

**SIXTH DAY - JANUARY 13, 2010**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED FIRST LEGISLATURE**  
**SECOND SESSION**

**SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, January 13, 2010

**PRAYER**

The prayer was offered by Pastor Nathan Reckling, Princeton Countryside Alliance Church, Princeton.

**ROLL CALL**

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

The roll was called and all members were present except Senators Adams, Ashford, Christensen, Council, Price, and Sullivan who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fifth day was approved.

**NOTICE OF COMMITTEE HEARING**  
Government, Military and Veterans Affairs

Room 1507

Wednesday, January 20, 2010 1:30 p.m.

LB753  
LB791  
LB721  
LB722

(Signed) Bill Avery, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 550.** Title read. Considered.

Senator Avery renewed his amendment, AM1539, found on page 125.

The Avery amendment 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 42 ayes, 0 nays, 5 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 297.** Title read. Considered.

Committee AM424, found on page 675, First Session, 2009, was considered.

Senator Dubas renewed her amendment, AM1538, found on page 196, to the committee amendment.

The Dubas amendment was adopted with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

Senator Lautenbaugh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

The committee amendment, as amended, was adopted with 41 ayes, 0 nays, 5 present and not voting, and 3 excused and not voting.

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

Senator White requested a record vote on the advancement of the bill.

Voting in the affirmative, 34:

Adams	Cook	Hadley	Nelson	Schilz
Avery	Cornett	Harms	Nordquist	Stuthman
Campbell	Dubas	Howard	Pahls	Sullivan
Carlson	Flood	Karpisek	Pankonin	Wallman
Christensen	Fulton	Langemeier	Pirsch	White
Coash	Gloor	Lathrop	Price	Wightman
Conrad	Haar	Mello	Rogert	

Voting in the negative, 2:

Hansen	Louden
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Present and not voting, 10:

Ashford	Fischer	Heidemann	Krist	McCoy
Dierks	Giese	Janssen	Lautenbaugh	Utter

Excused and not voting, 3:

Council	Gay	McGill
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Advanced to Enrollment and Review Initial with 34 ayes, 2 nays, 10 present and not voting, and 3 excused and not voting.

### **BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 919.** Introduced by Schilz, 47; Carlson, 38; Christensen, 44; Gloor, 35; Hansen, 42; Loudon, 49; Wightman, 36.

A BILL FOR AN ACT relating to cities of the first class; to amend section 17-301, Reissue Revised Statutes of Nebraska; to permit a city to remain a city of the first class despite a population decrease; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 920.** Introduced by Haar, 21.

A BILL FOR AN ACT relating to schools; to provide for school transportation safety committees; and to require transportation plans as prescribed.

**LEGISLATIVE BILL 921.** Introduced by Campbell, 25.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-901, Reissue Revised Statutes of Nebraska; to provide for payment of claims as prescribed; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 922.** Introduced by Coash, 27.

A BILL FOR AN ACT relating to medication aides; to amend section 71-6728, Reissue Revised Statutes of Nebraska; to change provisions relating to registration renewal; and to repeal the original section.

**LEGISLATIVE BILL 923.** Introduced by Ashford, 20; Council, 11.

A BILL FOR AN ACT relating to juveniles; to amend sections 25-2701 and 43-2,129, Reissue Revised Statutes of Nebraska, and section 43-245, Revised Statutes Supplement, 2009; to provide powers to county courts; to

define a term; to provide and eliminate provisions relating to sealing criminal justice records; to harmonize provisions; to repeal the original sections; and to outright repeal sections 43-2,102, 43-2,103, 43-2,104, and 43-2,105, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 924.** Introduced by Fischer, 43.

A BILL FOR AN ACT relating to driving under the influence; to amend sections 60-498.02, 60-4,118.06, 60-6,197.01, 60-6,197.03, and 60-6,211.05, Revised Statutes Supplement, 2009; to change provisions relating to ignition interlock orders; and to repeal the original sections.

**LEGISLATIVE BILL 925.** Introduced by Conrad, 46.

A BILL FOR AN ACT relating to labor; to require employment of Nebraska laborers for public works projects during periods of excessive unemployment; to define terms; to provide powers and duties; and to authorize injunctive relief.

