

FIFTH DAY - JANUARY 13, 2009

LEGISLATIVE JOURNAL

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 13, 2009

PRAYER

The prayer was offered by Pastor Jim Runnels, Grace Bible Fellowship Church, Stella.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Sheehy presiding.

The roll was called and all members were present except Senators Ashford and Dubas who were excused; and Senators Lautenbaugh and Stuthman who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fourth day was approved.

REFERENCE COMMITTEE REPORT

The Executive Board submits the following report:

LB/LR	Committee
LB67	Revenue (referred)
LB97	Judiciary
LB98	Agriculture
LB99	Agriculture
LB100	Agriculture
LB101	Agriculture
LB102	Education
LB103	Education
LB104	Urban Affairs
LB105	Natural Resources
LB106	Transportation and Telecommunications
LB107	Business and Labor
LB108	Transportation and Telecommunications
LB109	Transportation and Telecommunications

LB110	Transportation and Telecommunications
LB111	Transportation and Telecommunications
LB112	Revenue
LB113	Banking, Commerce and Insurance
LB114	Transportation and Telecommunications
LB115	Government, Military and Veterans Affairs
LB116	Government, Military and Veterans Affairs
LB117	Revenue
LB118	Judiciary
LB119	Revenue
LB120	Revenue
LB121	Revenue
LB122	Health and Human Services
LB123	Judiciary
LB124	Appropriations
LB125	Government, Military and Veterans Affairs
LB126	Government, Military and Veterans Affairs
LB127	Revenue
LB128	Urban Affairs
LB129	Transportation and Telecommunications
LB130	Agriculture
LB131	Government, Military and Veterans Affairs
LB132	Health and Human Services
LB133	Government, Military and Veterans Affairs
LB134	Natural Resources
LB135	Appropriations
LB136	Health and Human Services
LB137	General Affairs
LB138	Revenue
LB139	Government, Military and Veterans Affairs
LB140	Nebraska Retirement Systems
LB141	Health and Human Services
LB142	Agriculture
LB143	Government, Military and Veterans Affairs
LB144	Judiciary
LB145	Judiciary
LB146	Health and Human Services
LB147	Judiciary
LB148	Judiciary
LB149	Banking, Commerce and Insurance
LB150	Health and Human Services
LB151	Judiciary
LB152	Banking, Commerce and Insurance
LB153	Judiciary
LB154	Government, Military and Veterans Affairs
LB155	Judiciary
LR1CA	Executive Board

(Signed) John Wightman, Chairperson
Executive Board

ANNOUNCEMENTS

The Health and Human Services Committee elected Senator Pankonin as Vice Chairperson.

The Nebraska Retirement Systems Committee elected Senator Nordquist as Vice Chairperson.

NOTICE OF COMMITTEE HEARINGS
Transportation and Telecommunications

Room 1113

Tuesday, January 20, 2009 1:30 p.m.

LB92
LB6
LB49
LB108
LB50

(Signed) Deb Fischer, Chairperson

Agriculture

Room 2102

Tuesday, January 20, 2009 1:30 p.m.

LB99
LB100
LB101

(Signed) Tom Carlson, Chairperson

Banking, Commerce and Insurance

Room 1507

Tuesday, January 20, 2009 1:30 p.m.

LB11
LB29
LB30
LB31

(Signed) Rich Pahls, Chairperson

COMMUNICATIONS

January 5, 2009

Mr. Patrick O'Donnell
Clerk of the Legislature
Room 2018
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Pursuant to the Provisions of Section 85-408, R.R.S. of Nebraska, 1943 Legislative approval is required for the following University of Nebraska projects:

University of Nebraska at Kearney - Men's Hall and Randall Hall Improvements. This project will provide improvements that are part of the second phase of residential renewal at UNK. The Men's Hall and Randall Hall improvement project will do a partial renovation in each building to install fire sprinklers and update the audible fire alarm systems; demolish and expand existing restrooms to meet current codes; inspect and repair/replace the domestic water, sanitary sewer and HVAC piping; install new elevators in both facilities and modify the lobbies for accessibility; and update all public area lighting, floor, wall and ceiling finishes. Men's Hall will receive new fan coil units to provide both heating and cooling of spaces. Stout Hall will be demolished after the renovation of Randall Hall is completed and the new elevator and entry will be constructed in its place along with select window replacement. This project is estimated to cost \$4,960,000.

