

SEVENTY-SEVENTH DAY - MAY 12, 2009

LEGISLATIVE JOURNAL

**ONE HUNDRED FIRST LEGISLATURE
FIRST SESSION**

SEVENTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, May 12, 2009

PRAYER

The prayer was offered by Senator Hansen.

ROLL CALL

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

The roll was called and all members were present except Senators Cornett and Wallman who were excused; and Senators Cook, Dierks, Gloor, and Lathrop who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventy-sixth day was approved.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 97A. Placed on Final Reading.

LEGISLATIVE BILL 402. Placed on Final Reading Second.
ST9047

(Final Reading copy)

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

1. In the Avery amendment, AM1314, on page 2, line 1, "an operative date" has been struck and "operative dates" inserted.

LEGISLATIVE BILL 463. Placed on Final Reading Second.

LEGISLATIVE BILL 532. Placed on Final Reading.

(Signed) Jeremy Nordquist, Chairperson

SELECT FILE

LEGISLATIVE BILL 63. ER8031, found on page 732, was adopted.

Senator Coash withdrew his amendment, AM775, found on page 794.

Senator Coash renewed his amendment, AM995, found on page 969.

Senator Coash withdrew his amendment.

Senator Christensen renewed his amendment, AM1088, found on page 1074.

The Christensen amendment was adopted with 37 ayes, 0 nays, 6 present and not voting, and 6 excused and not voting.

Senator Ashford renewed his amendment, AM1124, found on page 1180.

The Ashford amendment was adopted with 41 ayes, 0 nays, 4 present and not voting, and 4 excused and not voting.

Pending.

RESOLUTIONS

LEGISLATIVE RESOLUTION 116. Introduced by Adams, 24.

PURPOSE: The purpose of this interim study is to examine issues related to early childhood education and kindergarten eligibility.

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

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 117. Introduced by Adams, 24.

PURPOSE: The purpose of this interim study is to determine and evaluate the positive and negative outcomes that could result from aligning the school fiscal year with the state fiscal year.

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

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 118. Introduced by Adams, 24.

PURPOSE: To investigate and review matters and issues arising during the interim which are within the jurisdiction of the Education Committee of the Legislature.

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

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 119. Introduced by Avery, 28.

PURPOSE: The purpose of this interim study is to examine the initiative and referendum process, particularly the issue of how petitions are circulated. In the past few years, concerns regarding petition circulators have been the subject of several public hearings and bills to address the problem. In 2008, a bill was passed to limit how petition circulators can be paid and required petition circulators to be eligible to vote in order to circulate petitions. In 2009, LB 575 was introduced and heard by the Government, Military and Veterans Affairs Committee. The bill outlined how to investigate a potential violation regarding a signer or circulator of an initiative or referendum petition.

The issues to be examined by the interim study shall include, but are not limited to:

(1) Determining how best to investigate potential violations of the initiative and referendum process;

(2) Studying the issue of requiring circulators to read the object statement on the petition to every potential signer of the initiative or referendum; and

(3) Studying what are appropriate requirements for the petition circulators, such as residency requirements.

The Secretary of State, along with other interested parties, will be invited to participate in this study.

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

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 120. Introduced by Avery, 28.

PURPOSE: The purpose of this interim study is to examine the history and structure of salary, benefit, and retirement packages available to Nebraska public school employees. The study shall include, but not be limited to:

(1) Equity of compensation among employees with comparable education and experience;

(2) Equity of compensation among employees working in comparably sized public school systems;

(3) Cell phone, mileage, and laptop or personal computer allowances;

(4) Merit or bonus pay;

(5) Reimbursement payments contributed to the Nebraska Public Employees Retirement Systems on behalf of employees; and

(6) Transparency and disclosure of the State Board of Education's policies and procedures with respect to available and approved compensation packages to employees.

Based on these findings, the study committee shall make a recommendation with respect to the State Board of Education's rules and regulations, taking into consideration the issues raised during consideration of LB 612 (Avery) which was introduced in 2009 and referred to the Nebraska Retirement Systems Committee of the Legislature.

