTEE REPORT

Government, Military and Veterans Affairs

(LR292 should have been placed on General File instead of reported to the Legislature for further consideration.)

LEGISLATIVE RESOLUTION 292. Placed on General File.

(Signed) Bill Avery, Chairperson

AMENDMENT - Print in Journal

Senator Karpisek filed the following amendment to LB800:
AM2266

(Amendments to E & R amendments, ER8201)

- 1 1. Insert the following new section:
- 2 Sec. 4. Section 28-416, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 28-416 (1) Except as authorized by the Uniform Controlled
- 5 Substances Act, it shall be unlawful for any person knowingly or
- 6 intentionally: (a) To manufacture, distribute, deliver, dispense,
- 7 or possess with intent to manufacture, distribute, deliver, or
- 8 dispense a controlled substance; or (b) to create, distribute,
- 9 or possess with intent to distribute a counterfeit controlled
- 10 substance.
- 11 (2) Except as provided in subsections (4), (5), (7), (8),
- 12 (9), and (10) of this section, any person who violates subsection
- 13 (1) of this section with respect to: (a) A controlled substance
- 14 classified in Schedule I, II, or III of section 28-405 which is an
- 15 exceptionally hazardous drug shall be guilty of a Class II felony;
- 16 (b) any other controlled substance classified in Schedule I, II, or

17 III of section 28-405 shall be guilty of a Class III felony; or (c)
18 a controlled substance classified in Schedule IV or V of section
19 28-405 shall be guilty of a Class IIIA felony.

20 (3) A person knowingly or intentionally possessing a
21 controlled substance, except marijuana, unless such substance was
22 obtained directly or pursuant to a medical order issued by a
1 practitioner authorized to prescribe while acting in the course of
2 his or her professional practice, or except as otherwise authorized
3 by the act, shall be guilty of a Class IV felony.

4 (4)(a) Except as authorized by the Uniform Controlled
5 Substances Act, any person eighteen years of age or older who
6 knowingly or intentionally manufactures, distributes, delivers,
7 dispenses, or possesses with intent to manufacture, distribute,
8 deliver, or dispense a controlled substance or a counterfeit
9 controlled substance (i) to a person under the age of eighteen
10 years, (ii) in, on, or within one thousand feet of the real
11 property comprising a public or private elementary, vocational, or
12 secondary school, a community college, a public or private college,
13 junior college, or university, or a playground, or (iii) within one
14 hundred feet of a public or private youth center, public swimming
15 pool, or video arcade facility shall be punished by the next higher
16 penalty classification than the penalty prescribed in subsection
17 (2), (7), (8), (9), or (10) of this section, depending upon the
18 controlled substance involved, for the first violation and for a
19 second or subsequent violation shall be punished by the next higher
20 penalty classification than that prescribed for a first violation
21 of this subsection, but in no event shall such person be punished
22 by a penalty greater than a Class IB felony.

23 (b) For purposes of this subsection:

24 (i) Playground shall mean any outdoor facility, including
25 any parking lot appurtenant to the facility, intended for
26 recreation, open to the public, and with any portion containing
27 three or more apparatus intended for the recreation of children,
1 including sliding boards, swingsets, and teeterboards;

2 (ii) Video arcade facility shall mean any facility
3 legally accessible to persons under eighteen years of age, intended
4 primarily for the use of pinball and video machines for amusement,
5 and containing a minimum of ten pinball or video machines; and

6 (iii) Youth center shall mean any recreational facility
7 or gymnasium, including any parking lot appurtenant to the facility
8 or gymnasium, intended primarily for use by persons under eighteen
9 years of age which regularly provides athletic, civic, or cultural
10 activities.

11 (5)(a) Except as authorized by the Uniform Controlled
12 Substances Act, it shall be unlawful for any person eighteen
13 years of age or older to knowingly and intentionally employ, hire,
14 use, cause, persuade, coax, induce, entice, seduce, or coerce any
15 person under the age of eighteen years to manufacture, transport,
16 distribute, carry, deliver, dispense, prepare for delivery, offer

17 for delivery, or possess with intent to do the same a controlled
18 substance or a counterfeit controlled substance.