The expenditure relates to the Bond Resolution dated December 1, 1964, authorizing the issuance of Revenue Bonds by the Board of Regents. The board has heretofore issued revenue bonds payable from the revenues and fees derived from the ownership and operation of the dormitories and other facilities for the housing and boarding of students, student unions, student health facilities and other facilities for the activities of students located on the campus of the University of Nebraska-Lincoln, under which a 1986 Surplus Fund was created.

Section 6.2 of the Resolution requires the Board to operate the facilities in an efficient, sound and economical manner and to keep all facilities and betterments thereto in good repair, working order and condition and to make all necessary and proper repairs, renewals, replacements, additions, extension and betterments thereto, so that at all times the business carried on in connection therewith shall be properly and advantageously conducted.

Request. The University requests approval of the improvements to Men's Hall and Randall Hall at the University of Nebraska at Kearney in the amount of \$4,960,000 to be financed with student fees and facilities revenue bond bonds.

The Board of Regents authorized this expenditure at its September 5, 2008, meeting.

The Nebraska Coordinating Commission for Postsecondary Education approved the expenditures for this project on December 11, 2008. The CCPE Bond Project Evaluation Forms indicating approval of the projects are attached.

Thank you for your consideration of these projects.

Respectfully submitted,
(Signed) Donal J. Burns
Corporation Secretary

January 13, 2009

Senator John Wightman
Chairperson, Executive Board
Room 2010
State Capitol
Lincoln, NE 68509

Dear Senator Wightman,

Enclosed is correspondence from Donal J. Burns, Corporation Secretary for the Office of the President of the University of Nebraska and correspondence from the Coordinating Commission for Postsecondary Education. The correspondence relates to expenditure of bond funds for the following:

University of Nebraska at Kearney: Men's Hall and Randall Hall Improvements.

I am forwarding this correspondence to you for Executive Board action.

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

PJO:ck

enclosure

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 208. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to workers' compensation; to amend section 28-631, Reissue Revised Statutes of Nebraska, and section 44-6604, Revised Statutes Cumulative Supplement, 2008; to change provisions relating to fraudulent insurance acts; and to repeal the original sections.

LEGISLATIVE BILL 209. Introduced by Langemeier, 23.

A BILL FOR AN ACT relating to irrigation; to amend section 46-238, Reissue Revised Statutes of Nebraska, and section 46-1654, Revised Statutes Cumulative Supplement, 2008; to change provisions relating to time for construction of works and dams; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 210. Introduced by Langemeier, 23.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-27,137.02, Revised Statutes Cumulative Supplement, 2008; to change provisions relating to aid to natural resources districts; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 211. Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to license plates; to amend sections 60-3,122, 60-3,123, 60-3,124, and 60-3,125, Revised Statutes Cumulative Supplement, 2008; to provide for issuance of certain license plates to spouses of veterans as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 212. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-5001, 77-5005, and 77-5016, Revised Statutes Cumulative Supplement, 2008; to authorize hearings by a single commissioner of the Tax Equalization and Review Commission; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 213. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-5001, 77-5004, 77-5005, 77-5013, 77-5017, 77-5022, and 77-5024.01, Revised Statutes Cumulative Supplement, 2008; to change provisions relating to the Tax Equalization and Review Commission; to authorize intervention in actions before the commission; to provide operative dates;

and to repeal the original sections.

LEGISLATIVE BILL 214. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to nail technology; to amend section 38-1035, Reissue Revised Statutes of Nebraska; to redefine nail technology; and to repeal the original section.

LEGISLATIVE BILL 215. Introduced by Fischer, 43.

A BILL FOR AN ACT relating to schools; to create the School Finance Review Committee; and to provide powers and duties.

LEGISLATIVE BILL 216. Introduced by Wallman, 30.

A BILL FOR AN ACT relating to civil liability; to eliminate motor vehicle and aircraft guest statutes; to harmonize provisions; and to outright repeal sections 3-129.01, 25-21,237, and 25-21,238, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 217. Introduced by Louden, 49; Karpisek, 32; Schilz, 47; Stuthman, 22.

