

**FIFTY-SECOND DAY - MARCH 31, 2010****LEGISLATIVE JOURNAL****ONE HUNDRED FIRST LEGISLATURE  
SECOND SESSION****FIFTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, March 31, 2010

**PRAYER**

The prayer was offered by Pastor Bruce Davis, Saint Andrew's United Methodist Church, Omaha.

**ROLL CALL**

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

The roll was called and all members were present except Senators Campbell, Cook, and Louden who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fifty-first day was approved.

**COMMITTEE REPORTS**

Enrollment and Review

**LEGISLATIVE BILL 712.** Placed on Select File with amendment.  
ER8225 is available in the Bill Room.

**LEGISLATIVE BILL 1014.** Placed on Select File with amendment.  
ER8222

- 1 1. On page 1, strike beginning with "section" in line 1
- 2 through line 5 and insert "sections 79-1018.01 and 79-1035, Reissue
- 3 Revised Statutes of Nebraska, and section 79-1028.01, Revised
- 4 Statutes Supplement, 2009; to provide for teacher performance pay;
- 5 to change local system formula resources and maximum expenditures
- 6 for purposes of the Tax Equity and Educational Opportunities
- 7 Support Act; to change provisions relating to distribution of
- 8 school funds from school lands; and to repeal the original
- 9 sections.".

(Signed) Jeremy Nordquist, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 411.** Title read. Considered.

Senator Coash withdrew his amendment, AM666, found on page 720, First Session, 2009.

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

**LEGISLATIVE BILL 713.** Title read. Considered.

Committee AM1687, found on page 447, was considered.

Senator Gloor renewed his amendment, AM1792, found on page 505, to the committee amendment.

The Gloor amendment was adopted with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

The committee amendment, as amended, was adopted with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 252.** Title read. Considered.

Committee AM1761, found on page 447, was adopted with 37 ayes, 0 nays, 11 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 7 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 759.** Title read. Considered.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 12 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 760.** Title read. Considered.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 10 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 732.** Title read. Considered.

**SENATOR STUTHMAN PRESIDING**

Committee AM1727, found on page 506, was adopted with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 1047.** Title read. Considered.

Committee AM1812, found on page 507, was adopted with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 706.** Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 15 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 696.** Title read. Considered.

Committee AM1676, found on page 513, was considered.

Senator Langemeier offered the following amendment to the committee amendment:

AM2445

(Amendments to Standing Committee amendments, AM1676)

1. On page 5, line 2, after "Act" insert "and".

The Langemeier amendment was adopted with 28 ayes, 1 nay, 18 present and not voting, and 2 excused and not voting.

The committee amendment, as amended, was adopted with 32 ayes, 1 nay, 14 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 1 nay, 14 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 978.** Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 792.** Title read. Considered.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 695.** Title read. Considered.

Committee AM1849, found on page 539, was adopted with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 11 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 986.** Title read. Considered.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 8 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 997.** Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

## RESOLUTION

**LEGISLATIVE RESOLUTION 540.** Introduced by Janssen, 15.

WHEREAS, John M. Dick was a distinguished resident of the city of Fremont; and

WHEREAS, John M. Dick served as mayor of Fremont from 1977 to 1980. He also served on the Fremont City Council and as chairman of the Fremont Board of Public Works from 1980 to 2010; and

WHEREAS, John M. Dick was an accomplished industrial engineer and an excellent husband and father; and

WHEREAS, John M. Dick passed away on March 27, 2010.

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

1. That the Legislature expresses its gratitude for John M. Dick's service to his city and his state.

2. That the Legislature extends its sympathy to the family of John M. Dick.

3. That a copy of this resolution be sent to the family of John M. Dick.

Laid over.

**GENERAL FILE**

**LEGISLATIVE BILL 933.** Title read. Considered.

Advanced to Enrollment and Review Initial with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 813.** Title read. Considered.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 852.** Title read. Considered.

Advanced to Enrollment and Review Initial with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 947.** Title read. Considered.

Advanced to Enrollment and Review Initial with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 993.** Title read. Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 1065.** Title read. Considered.

