

THIRTY-FIRST DAY - FEBRUARY 23, 2009**LEGISLATIVE JOURNAL****ONE HUNDRED FIRST LEGISLATURE
FIRST SESSION****THIRTY-FIRST DAY**

Legislative Chamber, Lincoln, Nebraska
Monday, February 23, 2009

PRAYER

The prayer was offered by Pastor Robert Chitwood, Brownville Christian Church, Brownville.

ROLL CALL

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

The roll was called and all members were present except Senators Ashford, Dierks, and Haar who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirtieth day was approved.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 7. Placed on Final Reading.

LEGISLATIVE BILL 20. Placed on Final Reading.

LEGISLATIVE BILL 32. Placed on Final Reading.

LEGISLATIVE BILL 55. Placed on Final Reading.

ST9009

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

1. On page 1, lines 1 and 4, "sections" has been struck and "section" inserted; in line 2 "and 32-507" has been struck; and in lines 3 and 4 "and Attorney General" has been struck.

LEGISLATIVE BILL 102. Placed on Final Reading.

LEGISLATIVE BILL 120. Placed on Final Reading Second.

LEGISLATIVE BILL 135. Placed on Final Reading.

LEGISLATIVE BILL 201. Placed on Final Reading.

LEGISLATIVE BILL 331. Placed on Final Reading.

(Signed) Jeremy Nordquist, Chairperson

COMMITTEE REPORTS

Banking, Commerce and Insurance

LEGISLATIVE BILL 528. Placed on General File with amendment.
AM247

- 1 1. Insert the following new sections:
- 2 Section 1. Section 21-2003, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 21-2003 (1) A document shall satisfy the requirements of
- 5 this section and of any other provision of law that adds to or
- 6 varies these requirements to be entitled to filing by the Secretary
- 7 of State.
- 8 (2) The Business Corporation Act shall require or permit
- 9 filing the document in the office of the Secretary of State.
- 10 (3) The document shall contain the information required
- 11 by the act. It may contain other information as well.
- 12 (4) The document shall be typewritten or printed.
- 13 (5) The document shall be in the English language. A
- 14 corporate name shall not be required to be in English if written
- 15 in English letters or Arabic or Roman numerals. The certificate of
- 16 existence required of foreign corporations shall not be required to
- 17 be in English if accompanied by a reasonably authenticated English
- 18 translation.
- 19 (6) The document shall be executed:
- 20 (a) By the chairperson of the board of directors of a
- 21 domestic or foreign corporation, by its president, or by another of
- 22 its officers;
- 23 (b) If directors have not been selected or the
- 1 corporation has not been formed, by an incorporator; or
- 2 (c) If the corporation is in the hands of a receiver,
- 3 trustee, or other court-appointed fiduciary, by that fiduciary.
- 4 (7) The person executing the document shall sign it and
- 5 state beneath or opposite his or her signature his or her name
- 6 and the capacity in which he or she signs. The document may, but
- 7 shall not be required to, contain (a) the corporate seal, (b) an
- 8 attestation by the secretary or an assistant secretary, and (c) an
- 9 acknowledgment, verification, or proof.
- 10 (8) If the Secretary of State has prescribed a mandatory
- 11 form for the document under section 21-2004, the document shall be
- 12 in or on the prescribed form.
- 13 (9) The document shall be delivered to the Secretary of
- 14 State for filing and shall be accompanied by one exact or conformed
- 15 copy, except as provided in sections 21-2033 and 21-20,176, the

16 correct filing fee, and any tax, license fee, or penalty required
17 by law. For purposes of this subsection, delivered means physical
18 delivery of the document by hand, mail, or commercial delivery and
19 does not include delivery by electronic transmission.

