

**THIRTEENTH DAY - JANUARY 26, 2009****LEGISLATIVE JOURNAL****ONE HUNDRED FIRST LEGISLATURE  
FIRST SESSION****THIRTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, January 26, 2009

**PRAYER**

The prayer was offered by Pastor Rick Fine, Bible Fellowship Church, Falls City.

**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 Council and Nelson who were excused; and Senators Ashford, Christensen, Cornett, Friend, Haar, and Heidemann who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the twelfth day was approved.

**REFERENCE COMMITTEE REPORT**

The Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LB464	Education (rereferred)
LB673	Education (rereferred)
LR11	Executive Board

(Signed) John Wightman, Chairperson  
Executive Board

**COMMITTEE REPORTS**  
Enrollment and Review

**LEGISLATIVE BILL 61.** Placed on Select File.  
**LEGISLATIVE BILL 11.** Placed on Select File.  
**LEGISLATIVE BILL 29.** Placed on Select File.

(Signed) Jeremy Nordquist, Chairperson

**COMMITTEE REPORTS**  
Agriculture

**LEGISLATIVE BILL 99.** Placed on General File.

**LEGISLATIVE BILL 100.** Placed on General File.

**LEGISLATIVE BILL 101.** Placed on General File.

(Signed) Tom Carlson, Chairperson

Government, Military and Veterans Affairs

**LEGISLATIVE BILL 24.** Placed on General File.

(Signed) Bill Avery, Chairperson

**NOTICE OF COMMITTEE HEARINGS**  
Banking, Commerce and Insurance

Room 1507

Monday, February 2, 2009 1:30 p.m.

- LB297
- LB177
- LB327
- LB377

(Signed) Rich Pahls, Chairperson

Education

Room 1525

Monday, February 2, 2009 1:30 p.m.

- LB479
- LB530
- LB464
- LB558
- LB665
- LB547

Tuesday, February 3, 2009 1:30 p.m.

- LB228
- LB64

LB163  
LB281  
LB393

(Signed) Greg Adams, Chairperson

## RESOLUTION

### LEGISLATIVE RESOLUTION 12. Introduced by Gay, 14.

WHEREAS, Ian Burns 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 achievement 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: Tenderfoot, Second Class, First Class, Star, Life, and Eagle. Throughout his Scouting experience, Ian Burns has learned, been tested on, and has 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; and

WHEREAS, only five percent of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout.

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

1. That the Legislature congratulates Ian Burns on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Ian Burns.

Laid over.

## EXECUTIVE BOARD ANNOUNCEMENT

The Executive Board announced the following committee assignments:

### The Community Corrections Council

Senator Brenda Council

Senator Pete Pirsch

### The Interstate Compact for Adult Supervision

Senator Mark Christensen

### Streamlined Sales and Use Tax System

Senator Robert Giese

Senator Rich Pahls

Homeland Security Policy Group

Senator Scott Price

Senator Heath Mello

**MOTION - Withdraw LB672**

Senator Pirsch renewed his motion, MO5, found on page 284, to withdraw LB672.

The Pirsch motion to withdraw the bill prevailed with 40 ayes, 0 nays, 1 present and not voting, and 8 excused and not voting.

**GENERAL FILE**

**LEGISLATIVE BILL 49A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 7 present and not voting, and 7 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 1.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 2.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 3.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 61.** Senator Adams offered the following amendment:

AM41

- 1 1. On page 2, strike beginning with "February" in line 24
- 2 through "year" in line 25, show as stricken, and insert "April 1,
- 3 2009, and February 1 of each year thereafter".

The Adams amendment was adopted with 41 ayes, 0 nays, 2 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**GENERAL FILE**

**LEGISLATIVE BILL 179.** Title read. Considered.

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 1 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 180.** Title read. Considered.

Senator Lautenbaugh offered the following amendment:

FA2

On page 6, line 15 delete after "counties" to line 16 through "population".

Senator Lautenbaugh moved for a call of the house. The motion prevailed with 36 ayes, 1 nay, and 12 not voting.

Senator Lautenbaugh requested a roll call vote on his amendment.

Voting in the affirmative, 20:

Ashford	Cornett	Karpisek	Mello	Pankonin
Avery	Friend	Lathrop	Nantkes	Pirsch
Coash	Fulton	Lautenbaugh	Nordquist	Price
Cook	Howard	McGill	Pahls	White

Voting in the negative, 24:

Campbell	Fischer	Hadley	Louden	Sullivan
Carlson	Flood	Hansen	McCoy	Utter
Christensen	Gay	Harms	Rogert	Wallman
Dierks	Giese	Janssen	Schilz	Wightman
Dubas	Gloor	Langemeier	Stuthman	

Excused and not voting, 5:

Adams	Council	Haar	Heidemann	Nelson
-------	---------	------	-----------	--------

The Lautenbaugh amendment lost with 20 ayes, 24 nays, and 5 excused and not voting.

The Chair declared the call raised.

Advanced to Enrollment and Review Initial with 41 ayes, 2 nays, 1 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 154.** Title read. Considered.

Committee AM25, found on page 280, was adopted with 38 ayes, 0 nays, 6 present and not voting, and 5 excused and not voting.

Senator Harms offered the following amendment:

AM39

- 1 1. On page 51, line 25, strike beginning with "3-801"
- 2 through "3-806,".