19 (b) Except as authorized by the Uniform Controlled
20 Substances Act, it shall be unlawful for any person eighteen years
21 of age or older to knowingly and intentionally employ, hire, use,
22 cause, persuade, coax, induce, entice, seduce, or coerce any person
23 under the age of eighteen years to aid and abet any person in
24 the manufacture, transportation, distribution, carrying, delivery,
25 dispensing, preparation for delivery, offering for delivery, or
26 possession with intent to do the same of a controlled substance or
27 a counterfeit controlled substance.

1 (c) Any person who violates subdivision (a) or (b) of
2 this subsection shall be punished by the next higher penalty
3 classification than the penalty prescribed in subsection (2), (7),
4 (8), (9), or (10) of this section, depending upon the controlled
5 substance involved, for the first violation and for a second or
6 subsequent violation shall be punished by the next higher penalty
7 classification than that prescribed for a first violation of this
8 subsection, but in no event shall such person be punished by a
9 penalty greater than a Class IB felony.

10 (6) It shall not be a defense to prosecution for
11 violation of subsection (4) or (5) of this section that the
12 defendant did not know the age of the person through whom the
13 defendant violated such subsection.

14 (7) Any person who violates subsection (1) of this
15 section with respect to cocaine or any mixture or substance
16 containing a detectable amount of cocaine in a quantity of:

17 (a) One hundred forty grams or more shall be guilty of a
18 Class IB felony;

19 (b) At least twenty-eight grams but less than one hundred
20 forty grams shall be guilty of a Class IC felony; or

21 (c) At least ten grams but less than twenty-eight grams
22 shall be guilty of a Class ID felony.

23 (8) Any person who violates subsection (1) of this
24 section with respect to base cocaine (crack) or any mixture or
25 substance containing a detectable amount of base cocaine in a
26 quantity of:

27 (a) One hundred forty grams or more shall be guilty of a
1 Class IB felony;

2 (b) At least twenty-eight grams but less than one hundred
3 forty grams shall be guilty of a Class IC felony; or

4 (c) At least ten grams but less than twenty-eight grams
5 shall be guilty of a Class ID felony.

6 (9) Any person who violates subsection (1) of this
7 section with respect to heroin or any mixture or substance
8 containing a detectable amount of heroin in a quantity of:

9 (a) One hundred forty grams or more shall be guilty of a
10 Class IB felony;

11 (b) At least twenty-eight grams but less than one hundred
12 forty grams shall be guilty of a Class IC felony; or

13 (c) At least ten grams but less than twenty-eight grams
14 shall be guilty of a Class ID felony.

15 (10) Any person who violates subsection (1) of this
16 section with respect to amphetamine, its salts, optical isomers,
17 and salts of its isomers, or with respect to methamphetamine, its
18 salts, optical isomers, and salts of its isomers, in a quantity of:

19 (a) One hundred forty grams or more shall be guilty of a
20 Class IB felony;

21 (b) At least twenty-eight grams but less than one hundred
22 forty grams shall be guilty of a Class IC felony; or

23 (c) At least ten grams but less than twenty-eight grams
24 shall be guilty of a Class ID felony.

25 (11) Any person knowingly or intentionally possessing
26 marijuana weighing more than one ounce but not more than one pound
27 shall be guilty of a Class III misdemeanor.

1 (12) Any person knowingly or intentionally possessing
2 marijuana weighing more than one pound shall be guilty of a Class
3 IV felony.

4 (13) Any person knowingly or intentionally possessing
5 marijuana weighing one ounce or less shall:

6 (a) For the first offense, be guilty of an infraction,
7 receive a citation, be fined three hundred dollars, and be assigned
8 to attend a course as prescribed in section 29-433 if the judge
9 determines that attending such course is in the best interest of
10 the individual defendant;

11 (b) For the second offense, be guilty of a Class IV
12 misdemeanor, receive a citation, and be fined four hundred dollars
13 and may be imprisoned not to exceed five days; and

14 (c) For the third and all subsequent offenses, be guilty
15 of a Class IIIA misdemeanor, receive a citation, be fined five
16 hundred dollars, and be imprisoned not to exceed seven days.

