

TWENTY-FIFTH DAY - FEBRUARY 11, 2009**LEGISLATIVE JOURNAL****ONE HUNDRED FIRST LEGISLATURE
FIRST SESSION****TWENTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 11, 2009

PRAYER

The prayer was offered by Pastor Rick Johnson, St. Paul's Lutheran Church, DeWitt.

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 Ashford, Avery, and Cornett who were excused; and Senator Karpisek who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-fourth day was approved.

COMMITTEE REPORTS

Judiciary

LEGISLATIVE BILL 669. Placed on General File.

LEGISLATIVE BILL 47. Placed on General File with amendment.
AM240

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 30-2302, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 30-2302 The intestate share of the surviving spouse is:
- 6 (1) if there is no surviving issue or parent of the
- 7 decedent, the entire intestate estate;
- 8 (2) if there is no surviving issue but the decedent
- 9 is survived by a parent or parents, the first ~~fifty-one~~ hundred
- 10 thousand dollars, plus one-half of the balance of the intestate
- 11 estate;
- 12 (3) if there are surviving issue all of whom are issue

13 of the surviving spouse also, the first fifty-one hundred thousand
 14 dollars, plus one-half of the balance of the intestate estate;

15 (4) if there are surviving issue one or more of whom
 16 are not issue of the surviving spouse, one-half of the intestate
 17 estate.

18 Sec. 2. Section 30-2485, Reissue Revised Statutes of
 19 Nebraska, is amended to read:

20 30-2485 (a) All claims against a decedent's estate which
 21 arose before the death of the decedent, including claims of
 22 the state and any subdivision thereof, whether due or to become
 23 due, absolute or contingent, liquidated or unliquidated, founded
 1 on contract, tort, or other legal basis, if not barred earlier
 2 by other statute of limitations, are barred against the estate,
 3 the personal representative, and the heirs and devisees of the
 4 decedent, unless presented as follows:

5 (1) Within two months after the date of the first
 6 publication of notice to creditors if notice is given in compliance
 7 with sections 25-520.01 and 30-2483, except that claims barred by
 8 the nonclaim statute at the decedent's domicile before the first
 9 publication for claims in this state are also barred in this state.
 10 If any creditor has a claim against a decedent's estate which arose
 11 before the death of the decedent and which was not presented within
 12 the time allowed by this subdivision, including any creditor who
 13 did not receive notice, such creditor may apply to the court within
 14 sixty days after the expiration date provided in this subdivision
 15 for additional time and the court, upon good cause shown, may allow
 16 further time not to exceed thirty days;

17 (2) Within three years after the decedent's death if
 18 notice to creditors has not been given in compliance with sections
 19 25-520.01 and 30-2483.

20 (b) All claims, other than for ~~administration expenses,~~
 21 costs and expenses of administration as defined in section
 22 30-2487, against a decedent's estate which arise at or after
 23 the death of the decedent, including claims of the state and any
 24 subdivision thereof, whether due or to become due, absolute or
 25 contingent, liquidated or unliquidated, founded on contract, tort,
 26 or other legal basis, are barred against the estate, the personal
 27 representative, and the heirs and devisees of the decedent, unless
 1 presented as follows:

2 (1) A claim based on a contract with the personal
 3 representative, within four months after performance by the
 4 personal representative is due;

5 (2) Any other claim, within four months after it arises.

6 (c) Nothing in this section affects or prevents:

7 (1) Any proceeding to enforce any mortgage, pledge, or
 8 other lien upon property of the estate; or

9 (2) To the limits of the insurance protection only, any
 10 proceeding to establish liability of the decedent or the personal
 11 representative for which he or she is protected by liability

12 insurance.

13 Sec. 3. Section 30-2487, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 30-2487 (a) If the applicable assets of the estate are
16 insufficient to pay all claims in full, the personal representative
17 shall make payment in the following order:

- 18 (1) Costs and expenses of administration;
- 19 (2) Reasonable funeral expenses;
- 20 (3) Debts and taxes with preference under federal law;
- 21 (4) Reasonable and necessary medical and hospital
22 expenses of the last illness of the decedent, including
23 compensation of persons attending the decedent and claims filed by
24 the Department of Health and Human Services pursuant to section
25 68-919;

26 (5) Debts and taxes with preference under other laws of
27 this state;

1 (6) All other claims.

2 (b) No preference shall be given in the payment of any
3 claim over any other claim of the same class, and a claim due and
4 payable shall not be entitled to a preference over claims not due.