A BILL FOR AN ACT relating to railroad rights-of-way; to amend section 70-306, Reissue Revised Statutes of Nebraska; to provide requirements for electrical entities placing wires across rights-of-way as prescribed; to provide powers and duties; to define a term; and to repeal the original section.

LEGISLATIVE BILL 218. Introduced by Cornett, 45; Heidemann, 1.

A BILL FOR AN ACT relating to state aid; to amend sections 13-518, 47-120, 71-5326, 77-27,136, 77-27,139, 81-15,158, 83-380, and 83-4,133, Reissue Revised Statutes of Nebraska, and sections 77-27,137.01 and 77-27,137.02, Revised Statutes Cumulative Supplement, 2008; to change and eliminate provisions relating to aid to various political subdivisions; to change and eliminate provisions relating to jail reimbursement; to harmonize provisions; to provide an operative date; to repeal the original sections; to outright repeal sections 47-119, 47-119.01, 47-121, 47-121.01, 77-27,137, and 77-3618, Reissue Revised Statutes of Nebraska; and to declare an emergency.

LEGISLATIVE BILL 219. Introduced by Flood, 19.

A BILL FOR AN ACT relating to highways; to amend section 60-2132, Reissue Revised Statutes of Nebraska, and section 60-6,267, Revised Statutes Cumulative Supplement, 2008; to transfer responsibility for the highway safety program, including the child passenger restraint and occupation protection systems information and education program, to the

Department of Roads as prescribed; to change administration of the Motorcycle Safety Education Fund as prescribed; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 220. Introduced by Gloor, 35.

A BILL FOR AN ACT relating to pharmacy; to amend sections 28-401, 28-407, 28-414, 38-2801, 38-2802, 38-2871, 71-2413, 71-2414, 71-2416, and 71-2417, Reissue Revised Statutes of Nebraska, and sections 71-2411, 71-2412, 71-2445, 71-2447, 71-2449, and 71-2450, Revised Statutes Cumulative Supplement, 2008; to define, redefine, and eliminate terms; to change provisions relating to records of and destruction of controlled substances under the Uniform Controlled Substances Act; to change provisions relating to prescription information under the Pharmacy Practice Act; to change provisions relating to pharmacists and long-term care facilities under the Emergency Box Drug Act and the Automated Medication Systems Act; to harmonize provisions; to repeal the original sections; and to outright repeal section 71-2415, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 221. Introduced by Nordquist, 7.

A BILL FOR AN ACT relating to schools; to amend section 79-592, Reissue Revised Statutes of Nebraska; to change provisions relating to payment of school money; and to repeal the original section.

LEGISLATIVE BILL 222. Introduced by Giese, 17.

A BILL FOR AN ACT relating to learner's permits; to amend section 60-4,123, Revised Statutes Cumulative Supplement, 2008; to restrict the issuance of such permits as prescribed; and to repeal the original section.

LEGISLATIVE BILL 223. Introduced by Nantkes, 46.

A BILL FOR AN ACT relating to swimming pools; to amend sections 71-4301 and 71-4307, Reissue Revised Statutes of Nebraska, and sections 71-4305 and 71-4306, Revised Statutes Cumulative Supplement, 2008; to classify swimming pools; to provide certified operator requirements; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 224. Introduced by Carlson, 38.

A BILL FOR AN ACT relating to the Nebraska State Fair; to amend sections 2-109, 2-110, 2-111, and 2-1208.01, Reissue Revised Statutes of Nebraska, and section 2-103, Revised Statutes Cumulative Supplement, 2008; to change and eliminate provisions relating to board membership, relocation, reports, studies, and horseracing; to create a fund; to provide operative dates; to repeal the original sections; and to outright repeal section

2-131, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 225. Introduced by Haar, 21; Stuthman, 22.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-301, 60-3,104, and 60-3,130.04, Revised Statutes Cumulative Supplement, 2008; to provide for volunteer firefighter license plates; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 226. Introduced by Rogert, 16; Friend, 10.