**SENATOR ROBERT PRESIDING**

The Harms amendment was adopted with 39 ayes, 0 nays, 6 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 3 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 91.** Title read. Considered.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 5 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 196.** Title read. Considered.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 5 present and not voting, and 4 excused and not voting.

**COMMITTEE REPORTS**

## Urban Affairs

**LEGISLATIVE BILL 85.** Placed on General File.

(Signed) Mike Friend, Chairperson

## Revenue

**LEGISLATIVE BILL 44.** Placed on General File.

**LEGISLATIVE BILL 45.** Placed on General File.

**LEGISLATIVE BILL 120.** Placed on General File.

**LEGISLATIVE BILL 251.** Placed on General File.

**LEGISLATIVE BILL 166.** Placed on General File with amendment.

AM16

- 1 1. Strike original section 17.
- 2 2. On page 5, strike beginning with "and" in line 15
- 3 through line 17, show the old matter as stricken, and insert an
- 4 underscored period.
- 5 3. On page 36, line 3, strike "77-1704.01,".
- 6 4. Renumber the remaining sections accordingly.

(Signed) Abbie Cornett, Chairperson

## Judiciary

**LEGISLATIVE BILL 41.** Placed on General File.

**LEGISLATIVE BILL 123.** Placed on General File.

(Signed) Brad Ashford, Chairperson

**COMMITTEE REPORTS**

Enrollment and Review

- LEGISLATIVE BILL 1.** Placed on Final Reading.  
**LEGISLATIVE BILL 2.** Placed on Final Reading.  
**LEGISLATIVE BILL 3.** Placed on Final Reading.  
**LEGISLATIVE BILL 61.** Placed on Final Reading.

(Signed) Jeremy Nordquist, Chairperson

**COMMITTEE REPORTS**

Enrollment and Review

**LEGISLATIVE BILL 30.** Placed on Select File.**LEGISLATIVE BILL 49.** Placed on Select File with amendment.  
ER8002

- 1 1. On page 4, line 17; and page 5, line 5, after  
 2 "implementation" insert "date".

**LEGISLATIVE BILL 50.** Placed on Select File.**LEGISLATIVE BILL 62.** Placed on Select File with amendment.  
ER8003

- 1 1. On page 1, line 5, after the semicolon insert "to  
 2 harmonize provisions";  
 3 2. On page 8, line 19, after "79-2110" insert an  
 4 underscored comma.

(Signed) Jeremy Nordquist, Chairperson

**RESOLUTION****LEGISLATIVE RESOLUTION 13.** Introduced by Pahls, 31.

WHEREAS, Dr. Don Stroh served as Superintendent of Millard Public Schools from 1955 to 1989; and

WHEREAS, Millard, Nebraska was a small town with a population of about 400 located west of Omaha in the 1950's; and

WHEREAS, Dr. Stroh led the Millard Public Schools through an explosive growth period, numerous successful bond issues, and the addition of new school buildings almost every year under his leadership; and

WHEREAS, under Dr. Stroh's leadership Millard Public Schools became one of the largest school districts in the state located in a growing metropolitan area; and

WHEREAS, Millard Public Schools is noted for its devotion to excellence in education; and

WHEREAS, Dr. Stroh has been and continues to be a leader in the Millard community, serving on community boards and committees and actively promoting and improving the Good Life in Millard; and

WHEREAS, Dr. Stroh is celebrating his birthday on January 29.

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

1. That the Legislature extends its congratulations to Dr. Stroh.
2. That a copy of this resolution be sent to Dr. Stroh.

Laid over.

### **UNANIMOUS CONSENT - Add Cointroducers**

Senator Giese asked unanimous consent to add his name as cointroducer to LB200. No objections. So ordered.

Senators Howard and Rogert asked unanimous consent to add their names as cointroducers to LB206. No objections. So ordered.

Senator Sullivan asked unanimous consent to add her name as cointroducer to LB405. No objections. So ordered.

Senators Carlson, Christensen, Dierks, Flood, Hadley, Hansen, Lautenbaugh, McCoy, Pankonin, Rogert, Schilz, Sullivan, Utter, and Wightman asked unanimous consent to add their names as cointroducers to LB438. No objections. So ordered.

Senator Stuthman asked unanimous consent to add his name as cointroducer to LB449. No objections. So ordered.

Senator Pankonin asked unanimous consent to add his name as cointroducer to LB489. No objections. So ordered.

Senator Ashford asked unanimous consent to add his name as cointroducer to LB656. No objections. So ordered.

Senators Carlson, Christensen, Dierks, Hadley, Hansen, Lautenbaugh, McCoy, Pankonin, Price, Rogert, Schilz, Sullivan, Utter, and Wightman asked unanimous consent to add their names as cointroducers to LB666. No objections. So ordered.

Senator Pankonin asked unanimous consent to add his name as cointroducer to LB671. No objections. So ordered.

### **VISITORS**

Visitors to the Chamber were members of the Governor's Youth Advisory Council from across the state.

The Doctor of the Day was Dr. Carol LaCroix from Omaha.

**ADJOURNMENT**

At 11:47 a.m., on a motion by Senator Sullivan, the Legislature adjourned until 9:00 a.m., Tuesday, January 27, 2009.

Patrick J. O'Donnell  
Clerk of the Legislature