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

1. That the Nebraska Retirement Systems Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 121. Introduced by Avery, 28; Campbell, 25; Rogert, 16.

PURPOSE: The purpose of this interim study is to examine the structure, authority, and mission of the Nebraska School Activities Association (NSAA). The study shall include, but not be limited to:

1. The NSAA's governance structure;

2. The NSAA's role in formulating rules, regulations, and public policy;
3. The accountability and oversight of rules, regulations, and public policy issued by the NSAA;
4. The NSAA's financial accountability to members and the public;
5. The NSAA's transparency and disclosure responsibilities to members and the public; and
6. The application of sections 84-712 to 84-712.09 and the Open Meetings Act to NSAA activities.

Based on these findings, the study committee shall make a recommendation with respect to the NSAA's application of its rules, regulations, and public policy, taking into consideration the issues raised during consideration of LB 228 (Rogert) which was introduced in 2009 and referred to the Education Committee.

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

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 122. Introduced by McCoy, 39.

PURPOSE: The purpose of this interim study is to examine the feasibility and benefits of making the Game and Parks Commission a code agency, and therefore subject to the Governor's direct control. The commission is currently a noncode agency and not subject to the Governor's direct control.

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

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 123. Introduced by Giese, 17.

PURPOSE: The purpose of this interim study is to examine the Department of Labor's authority to conduct workplace safety inspections. The issues addressed by this interim study shall include, but not be limited to:

- (1) A review of the Department of Labor's authority to conduct workplace safety inspections under applicable federal and state laws, including the

federal Occupational Safety and Health Act of 1970, with emphasis on the authority to conduct inspections on county or city property;

(2) A review of voluntary workplace safety consultation programs currently operated by the Department of Labor; and

(3) A review of workplace safety inspection programs utilized by other states.

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

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

EXPLANATION OF VOTE

Had I been present, I would have voted "aye" on the adoption of AM1224 to LB542.

(Signed) Tanya Cook

REFERENCE COMMITTEE REPORT

The Executive Board submits the following report:

Adam, Colleen - Coordinating Commission for Postsecondary Education - Education

Berndt, Al - Climate Assessment Response Committee - Agriculture

Blank, Denis - Public Employees Retirement Board - Nebraska Retirement Systems

Elwell, Glenn - Public Employees Retirement Board - Nebraska Retirement Systems

Frenzen, Galen - Nebraska Ethanol Board - Natural Resources

Gerber, Paul - Motor Vehicle Industry Licensing Board - Transportation and Telecommunications

Hunter, Ronald - Coordinating Commission for Postsecondary Education - Education

Kenney, Paul - Nebraska Ethanol Board - Natural Resources

Neneman, Roy - Motor Vehicle Industry Licensing Board - Transportation and Telecommunications

Seacrest, Eric - Coordinating Commission for Postsecondary Education - Education

Shepard, Mark - Public Employees Retirement Board - Nebraska Retirement Systems

(Signed) John Wightman, Chairperson
Executive Board

NOTICE OF COMMITTEE HEARING
Nebraska Retirement Systems

Room 1525

Wednesday, May 20, 2009 12:10 p.m.

Denis Blank - Public Employees Retirement Board
Mark Shepard - Public Employees Retirement Board
Glenn Elwell - Public Employees Retirement Board

(Signed) Dave Pankonin, Chairperson

SELECT FILE

LEGISLATIVE BILL 63. Senator Ashford asked unanimous consent to withdraw his amendment, AM1128, found on page 1280, and replace it with his substitute amendment, AM1337, found on page 1370. No objections. So ordered.

The Ashford amendment was adopted with 41 ayes, 0 nays, 4 present and not voting, and 4 excused and not voting.

Senator Pirsch withdrew his amendment, AM758, found on page 1295.

Senator Ashford renewed his amendment, AM1308, found on page 1304.

SENATOR CARLSON PRESIDING

The Ashford amendment was adopted with 29 ayes, 1 nay, 14 present and not voting, and 5 excused and not voting.

Senator Howard renewed her amendment, AM1360, found on page 1395.

Pending.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 218. Placed on Select File with amendment.
ER8132 is available in the Bill Room.

