

FIFTEENTH DAY - JANUARY 28, 2009**LEGISLATIVE JOURNAL****ONE HUNDRED FIRST LEGISLATURE
FIRST SESSION****FIFTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 28, 2009

PRAYER

The prayer was offered by Senator Dierks.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:30 a.m., President Sheehy presiding.

The roll was called and all members were present except Senator Sullivan who was excused; and Senator Ashford who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the fourteenth day was approved.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 99. Placed on Select File with amendment.
ER8007

- 1 1. On page 4, line 2, strike "such" and insert "the";
- 2 in line 17 strike "these responsibilities" and insert "the
- 3 responsibilities in this section"; in line 21 after "to" insert an
- 4 underscored comma; and in line 22 strike "for: Testing" and insert
- 5 "for testing".
- 6 2. On page 5, line 5, after "portion" insert "thereof".
- 7 3. On page 7, line 11, after "livestock" insert an
- 8 underscored comma.

LEGISLATIVE BILL 100. Placed on Select File.

LEGISLATIVE BILL 101. Placed on Select File.

LEGISLATIVE BILL 24. Placed on Select File.

LEGISLATIVE BILL 85. Placed on Select File.

LEGISLATIVE BILL 44. Placed on Select File.

LEGISLATIVE BILL 45. Placed on Select File.

LEGISLATIVE BILL 120. Placed on Select File with amendment.
ER8006

1 1. On page 4, line 7, strike the underscored comma.

LEGISLATIVE BILL 251. Placed on Select File.

(Signed) Jeremy Nordquist, Chairperson

REFERENCE COMMITTEE REPORT

The Executive Board submits the following report:

LB/LR	Committee
LB447	Revenue (rereferred)
LB641	Agriculture (rereferred)

(Signed) John Wightman, Chairperson
Executive Board

COMMITTEE REPORT

Business and Labor

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

Charles Cole - Boiler Safety Code Advisory Board
Thomas DeMartino - Boiler Safety Code Advisory Board
Martin Kasl - Boiler Safety Code Advisory Board
Kenneth Stewart - Boiler Safety Code Advisory Board

VOTE: Aye: Senators Carlson, Council, Lathrop, McGill, Schilz, Wallman, White. Nay: None. Absent: None.

(Signed) Steve Lathrop, Chairperson

NOTICE OF COMMITTEE HEARINGS

Government, Military and Veterans Affairs

Room 1507

Wednesday, February 4, 2009 1:30 p.m.

LB131
LB133
LB273

Thursday, February 5, 2009 1:30 p.m.

LB86
LB191
LB227
LB295

Friday, February 6, 2009 1:30 p.m.

LB337
LB348
LB350

(Signed) Bill Avery, Chairperson

Banking, Commerce and Insurance

Room 1507

Monday, February 9, 2009 1:30 p.m.

LB113 (reschedule)
LB328
LB428

Tuesday, February 10, 2009 1:30 p.m.

LB176
LB484
LB551

Tuesday, February 17, 2009 1:30 p.m.

LB149
LB378
LB493

Monday, February 23, 2009 1:30 p.m.

LB293
LB431
LB571

Tuesday, February 24, 2009 1:30 p.m.

LB326
LB358
LB445

Monday, March 2, 2009 1:30 p.m.

LB606
LB657
LB637

(Signed) Rich Pahls, Chairperson

Revenue

Room 1524

Wednesday, February 11, 2009 1:30 p.m.

LB531
LB171
LB555
LB419

Thursday, February 12, 2009 1:30 p.m.

LB613
LB566
LB487
LB112

(Signed) Abbie Cornett, Chairperson

Nebraska Retirement Systems

Room 1525

Thursday, February 5, 2009 12:10 p.m.

Gail Werner-Robertson - Nebraska Investment Council

LB23
LB205

(Signed) Dave Pankonin, Chairperson

COMMITTEE REPORTS

General Affairs

LEGISLATIVE BILL 189. Placed on General File.

