

**FIFTY-FOURTH DAY - APRIL 6, 2010****LEGISLATIVE JOURNAL****ONE HUNDRED FIRST LEGISLATURE  
SECOND SESSION****FIFTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, April 6, 2010

**PRAYER**

The prayer was offered by Pastor Mary Ellen Gaither, First Presbyterian Church, Humboldt.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 10:00 a.m., Senator Carlson presiding.

The roll was called and all members were present except Senators Gay, Haar, Heidemann, and Loudon who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fifty-third day was approved.

**COMMITTEE REPORTS**

Enrollment and Review

**LEGISLATIVE BILL 852.** Placed on Select File.

**LEGISLATIVE BILL 947.** Placed on Select File.

**LEGISLATIVE BILL 993.** Placed on Select File.

**LEGISLATIVE BILL 1065.** Placed on Select File with amendment.  
ER8232

1 1. On page 1, line 1, strike "motor".

**LEGISLATIVE BILL 829.** Placed on Select File.

**LEGISLATIVE BILL 934.** Placed on Select File.

**LEGISLATIVE BILL 872.** Placed on Select File.

**LEGISLATIVE BILL 884.** Placed on Select File with amendment.  
ER8231

1 1. Strike the original sections and all amendments

2 thereto and insert the following new sections:

3 Section 1. Section 29-431, Reissue Revised Statutes of

4 Nebraska, is amended to read:

5 29-431 As used in sections 28-416, 29-422, 29-424,  
6 29-425, ~~and 29-431 to 29-434, and 48-1231~~, unless the context  
7 otherwise requires, ~~infraction shall mean means~~ the violation of  
8 any law, ordinance, order, rule, or regulation, not including  
9 those related to traffic, which is not otherwise declared to  
10 be a misdemeanor or a felony. ~~Infraction shall include includes~~  
11 violations of section 60-6,267.

12 Sec. 2. Section 48-1230, Revised Statutes Cumulative  
13 Supplement, 2008, is amended to read:

14 48-1230 (1) Except as otherwise provided in this section,  
15 each employer shall pay all wages due its employees on regular  
16 days designated by the employer or agreed upon by the employer and  
17 employee. Thirty days' written notice shall be given to an employee  
18 before regular paydays are altered by an employer. An employer  
19 may deduct, withhold, or divert a portion of an employee's wages  
20 only when the employer is required to or may do so by state or  
21 federal law or by order of a court of competent jurisdiction or  
22 the employer has written agreement with the employee to deduct,  
23 withhold, or divert.

1 (2) Within ten working days after a written request is  
2 made by an employee, an employer shall furnish such employee with  
3 an itemized statement listing the wages earned and the deductions  
4 made from the employee's wages under subsection (1) of this section  
5 for each pay period that earnings and deductions were made. The  
6 statement may be in print or electronic format.

7 ~~(2)-(3)~~ Except as otherwise provided in section  
8 48-1230.01:

9 (a) Whenever an employer, other than a political  
10 subdivision, separates an employee from the payroll, the unpaid  
11 wages shall become due on the next regular payday or within two  
12 weeks of the date of termination, whichever is sooner; and

13 (b) Whenever a political subdivision separates an  
14 employee from the payroll, the unpaid wages shall become due within  
15 two weeks of the next regularly scheduled meeting of the governing  
16 body of the political subdivision if such employee is separated  
17 from the payroll at least one week prior to such meeting, or if an  
18 employee of a political subdivision is separated from the payroll  
19 less than one week prior to the next regularly scheduled meeting of  
20 the governing body of the political subdivision, the unpaid wages  
21 shall be due within two weeks of the following regularly scheduled  
22 meeting of the governing body of the political subdivision.

23 Sec. 3. Section 48-1231, Reissue Revised Statutes of  
24 Nebraska, is amended to read:

25 48-1231 (1) An employee having a claim for wages which  
26 are not paid within thirty days of the regular payday designated or  
27 agreed upon may institute suit for such unpaid wages in the proper  
1 court. If an employee establishes a claim and secures judgment on  
2 the claim, such employee shall be entitled to recover ~~(1)-(a)~~ the

3 full amount of the judgment and all costs of such suit and ~~(2)~~(b)  
 4 if such employee has employed an attorney in the case, an amount  
 5 for attorney's fees assessed by the court, which fees shall not be  
 6 less than twenty-five percent of the unpaid wages. If the cause is  
 7 taken to an appellate court and the plaintiff recovers a judgment,  
 8 the appellate court shall tax as costs in the action, to be paid  
 9 to the plaintiff, an additional amount for attorney's fees in such  
 10 appellate court, which fees shall not be less than twenty-five  
 11 percent of the unpaid wages. If the employee fails to recover a  
 12 judgment in excess of the amount that may have been tendered within  
 13 thirty days of the regular payday by an employer, such employee  
 14 shall not recover the attorney's fees provided by this section. If  
 15 the court finds that no reasonable dispute existed as to the fact  
 16 that wages were owed or as to the amount of such wages, the court  
 17 may order the employee to pay the employer's attorney's fees and  
 18 costs of the action as assessed by the court.

19 (2) An employer who fails to furnish an itemized  
 20 statement requested by an employee under subsection (2) of section  
 21 48-1230 shall be guilty of an infraction as defined in section  
 22 29-431 and shall be subject to a fine pursuant to section 29-436.

23 Sec. 4. Section 48-1232, Revised Statutes Cumulative  
 24 Supplement, 2008, is amended to read:

25 48-1232 If an employee establishes a claim and secures  
 26 judgment on such claim under subsection (1) of section 48-1231: (1)  
 27 An amount equal to the judgment may be recovered from the employer;  
 1 or (2) if the nonpayment of wages is found to be willful, an amount  
 2 equal to two times the amount of unpaid wages shall be recovered  
 3 from the employer. Any amount recovered pursuant to subdivision (1)  
 4 or (2) of this section shall be remitted to the State Treasurer  
 5 for distribution in accordance with Article VII, section 5, of the  
 6 Constitution of Nebraska.

7 Sec. 5. Original sections 29-431 and 48-1231, Reissue  
 8 Revised Statutes of Nebraska, and sections 48-1230 and 48-1232,  
 9 Revised Statutes Cumulative Supplement, 2008, are repealed.

10 2. On page 1, line 1, strike "section" and insert  
 11 "sections 29-431 and"; and in line 6 strike "remedy" and insert  
 12 "penalty".

