

**TWENTIETH DAY - FEBRUARY 2, 2011**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED SECOND LEGISLATURE  
FIRST SESSION**

**TWENTIETH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, February 2, 2011

**PRAYER**

The prayer was offered by Senator Hadley.

**ROLL CALL**

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

The roll was called and all members were present except Senators Lautenbaugh and Pankonin who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the nineteenth day was approved.

**COMMITTEE REPORTS**

Banking, Commerce and Insurance

**LEGISLATIVE BILL 347.** Placed on General File with amendment.  
AM75

- 1 1. On page 2, lines 5 and 6, strike "non-interest-bearing
- 2 or interest-bearing" and show the old matter as stricken; and in
- 3 line 14 after the period insert "Until July 1, 2014, such trust
- 4 account may be either an interest-bearing or a non-interest-bearing
- 5 account and, if interest-bearing, shall comply with subsection (7)
- 6 of this section. On and after July 1, 2014, such trust account
- 7 shall be a non-interest-bearing account.".
- 8 2. On page 3, line 11, after the comma insert "as
- 9 authorized under subsection (1) of this section.".

**LEGISLATIVE BILL 462.** Placed on General File with amendment.  
AM156

- 1 1. Strike section 17 and insert the following new
- 2 section:
- 3 Sec. 17. Section 87-217, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:

5 87-217 Any registrant of a trade name may proceed by  
 6 suit to enjoin the use, display, or sale of any counterfeits  
 7 or imitations thereof, and a court of competent jurisdiction may  
 8 restrain ~~this such~~ use, display, or sale on terms which the court  
 9 deems just and reasonable and may require the defendants to pay to  
 10 the registrant ~~either~~ (1) all profits attributable to the wrongful  
 11 use, display, or sale, ~~or~~ (2) all damages caused by the wrongful  
 12 use, display, or sale, or (3) both such profits and damages, and  
 13 reasonable attorney's fees. In lieu of the remedies available in  
 14 subdivisions (1), (2), and (3) of this section, the court may  
 15 require the defendants to pay statutory damages of one thousand  
 16 dollars and reasonable attorney's fees. The court may order that  
 17 any counterfeits or imitations in the possession or under the  
 18 control of any defendant be delivered to an officer of the court,  
 19 or to the complainant, to be destroyed.

(Signed) Rich Pahls, Chairperson

### GENERAL FILE

**LEGISLATIVE BILL 29.** Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 30.** Title read. Considered.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 10 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 20.** Title read. Considered.

Committee AM64, found on page 359, was considered.

Senator Lautenbaugh offered the following amendment to the committee amendment:

FA3

Amend AM64 On page 3, line 23 strike the word "solely".

**SENATOR LANGEMEIER PRESIDING**

**SENATOR CARLSON PRESIDING**

Senator Lautenbaugh moved for a call of the house. The motion prevailed with 38 ayes, 0 nays, and 11 not voting.

Senator Lautenbaugh requested a roll call vote on his amendment to the committee amendment.

Voting in the affirmative, 30:

Adams	Fischer	Janssen	McCoy	Schilz
Bloomfield	Fulton	Karpisek	Nelson	Schumacher
Brasch	Gloor	Langemeier	Pahls	Smith
Carlson	Hadley	Larson	Pankonin	Sullivan
Christensen	Hansen	Lautenbaugh	Pirsch	Utter
Coash	Heidemann	Louden	Price	Wightman

Voting in the negative, 17:

Ashford	Cook	Haar, K.	Lathrop	Wallman
Avery	Cornett	Harms	McGill	
Campbell	Council	Harr, B.	Mello	
Conrad	Dubas	Howard	Nordquist	

Present and not voting, 2:

Flood                      Krist

The Lautenbaugh amendment was adopted with 30 ayes, 17 nays, and 2 present and not voting.

The Chair declared the call raised.

Senator Lathrop offered the following amendment to the committee amendment:

FA4

Amend AM64 Strike Section 6, Page 3, lines 22-24, and renumber.

Senator Ashford offered the following motion:

MO6

Bracket until June 1, 2011.

Pending.

