

**THIRTY-SECOND DAY - FEBRUARY 24, 2009****LEGISLATIVE JOURNAL****ONE HUNDRED FIRST LEGISLATURE  
FIRST SESSION****THIRTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, February 24, 2009

**PRAYER**

The prayer was offered by Pastor Donella Silveira, Immanuel Lutheran Church, Chadron.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Langemeier presiding.

The roll was called and all members were present except Senator Heidemann who was excused; and Senators Adams, Avery, Cornett, and Loudon who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirty-first day was approved.

**COMMITTEE REPORTS**

Enrollment and Review

**LEGISLATIVE BILL 165.** Placed on Select File with amendment. ER8019 is available in the Bill Room.

**LEGISLATIVE BILL 89.** Placed on Select File with amendment. ER8021

- 1 1. In the Standing Committee amendments, AM92:
- 2 a. Insert the following new section:
- 3 Sec. 7. Section 77-4025, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 77-4025 There is hereby created a cash fund in the
- 6 Department of Revenue to be known as the Tobacco Products
- 7 Administration Cash Fund. ~~Except as otherwise provided in section~~
- 8 ~~77-4008, all~~ All revenue collected or received by the Tax
- 9 Commissioner from the license fees and taxes imposed by the Tobacco
- 10 Products Tax Act shall be remitted to the State Treasurer for
- 11 credit to the Tobacco Products Administration Cash Fund. All costs

12 required for administration of the Tobacco Products Tax Act shall  
 13 be paid from such fund. Credits and refunds allowed under the act  
 14 shall be paid from the Tobacco Products Administration Cash Fund.  
 15 Any receipts, after credits and refunds, in excess of the amounts  
 16 sufficient to cover the costs of administration may be transferred  
 17 to the General Fund at the direction of the Legislature. ~~The State  
 18 Treasurer shall transfer two million five hundred thousand dollars  
 19 from the Tobacco Products Administration Cash Fund to the General  
 20 Fund within fifteen days after November 1, 2002.~~ Any money in the  
 21 Tobacco Products Administration Cash Fund available for investment  
 22 shall be invested by the state investment officer pursuant to  
 23 the Nebraska Capital Expansion Act and the Nebraska State Funds  
 1 Investment Act.  
 2 b. On page 1, line 14, strike "powered" and insert  
 3 "powdered";  
 4 c. On page 4, line 19, strike "and 77-4017" and insert  
 5 "77-4017, and 77-4025"; and  
 6 d. Renumber the remaining sections accordingly.  
 7 2. On page 1, strike beginning with "77-4004" in line 2  
 8 through "77-4024" in line 3 and insert "77-4008, 77-4014, 77-4017,  
 9 and 77-4025"; and in line 5 after the first semicolon insert "to  
 10 eliminate obsolete provisions;".

**LEGISLATIVE BILL 231.** Placed on Select File with amendment.  
 ER8020

- 1 1. On page 1, line 3, strike "provide requirements for  
 2 the legislative member" and insert "change provisions relating to  
 3 membership and voting".

**LEGISLATIVE BILL 167.** Placed on Select File with amendment.  
 ER8022

- 1 1. On page 2, line 9, strike the comma.

(Signed) Jeremy Nordquist, Chairperson

### COMMITTEE REPORTS

Government, Military and Veterans Affairs

**LEGISLATIVE BILL 450.** Placed on General File.

**LEGISLATIVE BILL 512.** Placed on General File.

**LEGISLATIVE BILL 544.** Placed on General File.

**LEGISLATIVE BILL 325.** Placed on General File with amendment.  
 AM474

- 1 1. Strike the original sections and insert the following  
 2 new sections:  
 3 Section 1. Section 32-328, Reissue Revised Statutes of  
 4 Nebraska, is amended to read:  
 5 32-328 (1) The election commissioner or county clerk

6 shall, upon the personal application of any registered voter or  
7 whenever informed of any error and after due investigation, correct  
8 any error in the voter registration register. For such purpose,  
9 the election commissioner or county clerk may summon witnesses and  
10 compel their attendance to appear at the office of the election  
11 commissioner or county clerk to give testimony pertaining to  
12 residence, qualifications, or any other facts required to be  
13 entered in the voter registration register. Such testimony shall be  
14 transcribed and become a part of his or her records.

15 (2) If the name of any registered voter of any precinct  
16 does not appear on the precinct list of registered voters through  
17 an error and the election commissioner or county clerk informs  
18 the precinct inspector or judge of election that credible evidence  
19 exists that substantiates that an error has been made, the precinct  
20 inspector or judge of election shall enter the correction in the  
21 precinct list of registered voters, initial the correction, and  
22 authorize the receiving board to issue the proper ballots to the  
23 voter as directed by the election commissioner or county clerk  
1 and receive his or her vote. The election commissioner or county  
2 clerk shall designate whether the voter is entitled to a regular  
3 ballot or a provisional ballot as provided in section 32-915. All  
4 corrections shall be entered on the voter registration register as  
5 soon as possible after the election.

6 Sec. 2. Section 32-329, Reissue Revised Statutes of  
7 Nebraska, is amended to read:

8 32-329 (1) The Secretary of State with the assistance  
9 of the election commissioners and county clerks shall perform  
10 list maintenance with respect to the computerized statewide voter  
11 registration list on a regular basis. The list maintenance shall be  
12 conducted in a manner that ensures that:

13 (a) The name of each registered voter appears in the  
14 computerized list;

15 (b) Only persons who have been entered into the register  
16 in error or who are not eligible to vote are removed from the  
17 computerized list; and

18 (c) Duplicate names are eliminated from the computerized  
19 list.

20 (2) The election commissioner or county clerk shall  
21 verify the voter registration register by using (a) the National  
22 Change of Address program of the United States Postal Service  
23 and a confirmation notice pursuant to subsection (3) of this  
24 section or (b) the biennial mailing of a nonforwardable notice  
25 to each registered voter. The Secretary of State shall provide  
26 biennial training for the election commissioners and county clerks  
27 responsible for maintaining voter registration lists. No name shall  
1 be removed from the voter registration register for the sole reason  
2 that such person has not voted for any length of time.

3 (3) When an election commissioner or county clerk  
4 receives information from the National Change of Address program

5 of the United States Postal Service that a registered voter has  
 6 moved from the address at which he or she is registered to  
 7 vote, the election commissioner or county clerk shall ~~immediately~~  
 8 update the voter registration register to indicate that the voter  
 9 may have moved and mail a confirmation notice by forwardable  
 10 first-class mail. If a nonforwardable notice under subdivision  
 11 (2)(b) of this section is returned as undeliverable, the election  
 12 commissioner or county clerk shall mail a confirmation notice  
 13 by forwardable first-class mail. The confirmation notice shall  
 14 include a confirmation letter and a preaddressed, postage-paid  
 15 confirmation card. The confirmation letter shall contain statements  
 16 substantially as follows:

17 (a) The election commissioner or county clerk has  
 18 received information that you have moved to a different residence  
 19 address from that appearing on the voter registration register;

20 (b) If you have not moved or you have moved to a  
 21 new residence within this county, you should return the enclosed  
 22 confirmation card by the regular registration deadline prescribed  
 23 in section 32-302. If you fail to return the card by the deadline,  
 24 you will be required to affirm or confirm your address prior to  
 25 being allowed to vote. If you are required to affirm or confirm  
 26 your address, it may result in a delay at your polling place; and

27 (c) If you have moved out of the county, you must  
 1 reregister to be eligible to vote. This can be accomplished by mail  
 2 or in person. For further information, contact your local election  
 3 commissioner or county clerk.