**LEGISLATIVE BILL 844.** Placed on Select File.

**LEGISLATIVE BILL 908.** Placed on Select File.

**LEGISLATIVE BILL 1055.** Placed on Select File with amendment.

ER8236

- 1 1. On page 1, line 1, after the first "to" insert "the";
- 2 and in line 5 strike "alphabetize" and insert "reorganize".
- 3 2. On page 12, line 4, strike "(a)" and show as stricken;
- 4 in line 5 after "she" insert "(a)"; and in line 15, after
- 5 "unemployment" insert "compensation".

**LEGISLATIVE BILL 758.** Placed on Select File.

**LEGISLATIVE BILL 809.** Placed on Select File.

**LEGISLATIVE BILL 907.** Placed on Select File.

**LEGISLATIVE BILL 1085.** Placed on Select File.

**LEGISLATIVE BILL 894.** Placed on Select File with amendment.  
ER8235

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 28-101, Revised Statutes Supplement,
- 4 2009, is amended to read:
- 5 28-101 Sections 28-101 to 28-1356 and section 3 of this
- 6 act shall be known and may be cited as the Nebraska Criminal Code.
- 7 Sec. 2. Section 28-511.01, Reissue Revised Statutes of
- 8 Nebraska, is amended to read:
- 9 28-511.01 (1) A person commits the crime of theft by
- 10 shoplifting when he or she, with the intent of appropriating goods
- 11 or merchandise to his or her own use without paying for the ~~same~~
- 12 goods or merchandise or to deprive the owner of possession of such
- 13 property-goods or merchandise or its retail value, in whole or in
- 14 part, does any of the following:
- 15 (a) Conceals or takes possession of the goods or
- 16 merchandise of any store or retail establishment;
- 17 (b) Alters the price tag or other price marking on goods
- 18 or merchandise of any store or retail establishment;
- 19 (c) Transfers the goods or merchandise of any store or
- 20 retail establishment from one container to another;
- 21 (d) Interchanges the label or price tag from one item of
- 22 a good or of merchandise with a label or price tag for another item
- 23 of a good or of merchandise; ~~or~~
- 1 (e) Causes the cash register or other sales recording
- 2 device to reflect less than the retail price of the goods or
- 3 merchandise; ~~or~~
- 4 (f) Alters, bypasses, disables, shields, or removes any
- 5 security or alarm device attached to or housing any goods or
- 6 merchandise of any store, including the use or possession of a
- 7 security device countermeasure as defined in section 3 of this act,
- 8 prior to purchase of the goods or merchandise.
- 9 (2) In any prosecution for theft by shoplifting,
- 10 photographs of the shoplifted property may be accepted as prima
- 11 facie evidence as to the identity of the property. Such photograph
- 12 shall be accompanied by a written statement containing the
- 13 following:
- 14 (a) A description of the property;
- 15 (b) The name of the owner or owners of the property;
- 16 (c) The time, date, and location where the shoplifting
- 17 occurred;
- 18 (d) The time and date the photograph was taken;

19 (e) The name of the photographer; and

20 (f) Verification by the arresting officer.

21 The purpose of this subsection is to allow the owner  
22 or owners of shoplifted property the use of such property during  
23 pending criminal prosecutions.

24 Prior to allowing the use of the shoplifted property as  
25 provided in this section, legal counsel for the alleged shoplifter  
26 shall have a reasonable opportunity to inspect and appraise the  
27 property and may file a motion for retention of the property,  
1 which motion shall be granted if there is any reasonable basis for  
2 believing that the photographs and accompanying affidavit may be  
3 misleading.

4 Sec. 3. (1) It shall be unlawful for any person, other  
5 than an authorized agent of a store or retail establishment, to  
6 possess, in that store, any security device countermeasure.

7 (2) For purposes of this section, security device  
8 countermeasure means a device which bypasses, disables, or removes  
9 an electronic or magnetic theft alarm sensor.

10 (3) Any person violating this section is guilty of a  
11 Class II misdemeanor.

12 Sec. 4. Original section 28-511.01, Reissue Revised  
13 Statutes of Nebraska, and section 28-101, Revised Statutes  
14 Supplement, 2009, are repealed.

**LEGISLATIVE BILL 789.** Placed on Select File.

**LEGISLATIVE BILL 987.** Placed on Select File with amendment.  
ER8234

1 1. On page 1, strike beginning with "veterans" in line 1  
2 through line 5 and insert "the Department of Economic Development;  
3 to create the Lead-Based Paint Hazard Control Program; to state  
4 intent; to provide duties; and to provide a termination date.".

**LEGISLATIVE BILL 563A.** Placed on Select File.

**LEGISLATIVE BILL 779A.** Placed on Select File.

(Signed) Jeremy Nordquist, Chairperson

**MESSAGE FROM THE GOVERNOR**

April 5, 2010

Patrick J. O'Donnell  
 Clerk of the Legislature  
 State Capitol, Room 2018  
 Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 728, 742, 836, 879e, 882, 937e, 937Ae, 951, 951A, 956e, 1018, and 1057e were received in my office on March 30, 2010.

Engrossed Legislative Bill 1070e was received in my office on March 31, 2010.

These bills were signed and delivered to the Secretary of State on April 5, 2010.

Sincerely,  
 (Signed) Dave Heineman  
 Governor

**MOTION - Approve Appointments**

Senator Ashford moved the adoption of the Judiciary Committee report for the confirmation of the following appointment(s) found on page 1246:

Crime Victim's Reparations Committee

Candice Batton

Brenda Smith

Voting in the affirmative, 41:

Adams	Council	Harms	McGill	Stuthman
Ashford	Dierks	Howard	Mello	Sullivan
Avery	Dubas	Janssen	Nelson	Utter
Campbell	Fischer	Karpisek	Pahls	Wallman
Carlson	Fulton	Krist	Pankonin	White
Coash	Giese	Langemeier	Pirsch	
Conrad	Gloor	Lathrop	Price	
Cook	Hadley	Lautenbaugh	Rogert	
Cornett	Hansen	McCoy	Schilz	

Voting in the negative, 0.

Present and not voting, 4:

Christensen	Flood	Nordquist	Wightman
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Excused and not voting, 4:

Gay            Haar            Heidemann    Louden

The appointments were confirmed with 41 ayes, 0 nays, 4 present and not voting, and 4 excused and not voting.