5 (c) For purposes of this section and section 30-2485,
6 costs and expenses of administration includes expenses incurred in
7 taking possession or control of estate assets and the management,
8 protection, and preservation of the estate assets, expenses related
9 to the sale of estate assets, and expenses in the day-to-day
10 operation and continuation of business interests for the benefit of
11 the estate.

12 Sec. 4. Section 30-24,125, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 30-24,125 (a) Thirty days after the death of a decedent,
15 any person indebted to the decedent or having possession of
16 tangible personal property or an instrument evidencing a debt,
17 obligation, stock, or chose in action belonging to the decedent
18 shall make payment of the indebtedness or deliver the tangible
19 personal property or an instrument evidencing a debt, obligation,
20 stock, or chose in action to a person claiming to be the successor
21 of the decedent upon being presented an affidavit made by or on
22 behalf of the successor stating:

23 (1) the value of all of the personal property in the
24 decedent's estate, wherever located, less liens and encumbrances,
25 does not exceed ~~twenty-five~~ fifty thousand dollars;

26 (2) thirty days have elapsed since the death of the
27 decedent as shown in a certified or authenticated copy of the
1 decedent's death certificate attached to the affidavit;

2 (3) the claiming successor's relationship to the decedent
3 or, if there is no relationship, the basis of the successor's claim
4 to the personal property;

5 (4) the person or persons claiming as successors under
6 the affidavit swear or affirm that all statements in the affidavit

7 are true and material and further acknowledge that any false
8 statement may subject the person or persons to penalties relating
9 to perjury under section 28-915;

10 (5) no application or petition for the appointment of
11 a personal representative is pending or has been granted in any
12 jurisdiction; and

13 (6) the claiming successor is entitled to payment or
14 delivery of the property.

15 (b) A transfer agent of any security shall change the
16 registered ownership on the books of a corporation from the
17 decedent to the successor or successors upon the presentation of an
18 affidavit as provided in subsection (a).

19 (c) In addition to compliance with the requirements of
20 subsection (a), a person seeking a transfer of a certificate
21 of title to a motor vehicle, motorboat, all-terrain vehicle, or
22 minibike shall be required to furnish to the Department of Motor
23 Vehicles an affidavit showing applicability of this section and
24 compliance with the requirements of this section to authorize the
25 department to issue a new certificate of title.

26 Sec. 5. Section 30-24,129, Reissue Revised Statutes of
27 Nebraska, is amended to read:

1 30-24,129 (a) Thirty days after the death of a decedent,
2 any person claiming as successor to the decedent's interest in real
3 property in this state may file or cause to be filed on his or her
4 behalf, with the register of deeds office of a county in which the
5 real property of the decedent that is the subject of the affidavit
6 is located, an affidavit describing the real property owned by the
7 decedent and the interest of the decedent in the property. The
8 affidavit shall be signed by all persons claiming as successors or
9 by parties legally acting on their behalf and shall be prima facie
10 evidence of the facts stated in the affidavit. The affidavit shall
11 state:

12 (1) the value of the decedent's interest in all real
13 property in the decedent's estate located in this state does
14 not exceed ~~twenty five~~ thirty thousand dollars. The value of the
15 decedent's interest shall be determined from the value of the
16 property as shown on the assessment rolls for the year in which the
17 decedent died;

18 (2) thirty days have elapsed since the death of the
19 decedent as shown in a certified or authenticated copy of the
20 decedent's death certificate attached to the affidavit;

21 (3) no application or petition for the appointment of
22 a personal representative is pending or has been granted in any
23 jurisdiction;

24 (4) the claiming successor is entitled to the real
25 property by reason of the homestead allowance, exempt property
26 allowance, or family allowance, by intestate succession, or by
27 devise under the will of the decedent;

1 (5) the claiming successor has made an investigation and

2 has been unable to determine any subsequent will;
 3 (6) no other person has a right to the interest of the
 4 decedent in the described property;
 5 (7) the claiming successor's relationship to the decedent
 6 and the value of the entire estate of the decedent; and
 7 (8) the person or persons claiming as successors under
 8 the affidavit swear or affirm that all statements in the affidavit
 9 are true and material and further acknowledge that any false
 10 statement may subject the person or persons to penalties relating
 11 to perjury under section 28-915.
 12 (b) The recorded affidavit and certified or authenticated
 13 copy of the decedent's death certificate shall also be recorded
 14 by the claiming successor in any other county in this state in
 15 which the real property of the decedent that is the subject of the
 16 affidavit is located.
 17 Sec. 6. Original sections 30-2302, 30-2485, 30-2487,
 18 30-24,125, and 30-24,129, Reissue Revised Statutes of Nebraska, are
 19 repealed.