4 (4) The election commissioner or county clerk shall  
 5 maintain for a period of not less than two years a record of  
 6 each confirmation letter indicating the date it was mailed and the  
 7 person to whom it was mailed.

8 (5) If information from the National Change of Address  
 9 program or the nonforwardable notice under subdivision (2)(b)  
 10 of this section indicates that the voter has moved outside the  
 11 jurisdiction and the election commissioner or county clerk receives  
 12 no response to the confirmation letter and the voter does not offer  
 13 to vote at any election held prior to and including the second  
 14 statewide federal general election following the mailing of the  
 15 confirmation notice, the voter's registration shall be canceled  
 16 and his or her name shall be deleted from the voter registration  
 17 register.

18 Sec. 3. Section 32-607, Reissue Revised Statutes of  
 19 Nebraska, is amended to read:

20 32-607 All candidate filing forms shall contain the  
 21 following statement: I hereby swear that I will abide by the laws  
 22 of the State of Nebraska regarding the results of the primary and  
 23 general elections, that I am a registered voter and qualified to be  
 24 elected, and that I will serve if elected. Candidate filing forms  
 25 shall be filed with the following filing officers:

26 (1) For candidates for national, state, or congressional

27 office, directors of public power and irrigation districts,  
 1 directors of reclamation districts, directors of natural resources  
 2 districts, members of the boards of educational service units,  
 3 members of governing boards of community colleges, delegates to  
 4 national conventions, and other offices filled by election held in  
 5 more than one county and judges desiring retention, in the office  
 6 of the Secretary of State;

7 (2) For officers elected within a county, in the office  
 8 of the election commissioner or county clerk. If the candidate is  
 9 not a resident of the county, he or she shall submit a certificate  
 10 of registration obtained under section 32-316 with the candidate  
 11 filing form;

12 (3) For officers in school districts which include land  
 13 in adjoining counties, in the office of the election commissioner  
 14 or county clerk of the county in which the greatest number of  
 15 registered voters entitled to vote for the officers reside. If the  
 16 candidate is not a resident of the county, he or she shall submit a  
 17 certificate of registration obtained under section 32-316 with the  
 18 candidate filing form; and

19 (4) For city or village officers, in the office of the  
 20 ~~city or village clerk, except that in the case of joint elections,~~  
 21 ~~the filing may be either in the office of the election commissioner~~  
 22 ~~or county clerk, or in the office of the city or village clerk with~~  
 23 ~~deputized personnel. When the city or village clerk is deputized to~~  
 24 ~~take filings, he or she shall return all filings to the office of~~  
 25 ~~the election commissioner or county clerk by the end of the next~~  
 26 ~~business day following the filing deadline.~~

27 Sec. 4. Section 32-914.02, Reissue Revised Statutes of  
 1 Nebraska, is amended to read:

2 32-914.02 If a person who is registered to vote moves  
 3 to a new residence within the same county and precinct and has  
 4 continuously resided in such county and precinct since registering  
 5 to vote but the voter registration register has not been changed  
 6 to reflect the move, the person shall be entitled to vote at the  
 7 polling place for the new residence. The election commissioner or  
 8 county clerk shall designate whether such a person is entitled  
 9 to a regular ballot upon completing a registration application to  
 10 update his or her voter registration record at the polling place  
 11 or a provisional ballot as provided in section 32-915. The election  
 12 commissioner or county clerk shall update the voter registration  
 13 register to reflect the change of address.

14 Sec. 5. Section 32-915, Reissue Revised Statutes of  
 15 Nebraska, is amended to read:

16 32-915 (1) A person whose name does not appear on the  
 17 precinct list of registered voters at the polling place for the  
 18 precinct in which he or she resides, whose name appears on the  
 19 precinct list of registered voters at the polling place for the  
 20 precinct in which he or she resides at a different residence  
 21 address as described in section 32-914.02, or whose name appears

22 with a notation that he or she received a ballot for early voting  
 23 may vote a provisional ballot if he or she:

24 (a) Claims that he or she is a registered voter who has  
 25 continuously resided in the county in which the precinct is located  
 26 since registering to vote;

27 (b) Is not entitled to vote under section 32-914.01 or  
 1 32-914.02;

2 (c) Has not registered to vote or voted in any other  
 3 county since registering to vote in the county in which the  
 4 precinct is located;

5 (d) Has appeared to vote at the polling place for the  
 6 precinct to which the person would be assigned based on his or her  
 7 residence address; and

8 (e) Completes and signs a registration application before  
 9 voting.

10 (2) A voter whose name appears on the precinct list  
 11 of registered voters for the polling place with a notation  
 12 that the voter is required to present identification pursuant  
 13 to section 32-318.01 but fails to present identification may vote a  
 14 provisional ballot if he or she completes and signs a registration  
 15 application before voting.

16 (3) Each person voting by provisional ballot shall  
 17 enclose his or her ballot in an envelope marked Provisional  
 18 Ballot and shall, by signing the certification on the front of the  
 19 envelope or a separate form attached to the envelope, certify to  
 20 the following facts:

21 (a) I am a registered voter in ..... County;

22 (b) My name did not appear on the precinct list of  
 23 registered voters;

24 (c) I registered to vote on or about this date  
 25 .....

26 (d) I registered to vote

27 .... in person at the election office or a voter  
 1 registration site,

2 .... by mail,

3 .... on a form through the Department of Motor Vehicles,

4 .... on a form through another state agency,

5 .... in some other way;

6 (e) I have not resided outside of this county or voted  
 7 outside of this county since registering to vote in this county;

8 (f) My current address is shown on the registration  
 9 application completed as a requirement for voting by provisional  
 10 ballot; and

11 (g) I am eligible to vote in this election and I have not  
 12 voted and will not vote in this election except by this ballot.

13 (4) The voter shall sign the certification under penalty  
 14 of election falsification. The following statements shall be on  
 15 the front of the envelope or on the attached form: By signing the  
 16 front of this envelope or the attached form you are certifying to

17 the information contained on this envelope or the attached form  
 18 under penalty of election falsification. Election falsification  
 19 is a Class IV felony and may be punished by up to five years  
 20 imprisonment, a fine of up to ten thousand dollars, or both.

21 (5) If the person's name does not appear on the precinct  
 22 list of registered voters for the polling place and the judge or  
 23 clerk of election determines that the person's residence address is  
 24 located in another precinct within the same county, the judge or  
 25 clerk of election shall direct the person to his or her correct  
 26 polling place to vote.

27 Sec. 6. Section 32-930, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 32-930 If a person is challenged on the ground that he  
 3 or she is not eighteen years of age or, during the years in which  
 4 a statewide general election is held, that he or she will not be  
 5 eighteen years of age by the first Tuesday after the first Monday  
 6 in November of such year, the person shall answer the following  
 7 question on the form provided by the election commissioner or  
 8 county clerk: Will you be ~~eighteen years of age to the best of~~  
 9 ~~your knowledge and belief by the statewide general election of this~~  
 10 ~~year?~~ at least eighteen years of age on or before the first Tuesday  
 11 following the first Monday in November of this year?

12 Sec. 7. Original sections 32-328, 32-329, 32-607,  
 13 32-914.02, 32-915, and 32-930, Reissue Revised Statutes of  
 14 Nebraska, are repealed.