A BILL FOR AN ACT relating to the age of majority; to amend sections 9-230.01, 9-241.06, 9-241.08, 9-255.06, 9-255.09, 9-334, 9-345, 9-430, 9-633, 9-826, 20-403, 21-1724, 21-1750, 21-1781, 23-1824, 25-1601, 25-1628, 25-21,271, 28-319, 28-319.01, 28-320.01, 28-457, 28-833, 29-401, 29-2270, 29-4016, 30-2209, 30-2326, 30-2329, 30-2412, 30-2603, 30-3402, 30-3502, 32-602, 38-129, 38-165, 38-1060, 38-10,165, 38-10,171, 38-1221, 38-1612, 38-1710, 38-2421, 38-2885, 38-2890, 38-3122, 42-371.01, 43-104.09, 43-117, 43-245, 43-247, 43-289, 43-290, 43-294, 43-2,113, 43-412, 43-504, 43-2101, 43-2404.02, 43-2922, 43-3703, 43-3709, 43-3902, 43-3910, 44-5238, 48-122.01, 48-124, 71-20,120, 71-4808, 79-267, 79-296, 81-885.13, 81-1916, 81-1917, 81-1936, 81-2026, and 81-2036, Reissue Revised Statutes of Nebraska, and sections 49-801, 64-101, 68-1724, 71-629, 71-812, 71-1903, 71-6039.01, 71-6502, 71-6726, 76-2228.01, 76-2229.01, 76-2230, 76-2231.01, and 76-2232, Revised Statutes Cumulative Supplement, 2008; to change the age of majority from nineteen to eighteen years of age and certain age requirements as prescribed; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 227. Introduced by Rogert, 16.

A BILL FOR AN ACT relating to interior design; to adopt the Interior Designers Certification Act; and to provide an operative date.

LEGISLATIVE BILL 228. Introduced by Rogert, 16.

A BILL FOR AN ACT relating to schools; to prohibit membership in organizations regulating student activities as prescribed.

LEGISLATIVE BILL 229. Introduced by Fischer, 43.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend sections 60-487, 60-4,114, and 60-4,121, Reissue Revised Statutes of Nebraska, and sections 60-462, 60-479, 60-479.01, 60-484, 60-4,120, 60-4,122, 60-4,144, and 60-4,181, Revised Statutes Cumulative Supplement, 2008; to adopt certain federal regulations; to provide powers and duties for the Department of Motor Vehicles regarding the design, production, issuance, and renewal of and payment for operators' licenses and

state identification cards; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 230. Introduced by Stuthman, 22.

A BILL FOR AN ACT relating to nurse practitioners; to amend sections 38-206, 38-2301, 38-2315, and 38-2322, Reissue Revised Statutes of Nebraska; to eliminate a requirement for integrated practice agreements; to eliminate a definition; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 38-2310 and 38-2323, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 231. Introduced by Avery, 28.

A BILL FOR AN ACT relating to the Rural Development Commission; to amend section 81-3602, Reissue Revised Statutes of Nebraska; to provide requirements for the legislative member as prescribed; and to repeal the original section.

LEGISLATIVE BILL 232. Introduced by Nordquist, 7; Cook, 13; Council, 11; Karpisek, 32; Rogert, 16.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-177, Reissue Revised Statutes of Nebraska, and section 53-101, Revised Statutes Cumulative Supplement, 2008; to permit the sale of alcoholic liquor by community college culinary education programs as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 233. Introduced by Adams, 24.

A BILL FOR AN ACT relating to sales and use taxes; to amend sections 77-2701 and 77-2701.04, Revised Statutes Cumulative Supplement, 2008; to provide a sales and use tax exemption; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 234. Introduced by Adams, 24.

A BILL FOR AN ACT relating to sales and use taxes; to amend section 77-2704.13, Reissue Revised Statutes of Nebraska; to change provisions relating to a sales and use tax exemption; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 235. Introduced by Adams, 24.

A BILL FOR AN ACT relating to school lands; to provide powers to the Board of Educational Lands and Funds.

LEGISLATIVE BILL 236. Introduced by Lathrop, 12; Cornett, 45; Harms, 48; Stuthman, 22; Wallman, 30.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Health and Human Services.

LEGISLATIVE BILL 237. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to juveniles; to adopt the Interstate Compact for Juveniles; to provide for a compact administrator and an advisory council; to eliminate the Interstate Compact on Juveniles and related provisions; and to outright repeal sections 43-1001, 43-1002, 43-1003, 43-1004, 43-1005, 43-1006, 43-1007, 43-1008, 43-1009, and 43-1010, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 238. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to public power suppliers; to amend sections 28-520 and 28-521, Reissue Revised Statutes of Nebraska, and section 70-301, Revised Statutes Cumulative Supplement, 2008; to provide, change, and repeal penalties relating to criminal trespass and interference with electric poles or wires; to adopt the Public Power Infrastructure Protection Act; to harmonize provisions; to repeal the original sections; to outright repeal section 70-310, Reissue Revised Statutes of Nebraska; and to declare an emergency.