### **GENERAL FILE**

**LEGISLATIVE BILL 987A.** Title read. Considered.

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

**LEGISLATIVE BILL 507A.** 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.

### **SELECT FILE**

**LEGISLATIVE BILL 1048.** ER8211, found on page 979, was adopted.

Senator Langemeier withdrew his amendment, AM2413, found on page 1232.

Senator Langemeier renewed his amendment, AM2459, found on page 1260.

The Langemeier amendment was adopted with 39 ayes, 0 nays, and 10 present and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 1048A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 861.** ER8212, found on page 980, was adopted.

Senator Karpisek renewed his amendment, AM2287, found on page 1029.

The Karpisek amendment was adopted with 35 ayes, 0 nays, and 14 present and not voting.

Senator Coash renewed his amendment, AM2163, found on page 943.

Senator Janssen moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 8 nays, and 13 not voting.

The Coash amendment was adopted with 33 ayes, 10 nays, and 6 present and not voting.

Senator Christensen offered the following amendment:

FA73

On page 1 line 19 strike 60% and add 2/3.

The Christensen amendment was adopted with 27 ayes, 2 nays, 19 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 961.** ER8213, found on page 980, was adopted.

Senator Council renewed her amendment, AM2311, found on page 1053.

The Council amendment was adopted with 39 ayes, 0 nays, 9 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 544.** Introduced by Harms, 48; Schilz, 47.

WHEREAS, Jeremy Stevens, a history-education major at Western Nebraska Community College in Sidney, was named to the Phi Theta Kappa 2010 All-Nebraska Academic Team; and

WHEREAS, Phi Theta Kappa is the international honor society for two-year colleges, symbolizing excellence in higher education and a commitment to students; and

WHEREAS, the words Phi Theta Kappa in Greek mean wisdom, aspiration, and purity; and

WHEREAS, students must have a grade point average of 3.5 or higher to be invited to join Phi Theta Kappa; and

WHEREAS, Phi Theta Kappa introduced State Academic Teams in 1994 as a way to provide scholastic recognition to members while promoting excellence at two-year colleges; and

WHEREAS, the Phi Theta Kappa 2010 All-Nebraska Academic Team recognizes the state's two-year college scholars by saluting their academic achievement, leadership, and service; and

WHEREAS, Nebraska honored the Phi Theta Kappa 2010 All-Nebraska Academic Team with a special ceremony at the State Capitol on March 31, 2010.



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

1. That the Legislature congratulates Jeremy Stevens for being named to the Phi Theta Kappa 2010 All-Nebraska Academic Team.

2. That a copy of this resolution be sent to Jeremy Stevens.

Laid over.

**LEGISLATIVE RESOLUTION 545.** Introduced by Harms, 48; Schilz, 47.

WHEREAS, Heather Bobo, a business administration major at Western Nebraska Community College in Sidney, was named to the Phi Theta Kappa 2010 All-Nebraska Academic Team; and

WHEREAS, Phi Theta Kappa is the international honor society for two-year colleges, symbolizing excellence in higher education and a commitment to students; and

WHEREAS, the words Phi Theta Kappa in Greek mean wisdom, aspiration, and purity; and

WHEREAS, students must have a grade point average of 3.5 or higher to be invited to join Phi Theta Kappa; and

WHEREAS, Phi Theta Kappa introduced State Academic Teams in 1994 as a way to provide scholastic recognition to members while promoting excellence at two-year colleges; and

WHEREAS, the Phi Theta Kappa 2010 All-Nebraska Academic Team recognizes the state's two-year college scholars by saluting their academic achievement, leadership, and service; and

WHEREAS, Nebraska honored the Phi Theta Kappa 2010 All-Nebraska Academic Team with a special ceremony at the State Capitol on March 31, 2010.

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

1. That the Legislature congratulates Heather Bobo for being named to the Phi Theta Kappa 2010 All-Nebraska Academic Team.

2. That a copy of this resolution be sent to Heather Bobo.

Laid over.

**LEGISLATIVE RESOLUTION 546.** Introduced by Harms, 48.

WHEREAS, Rebecca Bell, a business administration-accounting major at Western Nebraska Community College in Scottsbluff, was named to the Phi Theta Kappa 2010 All-Nebraska Academic Team; and

WHEREAS, Phi Theta Kappa is the international honor society for two-year colleges, symbolizing excellence in higher education and a commitment to students; and

WHEREAS, the words Phi Theta Kappa in Greek mean wisdom, aspiration, and purity; and

WHEREAS, students must have a grade point average of 3.5 or higher to be invited to join Phi Theta Kappa; and

WHEREAS, Phi Theta Kappa introduced State Academic Teams in 1994 as a way to provide scholastic recognition to members while promoting excellence at two-year colleges; and

WHEREAS, the Phi Theta Kappa 2010 All-Nebraska Academic Team recognizes the state's two-year college scholars by saluting their academic achievement, leadership, and service; and

WHEREAS, Nebraska honored the Phi Theta Kappa 2010 All-Nebraska Academic Team with a special ceremony at the State Capitol on March 31, 2010.

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

1. That the Legislature congratulates Rebecca Bell for being named to the Phi Theta Kappa 2010 All-Nebraska Academic Team.

2. That a copy of this resolution be sent to Rebecca Bell.

Laid over.

**LEGISLATIVE RESOLUTION 547.** Introduced by Harms, 48.

WHEREAS, Amber Kistler, a general studies major at Western Nebraska Community College in Scottsbluff, was named to the Phi Theta Kappa 2010 All-Nebraska Academic Team; and

WHEREAS, Phi Theta Kappa is the international honor society for two-year colleges, symbolizing excellence in higher education and a commitment to students; and

WHEREAS, the words Phi Theta Kappa in Greek mean wisdom, aspiration, and purity; and

WHEREAS, students must have a grade point average of 3.5 or higher to be invited to join Phi Theta Kappa; and

WHEREAS, Phi Theta Kappa introduced State Academic Teams in 1994 as a way to provide scholastic recognition to members while promoting excellence at two-year colleges; and

WHEREAS, the Phi Theta Kappa 2010 All-Nebraska Academic Team recognizes the state's two-year college scholars by saluting their academic achievement, leadership, and service; and

WHEREAS, Nebraska honored the Phi Theta Kappa 2010 All-Nebraska Academic Team with a special ceremony at the State Capitol on March 31, 2010.