17 (14) Any person convicted of violating this section,
18 if placed on probation, shall, as a condition of probation,
19 satisfactorily attend and complete appropriate treatment and
20 counseling on drug abuse provided by a program authorized under
21 the Nebraska Behavioral Health Services Act or other licensed drug
22 treatment facility.

23 (15) Any person convicted of violating this section, if
24 sentenced to the Department of Correctional Services, shall attend
25 appropriate treatment and counseling on drug abuse.

26 (16) Any person knowingly or intentionally possessing a
27 firearm while in violation of subsection (1) of this section shall
1 be punished by the next higher penalty classification than the
2 penalty prescribed in subsection (2), (7), (8), (9), or (10) of
3 this section, but in no event shall such person be punished by a
4 penalty greater than a Class IB felony.

5 (17) A person knowingly or intentionally in possession
6 of money used or intended to be used to facilitate a violation
7 of subsection (1) of this section shall be guilty of a Class IV
8 felony.

9 (18) In addition to the penalties provided in this
10 section:

11 (a) If the person convicted or adjudicated of violating
12 this section is younger than twenty-one years of age and has one or
13 more licenses or permits issued under the Motor Vehicle Operator's
14 License Act:

15 (i) For the first offense, the court may, as a part of
16 the judgment of conviction or adjudication, (A) impound any such
17 licenses or permits for thirty days and (B) require such person to
18 attend a drug education class;

19 (ii) For a second offense, the court may, as a part of
20 the judgment of conviction or adjudication, (A) impound any such
21 licenses or permits for ninety days and (B) require such person
22 to complete no fewer than twenty and no more than forty hours of
23 community service and to attend a drug education class; and

24 (iii) For a third or subsequent offense, the court may,
25 as a part of the judgment of conviction or adjudication, (A)
26 impound any such licenses or permits for twelve months and (B)
27 require such person to complete no fewer than sixty hours of
1 community service, to attend a drug education class, and to submit
2 to a drug assessment by a licensed alcohol and drug counselor; and

3 (b) If the person convicted or adjudicated of violating
4 such section is younger than twenty-one years of age and does not
5 have a permit or license issued under the Motor Vehicle Operator's
6 License Act:

7 (i) For the first offense, the court may, as part of the
8 judgment of conviction or adjudication, (A) prohibit such person
9 from obtaining any permit or any license pursuant to the act for
10 which such person would otherwise be eligible until thirty days
11 after the date of such order and (B) require such person to attend
12 a drug education class;

13 (ii) For a second offense, the court may, as part of the
14 judgment of conviction or adjudication, (A) prohibit such person
15 from obtaining any permit or any license pursuant to the act for
16 which such person would otherwise be eligible until ninety days
17 after the date of such order and (B) require such person to
18 complete no fewer than twenty hours and no more than forty hours of
19 community service and to attend a drug education class; and

20 (iii) For a third or subsequent offense, the court may,
21 as part of the judgment of conviction or adjudication, (A) prohibit
22 such person from obtaining any permit or any license pursuant
23 to the act for which such person would otherwise be eligible
24 until twelve months after the date of such order and (B) require
25 such person to complete no fewer than sixty hours of community

26 service, to attend a drug education class, and to submit to a drug
 27 assessment by a licensed alcohol and drug counselor.

- 1 A copy of an abstract of the court's conviction or
 2 adjudication shall be transmitted to the Director of Motor Vehicles
 3 pursuant to sections 60-497.01 to 60-497.04.
 4 2. Renumber the remaining sections, amend the repealer,
 5 and correct internal references accordingly.

SELECT FILE

LEGISLATIVE BILL 952. Senator Hadley renewed his amendment, AM2172, found on page 1012.

SPEAKER FLOOD PRESIDING

Senator White offered the following motion:
 MO93

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator White moved for a call of the house. The motion prevailed with 43 ayes, 0 nays, and 6 not voting.

Senator White requested a roll call vote, in reverse order, on the motion to invoke cloture.

