

SEVENTEENTH DAY - JANUARY 30, 2009**LEGISLATIVE JOURNAL****ONE HUNDRED FIRST LEGISLATURE
FIRST SESSION****SEVENTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Friday, January 30, 2009

PRAYER

The prayer was offered by Pastor Muriel Kaufman Graber, Beatrice Mennonite Church, Beatrice.

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 Fischer who was excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixteenth day was approved.

MESSAGE FROM THE GOVERNOR

January 29, 2009

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 1, 2, 3, and 61e were received in my office on January 28, 2009.

These bills were signed and delivered to the Secretary of State on January 29, 2009.

Sincerely,
(Signed) Dave Heineman
Governor

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 123. Placed on Select File with amendment.
ER8011

- 1 1. On page 16, line 24, strike "Phenylacet"
- 2 and insert "Phenylacetone. Trade"; and in line 25 strike
- 3 "Phenyl-2-propanone;one. Trade" and insert "Phenyl-2-propanone;".

LEGISLATIVE BILL 75. Placed on Select File with amendment.
ER8010

- 1 1. On page 1, line 3, after "usage" insert "and".

LEGISLATIVE BILL 80. Placed on Select File with amendment.
ER8008

- 1 1. On page 2, line 15; page 3, line 18; and page 4, line
- 2 2, after "(g)" insert "of this section".
- 3 2. On page 3, line 17, after "(e)" insert "of this
- 4 section"; and in line 18 after "(c)" insert "of this section".

LEGISLATIVE BILL 192. Placed on Select File.

(Signed) Jeremy Nordquist, Chairperson

NOTICE OF COMMITTEE HEARINGS

Transportation and Telecommunications

Room 1113

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

LB245
LB181
LB217

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

LB272
LB330
LB183
LB652

(Signed) Deb Fischer, Chairperson

General Affairs

Room 1510

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

LB198
 LB404
 LB355
 LB600

(Signed) Russ Karpisek, Chairperson

COMMITTEE REPORT

Government, Military and Veterans Affairs

LEGISLATIVE BILL 52. Placed on General File with amendment.
 AM109

- 1 1. Strike the original sections and insert the following
 2 new sections:
 3 Section 1. Section 80-410, Reissue Revised Statutes of
 4 Nebraska, is amended to read:
 5 80-410 (1) The Director of Veterans' Affairs, all members
 6 of the Veterans' Advisory Commission, all state service officers,
 7 all assistant state service officers, ~~all county veterans service~~
 8 ~~officers,~~ and all personnel, except certain special and clerical
 9 help, of the state veterans service offices, shall have served
 10 in the armed forces of the United States during the dates set
 11 forth in section 80-401.01, shall have been discharged or otherwise
 12 separated with a characterization of honorable from such service,
 13 and shall have been bona fide residents of the State of Nebraska
 14 continuously for at least five years immediately prior to their
 15 assuming a position in any of the offices mentioned.
 16 (2) All county veterans service officers shall have
 17 served on active duty in the armed forces of the United States,
 18 other than active duty for training, shall have been discharged or
 19 otherwise separated with a characterization of honorable from the
 20 service, and shall have been bona fide residents of the State of
 21 Nebraska continuously for at least five years immediately prior to
 22 assuming any such position.
 23 ~~(2)~~~~(3)~~ All members of the county veterans service
 1 committees and all personnel, except certain special and clerical
 2 help, of the county veterans service offices shall have all of
 3 the qualifications described in subsection ~~(1)~~~~(2)~~ of this section,
 4 except that such persons may have been discharged or otherwise
 5 separated with a characterization of general (under honorable
 6 conditions).
 7 Sec. 2. Original section 80-410, Reissue Revised Statutes
 8 of Nebraska, is repealed.

(Signed) Bill Avery, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 14. Introduced by Giese, 17; Dierks, 40; Flood, 19; Rogert, 16; Sullivan, 41.