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

1. That the Legislature congratulates Amber Kistler for being named to the Phi Theta Kappa 2010 All-Nebraska Academic Team.

2. That a copy of this resolution be sent to Amber Kistler.

Laid over.

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

Senator Heidemann filed the following amendment to LB987A:  
AM2444

- 1 1. On page 2, line 23, strike the new matter and
- 2 reinstate the stricken matter.

### **UNANIMOUS CONSENT - Add Cointroducer**

Senator Cook asked unanimous consent to add her name as cointroducer to LB987. No objections. So ordered.

### **VISITORS**

Visitors to the Chamber were members of 155th Air Refueling Wing, Nebraska Air National Guard; 20 fourth-grade students and teacher from Wildwood Elementary, Ralston; Beth Boyle and Kathy Lodl from Scribner; members of Heartland Family Services from Omaha; and Senator Giese's parents, Bob and Pat Giese, from South Sioux City.

### **RECESS**

At 11:54 a.m., on a motion by Senator Fischer, the Legislature recessed until 1:30 p.m.

### **AFTER RECESS**

The Legislature reconvened at 1:30 p.m., President Sheehy presiding.

### **ROLL CALL**

The roll was called and all members were present except Senators Gay, Heidemann, Lathrop, Loudon, and Schilz who were excused until they arrive.

### **CONFLICT OF INTEREST STATEMENT**

Pursuant to Rule 1, Sec. 19, Senator Pirsch 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.

### **RESOLUTIONS**

Pursuant to Rule 4, Sec. 5(b), LRs 441, 455, 456, 457, 458, 476, 480, 529, 530, 531, 532, and 537 were adopted.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 441, 455, 456, 457, 458, 476, 480, 529, 530, 531, 532, and 537.

**SELECT FILE**

**LEGISLATIVE BILL 411.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 713.** ER8226, found on page 1280, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 252.** ER8230, found on page 1282, was adopted.

Senator Cornett offered the following amendment:  
AM2451

(Amendments to Standing Committee amendments, AM1761)

- 1 1. Strike section 2 and insert the following new section:
- 2 Sec. 2. (1) No person shall knowingly or intentionally
- 3 own or possess animal fighting paraphernalia with the intent to
- 4 commit a violation of section 28-1005.
- 5 (2)(a) For purposes of this section, except as
- 6 provided in subdivision (b) of this subsection, animal fighting
- 7 paraphernalia means equipment, products, and materials of any
- 8 kind that are used, intended for use, or designed for use in
- 9 the training, preparation, conditioning, or furtherance of the
- 10 pitting of an animal against another as defined in section 28-1004.
- 11 Animal fighting paraphernalia includes, but is not limited to, the
- 12 following:
- 13 (i) A breaking stick, which means a device designed for
- 14 insertion behind the molars of a dog for the purpose of breaking
- 15 the dog's grip on another animal or object;
- 16 (ii) A cat mill, which means a device that rotates around
- 17 a central support with one arm designed to secure a dog and one arm
- 18 designed to secure a cat, rabbit, or other small animal beyond the
- 19 grasp of the dog;
- 20 (iii) A treadmill, which means an exercise device
- 21 consisting of an endless belt on which the animal walks or runs
- 22 without changing place;
- 1 (iv) A fighting pit, which means a walled area designed
- 2 to contain an animal fight;
- 3 (v) A springpole, which means a biting surface attached
- 4 to a stretchable device, suspended at a height sufficient to
- 5 prevent a dog from reaching the biting surface while touching the
- 6 ground;

- 7 (vi) A heel, which means any edged or pointed instrument  
8 designed to be attached to the leg of a fowl;  
9 (vii) A boxing glove or muff, which means a fitted  
10 protective covering for the spurs of a fowl; and  
11 (viii) Any other instrument commonly used in the  
12 furtherance of pitting an animal against another.  
13 (b) Animal fighting paraphernalia does not include  
14 equipment, products, or materials of any kind used by a  
15 veterinarian licensed to practice veterinary medicine and surgery  
16 in this state.  
17 (3) Any person violating subsection (1) of this section  
18 is guilty of a Class I misdemeanor.

The Cornett amendment was adopted with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 759.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 760.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 732.** ER8227, found on page 1282, was adopted.

Senator Utter offered the following amendment:  
AM2481

(Amendments to E & R amendments, ER8227)

- 1 1. Strike section 7.

The Utter amendment was adopted with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 1047.** ER8228, found on page 1284, was adopted.

Senator Nelson offered the following amendment:  
FA74

On page 2, line 14, strike the word "dying."

Senator Nelson withdrew his amendment.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 706.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 696.** Considered.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 978.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 792.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 695.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 986.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 997.** ER8233, found on page 1284, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 933.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 813.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 852.** Senator Stuthman offered the following amendment:

AM2492

- 1 1. Insert the following new section:
- 2 Sec. 2. This act becomes operative on January 1, 2011.
- 3 2. Renumber the remaining section accordingly.

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

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 947.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 993.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 1065.** ER8232, found on page 1287, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 829.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 934.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 872.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 884.** ER8231, found on page 1287, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 844.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 908.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 1055.** ER8236, found on page 1289, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 758.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 809.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 907.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 1085.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 894.** ER8235, found on page 1290, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 789.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 1072.** ER8223, found on page 1228, was adopted.

Senator Adams withdrew his amendment, AM2448, found on page 1245.

Senator Adams offered the following amendment:

AM2484

(Amendments to Standing Committee amendments, AM2194)

- 1 1. On page 1, line 16; page 10, line 5; and page 32, line
- 2 14, after "2010-11" insert "and each fiscal year thereafter".
- 3 2. On page 29, line 3, after "areas" insert "for fiscal
- 4 years prior to fiscal year 2010-11".

The Adams 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 712.** ER8225, found on page 1235, was adopted.

Senator Council asked unanimous consent to withdraw her amendment, AM2465, found on page 1257, and replace it with her substitute amendment, AM2491. No objections. So ordered.

AM2491

(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
- 6 his or her remaining term reduced seven days for each fourteen
- 7 consecutive days one day for each day of his or her sentence during
- 8 which he or she has not committed any breach of discipline or other
- 9 violation of jail regulations. The reductions authorized by this
- 10 section shall be granted at the end of each period of fourteen
- 11 days, with such periods to run consecutively from the date of
- 12 confinement following 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.