Committee AM2046, found on page 735, 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 28 ayes, 1 nay, 13 present and not voting, and 7 excused and not voting.

**LEGISLATIVE BILL 829.** Title read. Considered.

Advanced to Enrollment and Review Initial with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 934.** Title read. Considered.

Advanced to Enrollment and Review Initial with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

**UNANIMOUS CONSENT - Add Cointroducer**

Senator Pirsch asked unanimous consent to add his name as cointroducer to LB801. No objections. So ordered.

**CONFLICT OF INTEREST STATEMENT**

Pursuant to Rule 1, Sec. 19, Senator Council has filed a Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act. The statement is on file in the Clerk of the Legislature's Office.

**VISITORS**

Visitors to the Chamber were Bob and Kathleen Brousek from Bellevue; 48 fourth-grade students and teachers from St. Michael Elementary, Hastings; 48 twelfth-grade students and teacher from Wilber/Clatonia; Barb Wenz from North Platte; 42 fourth-grade students and teachers from Arlington; Senator Fulton's brother, Justin Fulton, from Seward; members of the Nebraska Federation of Women's Clubs and a group of tenth-grade students from across the state; Senator Carlson's cousin, Frank Carlson, from Holdrege; and 46 fourth-grade students and teachers from Pershing Elementary, Lexington.

**RECESS**

At 12:03 p.m., on a motion by Senator Campbell, the Legislature recessed until 1:30 p.m.

**AFTER RECESS**

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

**ROLL CALL**

The roll was called and all members were present except Senator Pahls who was excused; and Senators Avery, Cornett, and Hadley who were excused until they arrive.

**GENERAL FILE**

**LEGISLATIVE BILL 872.** Title read. Considered.

Committee AM1985, found on page 744, was adopted with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 884.** Title read. Considered.

Committee AM1615, found on page 746, was considered.

**PRESIDENT SHEEHY PRESIDING**

The committee amendment was adopted with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 844.** Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 908.** Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 1055.** Title read. Considered.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 758.** Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 809.** Title read. Considered.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 907.** Title read. Considered.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 1085.** Title read. Considered.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 894.** Title read. Considered.

Committee AM1958, found on page 852, was adopted with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 789.** Title read. Considered.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

### **BILL ON FINAL READING**

#### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB1070 with 42 ayes, 1 nay, 5 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 1070.** With Emergency Clause.

A BILL FOR AN ACT relating to education; to amend sections 70-651.04, 77-1736.06, 77-3442, 79-527, 79-1007.05, 79-1036, 79-1242, 79-2111, 79-2112, and 79-2115, Reissue Revised Statutes of Nebraska, and sections 32-546.01, 79-528, 79-1073, 79-1073.01, 79-1241.03, 79-2104, and 79-2110, Revised Statutes Supplement, 2009; to change provisions relating to expense reimbursement for members of learning community coordinating councils, learning community tax levies, distribution of tax proceeds, school reporting, educational service unit funding, focus schools, focus programs, magnet schools, and elementary learning centers; to provide for use of certain funds received by learning communities as prescribed; to harmonize provisions; to provide a duty for the Revisor of Statutes; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Present and not voting, 1:

Pankonin

Excused and not voting, 1:

Pahls

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

### **PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LB1070.

### **RESOLUTIONS**

Pursuant to Rule 4, Sec. 5(b), LRs 428 and 429 were adopted.

### **PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 428 and 429.

### **MOTION - Return LB1002 to Select File**

Senator Loudon moved to return LB1002 to Select File for his specific amendment, AM2434, found on page 1195.

The Loudon motion to return prevailed with 44 ayes, 0 nays, 4 present and not voting, and 1 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 1002.** The Louden specific amendment, AM2434, found on page 1195, was adopted with 41 ayes, 1 nay, 6 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

**LEGISLATIVE BILL 1002A.** Advanced to Enrollment and Review for Engrossment.

**GENERAL FILE**

**LEGISLATIVE BILL 987.** Committee AM1778, found on page 490 and considered on page 548, lost with 9 ayes, 18 nays, 20 present and not voting, and 2 excused and not voting.