LEGISLATIVE BILL 170. Indefinitely postponed.

(Signed) Brad Ashford, Chairperson

NOTICE OF COMMITTEE HEARINGS
 Appropriations

Room 1003

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

LB311
 LB312
 LB313
 LB314
 LB315
 LB316
 LB317
 LB318
 LB456

(Signed) Lavon Heidemann, Chairperson

Government, Military and Veterans Affairs

Room 1507

Wednesday, February 18, 2009 1:30 p.m.

LB125
LB349
LB382

Thursday, February 19, 2009 1:30 p.m.

LB678
LB361
LB639
LB465

Friday, February 20, 2009 1:30 p.m.

LB321
LB503
LB529
LB532

Wednesday, February 25, 2009 1:30 p.m.

LB662
LB362
LB410
LB501

Thursday, February 26, 2009 1:30 p.m.

LB402
LB422
LB488
LB550

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

LB574
LB626
LB635
LB638

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

LB363
LB486

LB509

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

LB575

LB623

LB645

LB674

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

LB475

LB527

LB533

(Signed) Bill Avery, Chairperson

Judiciary

Room 1113

Wednesday, February 18, 2009 1:30 p.m.

LB34

LB403

LR9

Thursday, February 19, 2009 1:30 p.m.

LB274

LB429

LB260

LB307

Friday, February 20, 2009 1:30 p.m.

LB35

LB63

LB508

(Signed) Brad Ashford, Chairperson

RESOLUTION**LEGISLATIVE RESOLUTION 22.** Introduced by Pirsch, 4.

WHEREAS, Alegent Health is the largest not-for-profit, faith-based healthcare system in Nebraska and southwestern Iowa with nine acute care hospitals; and

WHEREAS, Alegent Health offers a continuum of care from women's and children's services, primary care, wellness counseling, and senior care to cardiovascular services, orthopedics, oncology, physical rehabilitation, and behavioral health; and

WHEREAS, Alegent Health has worked for three years to revolutionize health care by opening and transparently reporting quality scores and costs to consumers; and

WHEREAS, the Network for Regional Healthcare Improvement analyzed the quality scores from the Centers for Medicare and Medicaid Services and the patient satisfaction scores and arrived at a ranking of the top one hundred twenty-one hospitals in the country; and

WHEREAS, Alegent Health was ranked number one in the nation in this analysis and as a top performer in the Centers for Medicare and Medicaid Services' pay-for-performance project bringing positive national attention to Nebraska; and

WHEREAS, the nine thousand employees of Alegent Health deserve special recognition for their exceptional teamwork and knowledge which contributed to these outstanding rankings; and

WHEREAS, Alegent Health provided over twenty-six million dollars in charity care in Fiscal Year 2008 to the citizens of Nebraska and the communities in which they serve; and

WHEREAS, the accomplishments of Nebraska-based businesses should be recognized by the Legislature.

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

1. That the Legislature recognizes and congratulates the staff of Alegent Health.

2. That a copy of this resolution be sent to Wayne Sensor, Chief Executive Office of Alegent Health, and the staff of Alegent Health in Omaha, Nebraska.

Laid over.

AMENDMENT - Print in Journal

Senator Pirsch filed the following amendment to LB74:
AM284

- 1 1. On page 3, line 6, after the period insert "Any bank
- 2 which offers letters of credit for consideration to depositors
- 3 pursuant to this section shall post a notice in the lobby of
- 4 each office of such bank stating that letters of credit issued by

5 the Federal Home Loan Bank of Topeka which provide coverage for
 6 deposits in excess of the amounts insured by the Federal Deposit
 7 Insurance Corporation may be available to depositors of the bank.
 8 Provision of a letter of credit issued by the Federal Home Loan
 9 Bank of Topeka by a bank to a depositor shall be at the discretion
 10 of the bank. The notice required under this section shall be
 11 sufficient if made in substantially the following form:

12 Notice

13 This bank is a member of the Federal Home Loan Bank
 14 of Topeka and offers for consideration Federal Home Loan Bank of
 15 Topeka letters of credit which provide coverage for deposits in
 16 excess of the amounts insured by the Federal Deposit Insurance
 17 Corporation. Please contact a representative of the bank to
 18 determine if such a letter of credit is available to you."