(Signed) Bill Avery, Chairperson

## RESOLUTION

**LEGISLATIVE RESOLUTION 32.** Introduced by Stuthman, 22.

WHEREAS, the Howells High School wrestling team won the 2009 Class D State Wrestling Championship; and

WHEREAS, the Howells High School wrestling team clinched the title with a team score of 141; and

WHEREAS, the Legislature should recognize the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Howells High School wrestling team be congratulated for their exemplary effort this season.

2. That a copy of this resolution be sent to Head Coach Brian Jones and the Howells High School wrestling team.

Laid over.

**GENERAL FILE**

**LEGISLATIVE BILL 403.** Title read. Considered.

Committee AM413, found on page 518, was considered.

**SENATOR CARLSON PRESIDING**

Pending.

**COMMITTEE REPORTS**

## Judiciary

**LEGISLATIVE BILL 274.** Placed on General File.

**LEGISLATIVE BILL 429.** Placed on General File.

(Signed) Brad Ashford, Chairperson

Urban Affairs

**LEGISLATIVE BILL 526.** Placed on General File.

**LEGISLATIVE BILL 128.** Placed on General File with amendment.  
AM180

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Pursuant to Article XI, section 1, of the
- 4 Constitution of Nebraska, the Legislature authorizes the investment
- 5 of public endowment funds by any city having a population of
- 6 more than five thousand inhabitants in the manner required of a
- 7 prudent investor who shall act with care, skill, and diligence
- 8 under the prevailing circumstance and in such investments as the
- 9 governing body of such city, acting in a fiduciary capacity for the
- 10 exclusive purpose of protecting and benefiting such investment, may
- 11 determine.
- 12 Sec. 2. Since an emergency exists, this act takes effect
- 13 when passed and approved according to law.

**LEGISLATIVE BILL 338.** Placed on General File with amendment.  
AM192

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 15-268, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 15-268 A ~~primary~~ city of the primary class may provide
- 6 for the destruction and removal of weeds and worthless vegetation
- 7 growing upon any lot or lots or lands within the corporate limits
- 8 of such city or upon the streets and alleys abutting upon any
- 9 lot or lots or lands, and such city may require the owner or



10 owners of such lot or lots or lands to destroy and remove the same  
 11 therefrom and from the streets and alleys abutting thereon. If, ~~the~~  
 12 ~~owner or owners fail, neglect, or refuse,~~ after five days' notice  
 13 by publication, ~~or by certified United States mail, or by the~~  
 14 conspicuous posting of the notice on the lot or land upon which the  
 15 nuisance exists, the owner or owners fail, neglect, or refuse to  
 16 destroy or remove the ~~same,~~ nuisance, the city, through its proper  
 17 officers, shall destroy and remove the ~~same nuisance,~~ or cause the  
 18 ~~same nuisance~~ to be destroyed or removed, from the lot or lots or  
 19 lands and streets and alleys abutting thereon and shall assess the  
 20 cost thereof against such lot or lots or lands, as provided by  
 21 ordinance.

22 Sec. 2. Section 16-230, Reissue Revised Statutes of  
 23 Nebraska, is amended to read:

1 16-230 (1) A city of the first class by ordinance may  
 2 require lots or pieces of ground within the city or within  
 3 ~~two miles of the corporate limits of the city~~ the city's  
 4 extraterritorial zoning jurisdiction to be drained or filled so  
 5 as to prevent stagnant water or any other nuisance accumulating  
 6 thereon. ~~Except as provided in subsection (6) of this section,~~  
 7 the city may require the owner or occupant of all lots and  
 8 pieces of ground within the city to keep the lots and pieces  
 9 of ground and the adjoining streets and alleys free of any  
 10 growth of twelve inches or more in height of weeds, grasses, or  
 11 worthless vegetation, and it may prohibit and control the throwing,  
 12 depositing, or accumulation of litter on any lot or piece of ground  
 13 within the city.

14 (2) ~~Any~~ Except as provided in subsection (6) of this  
 15 section, any city of the first class may by ordinance declare it  
 16 to be a nuisance to permit or maintain any growth of twelve inches  
 17 or more in height of weeds, grasses, or worthless vegetation or to  
 18 litter or cause litter to be deposited or remain thereon except in  
 19 proper receptacles.

20 (3) Any owner or occupant of a lot or piece of ground  
 21 shall, upon conviction of violating ~~such any ordinance authorized~~  
 22 under this section, be guilty of a Class V misdemeanor.

23 (4) Notice to abate and remove such nuisance shall be  
 24 given to each owner or owner's duly authorized agent and to the  
 25 occupant, if any, by personal service or certified mail. If notice  
 26 by personal service or certified mail is unsuccessful, notice shall  
 27 be given by publication in a newspaper of general circulation in  
 1 the city or by conspicuously posting the notice on the lot or  
 2 ground upon which the nuisance is to be abated and removed. Within  
 3 five days after receipt of such notice or publication or posting,  
 4 whichever is applicable, if the owner or occupant of the lot or  
 5 piece of ground does not request a hearing with the city or fails  
 6 to comply with the order to abate and remove the nuisance, the city  
 7 may have such work done. The costs and expenses of any such work  
 8 shall be paid by the owner. If unpaid for two months after such

9 work is done, the city may either (a) levy and assess the costs and  
 10 expenses of the work upon the lot or piece of ground so benefited  
 11 in the same manner as other special taxes for improvements are  
 12 levied and assessed or (b) recover in a civil action the costs  
 13 and expenses of the work upon the lot or piece of ground and the  
 14 adjoining streets and alleys.

15 (5) For purposes of this section:

16 (a) Litter includes, but is not limited to: (i) Trash,  
 17 rubbish, refuse, garbage, paper, rags, and ashes; (ii) wood,  
 18 plaster, cement, brick, or stone building rubble; (iii) grass,  
 19 leaves, and worthless vegetation; (iv) offal and dead animals;  
 20 and (v) any machine or machines, vehicle or vehicles, or parts of  
 21 a machine or vehicle which have lost their identity, character,  
 22 utility, or serviceability as such through deterioration,  
 23 dismantling, or the ravages of time, are inoperative or unable to  
 24 perform their intended functions, or are cast off, discarded, or  
 25 thrown away or left as waste, wreckage, or junk; ~~and~~

26 (b) Weeds includes, but is not limited to, bindweed  
 27 (Convolvulus arvensis), puncture vine (Tribulus terrestris),  
 1 leafy spurge (Euphorbia esula), Canada thistle (Cirsium arvense),  
 2 perennial peppergrass (Lepidium draba), Russian knapweed (Centaurea  
 3 picris), Johnson grass (Sorghum halepense), nodding or musk  
 4 thistle, quack grass (Agropyron repens), perennial sow thistle  
 5 (Sonchus arvensis), horse nettle (Solanum carolinense), bull  
 6 thistle (Cirsium lanceolatum), buckthorn (Rhamnus sp.) (tourn),  
 7 hemp plant (Cannabis sativa), and ragweed (Ambrosiaceae); and-

8 (c) Weeds, grasses, and worthless vegetation does not  
 9 include vegetation applied or grown on a lot or piece of ground  
 10 outside the corporate limits of the city but inside the city's  
 11 extraterritorial zoning jurisdiction expressly for the purpose of  
 12 weed or erosion control.