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

Senator Wightman offered the following amendment:

AM2482

(Amendments to E & R amendments, ER8225)

- 1 1. On page 20, line 18, after "administration" insert
- 2 "and claims filed by the Department of Health and Human Services
- 3 pursuant to section 68-919".
- 4 2. On page 47, line 18, strike "19,"; and in line 21



5 after the period insert "Section 19 of this act becomes operative  
6 on January 1, 2011."

Senator Wightman asked unanimous consent to withdraw his amendment, AM2482, found in this day's Journal, and replace it with his substitute amendment, AM2489. No objections. So ordered.

AM2489

(Amendments to E & R amendments, ER8225)

1 1. On page 20, line 18, after the comma insert "except  
2 for claims filed by the Department of Health and Human Services  
3 pursuant to section 68-919 notwithstanding the order of payment  
4 established in section 30-2487."  
5 2. On page 47, line 18, strike "19,"; and in line 21  
6 after the period insert "Section 19 of this act becomes operative  
7 on January 1, 2011."

The Wightman amendment was adopted with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

Senator Lautenbaugh offered the following amendment:

AM2472

(Amendments to E & R amendments, ER8225)

1 1. Insert the following new sections:  
2 Sec. 7. Section 28-201, Reissue Revised Statutes of  
3 Nebraska, is amended to read:  
4 28-201 (1) A person shall be guilty of an attempt to  
5 commit a crime if he or she:  
6 (a) Intentionally engages in conduct which would  
7 constitute the crime if the attendant circumstances were as he or  
8 she believes them to be; or  
9 (b) Intentionally engages in conduct which, under the  
10 circumstances as he or she believes them to be, constitutes a  
11 substantial step in a course of conduct intended to culminate in  
12 his or her commission of the crime.  
13 (2) When causing a particular result is an element of  
14 the crime, a person shall be guilty of an attempt to commit the  
15 crime if, acting with the state of mind required to establish  
16 liability with respect to the attendant circumstances specified in  
17 the definition of the crime, he or she intentionally engages in  
18 conduct which is a substantial step in a course of conduct intended  
19 or known to cause such a result.  
20 (3) Conduct shall not be considered a substantial step  
21 under this section unless it is strongly corroborative of the  
22 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. 8. Section 28-502, Reissue Revised Statutes of  
 27 Nebraska, is amended to read:

1 28-502 (1) A person commits arson in the first degree if  
 2 he or she intentionally damages a building or property contained  
 3 within a building by starting a fire or causing an explosion  
 4 when another person is present in the building at the time and  
 5 either (a) the actor knows that fact, or (b) the circumstances are  
 6 such as to render the presence of a person therein a reasonable  
 7 probability.

8 (2) A person commits arson in the first degree if a fire  
 9 is started or an explosion is caused in the perpetration of any  
 10 robbery, burglary, or felony criminal mischief when another person  
 11 is present in the building at the time and either (a) the actor  
 12 knows that fact, or (b) the circumstances are such as to render the  
 13 presence of a person therein a reasonable probability.

14 (3) Arson in the first degree is a Class II felony.

15 Sec. 9. Section 28-503, Reissue Revised Statutes of  
 16 Nebraska, is amended to read:

17 28-503 (1) A person commits arson in the second degree if  
 18 he or she intentionally damages a building or property contained  
 19 within a building by starting a fire or causing an explosion or if  
 20 a fire is started or an explosion is caused in the perpetration of  
 21 any robbery, burglary, or felony criminal mischief.

22 (2) The following affirmative defenses may be introduced  
 23 into evidence upon prosecution for a violation of this section:

24 (a) No person other than the accused has a security or  
 25 proprietary interest in the damaged building, or, if other persons  
 26 have such interests, all of them consented to his or her conduct;  
 27 or

- 1 (b) The accused's sole intent was to destroy or damage  
 2 the building for a lawful and proper purpose.  
 3 (3) Arson in the second degree is a Class III felony.  
 4 Sec. 10. Section 28-504, Reissue Revised Statutes of  
 5 Nebraska, is amended to read:  
 6 28-504 (1) A person commits arson in the third degree if  
 7 he or she intentionally sets fire to, burns, causes to be burned,  
 8 or by the use of any explosive, damages or destroys, or causes to  
 9 be damaged or destroyed, any property of another person without ~~his~~  
 10 such other person's consent. Such property shall not be contained  
 11 within a building and shall not be, other than a building or  
 12 occupied structure.  
 13 (2) Arson in the third degree is a Class IV felony if the  
 14 damages amount to one hundred dollars or more.  
 15 (3) Arson in the third degree is a Class I misdemeanor if  
 16 the damages are less than one hundred dollars.  
 17 2. Renumber the remaining sections and correct internal  
 18 references, the operative date section, and repealer so that the  
 19 sections added by this amendment become operative three calendar  
 20 months after the adjournment of this legislative session.

The Lautenbaugh amendment was adopted with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

## COMMITTEE REPORTS

### Enrollment and Review

**LEGISLATIVE BILL 507.** Placed on Final Reading.  
 ST9096

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Campbell amendment, AM2474:
  - a. Section 3 has been struck and the following new section inserted:  
 Sec. 4. Sections 2, 3, and 5 of this act become operative three calendar months after the adjournment of this legislative session. The other sections of this act become operative on their effective date.
  - b. On page 1, line 11, "he or she" has been inserted after "sanctions"; and
  - c. Section 5 has been renumbered as section 6.
2. In the Howard amendment, AM2457, section 2 has been renumbered as section 3.
3. In the E & R amendments, ER8218, on page 2, line 24, "section 28-323" has been struck and "sections 28-323 and 28-707" inserted; and in line 25 "is" has been struck and "are" inserted.
4. On page 1, the matter beginning with "crimes" in line 1 through line 4 and all amendments thereto have been struck and "domestic violence; to amend sections 28-323 and 28-707, Reissue Revised Statutes of Nebraska; to provide for payment for prenatal services in certain situations; to provide

a termination date; to change provisions relating to the offense of domestic assault; to change penalties for domestic assault and child abuse as prescribed; to provide operative dates; to repeal the original sections; and to declare an emergency." inserted.