## COMMITTEE REPORTS

### Revenue

**LEGISLATIVE BILL 383.** Placed on General File.

(Signed) Abbie Cornett, Chairperson

## Transportation and Telecommunications

**LEGISLATIVE BILL 98.** Placed on General File.

**LEGISLATIVE BILL 178.** Placed on General File.

**LEGISLATIVE BILL 215.** Placed on General File.

(Signed) Deb Fischer, Chairperson

**COMMITTEE REPORTS**

## Enrollment and Review

**LEGISLATIVE BILL 81.** Placed on Select File with amendment.  
ER8

- 1 1. In the Cornett amendment, AM198:
  - 2 a. On page 3, lines 1 and 2; and page 4, line 11, strike
  - 3 "a person" and insert "an individual"; and
  - 4 b. On page 4, line 6, strike "subsection" and insert
  - 5 "section".
  - 6 2. On page 1, strike beginning with "sections" in line 1
  - 7 through line 6 and insert "section 14-109, Reissue Revised Statutes
  - 8 of Nebraska, and section 18-1214, Revised Statutes Cumulative
  - 9 Supplement, 2010; to change provisions relating to occupation taxes
  - 10 and motor vehicle registration; to authorize motor vehicle taxes as
  - 11 prescribed; to define terms;".

**LEGISLATIVE BILL 211.** Placed on Select File.

**LEGISLATIVE BILL 154.** Placed on Select File.

**LEGISLATIVE BILL 208.** Placed on Select File with amendment.  
ER7

- 1 1. On page 15, line 1, after "10" insert an underscored
- 2 comma.

(Signed) Tyson Larson, Chairperson

**NOTICE OF COMMITTEE HEARINGS**

## Appropriations

Room 1003

Monday, February 14, 2011 1:30 p.m.

LB213  
LB120  
LB496  
LB497

(Signed) Lavon Heidemann, Chairperson

Government, Military and Veterans Affairs

Room 1507

Wednesday, February 9, 2011 1:30 p.m.

LB198  
LB338  
LB343  
LB480

(Signed) Bill Avery, Chairperson

Judiciary

Room 1113

Friday, February 11, 2011 1:30 p.m.

LB451  
LB351  
LB475  
LB476  
LB644

(Signed) Brad Ashford, Chairperson

**ANNOUNCEMENT**

The Revenue Committee designates LB383 as its priority bill.

**AMENDMENTS - Print in Journal**

Senator Hadley filed the following amendment to LB241:  
AM226

- 1 1. Insert the following new section:
- 2 Sec. 7. Since an emergency exists, this act takes effect
- 3 when passed and approved according to law.

Senator McGill filed the following amendment to LB146:  
AM224

- 1 1. On page 4, strike lines 5 through 10 and insert the
- 2 following new subsection:
- 3 "(5) A city of the second class or village located in
- 4 a county that has adopted a comprehensive development plan which
- 5 meets the requirements of section 23-114.02 and is enforcing
- 6 subdivision regulations shall not finally approve a planned
- 7 unit development upon property located outside of the corporate
- 8 boundaries of the city or village until the plans for the planned

9 unit development have been submitted to, reviewed, and approved  
 10 by the county's planning commission pursuant to subsection (4) of  
 11 section 17-1002."

Senator Pahls filed the following amendment to LB77:

AM193

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

Senator Pahls filed the following amendment to LB78:

AM194

- 1 1. Insert the following new section:
- 2 Sec. 4. Since an emergency exists, this act takes effect
- 3 when passed and approved according to law.

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

Senator Council asked unanimous consent to add her name as cointroducer to LR37. No objections. So ordered.

### **VISITORS**

Visitors to the Chamber were members of Leadership Scottsbluff, Leadership Chadron, and the Scottsbluff Gering United Chamber; and Gunter Harz from Omaha, Reinhard Schopf and Jorn Wiebe from Germany, and Steve Kearney from Monument, Colorado.

### **ADJOURNMENT**

At 11:59 a.m., on a motion by Senator Mello, the Legislature adjourned until 9:00 a.m., Thursday, February 3, 2011.

Patrick J. O'Donnell  
 Clerk of the Legislature