Senator Heidemann withdrew his amendments, AM1831 and AM1854, found on pages 522 and 542.

Senator Council renewed her motion, MO95, found on page 1164, to suspend Rule 7, Section 3(d) to permit consideration of AM2418.

Senator Janssen moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 1 nay, and 21 not voting.

Senator Council moved for a call of the house. The motion prevailed with 44 ayes, 0 nays, and 5 not voting.

Senator Council requested a roll call vote on her motion to suspend the rules.

Voting in the affirmative, 31:

Adams	Council	Haar	Langemeier	Wallman
Ashford	Dierks	Hadley	Lathrop	White
Campbell	Dubas	Hansen	Lautenbaugh	Wightman
Coash	Flood	Harms	McGill	
Conrad	Fulton	Howard	Mello	
Cook	Gay	Karpisek	Nordquist	
Cornett	Giese	Krist	Sullivan	

Voting in the negative, 8:

Fischer	Heidemann	Nelson	Stuthman
Gloor	Janssen	Schilz	Utter

Present and not voting, 6:

Carlson      McCoy      Pirsch  
 Christensen   Pankonin   Price

Excused and not voting, 4:

Avery      Louden      Pahls      Rogert

The Council motion to suspend the rules prevailed with 31 ayes, 8 nays, 6 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Council renewed her amendment, AM2418, found on page 1164.

Senator Rogert moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

The Council amendment was adopted with 40 ayes, 1 nay, 6 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 3 nays, 6 present and not voting, and 2 excused and not voting.

### **AMENDMENTS - Print in Journal**

Senator Adams filed the following amendment to LB1072:  
 AM2448

(Amendments to Standing Committee amendments, AM2194)

- 1      1. On page 29, line 3, after "areas" insert "for fiscal
- 2      years prior to fiscal year 2010-11".

Senator Lathrop filed the following amendment to LB563:  
 AM2365 is available in the Bill Room.

Senator Lathrop filed the following amendment to LB622:  
 AM2462 is available in the Bill Room.

### **NOTICE OF COMMITTEE HEARING**

Business and Labor

Room 2102

Wednesday, April 7, 2010    1:00 p.m.

AM2462 to LB622

(Signed) Steve Lathrop, Chairperson

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on March 31, 2010, at 2:35 p.m. was the following: LB1070e.

(Signed) Jamie Kruse  
Clerk of the Legislature's Office

**COMMITTEE REPORT**

## Judiciary

The Judiciary 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.

Candice Batton - Crime Victim's Reparations Committee  
Brenda Smith - Crime Victim's Reparations Committee

Aye: 8 Senators Ashford, Christensen, Coash, Council, Lathrop, Lautenbaugh, McGill, Rogert. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Brad Ashford, Chairperson

**COMMITTEE REPORTS**

## Judiciary

**LEGISLATIVE BILL 771.** Placed on General File with amendment.  
AM2442

- 1 1. Strike original sections 2 to 9 and insert the
- 2 following new sections:
- 3 Sec. 2. Section 28-201, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 28-201 (1) A person shall be guilty of an attempt to
- 6 commit a crime if he or she:
- 7 (a) Intentionally engages in conduct which would
- 8 constitute the crime if the attendant circumstances were as he or
- 9 she believes them to be; or
- 10 (b) Intentionally engages in conduct which, under the
- 11 circumstances as he or she believes them to be, constitutes a
- 12 substantial step in a course of conduct intended to culminate in
- 13 his or her commission of the crime.
- 14 (2) When causing a particular result is an element of
- 15 the crime, a person shall be guilty of an attempt to commit the
- 16 crime if, acting with the state of mind required to establish
- 17 liability with respect to the attendant circumstances specified in
- 18 the definition of the crime, he or she intentionally engages in
- 19 conduct which is a substantial step in a course of conduct intended
- 20 or known to cause such a result.

21 (3) Conduct shall not be considered a substantial step  
 22 under this section unless it is strongly corroborative of the  
 23 defendant's criminal intent.