**LEGISLATIVE BILL 510.** Placed on Final Reading.

**LEGISLATIVE BILL 510A.** Placed on Final Reading.

**LEGISLATIVE BILL 800.** Placed on Final Reading.

ST9095

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Ashford amendment, AM2385, on page 1, line 2, "6" has been struck and "7" inserted; in line 7 "first" has been inserted after "the"; in line 9 "the juvenile" has been inserted after "deliver"; and in line 20 "23" has been struck and "24" inserted.

2. In the Karpisek amendment, AM2461, on page 8, line 4, "such" has been struck and "this" inserted.

3. In the E & R amendments, ER8201:

a. On page 1, line 21, "25 to 29" has been struck and "26 to 30" inserted;

b. On page 12, line 10, "6" has been struck and "7" inserted; in line 14 "10" has been struck and "11" inserted; and in line 21 an underscored comma has been inserted after "violence";

c. On page 14, lines 5 and 18, "9" has been struck and "10" inserted;

d. On page 41, line 14, "25 to 29" has been struck and "26 to 30" inserted; and in line 25 "25" has been struck and "26" inserted;

e. On page 43, lines 2 and 11; and page 45, line 15, "25" has been struck and "26" inserted;

f. On page 46, line 1; page 47, lines 2 and 22; and page 48, line 11, "28" has been struck and "29" inserted;

g. On page 49, the matter beginning with "9" in line 12 through "29" in line 13 has been struck and "10, 11, 24, 26, 27, 28, 29, and 30" inserted;

h. On page 58, line 16, "36" has been struck and "37" inserted; and in line 18 "28-416," has been inserted after the last comma; and

i. On page 59, in line 6, "28-416," has been inserted after the third comma; and in line 15 "additional penalties for drug-related offenses by minors," has been inserted after the comma.

**LEGISLATIVE BILL 800A.** Placed on Final Reading.

**LEGISLATIVE BILL 801.** Placed on Final Reading.

**LEGISLATIVE BILL 842.** Placed on Final Reading.

**LEGISLATIVE BILL 849.** Placed on Final Reading.

ST9097

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Standing Committee amendments, AM2120, on page 31, line 4, "subsection" has been struck and "subdivision" inserted.

**LEGISLATIVE BILL 862.** Placed on Final Reading.

ST9093

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, line 3, ", and section 46-739.01, Revised Statutes Supplement, 2009" has been inserted after "2008"; and in line 5 "to provide exceptions to approval requirements for transfers of certified water uses or irrigated acres or participation in certain incentive programs;" has been inserted after the semicolon.

**LEGISLATIVE BILL 877.** Placed on Final Reading.

**LEGISLATIVE BILL 945.** Placed on Final Reading.

**LEGISLATIVE BILL 950.** Placed on Final Reading.

**LEGISLATIVE BILL 1002.** Placed on Final Reading Second.

**LEGISLATIVE BILL 1002A.** Placed on Final Reading.

**LEGISLATIVE BILL 1010.** Placed on Final Reading.

**LEGISLATIVE BILL 1071.** Placed on Final Reading.

ST9094

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Adams amendment, AM2403, amendment 2 has been struck.
2. In the E & R amendments, ER8199:
  - a. On page 88, line 21, "26," has been inserted after the third comma;
  - b. On page 89, lines 8 and 9, "and 79-1014" has been struck and ", 79-1014, and 79-10,110" inserted; in line 25 "79-10,110, and" has been inserted after "79-1031.01,."; and in line 26 "and 79-1241.03," has been struck; and
  - c. On page 90, line 6, "American Recovery and Reinvestment Act of 2009 bonds for school facilities," has been inserted after the comma.

**LEGISLATIVE BILL 1094.** Placed on Final Reading.

**LEGISLATIVE BILL 1094A.** Placed on Final Reading.

(Signed) Jeremy Nordquist, Chairperson

**COMMITTEE REPORT**

## Transportation and Telecommunications

The Transportation and Telecommunications 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.

Patrick Meuret - Nebraska Railway Council  
Michael Shannon - Nebraska Railway Council

Aye: 8 Senators Campbell, Fischer, Gay, Hadley, Janssen, Lautenbaugh, Loudon, Stuthman. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Deb Fischer, Chairperson

**COMMITTEE REPORTS**

## Enrollment and Review

**LEGISLATIVE BILL 507A.** Placed on Select File.

**LEGISLATIVE BILL 987A.** Placed on Select File.

(Signed) Jeremy Nordquist, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 771.** Title read. Considered.

Committee AM2442, found on page 1246, was adopted with 41 ayes, 0 nays, 7 present and not voting, and 1 excused and not voting.

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

**SELECT FILE**

**LEGISLATIVE BILL 780.** Senator Gay withdrew his amendment, AM2456, found on page 1285.

Senator Carlson offered the following amendment:  
AM2502

(Amendments to AM2351)

- 1 1. On page 1, line 3, strike "2013" and insert "2014".

**SENATOR PRICE PRESIDING**

**PRESIDENT SHEEHY PRESIDING**

Senator Janssen moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

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

Senator McCoy offered the following amendment:  
AM2454

- 1 1. On page 2, after line 18 insert:
- 2 "(3) If death of an employee resulting directly from
- 3 mental injury or mental illness compensable under subsection (1) of
- 4 this section occurs:
- 5 (a) Within one year after the incident resulting in such
- 6 mental injury or mental illness, compensation shall be paid to
- 7 dependents of the employee under section 48-122; and
- 8 (b) One year or more after the incident resulting in such
- 9 mental injury or mental illness, no compensation shall be paid to
- 10 dependents of the employee under section 48-122."
- 11 2. In the Standing Committee amendments, AM2064, on page
- 12 1, line 2, strike "(3)" and insert "(4)".

Senator Stuthman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 33 ayes, 1 nay, and 15 not voting.

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

Senator McCoy requested a roll call vote on his amendment.

Voting in the affirmative, 17:

Campbell	Gay	Heidemann	Pankonin	Utter
Christensen	Gloor	Janssen	Price	
Coash	Hadley	McCoy	Schilz	
Fulton	Hansen	Nelson	Stuthman	

Voting in the negative, 27:

Adams	Cornett	Giese	Lathrop	Sullivan
Ashford	Council	Haar	Lautenbaugh	Wallman
Avery	Dierks	Harms	McGill	White
Carlson	Dubas	Howard	Mello	
Conrad	Fischer	Karpisek	Nordquist	
Cook	Flood	Langemeier	Rogert	

Present and not voting, 4:

Krist Louden Pirsch Wightman

Excused and not voting, 1:

Pahls

The McCoy amendment lost with 17 ayes, 27 nays, 4 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Senator McCoy offered the following amendment:  
AM2455

- 1 1. On page 2, after line 18 insert:
- 2 "(3) Notwithstanding any other provision of the Nebraska
- 3 Workers' Compensation Act, disability benefits for a claim
- 4 compensable under subsection (1) of this section shall be limited
- 5 to twenty-six weeks.".
- 6 2. In the Standing Committee amendments, AM2064, on page
- 7 1, line 2, strike "(3)" and insert "(4)".