(Signed) Russ Karpisek, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 74. Placed on General File.

LEGISLATIVE BILL 87. Placed on General File.

LEGISLATIVE BILL 259. Placed on General File with amendment.
AM4

1 1. Insert the following new sections:

2 Sec. 6. Section 16-716, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 16-716 The treasurer shall not have on deposit in any
5 bank, capital stock financial institution, or qualifying mutual
6 financial institution at any time more than the amount insured
7 or guaranteed by the Federal Deposit Insurance Corporation plus
8 the maximum amount of the bond given by the bank, capital stock
9 financial institution, or qualifying mutual financial institution
10 if the bank, capital stock financial institution, or qualifying
11 mutual financial institution gives a surety bond, nor in any bank,
12 capital stock financial institution, or qualifying mutual financial
13 institution giving a personal bond, more than the amount insured
14 or guaranteed by the Federal Deposit Insurance Corporation plus
15 one-half of the amount of the bond of such bank, capital stock
16 financial institution, or qualifying mutual financial institution,
17 and the amount so on deposit any time with any such bank,
18 capital stock financial institution, or qualifying mutual financial
19 institution shall not in either case exceed the amount insured
20 or guaranteed by the Federal Deposit Insurance Corporation plus
21 the paid-up capital stock and surplus of such bank, capital stock
22 financial institution, or qualifying mutual financial institution.

23 The city treasurer shall not be liable for any loss
1 sustained by reason of the failure of any such bonded depository
2 whose bond has been duly approved by the mayor as provided in
3 section 16-714 or which has, in lieu of a surety bond, given
4 security as provided in section 16-715.

5 Sec. 10. Section 30-3209, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 30-3209 (1) Corporate trustees authorized by Nebraska law
8 to exercise fiduciary powers and holding retirement or pension
9 funds for the benefit of employees or former employees of cities,
10 villages, school districts, public power districts, or other
11 governmental or political subdivisions may invest and reinvest
12 such funds in such securities and investments as are authorized
13 for trustees, guardians, conservators, personal representatives, or
14 administrators under the laws of Nebraska. Retirement or pension
15 funds of such cities, villages, districts, or subdivisions may be
16 invested in annuities issued by life insurance companies authorized
17 to do business in Nebraska. Except as provided in subsection
18 (2) of this section, any other retirement or pension funds
19 of cities, including cities operating under home rule charters,

20 villages, school districts except as provided in section 79-9,107,
21 public power districts, and all other governmental or political
22 subdivisions may be invested and reinvested, as the governing body
23 of such city, village, school district, public power district, or
24 other governmental or political subdivision may determine, in the
25 following classes of securities and investments: (a) Bonds, notes,
26 or other obligations of the United States or those guaranteed
27 by or for which the credit of the United States is pledged
1 for the payment of the principal and interest or dividends
2 thereof; (b) bonds or other evidences of indebtedness of the
3 State of Nebraska and full faith and credit obligations of or
4 obligations unconditionally guaranteed as to principal and interest
5 by any other state of the United States; (c) bonds, notes, or
6 obligations of any municipal or political subdivision of the
7 State of Nebraska which are general obligations of the issuer
8 thereof and revenue bonds or debentures of any city, county, or
9 utility district of this state when the earnings available for
10 debt service have, for a five-year period immediately preceding
11 the date of purchase, averaged not less than one and one-half
12 times such debt service requirements; (d) bonds and debentures
13 issued either singly or collectively by any of the twelve federal
14 land banks, the twelve intermediate credit banks, or the thirteen
15 banks for cooperatives under the supervision of the Farm Credit
16 Administration; (e) certificates of deposit of banks which are
17 members of the Federal Deposit Insurance Corporation or capital
18 stock financial institutions, and if the amount deposited exceeds
19 the amount of insurance available thereon, then the excess shall
20 be secured in the same manner as for the deposit of public funds;
21 (f) accounts with building and loan associations, qualifying mutual
22 financial institutions, or federal savings and loan associations
23 in the State of Nebraska to the extent that such accounts are
24 insured or guaranteed by the Federal Deposit Insurance Corporation;
25 (g) bonds or other interest-bearing obligations of any corporation
26 organized under the laws of the United States or any state thereof
27 if (i) at the time the purchase is made, they are given, by at
1 least one statistical organization whose publication is in general
2 use, one of the three highest ratings given by such organization
3 and (ii) not more than five percent of the fund shall be invested
4 in the obligations of any one issuer; (h) direct short-term
5 obligations, generally classified as commercial paper, of any
6 corporation organized or existing under the laws of the United
7 States or any state thereof with a net worth of ten million dollars
8 or more; and (i) preferred or common stock of any corporation
9 organized under the laws of the United States or of any state
10 thereof with a net worth of ten million dollars or more if (i)
11 not more than fifty percent of the total investments at the time
12 such investment is made is in this class and not more than five
13 percent is invested in each of the first five years and (ii) not
14 more than five percent thereof is invested in the securities of any