1 (4) Criminal attempt is:

2 (a) A Class II felony when the crime attempted is a Class  
 3 I, ~~Class IA, or Class IB~~-IA, IB, IC, or ID felony;

4 (b) A Class III felony when the crime attempted is a  
 5 Class II felony;

6 (c) A Class IIIA felony when the crime attempted  
 7 is ~~assault in the first degree under section 28-308, sexual~~  
 8 ~~assault in the second degree under section 28-320, manufacturing,~~  
 9 ~~distributing, delivering, dispensing, or possessing with intent to~~  
 10 ~~manufacture, distribute, deliver, or dispense controlled substances~~  
 11 ~~listed in Schedule I, II, or III of section 28-405 under section~~  
 12 ~~28-416 except for an exceptionally hazardous drug, a violation of~~  
 13 ~~subdivision (2)(b) of section 28-416, incest under section 28-703,~~  
 14 ~~child abuse under subsection (5) of section 28-707, assault on an~~  
 15 ~~officer in the second degree under section 28-930, or assault by~~  
 16 a confined person with a deadly or dangerous weapon under section  
 17 28-932;

18 (d) A Class IV felony when the crime attempted is a Class  
 19 III felony not listed in subdivision (4)(c) of this section;

20 (e) A Class I misdemeanor when the crime attempted is a  
 21 Class IIIA or Class IV felony;

22 (f) A Class II misdemeanor when the crime attempted is a  
 23 Class I misdemeanor; and

24 (g) A Class III misdemeanor when the crime attempted is  
 25 a Class II misdemeanor.

26 Sec. 3. Section 28-309, Revised Statutes Supplement,  
 27 2009, is amended to read:

1 28-309 (1) A person commits the offense of assault in the  
 2 second degree if he or she:

3 (a) Intentionally or knowingly causes bodily injury to  
 4 another person with a dangerous instrument;

5 (b) Recklessly causes serious bodily injury to another  
 6 person with a dangerous instrument; or

7 ~~(c)(i) While during confinement or legally confined~~  
 8 ~~in a jail or an adult correctional or penal institution, (ii)~~  
 9 ~~while otherwise in legal custody of the Department of Correctional~~  
 10 ~~Services, or in any county jail, (iii) while committed as a~~  
 11 ~~dangerous sex offender under the Sex Offender Commitment Act,~~  
 12 unlawfully strikes or wounds another.

13 (2) Assault in the second degree shall be a Class III  
 14 felony.

15 Sec. 4. Section 28-929, Revised Statutes Supplement,  
 16 2009, is amended to read:

17 28-929 (1) A person commits the offense of assault on an  
 18 officer in the first degree if he or she intentionally or knowingly  
 19 causes serious bodily injury to

20 (a)(i) To a peace officer, a probation officer, or an  
 21 employee of the Department of Correctional Services; or  
 22 (ii) To an employee of the Department of Health and Human  
 23 Services, if the person committing the offense is committed as a  
 24 dangerous sex offender under the Sex Offender Commitment Act; and

25 (b) The offense is committed while such officer or  
 26 employee is engaged in the performance of his or her official  
 27 duties.

1 (2) Assault on an officer in the first degree shall be a  
 2 Class ID felony.

3 Sec. 5. Section 28-930, Revised Statutes Supplement,  
 4 2009, is amended to read:

5 28-930 (1) A person commits the offense of assault on an  
 6 officer in the second degree if he or she:

7 (a) Intentionally or knowingly causes bodily injury with  
 8 a dangerous instrument~~to~~

9 (i)(A) To a peace officer, a probation officer, or an  
 10 employee of the Department of Correctional Services; or  
 11 (B) To an employee of the Department of Health and Human  
 12 Services, if the person committing the offense is committed as a  
 13 dangerous sex offender under the Sex Offender Commitment Act; and

14 (ii) The offense is committed while such officer or  
 15 employee is engaged in the performance of his or her official  
 16 duties; or

17 (b) Recklessly causes bodily injury with a dangerous  
 18 instrument;~~to~~

19 (i)(A) To a peace officer, a probation officer, or an  
 20 employee of the Department of Correctional Services; or  
 21 (B) To an employee of the Department of Health and Human  
 22 Services, if the person committing the offense is committed as a  
 23 dangerous sex offender under the Sex Offender Commitment Act; and

24 (ii) The offense is committed while such officer or  
 25 employee is engaged in the performance of his or her official  
 26 duties.