20 Sec. 5. Section 21-20,186, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 21-20,186 (1) A corporation shall furnish its
23 shareholders annual financial statements which may be consolidated
24 or combined statements of the corporation and one or more of its
25 subsidiaries, as appropriate, that include a balance sheet as of
26 the end of the fiscal year, an income statement for that year, and
27 a statement of changes in shareholders' equity for that year unless
1 such information appears elsewhere in the financial statements. If
2 financial statements are prepared for the corporation on the basis
3 of generally accepted accounting principles, the annual financial
4 statements shall also be prepared on that basis.

5 (2) If the annual financial statements are reported upon
6 by a public accountant, the accountant's report shall accompany
7 the financial statements. If not, the financial statements shall
8 be accompanied by a statement of the president or the person
9 responsible for the corporation's accounting records:

10 (a) Stating his or her reasonable belief whether the
11 financial statements were prepared on the basis of generally
12 accepted accounting principles and, if not, describing the basis of
13 preparation; and

14 (b) Describing any respects in which the statements
15 were not prepared on a basis of accounting consistent with the
16 statements prepared for the preceding year.

17 (3) A corporation shall ~~mail-deliver~~ the annual financial
18 statements to each shareholder within one hundred twenty days after
19 the close of each fiscal year. Thereafter, on written request from
20 a shareholder who was not ~~mailed-delivered~~ the statements, the
21 corporation shall ~~mail-deliver to him or her~~ the latest financial
22 statements.

23 2. On page 5, line 23, strike the second comma and show
24 as stricken; and in line 25 strike "voice mail".

25 3. On page 9, line 19, after "sections" insert
26 "21-2003,", strike "and", and after the last comma insert "and
27 21-20,186,".

1 4. Renumber the remaining sections accordingly.

(Signed) Rich Pahls, Chairperson

Revenue

LEGISLATIVE BILL 162. Placed on General File with amendment. AM357

- 1 1. On page 4, line 5, after property insert "or any
 2 person who earns less than five thousand dollars annually for
 3 construction services"; and strike lines 7 through 12 and insert
 4 the following new subsection:
 5 "(2) An exemption from the requirements under subsection
 6 (1) of this section does not exempt a contractor from withholding
 7 requirements under the Nebraska Revenue Act of 1967.".
 8 2. On page 6, line 12, after "be" insert "signed by the
 9 applicant and" and after the period insert "The commissioner
 10 may adopt and promulgate rules and regulations to establish
 11 the criteria for acceptability of filing documents and making
 12 payments electronically. The criteria may include requirements for
 13 electronic signatures. The commissioner may refuse to accept any
 14 electronic filings or payments that do not meet the criteria
 15 established."; and strike lines 17 through 25, show the old matter
 16 as stricken, and insert the following new subsection:
 17 "(2) A contractor shall not be required to pay the fee
 18 under subsection (1) of this section if: (a) The contractor
 19 is self-employed and does not pay more than three thousand
 20 dollars annually to employ other persons in the business and
 21 the application contains a statement made under oath or equivalent
 22 affirmation setting forth such information; or (b) the contractor
 23 only engages in the construction of water wells or installation
 1 of septic systems. At any time that a contractor no longer
 2 qualifies for exemption from the fee, the fee shall be paid to the
 3 department. Any false statement made under subdivision (2)(a) of
 4 this section shall be a violation of section 28-915.01.".
 5 3. On page 7, strike line 1 and show as stricken.

(Signed) Abbie Cornett, Chairperson

MOTION - Approve Appointments

Senator Adams moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 493:

Technical Advisory Committee for Statewide Assessment

Wayne Camara
 Brian Gong, Executive Director
 Linda Poole
 Richard Sawyer
 Dallas Watkins

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Excused and not voting, 3:

Ashford Dierks Haar

The appointments were confirmed with 46 ayes, 0 nays, and 3 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 89. Committee AM92, found on page 365 and considered on page 523, was adopted with 37 ayes, 3 nays, 7 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 3 nays, 6 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 231. Title read. Considered.

Committee AM75, found on page 352, was adopted with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

SENATOR LANGEMEIER PRESIDING

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 11 present and not voting, and 2 excused and not voting.