WHEREAS, Judge Patrick Rogers received the Distinguished Judge for Improvement of the Judicial System Award at the Nebraska Supreme Court's annual judicial dinner on October 23, 2008; and

WHEREAS, Judge Patrick Rogers served as a county court judge in the sixth judicial district from 1995 to 2001, and has served as a district court judge in the seventh judicial district since 2001; and

WHEREAS, Judge Patrick Rogers will serve as presiding judge for the seventh judicial district, serving Antelope, Cuming, Knox, Madison, Pierce, Stanton, and Wayne counties, until his retirement on January 31, 2009; and

WHEREAS, Judge Patrick Rogers helped establish and oversee the Northeast Nebraska Adult Drug Court in conjunction with Judge Robert Ensz; and

WHEREAS, Judge Patrick Rogers has been a member of the Nebraska Supreme Court's Interpreter Advisory Committee since its inception, promoting access to the court system by non-English speaking litigants; and

WHEREAS, Judge Patrick Rogers has frequently turned his career experience into an educational opportunity for other judges, providing legislative updates and conducting peer teaching on the subject of dealing with self-represented litigants.

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

1. That the Legislature recognizes Judge Patrick Rogers for his many years of distinguished service to the Nebraska judicial system, commends his dedication to promoting access to the courts, and extends its best wishes for his continued happiness and success.

2. That a copy of this resolution be sent to Judge Patrick Rogers.

Laid over.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of January 29, 2009, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

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

American Communications Group, Inc.
EHPV (Big Red) Lottery Services, LLC d/b/a Big Red Keno

Babcock, Marsha L.
 Mechanical Contractors Assn. of Omaha
 Hartnett, D. Paul
 Metropolitan Community College
 Jones, Randall S.
 American Red Cross
 Lamb, Amy
 Occupational Therapy Association, Nebraska
 Larsen, Carlin L.
 Qwest Communications
 Miya, Pamela A.
 March of Dimes Birth Defects Foundation
 (Withdrawn 01/28/2009)
 Peetz, Natalie, Peetz & Company
 Tenaska
 Ruth Mueller Robak LLC
 EHPV (Big Red) Lottery Services, LLC d/b/a Big Red Keno
 (Withdrawn 01/27/2009)
 Vigilnet America Inc. (Withdrawn 01/27/2009)

MOTION - Approve Appointments

Senator Lathrop moved the adoption of the Business and Labor Committee report for the confirmation of the following appointment(s) found on page 308:

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

Voting in the affirmative, 38:

Campbell	Giese	Karpisek	Nelson	Stuthman
Carlson	Haar	Langemeier	Nordquist	Sullivan
Christensen	Hadley	Lathrop	Pahls	Utter
Coash	Hansen	Louden	Pankonin	Wallman
Dierks	Harms	McCoy	Pirsch	White
Dubas	Heidemann	McGill	Price	Wightman
Flood	Howard	Mello	Rogert	
Friend	Janssen	Nantkes	Schilz	

Voting in the negative, 0.

Present and not voting, 10:

Adams	Avery	Cornett	Fulton	Gloor
Ashford	Cook	Council	Gay	Lautenbaugh

Excused and not voting, 1:

Fischer

The appointments were confirmed with 38 ayes, 0 nays, 10 present and not voting, and 1 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 105. Committee AM6, found on page 303 and considered on pages 317, 325, and 326, was renewed.

The committee amendment was adopted with 41 ayes, 0 nays, 7 present and not voting, and 1 excused and not voting.

Senator Langemeier offered the following amendment:

FA4

Page 6, line 5, strike the words "in any one" and insert "per".

Page 6, line 6, strike "a" and insert "the immediate".

Page 6, line 9, strike "a subsequent" and insert "the following".

The Langemeier amendment was adopted with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 28 ayes, 14 nays, 5 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 105A. Title read. Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 7 nays, 9 present and not voting, and 2 excused and not voting.

NOTICE OF COMMITTEE HEARINGS

Judiciary

Room 1113

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

LB669

LB332

LB333

LB344

(Signed) Brad Ashford, Chairperson

Executive Board

Room 2102

Friday, February 20, 2009 12:00 p.m.

LB16
LB620
LB653

Monday, February 9, 2009 12:00 p.m.

LR11

(Signed) John Wightman, Chairperson

Revenue

Room 1524

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

LB583
LB634

(Signed) Abbie Cornett, Chairperson

AMENDMENT - Print in Journal

Senator McGill filed the following amendment to LB85:
AM104

- 1 1. On page 3, line 5, strike "(a)" and the last comma;
- 2 and in line 6 strike beginning with "(b)" through "infrastructure".