15 one corporation. Notwithstanding the percentage limits stated in
16 this subsection, the cash proceeds of the sale of such preferred or
17 common stock may be reinvested in any securities authorized under
18 this subdivision. No city, village, school district, public power
19 district, or other governmental subdivision or the governing body
20 thereof shall be authorized to sell any securities short, buy on
21 margin, or buy, sell, or engage in puts and calls. Section 77-2366
22 shall apply to deposits in capital stock financial institutions.
23 Section 77-2365.01 shall apply to deposits in qualifying mutual
24 financial institutions.

25 (2) Notwithstanding the limitations prescribed in
26 subsection (1) of this section, trustees holding retirement or
27 pension funds for the benefit of employees or former employees
1 of any city of the metropolitan class, metropolitan utilities
2 district, or county in which a city of the metropolitan class is
3 located shall invest such funds in investments of the nature which
4 individuals of prudence, discretion, and intelligence acquire or
5 retain in dealing with the property of another. Such investments
6 shall not be made for speculation but for investment, considering
7 the probable safety of their capital as well as the probable income
8 to be derived. The trustees shall not buy on margin, buy call
9 options, or buy put options. The trustees may lend any security
10 if cash, United States Government obligations, or United States
11 Government agency obligations with a market value equal to or
12 exceeding the market value of the security lent are received as
13 collateral. If shares of stock are purchased under this subsection,
14 all proxies may be voted by the trustees. The asset allocation
15 restrictions set forth in subsection (1) of this section shall
16 not be applicable to the funds of pension or retirement systems
17 administered by or on behalf of a city of the metropolitan class,
18 metropolitan utilities district, or county in which a city of the
19 metropolitan class is located.

20 2. On page 22, line 21, strike "federal farm credit
21 system", show as stricken, and insert "Federal Farm Credit System".

22 3. On page 26, line 5, strike "act", show as stricken,
23 and insert "Public Funds Deposit Security Act".

24 4. On page 35, line 17, strike "21" and insert "23"; and
25 in line 20 after "16-715," insert "16-716," and after "17-720,"
26 insert "30-3209,".

27 5. Renumber the remaining sections accordingly.

(Signed) Rich Pahls, Chairperson

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 1.

A BILL FOR AN ACT relating to settlement escrow; to repeal sections that are obsolete; and to outright repeal sections 25-2922, 25-2923, 25-2924, 25-2925, 25-2926, 25-2927, 25-2928, and 25-2929, Reissue Revised Statutes of Nebraska.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Ashford Sullivan

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 2.

A BILL FOR AN ACT relating to the Nebraska Transit and Rail Advisory Council Act; to repeal sections that are obsolete; and to outright repeal sections 74-1501, 74-1502, 74-1503, 74-1504, 74-1505, 74-1506, 74-1507, 74-1508, 74-1509, 74-1510, 74-1511, 74-1512, 74-1513, and 74-1514, Reissue Revised Statutes of Nebraska.