27 (2) Assault on an officer in the second degree shall be a  
 1 Class II felony.

2 Sec. 6. Section 28-931, Reissue Revised Statutes of  
 3 Nebraska, is amended to read:

4 28-931 (1) A person commits the offense of assault on an  
 5 officer in the third degree if he or she intentionally, knowingly,  
 6 or recklessly causes bodily injury~~to~~

7 (a)(i) To a peace officer, a probation officer, or an  
 8 employee of the Department of Correctional Services; or

9 (ii) To an employee of the Department of Health and Human  
 10 Services, if the person committing the offense is committed as a  
 11 dangerous sex offender under the Sex Offender Commitment Act; and  
 12 (b) The offense is committed while such officer or  
 13 employee is engaged in the performance of his or her official  
 14 duties.

15 (2) Assault on an officer in the third degree shall be a  
16 Class IIIA felony.

17 Sec. 7. Section 28-931.01, Reissue Revised Statutes of  
18 Nebraska, is amended to read:

19 28-931.01 (1) A person commits the offense of assault on  
20 an officer using a motor vehicle if he or she intentionally and  
21 knowingly causes bodily injury to

22 (a)(i) To a peace officer, a probation officer, or an  
23 employee of the Department of Correctional Services; or

24 (ii) To an employee of the Department of Health and Human  
25 Services ~~(a)-(A)~~ by using a motor vehicle to run over or to strike  
26 such officer or employee or ~~(b)-(B)~~ by using a motor vehicle to  
27 collide with such officer's or employee's motor vehicle, if the  
1 person committing the offense is committed as a dangerous sex  
2 offender under the Sex Offender Commitment Act; and

3 (b) The offense is committed while such officer or  
4 employee is engaged in the performance of his or her duties.

5 (2) Assault on an officer using a motor vehicle shall be  
6 a Class IIIA felony.

7 Sec. 8. Section 28-932, Reissue Revised Statutes of  
8 Nebraska, is amended to read:

9 28-932 (1) Any person (a) who is legally confined in  
10 a jail or an adult correctional or penal institution, (b) who  
11 is otherwise in legal custody of the Department of Correctional  
12 Services, or (c) who is committed as a dangerous sex offender under  
13 the Sex Offender Commitment Act, and intentionally, knowingly, or  
14 recklessly causes bodily injury to another person shall be guilty  
15 of a Class IIIA felony, except that if a deadly or dangerous weapon  
16 is used to commit such assault he or she shall be guilty of a Class  
17 III felony.

18 (2) Sentences imposed under subsection (1) of this  
19 section shall be consecutive to any sentence or sentences imposed  
20 for violations committed prior to the violation of subsection (1)  
21 of this section and shall not include any credit for time spent in  
22 custody prior to sentencing unless the time in custody is solely  
23 related to the offense for which the sentence is being imposed  
24 under this section.

25 Sec. 9. Section 28-933, Reissue Revised Statutes of  
26 Nebraska, is amended to read:

27 28-933 ~~(4)-(1)~~(a) Any person (i) who is legally confined  
1 in a jail or an adult correctional or penal institution, (ii) who  
2 is otherwise in legal custody of the Department of Correctional  
3 Services, or (iii) who is committed as a dangerous sex offender  
4 under the Sex Offender Commitment Act and (b) who commits ~~(a)~~

5 (i) assault in the first, second, or third degree as defined in  
6 sections 28-308 to 28-310, ~~(b)~~(ii) terroristic threats as defined  
7 in section 28-311.01, ~~(c)~~(iii) kidnapping as defined in section  
8 28-313, or ~~(d)~~(iv) false imprisonment in the first or second  
9 degree as defined in sections 28-314 and 28-315, against any person

10 for the purpose of compelling or inducing the performance of any  
 11 act by such person or any other person shall be guilty of a Class  
 12 II felony.