**LEGISLATIVE BILL 926.** Introduced by Rogert, 16; Coash, 27; Dubas, 34.

A BILL FOR AN ACT relating to highways; to amend sections 39-204, 39-205, and 39-210, Reissue Revised Statutes of Nebraska; to redefine specific information sign panel; to provide minimum requirements for farm wineries as prescribed; to change requirements for tourist-oriented directional sign panels; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 927.** Introduced by Nebraska Retirement Systems Committee: Pankonin, 2, Chairperson; Heidemann, 1; Karpisek, 32; Loudon, 49; Mello, 5; Nordquist, 7.

A BILL FOR AN ACT relating to the School Employees Retirement Act; to amend section 79-958, Revised Statutes Supplement, 2009; to change employee deposit requirements; and to repeal the original section.

**LEGISLATIVE BILL 928.** Introduced by Nebraska Retirement Systems Committee: Pankonin, 2, Chairperson; Heidemann, 1; Karpisek, 32; Loudon, 49; Mello, 5; Nordquist, 7.

A BILL FOR AN ACT relating to the Nebraska State Patrol Retirement Act; to amend section 81-2017, Revised Statutes Supplement, 2009; to change the contribution rate as prescribed; to provide an operative date; to repeal the original section; and to declare an emergency.

**RESOLUTIONS****LEGISLATIVE RESOLUTION 288.** Introduced by Mello, 5.

WHEREAS, the Omaha Jaycees recently named the 2009 recipients of the 77th Annual Ten Outstanding Young Omahans Award; and

WHEREAS, this award is annually presented to ten people between the ages of twenty-one and forty who exemplify excellence in both the professional and personal arenas while also taking an active role in the community; and

WHEREAS, the 2009 recipients of the 77th Annual Ten Outstanding Young Omahans Award are Elaine Buescher, Stephanie Hansen, Kristine Hull, Jeffrey Jorth, Craig Moody, Crystal Rhoades, Shawntal Smith, Kelli Sweet, Quinn Vanderberg, and Carol Wang; and

WHEREAS, these ten individuals will be recognized for the award on Wednesday, January 27, 2010; and

WHEREAS, the Legislature should recognize outstanding individual achievements like receiving the 77th Annual Ten Outstanding Young Omahans Award.

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

1. That the Legislature congratulates Elaine Buescher, Stephanie Hansen, Kristine Hull, Jeffrey Jorth, Craig Moody, Crystal Rhoades, Shawntal Smith, Kelli Sweet, Quinn Vanderberg, and Carol Wang on receiving the 77th Annual Ten Outstanding Young Omahans Award.

2. That a copy of this resolution be sent to Elaine Buescher, Stephanie Hansen, Kristine Hull, Jeffrey Jorth, Craig Moody, Crystal Rhoades, Shawntal Smith, Kelli Sweet, Quinn Vanderberg, and Carol Wang.

Laid over.

**LEGISLATIVE RESOLUTION 289CA.** Introduced by McCoy, 39; Carlson, 38; Christensen, 44; Coash, 27; Fulton, 29; Harms, 48; Janssen, 15; Krist, 10; Lautenbaugh, 18; Price, 3; Schilz, 47; Utter, 33.

THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 2010 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To add a new section 31 to Article I:

1-31 Because all people should have the right to make decisions about their health care, no law shall be passed that:

(1) Restricts a person's freedom of choice of private health care systems or private health plans of any type;

(2) Interferes with a person's or an entity's right to pay directly for lawful medical services; or

(3) Imposes a penalty or fine of any type for choosing to obtain or decline health care coverage or for participation in any particular health care system or health plan.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to provide that no law shall be passed that restricts a person's freedom of choice of private health care systems or plans of any type, that interferes with a person's or an entity's right to pay directly for lawful medical services, or that imposes a penalty or fine for choosing or declining health care coverage or participation.

For  
Against.

Referred to the Reference Committee.

**NOTICE OF COMMITTEE HEARINGS**

Revenue

Room 1524

Wednesday, January 20, 2010 1:30 p.m.

LB698  
LB724  
LB804

Thursday, January 21, 2010 1:30 p.m.

LB877  
LB878  
LB879

(Signed) Abbie Cornett, Chairperson

Judiciary

Room 1113

Wednesday, January 20, 2010 1:30 p.m.