SENATOR ROGERT PRESIDING

LEGISLATIVE BILL 167. Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 6 nays, 7 present and not voting, and 1 excused and not voting.

SPEAKER FLOOD PRESIDING

RESOLUTION

Pursuant to Rule 4, Sec. 5(b), LR22 was adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR22.

SENATOR ROBERT PRESIDING**ANNOUNCEMENT**

Senator Ashford designates LB63 as his priority bill.

RESOLUTION

LEGISLATIVE RESOLUTION 31. Introduced by Flood, 19; Rogert, 16.

WHEREAS, the recent economic downturn has had a significant impact on the steel industry in the United States, and over 25,000 United States steelworkers have lost their jobs; and

WHEREAS, Nucor Corporation, a Fortune 500 Company and national manufacturer of steel products, has continued to demonstrate a commitment to its employees, including over 900 employees in Norfolk, Nebraska; and

WHEREAS, Nucor has not closed any of its plants and practices a no-lay-off policy for its more than 20,000 employees; and

WHEREAS, Nucor and its family of diverse companies, including Nucor Steel, Nucor Cold Finish, Vulcraft, and Nucor Detailing Center, have developed a long-term relationship with Norfolk, Nebraska, and have demonstrated the strength of American steel; and

WHEREAS, Nucor is North America's largest recycler and its emphasis on safety, the environment, and social responsibility have been an integral part of its success; and

WHEREAS, Nucor employees work hard making the finest quality steel products; and

WHEREAS, Nucor employees play hard and are actively involved in the community through activities such as the TeamMates Mentoring Program and Norfolk Area United Way.

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

1. That the Legislature recognizes Nucor Corporation for its dedication to its employees and to the communities in which it has facilities.

2. That a copy of this resolution be sent to Nucor's chief executive officer, Daniel R. DiMicco, all Nucor facilities in the State of Nebraska, and to each member of Nebraska's congressional delegation.

Laid over.

AMENDMENTS - Print in Journal

Senator Fischer filed the following amendment to LB204:
AM429

(Amendments to Final Reading copy)

- 1 1. On page 3, line 18, after "any" insert "commercial".

Senator Carlson filed the following amendment to LB254:
AM420

- 1 1. On page 3, strike beginning with "If" in line 17
2 through the period in line 24 and insert "The application shall be
3 accompanied by an annual license fee of one hundred dollars.".
4 2. On page 4, strike beginning with "dollars" in line
5 2 through "hundred" in line 6 and insert "fifty dollars or
6 seventy-five"; and in line 8 after the period insert "All fees
7 collected pursuant to this section shall be remitted to the State
8 Treasurer for credit to the Pesticide Administrative Cash Fund.".

COMMITTEE REPORTS

Natural Resources

The Natural Resources 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.

Patrick Bourne - Nebraska Power Review Board
Stephen Lichter - Nebraska Power Review Board

Aye: 8 Senators Carlson, Cook, Dubas, Fischer, Haar, Langemeier, McCoy, Schilz. Nay: 0. Absent: 0.

The Natural Resources 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.

Mark Spurgin - Game and Parks Commission

Aye: 8 Senators Carlson, Cook, Dubas, Fischer, Haar, Langemeier, McCoy, Schilz. Nay: 0. Absent: 0.

(Signed) Chris Langemeier, Chairperson

UNANIMOUS CONSENT - Add Cointroducers

Senator Pirsch asked unanimous consent to add his name as cointroducer to LB167. No objections. So ordered.

Senator Wallman asked unanimous consent to add his name as cointroducer to LB476. No objections. So ordered.

Senators Campbell and Gay asked unanimous consent to add their names as cointroducers to LB532. No objections. So ordered.

VISITOR

The Doctor of the Day was Dr. Stephanie Riccalarsen from Omaha.

ADJOURNMENT

At 11:55 a.m., on a motion by Senator Heidemann, the Legislature adjourned until 9:00 a.m., Tuesday, February 24, 2009.

Patrick J. O'Donnell
Clerk of the Legislature