13 (2) Sentences imposed under subsection (1) of this  
 14 section shall be served consecutive to any sentence or sentences  
 15 imposed for violations committed prior to the violation of  
 16 subsection (1) of this section and shall not include any credit  
 17 for time spent in custody prior to sentencing unless the time in  
 18 custody is solely related to the offense for which the sentence is  
 19 being imposed under this section.

**LEGISLATIVE RESOLUTION 411.** Reported to the Legislature for further consideration.

(Signed) Brad Ashford, Chairperson

**SELECT FILE**

**LEGISLATIVE BILL 1071.** ER8199, found on page 953, was adopted.

Senator Adams withdrew his amendment, AM2323, found on page 1051.

Senator Adams renewed his amendment, AM2403, found on page 1165.

The Adams amendment was adopted with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

Senator Adams offered the following amendment:  
 AM2460 is available in the Bill Room.

The Adams amendment was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 800.** ER8201, found on page 970, was adopted.

Senator Karpisek asked unanimous consent to withdraw his amendment, AM2266, found on page 1031, and replace it with his substitute amendment, AM2461. No objections. So ordered.  
 AM2461

(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 eighteen years of age or younger 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 eighteen years of age or younger 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.

### **SENATOR SULLIVAN PRESIDING**

The Karpisek amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Senator Ashford renewed his amendment, AM2385, found on page 1184.

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

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 800A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 849.** ER8209, found on page 970, was adopted.

Senator Stuthman withdrew his amendment, AM2226, found on page 939.

Senator Gay renewed his amendment, AM2297, found on page 1015.

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

Senator Coash renewed his amendment, AM2431, found on page 1230.

The Coash amendment was adopted with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 862.** Senator Carlson renewed his amendment, AM2441, found on page 1231.

**SENATOR ROBERT PRESIDING**

The Carlson amendment was adopted with 32 ayes, 1 nay, 10 present and not voting, and 6 excused and not voting.

Senator Christensen offered the following amendment:  
AM2443

(Amendments to Standing Committee amendments, AM2004)

- 1 1. On page 1, line 14, after "intent" insert "in the
- 2 plan".
- 3 2. On page 3, line 5, strike "The district", show as
- 4 stricken, and insert "A district with an integrated management plan
- 5 as described in subsection (1) of section 2-3226.01".

The Christensen amendment was adopted with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 877.** ER8188, found on page 768, was adopted.

Senator Cornett withdrew her amendment, AM2304, found on page 1050.

Senator Cornett renewed her amendment, AM2439, found on page 1230.

**SENATOR SULLIVAN PRESIDING**

The Cornett amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**RESOLUTION**

**LEGISLATIVE RESOLUTION 541.** Introduced by Nelson, 6; Conrad, 46; Fulton, 29; Hansen, 42; Harms, 48; Heidemann, 1; Mello, 5; Nordquist, 7; Wightman, 36.

WHEREAS, pursuant to section 85-1415, the Board of Regents of the University of Nebraska has submitted to the Coordinating Commission for Postsecondary Education a request to issue revenue bonds in an amount not to exceed \$18,000,000 for the purchase of a 480-bed student housing complex with parking at the University of Nebraska at Omaha Pacific campus. The purchase price to be paid by the university is approximately \$15,670,000; and

WHEREAS, upon its review of the request, the Coordinating Commission for Postsecondary Education has recommended approval of the request by the Legislature; and

WHEREAS, the board has submitted the request to the Legislature for its approval in accordance with sections 85-404 and 85-1415.

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

1. That pursuant to section 85-404, the Legislature approves the request for the issuance of revenue bonds in an amount not to exceed \$18,000,000 for the purchase of a 480-bed student housing complex with parking at the University of Nebraska at Omaha Pacific campus.

Laid over.