LB853  
LB687  
LB703  
LB707  
LB712

(Signed) Brad Ashford, Chairperson

Government, Military and Veterans Affairs

Room 1507

Thursday, January 21, 2010 1:30 p.m.

LB742  
LB714  
LB737

Friday, January 22, 2010 1:30 p.m.

LB686  
LB768  
LB826

(Signed) Bill Avery, Chairperson

**COMMITTEE REPORTS**  
Enrollment and Review

**LEGISLATIVE BILL 682.** Placed on Select File.

**LEGISLATIVE BILL 683.** Placed on Select File.

**LEGISLATIVE BILL 684.** Placed on Select File.

**LEGISLATIVE BILL 261.** Placed on Select File with amendment.  
ER8137

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 60-4,111.01, Reissue Revised Statutes
- 4 of Nebraska, is amended to read:
- 5 60-4,111.01 (1) The Department of Motor Vehicles,
- 6 the courts, or law enforcement agencies may store or compile
- 7 information acquired from an operator's license or state
- 8 identification card for their statutorily authorized purposes.
- 9 ~~(2) No-Except as otherwise provided in subsection (3)~~
- 10 ~~or (4) of this section, no person having use of or access to~~
- 11 ~~machine-readable information encoded on an operator's license or a~~
- 12 ~~state identification card shall compile, store, preserve, trade, or~~
- 13 ~~sell such information. Violation of this subsection shall be Any~~
- 14 ~~person who trades or sells such information shall be guilty of a~~
- 15 ~~Class IV felony. Any person who compiles, stores, or preserves such~~
- 16 ~~information except as authorized in subsection (3) or (4) of this~~
- 17 ~~section shall be guilty of a Class IV felony.~~
- 18 (3)(a) For purposes of compliance with and enforcement
- 19 of restrictions on the purchase of alcohol, lottery tickets, and
- 20 tobacco products, a retailer who sells any of such items pursuant
- 21 to a license issued or a contract under the applicable statutory
- 22 provision may scan machine-readable information encoded on an

23 operator's license or a state identification card presented for  
1 the purpose of such a sale. The retailer may store the following  
2 information obtained from the license or card: Age and license  
3 or card identification number. The retailer shall post a sign at  
4 the point of sale of any of such items stating that the license  
5 or card will be scanned and that the age and identification  
6 number will be stored. The stored information may only be used  
7 by a law enforcement agency for purposes of enforcement of the  
8 restrictions on the purchase of alcohol, lottery tickets, and  
9 tobacco products and may not be shared with any other person  
10 or entity. The programmer for computer software designed to  
11 store such information shall certify to the retailer that the  
12 software is capable of storing only the information allowed by this  
13 subsection. Intentional or grossly negligent programming by the  
14 programmer which allows for the storage of more than the age and  
15 identification number shall be a Class IV felony. A retailer who  
16 knowingly stores more information than the age and identification  
17 number from the operator's license or state identification card  
18 shall be guilty of a Class IV felony.

19 (b) Information scanned, compiled, stored, or preserved  
20 pursuant to subdivision (a) of this subsection may not be retained  
21 longer than eighteen months unless required by state or federal  
22 law.

23 (4) A person having use of or access to machine-readable  
24 information encoded on an operator's license or a state  
25 identification card may scan, compile, store, and preserve such  
26 information:

27 (a) For purposes of providing such information to a  
1 consumer reporting agency subject to and in compliance with the  
2 federal Fair Credit Reporting Act, 15 U.S.C. 1681, as such act  
3 existed on January 1, 2009;

4 (b) As necessary to effect, administer, or enforce a  
5 transaction requested by the holder of the license or card;

6 (c) To protect against or prevent actual or potential  
7 fraud, unauthorized transactions, claims, or other liability; or

8 (d) For resolving a dispute or inquiry by the holder of  
9 the license or card.

10 (5) Except as provided in subsection (4) of this section,  
11 information scanned, compiled, stored, or preserved pursuant to  
12 this section may not be traded or sold to a third party; used  
13 for any marketing or sales purpose by any person, including the  
14 retailer who obtained the information; or, unless pursuant to a  
15 court order, reported to or shared with any third party. A person  
16 who violates this subsection shall be guilty of a Class IV felony.

17 Sec. 2. Original section 60-4,111.01, Reissue Revised  
18 Statutes of Nebraska, is repealed.

**LEGISLATIVE BILL 522.** Placed on Select File.



(Signed) Jeremy Nordquist, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 205.** Title read. Considered.