Voting in the affirmative, 23:

Ashford	Fulton	Karpisek	Mello	Price
Conrad	Gay	Krist	Nelson	Rogert
Cook	Giese	Lathrop	Nordquist	White
Cornett	Haar	Lautenbaugh	Pankonin	
Council	Janssen	McGill	Pirsch	

Voting in the negative, 22:

Adams	Coash	Gloor	Louden	Utter
Avery	Dierks	Hadley	McCoy	Wightman
Campbell	Dubas	Hansen	Schilz	
Carlson	Fischer	Harms	Stuthman	
Christensen	Flood	Heidemann	Sullivan	

Present and not voting, 1:

Howard

Excused and not voting, 3:

Langemeier	Pahls	Wallman
------------	-------	---------

The White motion to invoke cloture failed with 23 ayes, 22 nays, 1 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 404 and 405 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 404 and 405.

SELECT FILE

LEGISLATIVE BILL 1057. ER8192, found on page 893, was adopted.

Senator Carlson renewed his amendment, AM2235, found on page 956.

The Carlson amendment was adopted with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

Senator Heidemann withdrew his amendment, AM2211, found on page 956.

Senator Heidemann renewed his amendment, AM2262, found on page 975.

The Heidemann amendment was adopted with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 728. ER8194, found on page 896, was adopted.

Senator Lautenbaugh renewed his amendment, AM2223, found on page 958.

The Lautenbaugh amendment was adopted with 32 ayes, 1 nay, 12 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 951. Senator Avery renewed his amendment, AM2061, found on page 721.

Senator Lautenbaugh renewed his amendment, FA66, found on page 735, to the Avery amendment.

Senator Lautenbaugh withdrew his amendment.

The Avery amendment was adopted with 25 ayes, 5 nays, 15 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 951A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1081. ER8189, found on page 859, was adopted.

Senator Cornett renewed her amendment, AM2224, found on page 929.

The Cornett amendment was adopted with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 948. Senator Avery renewed his motion, MO91, found on page 1012, to ask unanimous consent to bracket until April 14, 2010.

No objections. So ordered.

LEGISLATIVE BILL 965. Senator Sullivan renewed her amendment, AM2222, found on page 921.

The Sullivan amendment was adopted with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 918. ER8191, found on page 893, was adopted.

Senator Cornett renewed her amendment, AM2240, found on page 944.

The Cornett amendment was adopted with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 975. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 820. ER8196, found on page 901, was adopted.

Senator Fischer renewed her amendment, AM2264, found on page 1011.

The Fischer amendment was adopted with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 924. ER8195, found on page 901, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 701. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 970. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 864. ER8197, found on page 901, was adopted.

Senator Pirsch renewed his amendment, AM2208, found on page 940.

The Pirsch amendment was adopted with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 880. ER8198, found on page 914, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 880A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 901. ER8200, found on page 914, was adopted.

Advanced to Enrollment and Review for Engrossment.

AMENDMENTS - Print in Journal

Senator Adams filed the following amendment to LB1070:
AM2305 is available in the Bill Room.

Senator Dierks filed the following amendment to LB594:
AM2306

(Amendments to Standing Committee amendments, AM1699)

- 1 1. Insert the following new section:
- 2 Section 1. Section 28-101, Revised Statutes Supplement,
- 3 2009, is amended to read:
- 4 28-101 Sections 28-101 to 28-1356 and sections 5 to 11 of
- 5 this act shall be known and may be cited as the Nebraska Criminal

- 6 Code.
7 2. On page 16, line 8, strike "28-326" and insert
8 "28-101, 28-326,".
9 3. Renumber the remaining sections and correct internal
10 references accordingly.

UNANIMOUS CONSENT - Add Cointroducer

Senator Rogert asked unanimous consent to add his name as cointroducer to LR419. No objections. So ordered.

VISITORS

Visitors to the Chamber were 90 fourth-grade students and teachers from Morton Elementary, Lexington; 9 twelfth-grade students and teacher from Sutherland; members of Santee 4-H Club Oyate Teca from Santee; members of 4-H Youth and Adults in Action from Nebraska City; and Senator Pankonin's brother-in-law, Dr. Alan Nissen, from Lincoln.

The Doctor of the Day was Dr. Michael Schooff from Papillion.

ADJOURNMENT

At 7:21 p.m., on a motion by Senator Price, the Legislature adjourned until 9:00 a.m., Thursday, March 25, 2010.

Patrick J. O'Donnell
Clerk of the Legislature