13 (6) A city of the first class by ordinance may declare it  
 14 to be a nuisance to permit or maintain any growth of eight inches  
 15 or more in height of weeds, grasses, or worthless vegetation on any  
 16 lot or piece of ground located within the corporate limits of the  
 17 city during any calendar year if, within the same calendar year,  
 18 the city has, pursuant to subsection (4) of this section, acted  
 19 to remove weeds, grasses, or worthless vegetation exceeding twelve  
 20 inches in height on the same lot or piece of ground and had to seek  
 21 recovery of the costs and expenses of such work from the owner.

22 Sec. 3. Section 17-563, Reissue Revised Statutes of  
 23 Nebraska, is amended to read:

24 17-563 (1) ~~Each~~ Except as provided in subsection (6) of  
 25 this section, a city of the second class and village by ordinance  
 26 (a) may require lots or pieces of ground within the city or village  
 27 to be drained or filled so as to prevent stagnant water or any  
 1 other nuisance accumulating thereon, (b) -It may require the  
 2 owner or occupant of any lot or piece of ground within the city  
 3 or village to keep the lot or piece of ground and the adjoining

4 streets and alleys free of any growth of twelve inches or more in  
5 height of weeds, grasses, or worthless vegetation, and ~~it (c)~~ may  
6 prohibit and control the throwing, depositing, or accumulation of  
7 litter on any lot or piece of ground within the city or village.

8 (2) ~~Any~~ Except as provided in subsection (6) of this  
9 section, any city of the second class and village may by ordinance  
10 declare it to be a nuisance to permit or maintain any growth of  
11 twelve inches or more in height of weeds, grasses, or worthless  
12 vegetation or to litter or cause litter to be deposited or remain  
13 thereon except in proper receptacles.

14 (3) Any owner or occupant of a lot or piece of ground  
15 shall, upon conviction of violating ~~such any ordinance~~ authorized  
16 under this section, be guilty of a Class V misdemeanor.

17 (4) Notice to abate and remove such nuisance shall be  
18 given to each owner or owner's duly authorized agent and to the  
19 occupant, if any, by personal service or certified mail. If notice  
20 by personal service or certified mail is unsuccessful, notice shall  
21 be given by publication in a newspaper of general circulation in  
22 the city or by conspicuously posting the notice on the lot or  
23 ground upon which the nuisance is to be abated and removed. Within  
24 five days after receipt of such notice or publication or posting,  
25 whichever is applicable, if the owner or occupant of the lot or  
26 piece of ground does not request a hearing with the city or village  
27 or fails to comply with the order to abate and remove the nuisance,  
1 the city or village may have such work done. The costs and expenses  
2 of any such work shall be paid by the owner. If unpaid for two  
3 months after such work is done, the city or village may either (a)  
4 levy and assess the costs and expenses of the work upon the lot or  
5 piece of ground so benefited in the same manner as other special  
6 taxes for improvements are levied and assessed or (b) recover in  
7 a civil action the costs and expenses of the work upon the lot or  
8 piece of ground and the adjoining streets and alleys.

9 (5) For purposes of this section:

10 (a) Litter includes, but is not limited to: (i) Trash,  
11 rubbish, refuse, garbage, paper, rags, and ashes; (ii) wood,  
12 plaster, cement, brick, or stone building rubble; (iii) grass,  
13 leaves, and worthless vegetation; (iv) offal and dead animals;  
14 and (v) any machine or machines, vehicle or vehicles, or parts of  
15 a machine or vehicle which have lost their identity, character,  
16 utility, or serviceability as such through deterioration,  
17 dismantling, or the ravages of time, are inoperative or unable to  
18 perform their intended functions, or are cast off, discarded, or  
19 thrown away or left as waste, wreckage, or junk; and

20 (b) Weeds includes, but is not limited to, bindweed  
21 (*Convolvulus arvensis*), puncture vine (*Tribulus terrestris*),  
22 leafy spurge (*Euphorbia esula*), Canada thistle (*Cirsium arvense*),  
23 perennial peppergrass (*Lepidium draba*), Russian knapweed (*Centaurea*  
24 *picris*), Johnson grass (*Sorghum halepense*), nodding or musk  
25 thistle, quack grass (*Agropyron repens*), perennial sow thistle

26 (Sonchus arvensis), horse nettle (Solanum carolinense), bull  
 27 thistle (Cirsium lanceolatum), buckthorn (Rhamnus sp.) (toun),  
 1 hemp plant (Cannabis sativa), and ragweed (Ambrosiaceae).

2 (6) A city of the second class or village by ordinance  
 3 may declare it to be a nuisance to permit or maintain any growth  
 4 of eight inches or more in height of weeds, grasses, or worthless  
 5 vegetation on any lot or piece of ground located within the  
 6 corporate limits of the city or village during any calendar year  
 7 if, within the same calendar year, the city has, pursuant to  
 8 subsection (4) of this section, acted to remove weeds, grasses, or  
 9 worthless vegetation exceeding twelve inches in height on the same  
 10 lot or piece of ground and had to seek recovery of the costs and  
 11 expenses of such work from the owner.

12 Sec. 4. Original sections 15-268, 16-230, and 17-563,  
 13 Reissue Revised Statutes of Nebraska, are repealed.

**LEGISLATIVE BILL 339.** Placed on General File with amendment.  
 AM197

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

3 Section 1. Section 18-2102.01, Reissue Revised Statutes  
 4 of Nebraska, is amended to read:

5 18-2102.01 Cities of all classes and villages of this  
 6 state are hereby granted power and authority to create community  
 7 redevelopment authorities and limited community redevelopment  
 8 authorities.

9 (1) Whenever an authority or limited authority is created  
 10 it shall bear the name of the city creating it and shall be  
 11 legally known as the Community Redevelopment Authority of the City  
 12 (or Village) of ..... (name of city or village) or the  
 13 Limited Community Redevelopment Authority of the City (or Village)  
 14 of ..... (name of city or village).

15 (2) When it is determined by the governing body of any  
 16 city by ordinance in the exercise of its discretion that it is  
 17 expedient to create a community redevelopment authority or limited  
 18 community redevelopment authority, the mayor of the city or, if  
 19 the mayor shall fail to act within ninety days after the passage  
 20 of the ordinance, the president or other presiding officer other  
 21 than the mayor of the governing body, with the approval of the  
 22 governing body of the city, shall appoint five or seven persons  
 23 who shall constitute the authority or the limited authority. The  
 1 terms of office of the members of ~~the a five-member~~ authority  
 2 initially appointed shall be for one year, two years, three years,  
 3 four years, and five years, as designated by the mayor, president,  
 4 other presiding officer, or city manager in making the respective  
 5 appointments. The terms of office of the members of a seven-member  
 6 authority initially appointed shall be one member each for one  
 7 year, two years, and five years, and two members each for three  
 8 years and four years, as designated by the mayor, president,

9 other presiding officer, or city manager in making the respective  
 10 appointments. As the terms of the members of the authority expire  
 11 in cities not having the city manager form of government, the  
 12 mayor, with the approval of the governing body of the city, shall  
 13 appoint or reappoint a member of the authority for a term of  
 14 five years to succeed the member whose term expires. In cities  
 15 having the city manager form of government, the city manager shall  
 16 appoint or reappoint the members with the approval of the governing  
 17 body. The terms of office of the members of a limited community  
 18 redevelopment authority shall be for the duration of only one  
 19 single specific limited pilot project authorized in the ordinance  
 20 creating the limited community redevelopment authority, and the  
 21 terms of the members of a limited community redevelopment authority  
 22 shall expire upon the completion of the single specific limited  
 23 pilot project authorized in the ordinance creating the limited  
 24 community redevelopment authority.