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

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Sullivan

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 3.

A BILL FOR AN ACT relating to the Nebraska Venture Capital Forum Act; to repeal sections that are obsolete; and to outright repeal sections 81-12,106, 81-12,107, 81-12,108, 81-12,109, 81-12,110, 81-12,111, 81-12,112, 81-12,113, 81-12,114, 81-12,115, and 81-12,116, Reissue Revised Statutes of Nebraska.

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

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Sullivan

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 61. With Emergency Clause.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 79-1022, 79-1023, 79-1026.01, 79-1027, and 79-1031.01, Reissue Revised Statutes of Nebraska; to change certification dates as prescribed; to harmonize provisions; 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, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Sullivan

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

GENERAL FILE

LEGISLATIVE BILL 75. Title read. Considered.

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

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 1, 2, 3, and 61.

GENERAL FILE

LEGISLATIVE BILL 80. 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 192. 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 105. Title read. Considered.

Committee AM6, found on page 303, was considered.

Pending.

NOTICE OF COMMITTEE HEARINGS

Natural Resources

Room 1525

Wednesday, February 4, 2009 1:30 p.m.

LB491

LB565

LB624

Thursday, February 5, 2009 1:30 p.m.

LB477

LB438

Friday, February 6, 2009 1:30 p.m.

LB577

Wednesday, February 11, 2009 1:30 p.m.

LB436

LB663

(Signed) Chris Langemeier, Chairperson

Judiciary

Room 1113

Wednesday, February 4, 2009 1:30 p.m.

- LB40
- LB304
- LB305
- LB433
- LB343

(Signed) Brad Ashford, Chairperson

Government, Military and Veterans Affairs

Room 1507

Wednesday, February 11, 2009 1:30 p.m.

- LB324
- LB325
- LB434
- LB544

Thursday, February 12, 2009 1:30 p.m.

- LB279
- LB280
- LB450
- LB512

(Signed) Bill Avery, Chairperson

COMMITTEE REPORTS

Natural Resources

LEGISLATIVE BILL 5. Placed on General File.

LEGISLATIVE BILL 53. Placed on General File.

(Signed) Chris Langemeier, Chairperson

Transportation and Telecommunications

LEGISLATIVE BILL 28. Placed on General File.

LEGISLATIVE BILL 48. Placed on General File.

LEGISLATIVE BILL 204. Placed on General File.

LEGISLATIVE BILL 331. Placed on General File.

LEGISLATIVE BILL 108. Indefinitely postponed.

(Signed) Deb Fischer, Chairperson

Appropriations

LEGISLATIVE BILL 135. Placed on General File.

(Signed) Lavon Heidemann, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on January 28, 2009, at 11.02 a.m. were the following: LBs 1, 2, 3, and 61e.

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

UNANIMOUS CONSENT - Add Cointroducers

Senators Dierks, Haar, Lathrop, and Pahls asked unanimous consent to add their names as cointroducers to LB92. No objections. So ordered.

Senator Howard asked unanimous consent to add her name as cointroducer to LB342. No objections. So ordered.

Senators Coash, Giese, and Stuthman asked unanimous consent to add their names as cointroducers to LB438. No objections. So ordered.

Senators Giese and Stuthman asked unanimous consent to add their names as cointroducers to LB666. No objections. So ordered.

VISITORS

Visitors to the Chamber were Joyce Margirtz from North Platte; Ladonna and Duane Kimle from Kenesaw; Bonnie Burling from Kenesaw; Jeri, Keith, Micah, Rebekah, Elizabeth, and Caleb Pobanz from Grand Island; and former Senator Carroll Burling from Kenesaw.

The Doctor of the Day was Dr. Jay Matzke from Gothenburg.

ADJOURNMENT

At 11:57 a.m., on a motion by Senator Avery, the Legislature adjourned until 10:30 a.m., Thursday, January 29, 2009.

Patrick J. O'Donnell
Clerk of the Legislature