### AMENDMENT - Print in Journal

Senator Council filed the following amendment to LB712:  
AM2465

(Amendments to E & R amendments, ER8225)

- 1 1. Insert the following new section:
- 2 Sec. 36. Section 47-502, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 47-502 Any person sentenced to a city or county jail
- 5 shall, after the fifteenth day of his or her confinement, have his
- 6 or her term reduced ~~seven days for each fourteen consecutive days~~
- 7 one day for each day of his or her sentence during which he or she
- 8 has not committed any breach of discipline or other violation of
- 9 jail regulations. ~~The reductions authorized by this section shall~~
- 10 ~~be granted at the end of each period of fourteen days, with such~~
- 11 ~~periods to run consecutively from the date of confinement following~~
- 12 ~~sentencing.~~
- 13 2. On page 47, line 19, strike "and 43" and insert "41,
- 14 and 44".
- 15 3. On page 48, line 2, after "43-3330," insert "47-502,".
- 16 4. Renumber the remaining sections and correct internal
- 17 references accordingly.

### BILL ON FIRST READING

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

**LEGISLATIVE BILL 779A.** Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 779, One Hundred First Legislature, Second Session, 2010.

## SELECT FILE

**LEGISLATIVE BILL 801.** ER8216, found on page 1021, was adopted.

Senator Fulton offered the following amendment:

AM2447

(Amendments to E & R amendments, ER8216)

- 1 1. On page 1, after line 6, insert the following new  
2 subdivision:  
3 "(1) Access software provider means a provider of  
4 software, including client or server software, or enabling tools  
5 that do any one or more of the following: (a) Filter, screen,  
6 allow, or disallow content; (b) pick, choose, analyze, or digest  
7 content; or (c) transmit, receive, display, forward, cache, search,  
8 subset, organize, reorganize, or translate content;"; in line 7  
9 strike "(1)" and insert "(2)"; in line 17 strike "(2)" and insert  
10 "(3)"; in line 20 strike "(3)" and insert "(4)"; after line 22  
11 insert the following new subdivision:  
12 "(5) Cable operator means any person or group of persons  
13 (a) who provides cable service over a cable system and directly or  
14 through one or more affiliates owns a significant interest in such  
15 cable system or (b) who otherwise controls or is responsible for,  
16 through any arrangement, the management and operation of such a  
17 cable system;"; and in line 23, strike "(4)" and insert "(6)".  
18 2. On page 2, line 7, strike "(5)" and insert "(7)"; in  
19 line 12 strike "(6)" and insert "(8)"; in line 16 strike "(7)" and  
20 insert "(9)"; in line 18 strike "(8)" and insert "(10)"; and in  
21 line 24 strike "(9)" and insert "(11)".  
22 3. On page 3, line 12, strike "(10)" and insert "(12)";  
1 after line 18 insert the following new subdivisions:  
2 "(13) Information content provider means any person or  
3 entity that is responsible, in whole or in part, for the creation  
4 or development of information provided through the Internet or any  
5 other interactive computer service;  
6 (14) Interactive computer service means any information  
7 service, system, or access software provider that provides or  
8 enables computer access by multiple users to a computer server,  
9 including specifically a service or system that provides access  
10 to the Internet and such systems operated or services offered by  
11 libraries or educational institutions;"; in line 19 strike "(11)"  
12 and insert "(15)"; and in line 23 strike "(12)" and insert "(16)".  
13 4. On page 4, line 1, strike "(13)" and insert "(17)"; in  
14 line 9 strike "(14)" and insert "(18)"; in line 12 strike "(15)"  
15 and insert "(19)"; strike lines 19 through 23; and in line 24  
16 strike "(17)" and insert "(20)".  
17 5. On page 5, line 9, strike "(18)" and insert "(21)"; in  
18 line 19 strike "(19)" and insert "(22)"; after line 21 insert the  
19 following new subdivision:

20 "(23) Telecommunications service means the offering of  
 21 telecommunications for a fee directly to the public, or to such  
 22 classes of users as to be effectively available directly to the  
 23 public, regardless of the facilities used;"; in line 22 strike  
 24 "(20)" and insert "(24)"; strike line 26; and in line 27 strike  
 25 "(21)" and insert "(25)".