25 A governing body may at its option submit an ordinance  
 26 which creates a community redevelopment authority or a limited  
 27 community redevelopment authority to the electors of the city  
 1 for approval by a majority vote of the electors voting on the  
 2 ordinance. On submitting the ordinance for approval, the governing  
 3 body is authorized to call, by the ordinance, a special or general  
 4 election and to submit, after thirty days' notice of the time  
 5 and place of holding the election and according to the manner  
 6 and method otherwise provided by law for the calling, conducting,  
 7 canvassing, and certifying of the result of city elections on the  
 8 submission of propositions to the electors, the proposition to be  
 9 stated on the ballot as follows:

10 Shall the City (or Village) of ..... (name of  
 11 city or village) create a Community Redevelopment Authority of the  
 12 City (or Village) of ..... (name of city or village)?

13 ... Yes

14 ... No.

15 When the ordinance submitted to the electors for approval  
 16 by a majority vote of the electors voting on the ordinance is to  
 17 create a limited community redevelopment authority the proposition  
 18 shall be stated on the ballot as follows:

19 Shall the City (or Village) of ..... (name of  
 20 city or village) create a Limited Community Redevelopment Authority  
 21 of the City (or Village) of ..... (name of city or  
 22 village)?

23 ... Yes

24 ... No.

25 Vacancies shall be filled for any unexpired term in the  
 26 same manner as the original appointment. Members of the authority  
 27 so appointed shall hold office until their successors have been  
 1 appointed and qualified. Members of a limited authority shall hold  
 2 office as provided in this section. All members of the authority  
 3 shall serve without compensation, but shall be entitled to be

4 reimbursed for all necessary expenses incurred.

5 (3) Any authority established under this section shall  
 6 organize by electing one of its members chairperson and another  
 7 vice-chairperson, shall have power to employ counsel, a director  
 8 who shall be ex officio secretary of the authority, and such other  
 9 officers and employees as may be desired, and shall fix the term  
 10 of office, qualifications, and compensation of each. The holder of  
 11 the office of community redevelopment administrator or coordinator  
 12 of the city may, but need not, be appointed the director but at no  
 13 additional compensation by the authority. Community redevelopment  
 14 authorities of cities of the first and second class and villages  
 15 may secure the services of a director, community redevelopment  
 16 administrator, or coordinator, and other officers and employees as  
 17 may be desired through contract with the Department of Economic  
 18 Development upon terms which are mutually agreeable. Any authority  
 19 established under this section may validly and effectively act on  
 20 all matters requiring a resolution or other official action by a  
 21 ~~majority vote of its membership~~ the concurrence of three members of  
 22 a five-member authority or four members of a seven-member authority  
 23 present and voting at a meeting of the authority, if a quorum  
 24 ~~of four is present.~~ Orders, requisitions, warrants, and other  
 25 documents may be executed by the chairperson or vice-chairperson or  
 26 by or with others designated in its bylaws.

27 (4) No member or employee of any authority established  
 1 under this section shall have any interest directly or indirectly  
 2 in any contract for property, materials, or services to be required  
 3 by such authority.

4 (5) The authority shall keep an accurate account of all  
 5 its activities and of all receipts and disbursements and make an  
 6 annual report of such activities, receipts, and disbursements to  
 7 the governing body of the city.

8 (6) The governing body of a city creating a community  
 9 redevelopment authority or a limited community redevelopment  
 10 authority is hereby authorized to appropriate and loan to the  
 11 authority a sum not exceeding ten thousand dollars for the purposes  
 12 of paying expenses of organizing and supervising the work of the  
 13 authority at the beginning of its activities. The loan shall be  
 14 authorized by resolution of the governing body which shall set  
 15 forth the terms and time of the repayment of the loan. The loan may  
 16 be appropriated out of the general funds or any sinking fund.

17 (7) All income, revenue, profits, and other funds  
 18 received by any authority established under this section from  
 19 whatever source derived, or appropriated by the city, or realized  
 20 from tax receipts or comprised in the special revenue fund of the  
 21 city designated for the authority or from the proceeds of bonds,  
 22 or otherwise, shall be deposited with the city treasurer as ex  
 23 officio treasurer of the authority without commingling the money  
 24 with any other money under his or her control and disbursed by  
 25 him or her by check, draft, or order only upon warrants, orders,

26 or requisitions by the chairperson of the authority or other  
27 person authorized by the authority which shall state distinctly  
1 the purpose for which the same are drawn. A permanent record shall  
2 be kept by the authority of all warrants, orders, or requisitions  
3 so drawn, showing the date, amount, consideration, and to whom  
4 payable. When paid, the same shall be canceled and kept on file  
5 by the city treasurer. The books of any authority established  
6 under this section shall from time to time be audited upon the  
7 order of the governing body of the municipality in such manner  
8 as it may direct, and all books and records of the authority  
9 shall at all times be open to public inspection. The authority  
10 may contract with the holders of any of its bonds or notes as to  
11 collection, custody, securing investment, and payment of any money  
12 of the authority or any money held in trust or otherwise for the  
13 payment of bonds or notes or in any way to secure bonds or notes.  
14 The authority may carry out the contract notwithstanding that  
15 such contract may be inconsistent with the previous provisions of  
16 this subdivision. All banks, capital stock financial institutions,  
17 qualifying mutual financial institutions, and trust companies are  
18 hereby authorized to give security for the deposits of money of any  
19 authority established under the provisions of this section pursuant  
20 to the Public Funds Deposit Security Act. Section 77-2366 applies  
21 to deposits in capital stock financial institutions. Section  
22 77-2365.01 shall apply to deposits in qualifying mutual financial  
23 institutions.  
24 Sec. 2. Original section 18-2102.01, Reissue Revised  
25 Statutes of Nebraska, is repealed.

**LEGISLATIVE BILL 412.** Placed on General File with amendment.  
AM134

- 1 1. On page 7, lines 24 and 25, strike the new matter and
- 2 insert "5 p.m. on the date set for the election.".

(Signed) Mike Friend, Chairperson

### **GENERAL FILE**

**LEGISLATIVE BILL 403.** Senator Janssen offered the following  
amendment to the committee amendment:  
AM435

(Amendments to Standing Committee amendments, AM413)

- 1 1. Insert the following new section:

2 Sec. 16. Section 85-502, Reissue Revised Statutes of  
3 Nebraska, is amended to read:

4 85-502 Rules and regulations established by the governing  
5 board of each state postsecondary educational institution shall  
6 require as a minimum that a person is not deemed to have  
7 established a residence in this state, for purposes of sections  
8 85-501 to 85-504, unless such person is lawfully present in the

9 United States and

10 (1) Such person is of legal age or is an emancipated  
11 minor and has established a home in Nebraska where he or she  
12 is habitually present for a minimum period of one hundred eighty  
13 days, with the bona fide intention of making this state his or her  
14 permanent residence, supported by documentary proof;

15 (2) The parents, parent, or guardian having custody of a  
16 minor registering in the educational institution have established  
17 a home in Nebraska where such parents, parent, or guardian are  
18 or is habitually present with the bona fide intention to make  
19 this state their, his, or her permanent residence, supported by  
20 documentary proof. If a student has matriculated in any state  
21 postsecondary educational institution while his or her parents,  
22 parent, or guardian had an established home in this state, and the  
1 parents, parent, or guardian ceases to reside in the state, such  
2 student shall not thereby lose his or her resident status if such  
3 student has the bona fide intention to make this state his or her  
4 permanent residence, supported by documentary proof;