GENERAL FILE

LEGISLATIVE BILL 52. Committee AM109, found on page 331 and considered on page 432, was adopted with 41 ayes, 0 nays, 4 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 3 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 151. Title read. Considered.

Committee AM49, found on page 335, was adopted with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

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

LEGISLATIVE BILL 88. Title read. Considered.

Advanced to Enrollment and Review Initial with 38 ayes, 1 nay, 7 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 184. Title read. Considered.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 53. Placed on Select File.

LEGISLATIVE BILL 28. Placed on Select File.

LEGISLATIVE BILL 48. Placed on Select File.

LEGISLATIVE BILL 204. Placed on Select File with amendment.
ER8015

- 1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:
3 Section 1. Section 60-4,141.01, Reissue Revised Statutes
4 of Nebraska, is amended to read:
5 60-4,141.01 (1) No person shall operate a commercial
6 motor vehicle upon the highways of this state while his or her
7 commercial driver's license or privilege to operate a commercial
8 motor vehicle is suspended, revoked, or canceled, ~~or~~ while subject
9 to a disqualification or an out-of-service order, or while there is
10 an out-of-service order in effect for the commercial motor vehicle
11 being operated or for the motor carrier operation. ~~Any person~~
12 ~~who operates a commercial motor vehicle upon the highways of this~~
13 ~~state in violation of this subsection shall be subject to section~~
14 ~~60-4,108.~~
15 (2) No person shall operate a commercial motor vehicle
16 transporting hazardous materials upon the highways of this state
17 while his or her commercial driver's license or privilege to
18 operate a commercial motor vehicle is suspended, revoked, or
19 canceled, while subject to a disqualification or an out-of-service
20 order, or while there is an out-of-service order in effect for the
21 commercial motor vehicle being operated or for the motor carrier
22 operation.
23 (3) No person shall operate a commercial motor vehicle
1 transporting sixteen or more passengers including the driver
2 upon the highways of this state while his or her commercial
3 driver's license or privilege to operate a commercial motor
4 vehicle is suspended, revoked, or canceled, while subject to a
5 disqualification or an out-of-service order, or while there is an
6 out-of-service order in effect for the commercial motor vehicle
7 being operated or for the motor carrier operation.
8 (2)-(4) No person shall operate a commercial motor
9 vehicle upon the highways of this state while he or she is
10 disqualified under section 60-4,168. ~~A person violating this~~
11 ~~subsection is subject to section 60-4,108.~~
12 (5) Any person operating a commercial motor vehicle in
13 violation of subsection (1), (2), (3), or (4) of this section shall
14 (a) for a first such offense, be guilty of a Class II misdemeanor,
15 and the court shall, as a part of the judgment of conviction,
16 order such person not to operate any commercial motor vehicle for
17 any purpose for a period of one year from the date ordered by the
18 court and also order the commercial driver's license of such person
19 to be revoked for a like period and (b) for each subsequent such
20 offense, be guilty of a Class II misdemeanor, and the court shall,
21 as a part of the judgment of conviction, order such person not to
22 operate any motor vehicle for any purpose for a period of two years
23 from the date ordered by the court and also order the commercial
24 driver's license of such person to be revoked for a like period.

25 Such orders of the court shall be administered upon sentencing,
 26 upon final judgment of any appeal or review, or upon the date that
 27 any probation is revoked, whichever is later.

1 (6) For purposes of this section, out-of-service order
 2 has the same meaning as in section 75-362.

3 Sec. 2. Section 60-4,168.01, Reissue Revised Statutes of
 4 Nebraska, is amended to read:

5 60-4,168.01 (1) ~~A-Except as provided in subsection (2)~~
 6 ~~of this section, a person who is convicted of violating an~~
 7 ~~out-of-service order while operating a commercial motor vehicle~~
 8 ~~which is transporting nonhazardous materials shall be subject to~~
 9 ~~disqualification as follows-except as provided in subsection (2)~~
 10 ~~of this section:~~

11 (a) A person shall be disqualified from operating a
 12 commercial motor vehicle for a period of at least ~~ninety-one~~
 13 ~~hundred eighty~~ days but no more than one year upon a court
 14 conviction for violating an out-of-service order;

15 (b) A person shall be disqualified from operating a
 16 commercial motor vehicle for a period of at least ~~one year-two~~
 17 ~~years~~ but no more than five years upon a second court conviction
 18 for violating an out-of-service order, which arises out of a
 19 separate incident, during any ten-year period; ~~and beginning on or~~
 20 ~~after October 1, 1996; and~~