LEGISLATIVE BILL 218A. Placed on Select File with amendment.
ER8131

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new section:
- 3 Section 1. There is hereby appropriated (1) -0- from the
- 4 General Fund for FY2009-10 and (2) -0- from the General Fund for
- 5 FY2010-11 to the Department of Revenue, for Program 104, County Aid
- 6 Program, to aid in carrying out the provisions of Legislative Bill
- 7 218, One Hundred First Legislature, First Session, 2009.
- 8 No expenditures for permanent and temporary salaries and
- 9 per diems for state employees shall be made from funds appropriated
- 10 in this section.
- 11 2. On page 1, strike beginning with the semicolon in line
- 12 3 through "emergency" in line 5.

LEGISLATIVE BILL 542. Placed on Select File with amendment.
ER8130

- 1 1. On page 1, lines 1 and 2, strike "sections 38-1135
- 2 and" and insert "section"; in line 4 strike "to harmonize
- 3 provisions;"; and in line 5 strike "sections" and insert "section".

(Signed) Jeremy Nordquist, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 124. Introduced by Pankonin, 2.

PURPOSE: The purpose of this interim study is to examine the use of eminent domain by natural resources districts for the taking of private land for the development or management of recreational trails or corridors. The topics to be studied shall include, but not be limited to, the following:

- (1) The process and criteria used by natural resources districts for consideration of recreational trail or corridor development;
- (2) The role or authority of affected local governing bodies in the recreational trail or corridor development process;
- (3) An examination of the state trails plan, A Network of Discovery: A Comprehensive Trails Plan for the State of Nebraska, prepared by the Game and Parks Commission;
- (4) The possible enactment of a procedure for dispute resolution to resolve disagreements between affected property owners and natural resources districts about recreational trail or corridor placement; and
- (5) Practices used by other states for recreational trail or corridor placement.

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

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 125. Introduced by Wightman, 36.

WHEREAS, the United States Constitution requires a national census once every ten years; and

WHEREAS, the census is a count of everyone residing in the United States; and

WHEREAS, by law the United States Bureau of the Census cannot share an individual's census questionnaire responses with anyone, including other federal agencies and law enforcement entities; and

WHEREAS, the next decennial census will be taken on April 1, 2010, with census questionnaires delivered or mailed to households in March 2010; and

WHEREAS, every year the federal government can allocate more than three hundred billion dollars to states and communities based, in part, on census data; and

WHEREAS, the allocation of federal and state funding for critical community services, such as health, education, transportation, and social programs depends on complete and accurate age, population, and demographic information generated by the census; and

WHEREAS, redistricting will occur on the state and local levels using data collected in the 2010 Census. The data also determines how many seats each state will have in the United States Congress, making a complete count vital to accurate representation.

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

1. That the Legislature supports the efforts of the United States Bureau of the Census to achieve a complete and accurate census.

2. That the Legislature encourages all citizens to "Be Counted in 2010" by filling out their ten-question census questionnaire when it arrives at their household.

3. That the Legislature encourages local governments, community-based organizations, faith-based organizations, schools, media, businesses, and others to raise awareness of and encourage participation in the 2010 Census.

Laid over.

ANNOUNCEMENT

Senator Adams announced the Education Committee will hold an executive session Wednesday, May 13, 2009, 15 minutes after morning recess, in Room 1525.

VISITORS

Visitors to the Chamber were 39 fourth-grade students, teachers, and sponsors from St. Michael Elementary, Hastings; 30 fourth-grade students and sponsors from St. Mary's, David City; 18 fourth-grade students and teacher from Trinity Lutheran School, Grand Island; Special Olympics athletes from across the state; and Ann and Ellen Fauss from Fremont.

RECESS

At 12:00 p.m., on a motion by Senator Christensen, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Senator Carlson presiding.

ROLL CALL

The roll was called and all members were present except Senators Cornett, Gay, Pahls, and Wallman who were excused; and Senator Schilz who was excused until he arrives.

SELECT FILE

LEGISLATIVE BILL 63. The Howard amendment, AM1360, found on page 1395 and considered in this day's Journal, was renewed.