Committee AM689, found on page 744, First Session, 2009, was considered.

**SPEAKER FLOOD PRESIDING**

**PRESIDENT SHEEHY PRESIDING**

Senator Stuthman 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 committee amendment was adopted with 32 ayes, 4 nays, 9 present and not voting, and 4 excused and not voting.

Senator Nordquist offered the following amendment:

AM1550

- 1 1. On page 3, line 24; page 4, lines 4 and 8; and page 7,
- 2 lines 9, 16, and 20, strike "2010" and insert "2012".

Senator Nordquist moved for a call of the house. The motion prevailed with 39 ayes, 0 nays, and 10 not voting.

The Nordquist amendment was adopted with 26 ayes, 6 nays, 12 present and not voting, 1 absent and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Nordquist moved for a call of the house. The motion prevailed with 39 ayes, 0 nays, and 10 not voting.

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

Voting in the affirmative, 19:

Ashford	Cornett	Howard	Nordquist	Sullivan
Avery	Fulton	Karpisek	Pankonin	Wallman
Conrad	Giese	Lathrop	Pirsch	White
Cook	Haar	Mello	Rogert	

Voting in the negative, 22:

Adams	Fischer	Janssen	Nelson	Utter
Campbell	Flood	Langemeier	Pahls	Wightman
Carlson	Hadley	Lautenbaugh	Price	
Christensen	Hansen	Louden	Schilz	
Coash	Harms	McCoy	Stuthman	

Present and not voting, 3:

Dubas	Gloor	Heidemann
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Excused and not voting, 5:

Council	Dierks	Gay	Krist	McGill
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Failed to advance to Enrollment and Review Initial with 19 ayes, 22 nays, 3 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

### BILLS ON FIRST READING

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

**LEGISLATIVE BILL 929.** Introduced by Ashford, 20; Mello, 5; Nelson, 6; Nordquist, 7.

A BILL FOR AN ACT relating to the Special Education Act; to amend section 79-1110, Revised Statutes Supplement, 2009; to require distribution of information to parents of children with hearing needs as prescribed; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 930.** Introduced by Gloor, 35.

A BILL FOR AN ACT relating to the Pharmacy Practice Act; to amend sections 38-2841 and 71-7447, Reissue Revised Statutes of Nebraska, and sections 38-2826, 38-2850, 38-2867, and 38-2869, Revised Statutes Supplement, 2009; to redefine terms; to change provisions relating to the practice of pharmacy and patient counseling; to harmonize provisions; and to repeal the original sections.

### RECESS

At 11:49 a.m., on a motion by Senator Utter, the Legislature recessed until 1:30 p.m.

**AFTER RECESS**

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

**SENATOR ROBERT PRESIDING****ROLL CALL**

The roll was called and all members were present except Senators Gay and Krist who were excused; and Senators Ashford, Christensen, Dierks, Karpisek, Loudon, and Sullivan who were excused until they arrive.

**REFERENCE COMMITTEE REPORT**

The Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LB893	Revenue
LB894	Judiciary
LB895	Natural Resources
LB896	Transportation and Telecommunications
LB897	Revenue
LB898	Education
LB899	Nebraska Retirement Systems
LB900	General Affairs
LB901	Judiciary
LB902	Health and Human Services
LB903	Health and Human Services
LB904	Health and Human Services
LB905	Judiciary
LB906	General Affairs
LB907	Judiciary
LB908	Business and Labor
LB909	Agriculture
LB910	Agriculture
LB911	Natural Resources
LB912	Banking, Commerce and Insurance
LB913	Business and Labor
LB914	Transportation and Telecommunications
LB915	Judiciary
LB916	Education
LB917	Revenue
LB918	Revenue
LR286CA	Transportation and Telecommunications

(Signed) John Wightman, Chairperson  
Executive Board

**NOTICE OF COMMITTEE HEARING**

Appropriations

Room 1524

Monday, January 25, 2010 1:30 p.m.

LB740  
LB776  
LB793

(Signed) Lavon Heidemann, Chairperson

**GENERAL FILE****LEGISLATIVE BILL 235.** Title read. Considered.

Committee AM681, found on page 745, First Session, 2009, was considered.

Senator Adams renewed his amendment, AM1541, found on page 123, to the committee amendment.