5 (3) Such student is of legal age and is a dependent for  
6 federal income tax purposes of a parent or former guardian who  
7 has established a home in Nebraska where he or she is habitually  
8 present with the bona fide intention of making this state his or  
9 her permanent residence, supported by documentary proof;

10 (4) Such student is a nonresident of this state prior  
11 to marriage and marries a person who has established a home in  
12 Nebraska where he or she is habitually present with the bona fide  
13 intention of making this state his or her permanent residence,  
14 supported by documentary proof;

15 ~~(5) Except as provided in subdivision (8) of this~~  
16 ~~section, such~~ Such student, if an alien, ~~has applied to or~~  
17 ~~has a petition pending with the United States Immigration and~~  
18 ~~Naturalization Service to attain lawful status under federal~~  
19 ~~immigration law and~~ has established a home in Nebraska for a  
20 period of at least one hundred eighty days where he or she is  
21 habitually present with the bona fide intention to make this state  
22 his or her permanent residence, supported by documentary proof;

23 (6) Such student is a staff member or a dependent of a  
24 staff member of the University of Nebraska, one of the Nebraska  
25 state colleges, or one of the community college areas who joins  
26 the staff immediately prior to the beginning of a term from an  
27 out-of-state location; or

1 (7) Such student is on active duty with the armed  
2 services of the United States and has been assigned a permanent  
3 duty station in Nebraska, or is a legal dependent of a person on  
4 active duty with the armed services of the United States assigned a  
5 permanent duty station in Nebraska; ~~or~~

6 ~~(8)(a) Such student resided with his or her parent,~~  
7 ~~guardian, or conservator while attending a public or private high~~  
8 ~~school in this state and:~~



9 (i) Graduated from a public or private high school in  
 10 this state or received the equivalent of a high school diploma in  
 11 this state;

12 (ii) Resided in this state for at least three years  
 13 before the date the student graduated from the high school or  
 14 received the equivalent of a high school diploma;

15 (iii) Registered as an entering student in a state  
 16 postsecondary educational institution not earlier than the 2006  
 17 fall semester; and

18 (iv) Provided to the state postsecondary educational  
 19 institution an affidavit stating that he or she will file  
 20 an application to become a permanent resident at the earliest  
 21 opportunity he or she is eligible to do so.

22 (b) If the parent, guardian, or conservator with whom the  
 23 student resided ceases to reside in the state, such student shall  
 24 not lose his or her resident status under this subdivision if the  
 25 student has the bona fide intention to make this state his or her  
 26 permanent residence, supported by documentary proof.

27 2. Renumber the remaining sections and correct the  
 1 repealer accordingly.

Pending.

## COMMITTEE REPORTS

### Education

**LEGISLATIVE BILL 221.** Placed on General File with amendment.  
 AM438

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

3 Section 1. Section 79-575, Reissue Revised Statutes of  
 4 Nebraska, is amended to read:

5 79-575 The secretary of a school district shall draw and  
 6 sign all orders upon the treasurer for all money to be disbursed  
 7 by the district and all warrants upon the county treasurer for  
 8 money raised for district purposes or apportioned to the district  
 9 by the county treasurer and shall present the same to the president  
 10 to be countersigned. No warrant, ~~check, or other instrument drawn~~  
 11 upon bank depository funds of the district shall be issued until  
 12 so countersigned. No warrant, ~~check, or other instrument drawn upon~~  
 13 bank depository funds of the district shall be countersigned by the  
 14 president until the amount for which ~~the warrant-it~~ is drawn is  
 15 written upon its face. Facsimile signatures of board members may  
 16 be used, and a person or persons delegated by the board may sign  
 17 and validate all warrants, ~~checks, and other instruments drawn upon~~  
 18 bank depository funds of the district.

19 Sec. 2. Section 79-592, Reissue Revised Statutes of  
 20 Nebraska, is amended to read:

21 79-592 The treasurer of a Class V school district shall

22 receive all taxes of the school district from the county treasurer.  
 23 The treasurer of the school district shall attend all meetings of  
 1 the board of education of the Class V district when required to  
 2 do so, shall prepare and submit in writing a monthly report of  
 3 the state of the district's finances, and shall pay school money  
 4 only either upon a warrant signed by the president, or in the  
 5 president's absence by the vice president, and countersigned by  
 6 the secretary or upon a check or other instrument drawn upon bank  
 7 depository funds of the school district. The treasurer shall also  
 8 perform such other duties as designated by the board of education.  
 9 Before entering into the discharge of his or her duties and during  
 10 the entire time he or she so serves, the treasurer shall give  
 11 bond or evidence of equivalent insurance coverage payable to the  
 12 board in such amount as may be required by the board, but in no  
 13 event less than two hundred thousand dollars, conditioned for the  
 14 faithful discharge of his or her duties as treasurer of the school  
 15 district, for the safekeeping and proper disbursement of all funds  
 16 and money of the school district received by the treasurer. Such  
 17 bond shall be signed by one or more surety companies of recognized  
 18 responsibility, to be approved by the board. The cost of the bond  
 19 or insurance shall be paid by the school district. Such bond or  
 20 insurance coverage may be enlarged at any time the board may deem  
 21 an enlargement or additional bond or insurance coverage to be  
 22 necessary.  
 23 Sec. 3. Original sections 79-575 and 79-592, Reissue  
 24 Revised Statutes of Nebraska, are repealed.

(Signed) Greg Adams, Chairperson

Health and Human Services

**LEGISLATIVE BILL 462.** Placed on General File.

**LEGISLATIVE BILL 27.** Placed on General File with amendment.  
 AM321

1 1. Strike the original sections and insert the following  
 2 new sections:  
 3 Section 1. Section 68-901, Revised Statutes Cumulative  
 4 Supplement, 2008, is amended to read:  
 5 68-901 Sections 68-901 to 68-956 and sections 2 to 6 of  
 6 this act shall be known and may be cited as the Medical Assistance  
 7 Act.  
 8 Sec. 2. Section 85-1,138, Reissue Revised Statutes of  
 9 Nebraska, is amended to read:  
 10 ~~85-1,138~~ Sections ~~85-1,138 to 85-1,142-2~~ to 6 of this act  
 11 shall be known and may be cited as the Autism Treatment Program  
 12 Act.  
 13 Sec. 3. Section 85-1,139, Reissue Revised Statutes of  
 14 Nebraska, is amended to read:

15 ~~85-1,139~~ The purposes purpose of the Autism Treatment  
 16 Program Act are is to (1) create the Autism Treatment Program  
 17 administered by the Center for Autism Spectrum Disorders at the  
 18 University of Nebraska Medical Center and (2) provide for the  
 19 development and administration of a waiver or an amendment to an  
 20 existing waiver under the medical assistance program established in  
 21 section 68-903.