Senator Stuthman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 31 ayes, 2 nays, and 16 not voting.

Senator Howard moved for a call of the house. The motion prevailed with 32 ayes, 0 nays, and 17 not voting.

Senator Howard requested a roll call vote on her amendment.

Voting in the affirmative, 41:

Adams	Dierks	Hadley	Lautenbaugh	Rogert
Ashford	Dubas	Hansen	McCoy	Sullivan
Avery	Fischer	Harms	McGill	Utter
Campbell	Flood	Heidemann	Mello	White
Carlson	Friend	Howard	Nantkes	Wightman
Christensen	Fulton	Janssen	Nordquist	
Coash	Giese	Karpisek	Pankonin	
Cook	Gloor	Langemeier	Pirsch	
Council	Haar	Lathrop	Price	

Voting in the negative, 0.

Present and not voting, 4:

Louden	Nelson	Schilz	Stuthman
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Excused and not voting, 4:

Cornett	Gay	Pahls	Wallman
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The Howard amendment was adopted with 41 ayes, 0 nays, 4 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Council offered the following amendment:

AM1392

(Amendments to E & R amendments, ER8031)

- 1 1. On page 26, strike beginning with "the" in line 2
- 2 through line 6 and insert "custody as: An accused defendant,
- 3 a convicted defendant awaiting sentencing, a convicted defendant
- 4 -serving a sentence, a criminal suspect, or a person detained for
- 5 questioning regarding an event for which such person received
- 6 a deal, promise, inducement, or benefit. A jailhouse witness is
- 7 deemed to be in custody whether physically in jail or not."
- 8 2. On page 44, lines 1 and 24 and 25, strike ", 29-1929,
- 9 and 29-2262.01" and insert "and 29-1929"; and strike beginning with
- 10 "and" in line 21 through "enforcement" in line 22.

SENATOR KARPISEK PRESIDING

Senator Council moved for a call of the house. The motion prevailed with 36 ayes, 0 nays, and 13 not voting.

Senator Council requested a roll call vote on her amendment.

Voting in the affirmative, 11:

Avery	Giese	Mello	White
Cook	Haar	Nantkes	Wightman
Council	McGill	Sullivan	

Voting in the negative, 25:

Adams	Fischer	Hansen	Langemeier	Nordquist
Ashford	Flood	Harms	Lautenbaugh	Pirsch
Campbell	Friend	Heidemann	Louden	Price
Carlson	Gloor	Janssen	McCoy	Schilz
Coash	Hadley	Karpisek	Nelson	Utter

Present and not voting, 8:

Christensen	Dubas	Howard	Pankonin
Dierks	Fulton	Lathrop	Rogert

Excused and not voting, 5:

Cornett	Gay	Pahls	Stuthman	Wallman
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The Council amendment lost with 11 ayes, 25 nays, 8 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 63A. Senator Ashford withdrew his amendment AM1108, found on page 1181.

Senator Ashford renewed his amendment, AM1385, found on page 1418.

The Ashford amendment was adopted with 30 ayes, 1 nay, 13 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 9. Placed on Final Reading.

ST9042

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

1. On page 1, line 2, ", and sections 77-2701 and 77-2701.04, Revised Statutes Cumulative Supplement, 2008; to exempt mineral oil from sales

and use taxes as prescribed" has been inserted after "Nebraska"; and lines 4 and 5 have been struck and "and use taxes; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency." inserted.

LEGISLATIVE BILL 112. Placed on Final Reading.

LEGISLATIVE BILL 187. Placed on Final Reading.

LEGISLATIVE BILL 195. Placed on Final Reading.

ST9036

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

1. In the E & R amendments, ER8096:

a. On page 1, line 14 , "71-3604," has been inserted after the third comma; and in line 19 "71-3601, 71-3602, 71-3614," has been inserted after the fifth comma; and

b. On page 2, line 2, "tuberculosis detection and prevention," has been inserted after the second comma.

LEGISLATIVE BILL 232. Placed on Final Reading.

LEGISLATIVE BILL 246A. Placed on Final Reading.