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

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

Advanced to Enrollment and Review Initial with 36 ayes, 1 nay, 8 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 210.** Title read. Considered.

Senator Langemeier offered the following amendment:

FA57

Page 3, line 5 strike "January" and insert "July"

The Langemeier amendment 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 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 280.** Title read. Considered.

Senator Avery offered the following motion:

MO72

Indefinitely postpone.

Laid over.

**BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 931.** Introduced by Langemeier, 23.

A BILL FOR AN ACT relating to the Real Property Appraiser Act; to amend sections 76-2201, 76-2202, 76-2203, 76-2206, 76-2211.01, 76-2211.02, 76-2213, 76-2213.01, 76-2216, 76-2217.02, 76-2220, 76-2223, 76-2225, 76-2228, 76-2228.01, 76-2229, 76-2229.01, 76-2230, 76-2231.01, 76-2232, 76-2233, 76-2233.01, 76-2233.02, 76-2236, 76-2237, 76-2238, 76-2240, 76-2241, 76-2249, and 77-5004, Reissue Revised Statutes of Nebraska; to change provisions relating to the credentialing of appraisers, testing, and hearings; to provide and change powers and duties for the Real Property Appraiser Board; to provide provisions relating to appraisal management companies; to define and redefine terms; to harmonize provisions; to repeal the original sections; to outright repeal sections 76-2205.01 and 76-2207, Reissue Revised Statutes of Nebraska; and to declare an emergency.

**LEGISLATIVE BILL 932.** Introduced by Christensen, 44.

A BILL FOR AN ACT relating to natural resources; to amend sections 2-3226.06, 2-3226.07, and 2-3226.08, Revised Statutes Cumulative Supplement, 2008; to change provisions relating to repayment of financial assistance as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 933.** Introduced by Utter, 33.

A BILL FOR AN ACT relating to the Motor Vehicle Certificate of Title Act; to amend section 60-149, Revised Statutes Cumulative Supplement, 2008; to change provisions relating to manufactured homes and mobile homes; and to repeal the original section.

**LEGISLATIVE BILL 934.** Introduced by Haar, 21; Coash, 27; Cook, 13; Cornett, 45; Council, 11; Fulton, 29; Giese, 17; Gloor, 35; Janssen, 15; McCoy, 39; Stuthman, 22; Wallman, 30; Wightman, 36.

A BILL FOR AN ACT relating to labor; to amend section 35-1402, Reissue Revised Statutes of Nebraska; to include volunteer members of the Nebraska Wing of the Civil Air Patrol under the Volunteer Emergency Responders Job Protection Act; and to repeal the original section.

**RESOLUTIONS**

**LEGISLATIVE RESOLUTION 290.** Introduced by Fulton, 29; Adams, 24; Ashford, 20; Avery, 28; Campbell, 25; Carlson, 38; Christensen, 44; Coash, 27; Conrad, 46; Cook, 13; Cornett, 45; Council, 11; Dierks, 40; Dubas, 34; Fischer, 43; Flood, 19; Gay, 14; Giese, 17; Gloor, 35; Haar, 21; Hadley, 37; Hansen, 42; Harms, 48; Heidemann, 1; Howard, 9; Janssen, 15; Karpisek, 32; Krist, 10; Langemeier, 23; Lathrop, 12; Lautenbaugh, 18; Loudon, 49; McCoy, 39; McGill, 26; Mello, 5; Nelson, 6; Nordquist, 7; Pahls, 31; Pankonin, 2; Pirsch, 4; Price, 3; Rogert, 16; Schilz, 47; Stuthman, 22; Sullivan, 41; Utter, 33; Wallman, 30; White, 8; Wightman, 36.