21 (c) A person shall be disqualified from operating a
 22 commercial motor vehicle for a period of at least three years
 23 but no more than five years upon a third or subsequent court
 24 conviction for violating an out-of-service order, which arises out
 25 of a separate incident, during any ten-year period. ~~beginning on or~~
 26 ~~after October 1, 1996.~~

27 (2) A person who is convicted of violating an
 1 out-of-service order while operating a commercial motor vehicle
 2 ~~while which is~~ transporting hazardous materials required to
 3 be placarded pursuant to section 75-364 or while operating a
 4 commercial motor vehicle designed or used to transport sixteen
 5 or more passengers, including the driver, shall be subject to
 6 disqualification as follows:

7 (a) A person shall be disqualified from operating a
 8 commercial motor vehicle for a period of at least one hundred
 9 eighty days but no more than two years upon conviction for
 10 violating an out-of-service order; and

11 (b) A person shall be disqualified from operating a
 12 commercial motor vehicle for a period of at least three years but
 13 no more than five years upon a second or subsequent conviction for
 14 violating an out-of-service order, which arises out of a separate
 15 incident, during any ten-year period. ~~beginning on or after October~~
 16 ~~1, 1996.~~

17 (3) For purposes of this section, out-of-service order
 18 has the same meaning as in section 75-362. shall mean a declaration
 19 by an authorized enforcement officer of a federal, state, Canadian,

20 Mexican, or local authority that a driver is out of service
 21 pursuant to 49 C.F.R. 386.72, 392.5, 395.13, or 396.9; compatible
 22 laws enacted by other jurisdictions; 49 C.F.R. 392.5, 395.13, or
 23 396.9 as adopted pursuant to section 75-363; or the North American
 24 Uniform Out of Service Criteria.
 25 Sec. 3. Original sections 60-4,141.01 and 60-4,168.01,
 26 Reissue Revised Statutes of Nebraska, are repealed.

LEGISLATIVE BILL 331. Placed on Select File.

LEGISLATIVE BILL 135. Placed on Select File.

LEGISLATIVE BILL 32. Placed on Select File.

LEGISLATIVE BILL 7. Placed on Select File.

LEGISLATIVE BILL 55. Placed on Select File.

LEGISLATIVE BILL 20. Placed on Select File.

LEGISLATIVE BILL 102. Placed on Select File.

LEGISLATIVE BILL 201. Placed on Select File with amendment.
 ER8016

- 1 1. On page 1, line 4, strike the second "and"; and in
- 2 line 5 after "section" insert "; and to declare an emergency".

(Signed) Jeremy Nordquist, Chairperson

GENERAL FILE

LEGISLATIVE BILL 379. Title read. Considered.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 142. Title read. Considered.

Committee AM56, found on page 352, was adopted with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

Senator Stuthman offered the following amendment:

FA11

Page 2 line 17 strike fifty and reinstate thirty five.

The Stuthman amendment lost with 12 ayes, 23 nays, 7 present and not voting, and 7 excused and not voting.

Pending.

COMMITTEE REPORTS

Transportation and Telecommunications

LEGISLATIVE BILL 202. Placed on General File.

LEGISLATIVE BILL 92. Placed on General File with amendment.
AM305

1 1. Strike the original sections and insert the following
2 new sections:

3 Section 1. Section 60-601, Revised Statutes Cumulative
4 Supplement, 2008, is amended to read:

5 60-601 Sections 60-601 to 60-6,377 and section 2 of this
6 act shall be known and may be cited as the Nebraska Rules of the
7 Road.

8 Sec. 2. (1)(a) A driver in a vehicle on a
9 controlled-access highway approaching or passing a stopped
10 authorized emergency vehicle or road assistance vehicle which makes
11 use of proper audible or visual signals shall proceed with due care
12 and caution as described in subdivision (b) of this subsection.

13 (b) On a controlled-access highway with at least two
14 adjacent lanes of travel in the same direction on the same side
15 of the highway where a stopped authorized emergency vehicle or
16 road assistance vehicle is using proper audible or visual signals,
17 the driver of the vehicle shall proceed with due care and caution
18 and yield the right-of-way by moving into a lane at least one
19 moving lane apart from the stopped authorized emergency vehicle
20 or road assistance vehicle unless directed otherwise by a peace
21 officer or other authorized emergency personnel. If moving into
22 another lane is not possible because of weather conditions, road
23 conditions, or the immediate presence of vehicular or pedestrian
1 traffic or because the controlled-access highway does not have
2 two available adjacent lanes of travel in the same direction on
3 the same side of the highway where such a stopped authorized
4 emergency vehicle or road assistance vehicle is located, the
5 driver of the approaching or passing vehicle shall reduce his
6 or her speed, maintain a safe speed with regard to the location
7 of the stopped authorized emergency vehicle or road assistance
8 vehicle, the weather conditions, the road conditions, and vehicular
9 or pedestrian traffic, and proceed with due care and caution
10 or proceed as directed by a peace officer or other authorized
11 emergency personnel or road assistance personnel.