LEGISLATIVE BILL 342. Placed on Final Reading.

LEGISLATIVE BILL 342A. Placed on Final Reading.

LEGISLATIVE BILL 476. Placed on Final Reading.

LEGISLATIVE BILL 476A. Placed on Final Reading.

LEGISLATIVE BILL 671. Placed on Final Reading.

LEGISLATIVE BILL 671A. Placed on Final Reading.

(Signed) Jeremy Nordquist, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 126. Introduced by Avery, 28; Flood, 19.

PURPOSE: The purpose of this interim study is to examine issues within the jurisdiction of the Government, Military and Veterans Affairs Committee of the Legislature which may arise during the interim.

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

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 127. Introduced by Avery, 28; Giese, 17; Rogert, 16.

PURPOSE: The purpose of this interim study is to examine the issue of election day registration. Statistics have shown that states with election day registration experience higher voter turnout than states without election day registration. In the 2008 presidential election, states with election day registration had a seven percent higher voter turnout. The experience in other states has been an increase in turnout among young adults, a group which historically has had low voter turnout rates.

During the 2009 legislative session, two bills allowing election day registration in Nebraska were introduced and heard by the Government, Military and Veterans Affairs Committee of the Legislature. Concerns were raised at the public hearings regarding the number of ballot splits in many precincts and the difficulties of allowing citizens to register and vote at the polling site or the county election official's office.

The issues to be examined by the interim study will include, but are not limited to:

(1) Determining whether it is more appropriate to have a citizen register and vote on election day at the polling site or at the county clerk or election commissioner's office;

(2) Determining what type of identification is necessary for citizens who wish to register and vote on election day; and

(3) Studying whether a citizen who registers and votes on election day could be given a limited ballot instead of the entire ballot.

Representatives of the Secretary of State's office and county officials, along with other interested parties, will be invited to participate in this study.

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

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 128. Introduced by Langemeier, 23.

PURPOSE: To study issues relating to the laws of Nebraska governing the management and use of Nebraska surface water and ground water. A comprehensive and inclusive evaluation is necessary, utilizing every identifiable source of funding and research, to create a valid and beneficial statewide water policy. The goal of the study is to identify all sources of funding and research that can be integrated and used by the Legislature and the Department of Natural Resources to develop a statewide water plan.

Special attention shall be given to current water planning efforts and projects. Sources may include any local, state, or federal government entity, including the University of Nebraska, and any private individual, business, or organization.

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

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 129. Introduced by Pahls, 31.

PURPOSE: The purpose of this resolution is to study whether Nebraska should update its statutory provisions, particularly section 8-113, which restrict the use by an individual, firm, company, corporation, or association of the word "bank" or any derivative thereof as any part of a title or description of any business activity. The study should include an examination of issues raised during consideration of LB32 (Pahls) and LB88 (Pahls), which were introduced in 2009 and referenced to the Banking, Commerce and Insurance Committee. In order to carry out the purpose of this resolution, the study committee should seek the assistance of the Department of Banking and Finance and should consider the input of interested persons as the committee deems necessary and beneficial.

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

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

SELECT FILE

LEGISLATIVE BILL 392. ER8125, found on page 1388, was adopted.

Senator Adams offered the following amendment:

AM1393

(Amendments to E & R amendments, ER8125)

- 1 1. On page 13, line 8, after "council" insert an
- 2 underscored period and strike beginning with "as" in line 8
- 3 through line 9 and show as stricken.

The Adams amendment was adopted with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

Senator Adams offered the following amendment:

AM1395

(Amendments to E & R amendments, ER8215)

- 1 1. On page 27, line 17, strike "June" and insert
- 2 "September".

The Adams amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 263. ER8123, found on page 1387, was adopted.

Advanced to Enrollment and Review for Engrossment.

SPEAKER FLOOD PRESIDING

MOTION - Suspend Rules

Senator Council renewed her motion, MO50, found on page 1421, to suspend Rule 7, Section 3(d) to allow consideration of AM1233 to LB440.

The Council motion to suspend the rules prevailed with 33 ayes, 1 nay, 10 present and not voting, and 5 excused and not voting.