22 Sec. 4. Section 85-1,140, Reissue Revised Statutes of  
 23 Nebraska, is amended to read:

1 ~~85-1,140~~ The Autism Treatment Program is created. The  
 2 program shall be administered by the department. ~~Center for~~  
 3 ~~Autism Spectrum Disorders at the University of Nebraska Medical~~  
 4 ~~Center. The program shall provide or coordinate the provision of~~  
 5 ~~statewide intensive early intervention services based on behavioral~~  
 6 ~~principles for children with a medical diagnosis of an autism~~  
 7 ~~spectrum disorder or an educational verification of autism. The~~  
 8 ~~program shall utilize private funds and funds transferred by the~~  
 9 ~~Legislature from the Nebraska Health Care Cash Fund to the Autism~~  
 10 ~~Treatment Program Cash Fund. Transfers from the Nebraska Health~~  
 11 ~~Care Cash Fund in any fiscal year shall be contingent upon the~~  
 12 ~~receipt of private matching funds for such program, with no less~~  
 13 ~~than one dollar of private funds received for every two dollars~~  
 14 ~~transferred from the Nebraska Health Care Cash Fund. Transfers~~  
 15 ~~from the Nebraska Health Care Cash Fund under this section and~~  
 16 ~~section 71-7611 shall be utilized as the state match for the~~  
 17 ~~waiver established under section 85-1,142 upon the approval of such~~  
 18 ~~waiver.~~

19 Sec. 5. Section 85-1,141, Reissue Revised Statutes of  
 20 Nebraska, is amended to read:

21 ~~85-1,141~~ (1) The Autism Treatment Program Cash Fund  
 22 is created. The fund shall include revenue transferred from the  
 23 Nebraska Health Care Cash Fund and revenue received from gifts,  
 24 grants, bequests, donations, other similar donation arrangements,  
 25 or other contributions from public or private sources. ~~The Autism~~  
 26 ~~Treatment Program Cash Fund shall be administered by the Center~~  
 27 ~~for Autism Spectrum Disorders at the University of Nebraska Medical~~  
 1 ~~Center for purposes of the Autism Treatment Program created in~~  
 2 ~~section 85-1,140. The department shall administer the fund. The~~  
 3 ~~Autism Treatment Program Cash Fund shall be used as the state's~~  
 4 ~~matching share for the waiver established under section 6 of this~~  
 5 ~~act and for expenses incurred in the administration of the Autism~~  
 6 ~~Treatment Program. Any money in the fund available for investment~~  
 7 ~~shall be invested by the state investment officer pursuant to~~  
 8 ~~the Nebraska Capital Expansion Act and the Nebraska State Funds~~  
 9 ~~Investment Act.~~

10 (2) The program shall utilize private funds deposited in  
 11 the Autism Treatment Program Cash Fund and funds transferred by the  
 12 Legislature from the Nebraska Health Care Cash Fund to the Autism  
 13 Treatment Program Cash Fund. Transfers from the Nebraska Health

14 Care Cash Fund in any fiscal year shall be contingent upon the  
 15 receipt of private matching funds for such program, with no less  
 16 than one dollar of private funds received for every two dollars  
 17 transferred from the Nebraska Health Care Cash Fund. No donations  
 18 from a provider of services under Title XIX of the federal Social  
 19 Security Act shall be deposited into the Autism Treatment Program  
 20 Cash Fund.

21 Sec. 6. Section 85-1,142, Reissue Revised Statutes of  
 22 Nebraska, is amended to read:

23 ~~85-1,142~~ (1) ~~The Department of Health and Human Services~~  
 24 department shall apply for a waiver or an amendment to an  
 25 existing waiver under the medical assistance program established  
 26 in section 68-903 for the purpose of providing medical assistance  
 27 for intensive early intervention services based on behavioral  
 1 principles for children with a medical diagnosis of an autism  
 2 spectrum disorder or an educational verification of autism. Such  
 3 waiver shall not be construed to create an entitlement to services  
 4 provided under such waiver.

5 (2) It is the intent of the Legislature that such  
 6 waiver (a) require means testing for and cost-sharing by recipient  
 7 families, (b) limit eligibility only to children for whom such  
 8 services have been initiated prior to the age of nine years,  
 9 (c) limit the number of children served according to available  
 10 funding, (d) require demonstrated progress toward the attainment  
 11 of treatment goals as a condition for continued receipt of medical  
 12 assistance benefits for such treatment, (e) be developed in  
 13 consultation with the Health and Human Services Committee of  
 14 the Legislature and the federal Centers for Medicare and Medicaid  
 15 Services and with the input of parents and families of children  
 16 with autism spectrum disorders and organizations advocating on  
 17 behalf of such persons, and (f) be submitted to the federal Centers  
 18 for Medicare and Medicaid Services as soon as practicable, but no  
 19 later than ~~July 1, 2008~~. September 1, 2009.

20 Sec. 7. Section 71-7611, Revised Statutes Cumulative  
 21 Supplement, 2008, is amended to read:

22 71-7611 (1) The Nebraska Health Care Cash Fund is  
 23 created. The State Treasurer shall transfer (a) fifty-six million  
 24 four hundred thousand dollars no later than July 30, 2008, and  
 25 (b) fifty-five million seven hundred thousand dollars annually  
 26 thereafter no later than July 15 from the Nebraska Medicaid  
 27 Intergovernmental Trust Fund and the Nebraska Tobacco Settlement  
 1 Trust Fund to the Nebraska Health Care Cash Fund, except that such  
 2 amount shall be reduced by the amount of the unobligated balance  
 3 in the Nebraska Health Care Cash Fund at the time the transfer is  
 4 made. On or before May 1, 2008, the State Treasurer shall transfer  
 5 from the Nebraska Medicaid Intergovernmental Trust Fund and the  
 6 Nebraska Tobacco Settlement Trust Fund an additional two hundred  
 7 fifty thousand dollars to the Nebraska Health Care Cash Fund.  
 8 The state investment officer upon consultation with the Nebraska

9 Investment Council shall advise the State Treasurer on the amounts  
10 to be transferred from the Nebraska Medicaid Intergovernmental  
11 Trust Fund and from the Nebraska Tobacco Settlement Trust  
12 Fund under this section in order to sustain such transfers in  
13 perpetuity. The state investment officer shall report to the  
14 Legislature on or before October 1 of every even-numbered year on  
15 the sustainability of such transfers. Except as otherwise provided  
16 by law, no more than the amount specified in subdivisions (1)(a)  
17 and (b) of this subsection may be appropriated or transferred from  
18 the Nebraska Health Care Cash Fund in any fiscal year.

19 (2) Any money in the Nebraska Health Care Cash Fund  
20 available for investment shall be invested by the state investment  
21 officer pursuant to the Nebraska Capital Expansion Act and the  
22 Nebraska State Funds Investment Act.

23 (3) ~~One million dollars in the Nebraska Health Care Cash~~  
24 ~~Fund is designated shall be transferred each year for to the Autism~~  
25 ~~Treatment Program Act Cash Fund for five fiscal years beginning~~  
26 ~~in fiscal year 2007-08 on a date determined by the Department of~~  
27 ~~Health and Human Services but no later than ninety days after a~~  
1 ~~waiver under section 6 of this act has been approved and shall be~~  
2 ~~distributed with matching private funds from the Autism Treatment~~  
3 ~~Program Cash Fund and matching funds from Title XIX of the federal~~  
4 ~~Social Security Act in each fiscal year as follows: (a) First, to~~  
5 ~~the Department of Health and Human Services for costs related to~~  
6 ~~application, and implementation, and administration of the a waiver~~  
7 ~~pursuant to section 6 of this act; (b) second, to the department~~  
8 ~~for other medical costs for children who would not otherwise~~  
9 ~~qualify for medicaid except for the waiver; and (c) third, the~~  
10 ~~balance to fund services pursuant to the waiver. the Autism~~  
11 ~~Treatment Program Cash Fund. The State Treasurer shall transfer the~~  
12 ~~balance of the funding to the Autism Treatment Program Cash Fund~~  
13 ~~based on the estimated costs of administrative and other medical~~  
14 ~~costs as determined by the Legislature through the appropriation~~  
15 ~~process. The transfers to the Autism Treatment Program Cash Fund~~  
16 ~~in any fiscal year shall be contingent upon the receipt of private~~  
17 ~~matching funds under the Autism Treatment Program Act, with no less~~  
18 ~~than one dollar of private funds received for every two dollars~~  
19 ~~transferred from the Nebraska Health Care Cash Fund to the Autism~~  
20 ~~Treatment Program Cash Fund.~~

21 (4) The University of Nebraska and postsecondary  
22 educational institutions having colleges of medicine in Nebraska  
23 and their affiliated research hospitals in Nebraska, as a condition  
24 of receiving any funds appropriated or transferred from the  
25 Nebraska Health Care Cash Fund, shall not discriminate against any  
26 person on the basis of sexual orientation.