12 (c) Any person who violates this subsection is guilty of
13 a traffic infraction for a first offense and Class IIIA misdemeanor
14 for a second or subsequent offense.

15 (2) The Department of Roads shall erect and maintain
16 or cause to be erected and maintained signs giving notice of
17 subsection (1) of this section along controlled-access highways.
18 This section is not effective for a controlled-access highway until
19 such signs are erected and maintained along such highway.

20 (3) Enforcement of subsection (1) of this section
 21 shall not be accomplished using simulated situations involving an
 22 authorized emergency vehicle or a road assistance vehicle.

23 (4) This section does not relieve the driver of an
 24 authorized emergency vehicle or a road assistance vehicle from the
 25 duty to drive with due regard for the safety of all persons using
 26 the highway.

27 (5) For purposes of this section, road assistance vehicle
 1 includes a vehicle operated by the Department of Roads, a
 2 Nebraska State Patrol motorist assistance vehicle, and a United
 3 States Department of Transportation registered towing or roadside
 4 assistance vehicle. A road assistance vehicle shall emit a warning
 5 signal utilizing properly displayed emergency indicators such as
 6 strobe, rotating, or oscillating lights when stopped along a
 7 highway.

8 Sec. 3. Original section 60-601, Revised Statutes
 9 Cumulative Supplement, 2008, is repealed.

(Signed) Deb Fischer, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 113. Placed on General File with amendment.
 AM301

- 1 1. Insert the following new section:
- 2 Sec. 6. Since an emergency exists, this act takes effect
- 3 when passed and approved according to law.

(Signed) Rich Pahls, Chairperson

NOTICE OF COMMITTEE HEARINGS

Appropriations

Room 1003

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

Agency 59 - Board of Geologists
 Agency 45 - Barber Examiners, Board of
 Agency 30 - Electrical Board, State
 Agency 74 - Power Review Board, Nebraska
 Agency 41 - State Real Estate Commission
 Agency 53 - Real Property Appraiser Board
 Agency 63 - Public Accountancy, Nebraska Board of
 Agency 32 - Educational Lands and Funds, Board of
 Agency 62 - Land Surveyors, State Board of Examiners for
 Agency 36 - Racing Commission, Nebraska State
 Agency 58 - Board of Engineers and Architects
 Agency 66 - Abstracters Board of Examiners

Agency 73 - Landscape Architects, State Board of

Wednesday, February 25, 2009 1:30 p.m.

Agency 57 - Oil and Gas Conservation Commission, Nebraska

Agency 18 - Dept. of Agriculture (Potato Bd. & Poultry/Egg)

Agency 39 - Brand Committee, Nebraska

Agency 56 - Wheat Board, Nebraska

Agency 60 - Ethanol Board, Nebraska

Agency 61 - Dairy Industry Development Board, Nebraska

Agency 86 - Dry Bean Commission

Agency 88 - Corn Development, Utilization and Marketing Board

Agency 92 - Grain Sorghum Board, Nebraska

Thursday, February 26, 2009 1:30 p.m.

Agency 16 - Revenue, Department of

Agency 93 - Tax Equalization and Review Commission

Agency 54 - Historical Society, Nebraska State

(Signed) Lavon Heidemann, Chairperson

Business and Labor

Room 2102

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

LB556

LB622

LB453

LB514

(Signed) Steve Lathrop, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 110A. Introduced by Fischer, 43.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 110, One Hundred First Legislature, First Session, 2009.

VISITORS

Visitors to the Chamber were 25 twelfth-grade students, teacher, and sponsor from Elkhorn; Tatiana Korvarikova and Jaroslava Prochazkova from Prague, Czech Republic and Dr. Barbara Trout from Lincoln; Nikki Harris and Kristie Biodrowski from Omaha; and members of the Norfolk JOOI Club from Norfolk.

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

ADJOURNMENT

At 11:58 a.m., on a motion by Senator Karpisek, the Legislature adjourned until 9:00 a.m., Thursday, February 12, 2009.

Patrick J. O'Donnell
Clerk of the Legislature