MOTION - Return LB440 to Select File

Senator Council moved to return LB440 to Select File for her specific amendment, AM1233, found on page 1373.

The Council motion to return prevailed with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 440. The Council specific amendment, AM1233, found on page 1373, was adopted with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

LEGISLATIVE BILL 35. ER8067, found on page 1051, was adopted.

Senator Pankonin withdrew his amendment, AM934, found on page 990 and considered on page 1015.

Senator Ashford renewed his amendment, AM1095, found on page 1372.

SENATOR STUTHMAN PRESIDING

The Ashford amendment was adopted with 36 ayes, 0 nays, 7 present and not voting, and 6 excused and not voting.

Senator Ashford renewed his amendment, AM1287, found on page 1372.

The Ashford amendment was adopted with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 35A. Senator Ashford renewed his amendment, AM1087, found on page 1128.

The Ashford amendment was adopted with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

Senator Ashford renewed his amendment, AM1101, found on page 1373.

The Ashford amendment was adopted with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

AMENDMENT - Print in Journal

Senator Pirsch filed the following amendment to LB671:
AM1389

(Amendments to Final Reading copy)

- 1 1. Strike section 2 and insert the following new section:
- 2 Sec. 2. Section 23-1213, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 23-1213 (1)(a) There is hereby created the Nebraska
- 5 County Attorney Standards Advisory Council which, except as
- 6 provided in subdivision (b) of this subsection, shall consist of
- 7 seven members, four of whom shall be either a county attorney
- 8 or deputy county attorney, one member being a professor of law
- 9 or professor of forensic science, and two members being county

10 commissioners or supervisors. The members of such council shall be
 11 appointed by the Governor. Of the county attorneys or deputy county
 12 attorneys appointed to such council, one shall be from Douglas
 13 County, one shall be from Lancaster County, and the remaining two
 14 shall be appointed from the remainder of the state. Members of
 15 the council shall serve a term of four years, except that of the
 16 members first appointed one member shall serve a term of one year,
 17 two members shall serve a term of two years, two members shall
 18 serve a term of three years, and two members shall each serve a
 19 term of four years.

20 (b) On and after the effective date of this act, the
 21 council shall consist of eleven members with the addition of the
 22 following four new members: (i) Two members who shall be either
 1 county attorneys or deputy county attorneys from counties other
 2 than Douglas County or Lancaster County; (ii) one member who is a
 3 county sheriff or a chief of police; and (iii) one member who is a
 4 certified forensic pathologist. The new members shall serve terms
 5 of four years, except that of the new members first appointed two
 6 members shall serve terms of two years and two members shall serve
 7 terms of three years.

8 (2) A member may be reappointed at the expiration of his
 9 or her term. Any vacancy occurring other than by expiration of
 10 a term shall be filled for the remainder of the unexpired term
 11 in the same manner as the original appointment. The council shall
 12 select one of its members as chairperson. The Governor shall make
 13 the appointments under this section within ninety days of July 19,
 14 1980.

15 (3) Members of the council shall have such membership
 16 terminated if they cease to hold the office of county attorney,
 17 deputy county attorney, ~~or~~ county commissioner or supervisor, or
 18 county sheriff or chief of police. A member of the council may be
 19 removed from the council for good cause upon written notice and
 20 upon an opportunity to be heard before the Governor. After the
 21 hearing, the Governor shall file in the office of the Secretary
 22 of State a complete statement of the charges and the findings and
 23 disposition together with a complete record of the proceedings.

VISITORS

Visitors to the Chamber were 7 eighth-grade students and teacher from Cedar Rapids, Iowa; 60 fourth-grade students and teachers from West Lawn Elementary, Grand Island; and 50 fourth-grade students from Twin River Elementary, Genoa.

The Doctor of the Day was Dr. Derrick Anderson from Lincoln.

ADJOURNMENT

At 4:38 p.m., on a motion by Senator Lautenbaugh, the Legislature adjourned until 9:00 a.m., Wednesday, May 13, 2009.

Patrick J. O'Donnell
Clerk of the Legislature