### SENATOR LANGEMEIER PRESIDING

Senator Price moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 2 nays, and 20 not voting.

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

Senator McCoy requested a roll call vote on his amendment.

Voting in the affirmative, 12:

Christensen	Fulton	McCoy	Schilz
Coash	Gay	Nelson	Stuthman
Dierks	Hansen	Price	Utter

Voting in the negative, 30:

Adams	Cook	Giese	Krist	Nordquist
Ashford	Cornett	Haar	Langemeier	Rogert
Avery	Council	Hadley	Lathrop	Sullivan
Campbell	Dubas	Harms	Lautenbaugh	Wallman
Carlson	Fischer	Howard	McGill	White
Conrad	Flood	Karpisek	Mello	Wightman

Present and not voting, 4:



Heidemann Louden Pankonin Pirsch

Excused and not voting, 3:

Gloor Janssen Pahls

The McCoy amendment lost with 12 ayes, 30 nays, 4 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Nelson offered the following amendment:  
AM2488

(Amendments to AM2064)

- 1 1. On page 1, strike beginning with the first "a" in line
- 2 3 through the first comma in line 4; in line 4 strike "or paid" and
- 3 the second comma; and in line 5 strike "or paid".

The Nelson amendment lost with 4 ayes, 29 nays, 12 present and not voting, and 4 excused and not voting.

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

Advanced to Enrollment and Review for Engrossment with 38 ayes, 5 nays, 2 present and not voting, and 4 excused and not voting.

## RESOLUTION

**LEGISLATIVE RESOLUTION 548.** Introduced by Nordquist, 7; Ashford, 20; Cook, 13; Cornett, 45; Council, 11; Gay, 14; Howard, 9; Krist, 10; Lathrop, 12; Lautenbaugh, 18; McCoy, 39; Mello, 5; Nelson, 6; Pirsch, 4; Price, 3; White, 8.

WHEREAS, John D. "Jack" Diesing, Sr., of Omaha, Nebraska, died March 31, 2010, at the age of ninety-two; and

WHEREAS, Jack Diesing, Sr., graduated with bachelor's and law degrees from Creighton University and served our country as a counterespionage agent in World War II; and

WHEREAS, Jack Diesing, Sr., served as chairman of the College World Series from 1963 to 2002; and

WHEREAS, Jack Diesing, Sr., deserves much of the credit for the growth of the College World Series in Omaha and the creation of its great tradition; and

WHEREAS, Jack Diesing, Sr., contributed greatly to the city of Omaha and the quality of life for its residents; and

WHEREAS, Jack Diesing, Sr.'s accomplishments and contributions have been immortalized by CWS of Omaha, Inc., and the National Collegiate Athletic Association by creating the John D. Diesing Sr. Award, given annually to the most outstanding player of the College World Series; and

WHEREAS, Jack Diesing, Sr., is survived by his sons, John D. "Jack" Diesing, Jr., and E. Michael "Mick" Diesing, his daughter, Deborah Louise Blank, five grandchildren, and three great-grandsons.

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

1. That the Legislature honors the memory of Jack Diesing, Sr., and his many contributions and achievements.

2. That the Legislature expresses and extends its sympathy and condolences to the family of Jack Diesing, Sr.

3. That a copy of this resolution be sent to the family of Jack Diesing, Sr.

Laid over.

### AMENDMENTS - Print in Journal

Senator Lathrop filed the following amendment to LB563A:  
AM2480

- 1 1. On page 2, lines 2 and 3, strike "Employment Security
- 2 Special Contingent" and insert "Contractor Registration Cash".

Senator Lathrop filed the following amendment to LB563:  
AM2500 is available in the Bill Room.

Senator McGill filed the following amendment to LB594:  
AM2496

(Amendments to E & R amendments, ER8220)

- 1 1. Insert the following new section:
- 2 Sec. 12. Section 28-327.01, Revised Statutes Supplement,
- 3 2009, is amended to read:
- 4 28-327.01 (1) The Department of Health and Human Services
- 5 shall cause to be published the following easily comprehensible
- 6 printed materials:
- 7 (a) Geographically indexed materials designed to inform
- 8 the woman of public and private agencies and services available to
- 9 assist a woman through pregnancy, upon childbirth, and while the
- 10 child is dependent, including adoption agencies and agencies and
- 11 services for prevention of unintended pregnancies, which materials
- 12 shall include a comprehensive list of the agencies available,
- 13 a description of the services they offer, and a description of
- 14 the manner, including telephone numbers and addresses in which
- 15 such agencies may be contacted or printed materials including a
- 16 toll-free, twenty-four-hour-a-day telephone number which may be
- 17 called to orally obtain such a list and description of agencies in
- 18 the locality of the caller and of the services they offer;
- 19 (b) Materials designed to inform the woman of the
- 20 probable anatomical and physiological characteristics of the unborn
- 21 child at two-week gestational increments from the time when a woman
- 22 can be known to be pregnant to full term, including pictures or

1 drawings representing the development of unborn children at the  
 2 two-week gestational increments, and any relevant information on  
 3 the possibility of the unborn child's survival. Any such pictures  
 4 or drawings shall contain the dimensions of the unborn child and  
 5 shall be realistic and appropriate for the stage of pregnancy  
 6 depicted. The materials shall be objective, nonjudgmental, and  
 7 designed to convey only accurate scientific information about  
 8 the unborn child at the various gestational ages. The materials  
 9 shall also contain objective information describing the methods of  
 10 abortion procedures commonly employed, the medical risks commonly  
 11 associated with each such procedure, the possible detrimental  
 12 psychological effects of abortion, the medical risks commonly  
 13 associated with abortion, and the medical risks commonly associated  
 14 with carrying a child to term; ~~and~~