27 (5) The State Treasurer shall transfer two hundred  
1 thousand dollars from the Nebraska Health Care Cash Fund to the  
2 University of Nebraska Medical Center Cash Fund for the Nebraska  
3 Regional Poison Center within fifteen days after each July 1.

4 Sec. 8. Original sections 85-1,138, 85-1,139, 85-1,140,  
 5 85-1,141, and 85-1,142, Reissue Revised Statutes of Nebraska,  
 6 and sections 68-901 and 71-7611, Revised Statutes Cumulative  
 7 Supplement, 2008, are repealed.

8 Sec. 9. Since an emergency exists, this act takes effect  
 9 when passed and approved according to law.

**LEGISLATIVE BILL 341.** Placed on General File with amendment.  
 AM119

1 1. On page 2, lines 19 through 21, strike the new  
 2 matter and insert "and drugs for the treatment and prevention of  
 3 tuberculosis which are provided through the department and are  
 4 dispensed at no charge to the patient".  
 5 2. On page 4, lines 12 through 16, strike the new matter;  
 6 after line 16 insert the following new subdivision:  
 7 "(7) Nurse practitioners who dispense drugs for the  
 8 treatment and prevention of tuberculosis which are provided through  
 9 the department and are dispensed at no charge to the patient with  
 10 proper labeling and patient counseling"; in line 17 strike "(7)",  
 11 show as stricken and insert "(8)"; and in line 24 strike "(8)",  
 12 show as stricken, and insert "(9)".  
 13 3. On page 5, line 1, strike "(9)", show as stricken,  
 14 and insert "(10)"; in line 7 strike "(10)", show as stricken, and  
 15 insert "(11)"; and in line 11 strike "(11)", show as stricken, and  
 16 insert "(12)".

**LEGISLATIVE BILL 511.** Placed on General File with amendment.  
 AM414

1 1. Strike the original sections and insert the following  
 2 new sections:  
 3 Section 1. Section 71-5803.09, Reissue Revised Statutes  
 4 of Nebraska, is amended to read:  
 5 71-5803.09 Intermediate care facility has the same  
 6 meaning as in section 71-420 and includes an intermediate care  
 7 facility for the mentally retarded ~~which that has sixteen or more~~  
 8 beds. Intermediate care facility for the mentally retarded has the  
 9 same meaning as in section 71-421.  
 10 Sec. 2. Original section 71-5803.09, Reissue Revised  
 11 Statutes of Nebraska, is repealed.  
 12 Sec. 3. Since an emergency exists, this act takes effect  
 13 when passed and approved according to law.

**LEGISLATIVE BILL 301.** Indefinitely postponed.

(Signed) Tim Gay, Chairperson

**RESOLUTION****LEGISLATIVE RESOLUTION 33.** Introduced by Stuthman, 22.

WHEREAS, Scott Morton, Troop 151, son of Brad and Janet Morton, of Monroe, Nebraska, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Scott has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 12 of which are in required areas, and complete a community service project approved by the troop and the scout council. For his Eagle Scout community service project, Scott cleaned up a vacant building which previously had been the site of a hospital in Genoa, Nebraska. Scott sold the scrap metal and earned \$156. This money was donated to the American Legion Edward Larson Post 144 in Genoa, Nebraska, for their Veteran's Memorial Wall fundraiser. A total of 117.5 hours was spent on the project; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Scott was awarded the rank of Eagle Scout on January 15, 2009, thereby joining other high achievers who are Eagle Scouts, such as astronauts, political and industry leaders, artists, scientists, and athletes.

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

1. That the Legislature congratulates Scott Morton on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Scott Morton.

Laid over.

**AMENDMENT - Print in Journal**

Senator Loudon filed the following amendment to LB184:  
AM453

1. On page 2, strike lines 8 through 23 and insert:
2. "~~(2) The department is authorized to administer any~~
3. surface water rights however established.".

**GENERAL FILE**

**LEGISLATIVE BILL 403.** Senator Friend offered the following motion:  
MO15  
Recommit to committee.

**SENATOR ROBERT PRESIDING**

Senator Friend withdrew his motion to recommit to committee.

The Janssen amendment, AM435, found in this day's Journal, to the committee amendment, was renewed.

Pending.

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 464A.** Introduced by Gay, 14.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 464, One Hundred First Legislature, First Session, 2009.

**RESOLUTION**

**LEGISLATIVE RESOLUTION 34.** Introduced by Gay, 14.

WHEREAS, Jordan Somer, an esteemed resident of Papillion, Nebraska, has achieved national recognition for exemplary volunteer service as a Distinguished Finalist for the 2009 Prudential Spirit of Community Award; and

WHEREAS, this prestigious award, presented by Prudential Financial in partnership with the National Association of Secondary School Principals, honors young volunteers across America who have demonstrated an extraordinary commitment to serving their communities; and

WHEREAS, Ms. Somer earned this award by giving generously of her time and energy to the "Miss Amazing Pageant," which helps girls and women with disabilities build self-esteem in a secure environment; and

WHEREAS, the success of the State of Nebraska, the strength of our communities, and the overall vitality of American society depend, in great measure, upon the dedication of young people like Ms. Somer who use their considerable talents and resources to serve others.

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



1. That the Legislature congratulates Jordan Somer on being named as one of the top youth volunteers in Nebraska for 2009, in the 14th annual Prudential Spirit of Community Awards.

2. That a copy of this resolution be sent to Jordan Somer.

Laid over.

### **AMENDMENT - Print in Journal**

Senator Karpisek filed the following amendment to LB403:  
AM440

(Amendments to Standing Committee amendments, AM413)

- 1 1. On page 1, line 19, before the second comma insert
- 2 "involving direct payment of financial assistance".

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

Senator Gloor asked unanimous consent to add his name as cointroducer to LB403. No objections. So ordered.

### **WITHDRAW - Cointroducer**

Senator Howard withdrew her name as cointroducer to LB261.

### **VISITORS**

Visitors to the Chamber were 14 fourth-grade students and teachers from St. Paul Lutheran, Beatrice; 20 fourth-grade students and sponsors from Elmwood-Murdock, Elmwood; members of Leadership Sarpy from Sarpy County; and Nebraska FBLA state officers from across the state.

The Doctor of the Day was Dr. Christine Keim from Lincoln.

### **ADJOURNMENT**

At 11:56 a.m., on a motion by Senator Gay, the Legislature adjourned until 9:00 a.m., Wednesday, February 25, 2009.

Patrick J. O'Donnell  
Clerk of the Legislature