WHEREAS, the University of Nebraska Cornhusker football team won their second consecutive bowl game in their 2009 Holiday Bowl victory over the University of Arizona Wildcats by a score of thirty-three to zero; and

WHEREAS, no team has prevented its opponent from scoring in the history of the Holiday Bowl and no Cornhusker team has prevented its opponent from scoring in the University's storied history of forty-six bowl games; and

WHEREAS, head coach Bo Pelini has led the Cornhuskers to two consecutive Big Twelve Conference North Division titles, the second outright, in his first two seasons as head coach; and

WHEREAS, head coach Bo Pelini, defensive coordinator Carl Pelini, and the entire coaching staff have transformed the Blackshirt defense into one of the top-rated defenses in all of college football over the course of two seasons; and

WHEREAS, defensive tackle Ndamukong Suh has achieved unprecedented individual accolades, winning the Bronko Nagurski Award, the Rotary Lombardi Award, the Outland Trophy, the Chuck Bednarik Award, and the Associated Press National Player of the Year Award, while unselfishly leading the Blackshirt defense and the Cornhuskers throughout their impressive season; and

WHEREAS, the work ethic, discipline, teamwork, character, and dedication to excellence evident in each player and coach of the Cornhusker football program on and off the field of play are a source of great inspiration and pride for the people of Nebraska.

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

1. That the Legislature congratulates the University of Nebraska Cornhusker football team and head coach Bo Pelini for their achievements.

2. That a copy of this resolution be delivered to the University of Nebraska Athletic Department.

Laid over.

**LEGISLATIVE RESOLUTION 291.** Introduced by Fulton, 29.

WHEREAS, the Lincoln Saltdogs baseball team won the 2009 American Association Championship on September 13, 2009; and

WHEREAS, Manager Marty Scott led the Saltdogs to the championship in his first season as manager; and

WHEREAS, the Lincoln Saltdogs exhibited the team unity, commitment to high achievement, and perseverance that are hallmarks of athletics in Nebraska; and

WHEREAS, pitcher Chris Thompson led the league with thirty saves and became the fifth player in team history to be named an American Association postseason All-Star; and

WHEREAS, Chairman Jim Abel, President Charlie Meyer, General Manager Tim Utrup, and the entire Lincoln Saltdogs front office have put forth tremendous effort in developing a high-quality baseball organization for the citizens of Lincoln; and

WHEREAS, the Lincoln Saltdogs have been a continual source of family entertainment and civic pride in the city of Lincoln for nine seasons; and

WHEREAS, the Lincoln Saltdogs have enkindled greater interest and participation in our national pastime in southeast Nebraska.

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

1. That the Legislature congratulates the Lincoln Saltdogs baseball team for their achievements.

2. That a copy of this resolution be sent to the Lincoln Saltdogs and their manager, Marty Scott.

Laid over.

**LEGISLATIVE RESOLUTION 292.** Introduced by Fulton, 29.

WHEREAS, the Ninth Amendment to the United States Constitution states that "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people;" and

WHEREAS, the Tenth Amendment to the United States Constitution declares that "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people;" and

WHEREAS, the framers of the United States Constitution envisioned a federal government with "few and defined" delegated powers, whereby state governments retained "numerous and indefinite" powers extending "to all the objects which, in the ordinary course of affairs, concern the lives, liberties, and properties of the people, and the internal order, improvement, and prosperity of the State;" and

WHEREAS, the United States Government has historically and continues to expand its enumerated powers in a manner inconsistent with the Ninth Amendment to the United States Constitution; and

WHEREAS, the United States Government has historically and continues to assert powers not enumerated under Article I, section 8, of the United States Constitution in a manner inconsistent with the Tenth Amendment to the United States Constitution; and

WHEREAS, a balanced federalism is necessary to preserve the inherent rights of the people, from whose consent the just powers of both state and federal governments are derived.

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

1. That the Legislature memorializes the Congress of the United States to adhere to the principles of federalism in accord with the Ninth and Tenth Amendments to the United States Constitution.

2. That a copy of this resolution be sent to all the members of the Nebraska congressional delegation with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

3. That a copy of this resolution be sent to each state legislature within these United States of America.

Referred to the Reference Committee.

### **NOTICE OF COMMITTEE HEARING**

Natural Resources

Room 1525

Wednesday, January 20, 2010 1:30 p.m.

LB797

LB798

LB911

(Signed) Chris Langemeier, Chairperson

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

Senator Howard asked unanimous consent to add her name as cointroducer to LB929. No objections. So ordered.

### **VISITORS**

Visitor to the Chamber was Jay Wolf from Albion.

The Doctor of the Day was Dr. Dale Michels from Lincoln.



**ADJOURNMENT**

At 2:59 p.m., on a motion by Speaker Flood, the Legislature adjourned until 9:45 a.m., Thursday, January 14, 2010.

Patrick J. O'Donnell  
Clerk of the Legislature