26 6. On page 6, line 4, strike the period, reinstate the  
 27 stricken semicolon, and after the semicolon insert "and"; and after  
 1 line 4 insert the following new subdivision:

2 "(26) Use or promote the use of, for purposes of  
 3 subdivision (a)(12) of section 87-302, means contrive, prepare,  
 4 establish, plan, operate, advertise, or otherwise induce or attempt  
 5 to induce another person to participate in a pyramid promotional  
 6 scheme, including a pyramid promotional scheme run through the  
 7 Internet, email, or other electronic communications.".

8 7. On page 11, after line 22, insert the following new  
 9 subsection:

10 "(e) Subdivision (a)(12) of section 87-302 shall not  
 11 be construed to authorize a civil action against an interactive  
 12 computer service, provider of telecommunications service, or cable  
 13 operator for the actions of an information content provider.".

The Fulton 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 1094.** ER8217, found on page 1021, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 1094A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 842.** Senator Council renewed her amendment, AM2301, found on page 1053.

Senator Council moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Senator Council requested a roll call vote on her amendment.

Voting in the affirmative, 17:

Avery	Cornett	Howard	Mello	White
Campbell	Council	Krist	Nordquist	
Conrad	Dubas	Lathrop	Sullivan	
Cook	Haar	McGill	Wallman	

Voting in the negative, 22:

Adams	Fulton	Janssen	Nelson	Utter
Carlson	Giese	Karpisek	Pankonin	Wightman
Christensen	Gloor	Langemeier	Price	
Coash	Hadley	Lautenbaugh	Schilz	
Fischer	Harms	McCoy	Stuthman	

Present and not voting, 8:

Ashford	Flood	Hansen	Pirsch
Dierks	Gay	Heidemann	Rogert

Excused and not voting, 2:

Louden	Pahls
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The Council amendment lost with 17 ayes, 22 nays, 8 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 950.** ER8219, found on page 1049, was adopted.

Senator Pankonin renewed his amendment, AM2353, found on page 1131.

The Pankonin amendment was adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

### AMENDMENTS - Print in Journal

Senator Langemeier filed the following amendment to LB1048:  
AM2459 is available in the Bill Room.

Senator Dierks filed the following amendment to LB594:  
AM2386

(Amendments to E & R amendments, ER8220)

- 1 1. On page 15, line 25, strike "such section", show
- 2 as stricken, and insert "subdivision (1), (2), (3), (7), or
- 3 (8) of section 28-327"; and in line 26 strike beginning with
- 4 "certification" through "subdivision", show as stricken, and insert
- 5 "certifications prescribed by subdivisions (4) and".

**EASE**

The Legislature was at ease from 5:52 p.m. until 5:55 p.m.

**SELECT FILE**

**LEGISLATIVE BILL 510.** Senator Pirsch withdrew his amendment, AM2372, found on page 1111.

Senator Ashford withdrew his amendment, AM2377, found on page 1115.

Senator Ashford withdrew his motion, MO94, found on page 1115, to bracket until April 14, 2010.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 510A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 1010.** ER8210, found on page 975, was adopted.

Senator Pankonin renewed his amendment, AM2249, found on page 945.

The Pankonin amendment was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 945.** Senator Rogert renewed his amendment, AM2121, found on page 940.

**SENATOR JANSSEN PRESIDING**

Senator Wightman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 1 nay, and 19 not voting.

The Rogert amendment was adopted with 25 ayes, 16 nays, 5 present and not voting, and 3 excused and not voting.

Senator Rogert withdrew his amendment, AM2367, found on page 1111.

Senator Stuthman requested a machine vote on the advancement of the bill.

Advanced to Enrollment and Review for Engrossment with 34 ayes, 9 nays, 3 present and not voting, and 3 excused and not voting.

**MOTION - Print in Journal**

Senator Council filed the following motion to LB510:  
MO97  
Recommit to Judiciary Committee.

**VISITORS**

Visitors to the Chamber were 44 fourth-grade students and teachers from Hayward Elementary, Nebraska City; and Senator Dubas' daughter, Deanna Ebmeier, from Lincoln.

**ADJOURNMENT**

At 7:32 p.m., on a motion by Senator Mello, the Legislature adjourned until 9:00 a.m., Thursday, April 1, 2010.

Patrick J. O'Donnell  
Clerk of the Legislature