LEGISLATIVE BILL 239. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-3501, 77-3506.03, 77-3509.01, 77-3509.02, 77-3509.03, 77-3510, 77-3511, 77-3512, 77-3516, 77-3521, 77-3522, 77-3523, and 77-3529, Reissue Revised Statutes of Nebraska, and sections 77-3501.01, 77-3505.02, 77-3506.02, 77-3513, 77-3514, and 77-4212, Revised Statutes Cumulative Supplement, 2008; to create a homestead exemption for disabled veterans as prescribed; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 240. Introduced by Pahls, 31.

A BILL FOR AN ACT relating to schools; to require a minimum level of expenditures for direct classroom instruction; and to provide a duty for the Revisor of Statutes.

LEGISLATIVE BILL 241. Introduced by Pahls, 31.

A BILL FOR AN ACT relating to the Commercial Dog and Cat Operator Inspection Act; to amend sections 54-626 and 54-640, Reissue Revised Statutes of Nebraska, and sections 54-625, 54-627, 54-628, and 54-629, Revised Statutes Cumulative Supplement, 2008; to change provisions relating to licensing requirements, inspections, rules and regulations, and duties of commercial breeders; to define and redefine terms; to provide for

stop-movement orders and ownership limits as prescribed; to provide violations; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 242. Introduced by Karpisek, 32; Wallman, 30.

A BILL FOR AN ACT relating to the Nebraska State Patrol Retirement Act; to amend section 81-2025, Reissue Revised Statutes of Nebraska; to change the mandatory retirement age to sixty-five years of age; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 243. Introduced by Nantkes, 46.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-121, Revised Statutes Cumulative Supplement, 2008; to provide for annual adjustments for total disability income benefits; and to repeal the original section.

LEGISLATIVE BILL 244. Introduced by Coash, 27.

A BILL FOR AN ACT relating to controlled substances; to amend sections 28-405, 28-448, and 28-454, Reissue Revised Statutes of Nebraska; to change a schedule as prescribed; to harmonize provisions; and to repeal the original sections.

RESOLUTION

LEGISLATIVE RESOLUTION 5CA. Introduced by Friend, 10.

THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2010 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 12:

III-12 (1) No person shall be eligible to serve as a member of the Legislature for four years next after the expiration of ~~two~~three consecutive terms regardless of the district represented.

~~(2) Service prior to January 1, 2001, as a member of the Legislature shall not be counted for the purpose of calculating consecutive terms in subsection (1) of this section.~~

~~(3)-(2)~~ For the purpose of this section, service in office for more than one-half of a term shall be deemed service for a term.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to change the limit on terms in the Nebraska Legislature from two consecutive terms to three consecutive terms.

For

Against.

Referred to the Reference Committee.

NOTICE OF COMMITTEE HEARINGS

Education

Room 1525

Tuesday, January 20, 2009 1:30 p.m.

LB72

LB73

LB62

LB61

(Signed) Greg Adams, Chairperson

Urban Affairs

Room 1510

Tuesday, January 20, 2009 1:30 p.m.

LB85

LB104

(Signed) Mike Friend, Chairperson

UNANIMOUS CONSENT - Add Cointroducers

Senator Langemeier asked unanimous consent to add his name as cointroducer to LB53. No objections. So ordered.

Senator Nantkes asked unanimous consent to add her name as cointroducer to LB125 and LB140. No objections. So ordered.

Senator Wallman asked unanimous consent to add his name as cointroducer to LB178. No objections. So ordered.

Senators Nantkes and Rogert asked unanimous consent to add their names as cointroducers to LB200. No objections. So ordered.

VISITOR

The Doctor of the Day was Dr. Paul Paulman from Omaha.

ADJOURNMENT

At 11:01 a.m., on a motion by Speaker Flood, the Legislature adjourned until 10:00 a.m., Wednesday, January 14, 2009.

Patrick J. O'Donnell
Clerk of the Legislature