COMMITTEE REPORT

Judiciary

LEGISLATIVE BILL 151. Placed on General File with amendment.
AM49

- 1 1. On page 26, reinstate the stricken matter in lines 16
- 2 through 25; in line 18 strike beginning with the reinstated "may"
- 3 through the semicolon in line 21, show as stricken, and insert
- 4 "(A) are stored behind a counter, in an area not accessible to
- 5 customers, or in a locked case so that a customer needs assistance
- 6 from an employee to access the drug product; (B) are sold by a
- 7 person, eighteen years of age or older, in the course of his or her
- 8 employment to a customer eighteen years of age or older with the
- 9 following restrictions: No customer shall be allowed to purchase,
- 10 receive, or otherwise acquire more than three and six-tenths grams

11 of ephedrine base during a twenty-four-hour period; no customer
 12 shall purchase, receive, or otherwise acquire more than nine grams
 13 of ephedrine base during a thirty-day period; and the customer
 14 shall display a valid driver's or operator's license, a Nebraska
 15 state identification card, a military identification card, an alien
 16 registration card, or a passport as proof of identification; (C)";
 17 in line 22 after the reinstated semicolon insert "(D)"; and in line
 18 24 after the reinstated "and" insert "(E)".
 19 2. On page 27, reinstate the stricken matter in lines 1
 20 through 6; in line 4 strike the reinstated "(A)", show as stricken
 21 and insert "(I)"; in line 5 strike the reinstated "(B)", show as
 22 stricken and insert "(II)"; and in line 6 strike the reinstated
 23 "(C)", show as stricken and insert "(III)".

(Signed) Brad Ashford, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 15. Introduced by Gloor, 35.

WHEREAS, Senator Don Elrod served the state as a member of the Legislature for six years with dedication, thought, and care; and

WHEREAS, Senator Elrod's colleagues respected his leadership abilities by electing him chairperson of the Labor Committee and the Education Committee; and

WHEREAS, Senator Elrod was born May 8, 1925, in Loup City; and

WHEREAS, Senator Elrod died on Tuesday, January 27, 2009, at the Grand Island Veterans Affairs Medical Center.

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

1. That the Legislature extends its condolences to the family of Don Elrod.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 189. Title read. Considered.

Advanced to Enrollment and Review Initial with 45 ayes, 0 nays, 2 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 74. Title read. Considered.

Advanced to Enrollment and Review Initial with 43 ayes, 0 nays, 5 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 87. Title read. Considered.

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 6 present and not voting, and 1 excused and not voting.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 11. Placed on Final Reading.

LEGISLATIVE BILL 29. Placed on Final Reading.

LEGISLATIVE BILL 30. Placed on Final Reading.

LEGISLATIVE BILL 49. Placed on Final Reading.

LEGISLATIVE BILL 49A. Placed on Final Reading.

LEGISLATIVE BILL 50. Placed on Final Reading.

(Signed) Jeremy Nordquist, Chairperson

COMMITTEE REPORT

Banking, Commerce and Insurance

LEGISLATIVE BILL 88. Placed on General File.

(Signed) Rich Pahls, Chairperson

NOTICE OF COMMITTEE HEARINGS

Agriculture

Room 1524

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

LB254

LB263

LB581

LB641

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

LB98

(Signed) Tom Carlson, Chairperson

AMENDMENT - Print in Journal

Senator Carlson filed the following amendment to LB99:

AM116

- 1 1. On page 11, line 6, before the period insert "unless
- 2 such costs are clearly unreasonable or result from the gross or
- 3 willful negligence of the department or its employees or agents".

UNANIMOUS CONSENT - Add Cointroducers

Senators Mello and Nordquist asked unanimous consent to add their names as cointroducers to LB158. No objections. So ordered.

Senator Pirsch asked unanimous consent to add his name as cointroducer to LB322. No objections. So ordered.

Senator Wallman asked unanimous consent to add his name as cointroducer to LB434. No objections. So ordered.

Senator Howard asked unanimous consent to add her name as cointroducer to LB610. No objections. So ordered.

VISITORS

Visitors to the Chamber were Catherine, Sarah, John Patrick, and David Nicholson from Bellevue; Former Senator Lowen Kruse from Omaha; and Dr. Mary Case from Seattle, Washington.

The Doctor of the Day was Dr. Robert Rhodes from Lincoln.

ADJOURNMENT

At 11:54 a.m., on a motion by Senator Gay, the Legislature adjourned until 10:00 a.m., Monday, February 2, 2009.

Patrick J. O'Donnell
Clerk of the Legislature