15 (c) A comprehensive list of health care providers,  
 16 facilities, and clinics that offer to have ultrasounds performed by  
 17 a person at least as qualified as a registered nurse licensed under  
 18 the Uniform Credentialing Act, including and specifying those that  
 19 offer to perform such ultrasounds free of charge. The list shall be  
 20 arranged geographically and shall include the name, address, hours  
 21 of operation, and telephone number of each entity; ~~and~~;

22 (d) Geographically indexed materials designed to inform  
 23 the woman of public and private agencies with services available to  
 24 assist a woman with mental health concerns, following a risk factor  
 25 evaluation. Such services shall include, but not be limited to,  
 26 outpatient and crisis intervention services and crisis hotlines.  
 27 The materials shall include a comprehensive list of the agencies  
 1 available, a description of the services offered, and a description  
 2 of the manner in which such agencies may be contacted, including  
 3 addresses and telephone numbers of such agencies, as well as a  
 4 toll-free, twenty-four-hour-a-day telephone number to be provided  
 5 by the department which may be called to orally obtain the names of  
 6 the agencies and the services they provide in the locality of the  
 7 woman.

8 (2) The materials shall be printed in a typeface large  
 9 enough to be clearly legible.

10 (3) The materials required under this section shall be  
 11 available from the department upon the request by any person,  
 12 facility, or hospital for an amount equal to the cost incurred by  
 13 the department to publish the materials.

14 2. On page 17, line 19, after the first comma insert  
 15 "28-327.01,".

16 3. Renumber the remaining sections accordingly.

Senator Flood filed the following amendment to LB1103:  
 AM2498

(Amendments to E & R Amendments, ER8229)

1 1. On page 1, line 14, after "child" insert ", and which  
 2 causes the premature termination of the pregnancy".

- 3 2. On page 4, line 8, after "when" insert "it has been  
 4 determined, by the physician performing or inducing the abortion or  
 5 by another physician upon whose determination that the physician  
 6 relies, that".
- 7 3. On page 5, line 8, strike ", and".
- 8 4. On page 6, line 11, after "years" insert "during which  
 9 this section was in effect".
- 10 5. On page 8, line 5, before "any" insert "by".

Senators Campbell, Gay, and Hadley filed the following amendment to  
LB999:

AM2503

- 1 1. Strike original section 2 and insert the following new  
 2 sections:
- 3 Sec. 2. (1) The Legislature finds that Nebraska's general  
 4 acute and critical access hospitals provide a foundation of health  
 5 care throughout the state. This long-established means of providing  
 6 health care is changing. Because health care delivery is evolving,  
 7 it is important to assess needs in Nebraska and determine whether  
 8 licensure and regulation should be changed to reflect current and  
 9 future practices.
- 10 (2) The department shall not accept an application for or  
 11 issue a license for a new hospital beginning on the effective date  
 12 of this act and continuing through September 15, 2011, except that  
 13 this prohibition shall not apply to an application for or issuance  
 14 of a license as a critical access hospital or an application for or  
 15 issuance of a license for any hospital which has begun construction  
 16 prior to May 1, 2010.
- 17 (3) The Health and Human Services Committee of the  
 18 Legislature shall study health care in Nebraska. The study shall  
 19 include, but not be limited to:
- 20 (a) A comparison of the roles of Nebraska's general acute  
 21 hospitals, critical access hospitals, ambulatory surgical centers,  
 22 and other limited service facilities, such as physician-owned  
 23 hospitals and investor-owned hospitals, and the impact of such  
 1 hospitals, centers, and facilities on access to services, quality  
 2 of health care, and cost, including medicaid costs and insurance  
 3 premiums;
- 4 (b) Compliance with the federal Emergency Medical  
 5 Treatment and Active Labor Act, 42 U.S.C. 1395, as such act existed  
 6 on January 1, 2010;
- 7 (c) Referral practices;
- 8 (d) Ownership disclosure;
- 9 (e) Uncompensated and under-compensated patient care;
- 10 (f) Joint ventures among or between hospitals,  
 11 physicians, and investors;
- 12 (g) Reinvestment in facilities;
- 13 (h) Examination and definition of community benefits;

14 (i) Clarification and definition of limited service  
 15 facilities, such as physician-owned hospitals and investor-owned  
 16 hospitals, and other definitions as needed; and

17 (j) The impact of federal health care reform on the items  
 18 in subdivisions (a) through (i) of this subsection.

19 (4) The committee shall seek information from resources,  
 20 including, but not limited to, physicians; representatives of  
 21 hospitals, ambulatory surgical centers, physician-owned hospitals,  
 22 investor-owned hospitals, public health agencies, the department,  
 23 and allied professions such as behavioral health service providers,  
 24 nurses, pharmacists, and emergency care providers; businesses;  
 25 consumers; insurers; communities; the Legislative Fiscal Analyst;  
 26 and the office of Legislative Research.

27 (5) The committee shall report its findings to the  
 1 Legislature by December 31, 2010.

2 Sec. 4. Since an emergency exists, this act takes effect  
 3 when passed and approved according to law.

Senator Price filed the following amendment to LB563:  
 AM2506

(Amendments to AM2500)

- 1 1. On page 1, line 11, strike "a delivery service or";
- 2 strike lines 14 through 16; in line 17 strike "(5)" and insert
- 3 "(4)"; in line 18 strike "(6)" and insert "(5)"; and in line 19
- 4 strike "or delivery services".
- 5 2. On page 2, strike beginning with "An" in line 11
- 6 through "(3)" in line 17.
- 7 3. On page 5, line 10, strike "or delivery service".

### UNANIMOUS CONSENT - Add Cointroducer

Senator Council asked unanimous consent to add her name as cointroducer to LB987. No objections. So ordered.

### VISITORS

Visitors to the Chamber were 21 fourth-grade students and teachers from Arapahoe; 30 fourth-grade students, teachers, and sponsors from Pine Creek Elementary, Bennington; 33 students and teacher from the University of Nebraska at Lincoln; Rita Sanders from Bellevue and Heidi and Katarina Stich from Frankfurt, Germany; and John and James Rundel from Trenton.

The Doctor of the Day was Dr. Roger Meyer from Utica.

**ADJOURNMENT**

At 5:50 p.m., on a motion by Senator Mello, the Legislature adjourned until 9:00 a.m., Wednesday, April 7, 2010.

Patrick J. O'Donnell  
Clerk of the Legislature