

**SECOND DAY - JANUARY 8, 2009**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED FIRST LEGISLATURE**  
**FIRST SESSION**  
**SECOND DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, January 8, 2009

**PRAYER**

The prayer was offered by Senator Carlson.

**ROLL CALL**

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

The roll was called and all members were present except Senator Ashford who was excused.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the first day was approved.

**MOTION - Adopt Temporary Rules**

Senator Lautenbaugh moved that the rules, as now in our possession, be adopted until such time as the permanent rules are adopted pursuant to Rule 2, Section 1; provided that the temporary rules shall not continue after the tenth legislative day.

The motion prevailed.

**MESSAGES FROM THE GOVERNOR**

September 12, 2008

Mr. President, Speaker Flood  
and Members of the Legislature  
State Capitol Building  
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individuals are being

reappointed to the Board of Trustees of the Nebraska State Colleges:

Michelle Suarez, 2427 Woodsdale Blvd., Lincoln, NE 68502

William Roskens, 4359 Far Hills Lane, Omaha, NE 68152

The aforementioned appointees are respectfully submitted for your consideration. Copies of the appointment certificates and background information are included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

November 24, 2008

Mr. President, Speaker Flood  
and Members of the Legislature  
State Capitol Building  
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Commission for the Blind and Visually Impaired:

Carol Jenkins, 2636 North 43rd St., Apt. #2, Lincoln, NE 68504

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate of appointment and background information are included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

November 24, 2008

Mr. President, Speaker Flood  
and Members of the Legislature  
State Capitol Building  
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individual is being appointed to the State Electrical Board:

Stanley Elsasser, 4913 Glasgow Avenue, Bellevue, NE 68157

Contingent upon your approval, the following individual is being reappointed to the State Electrical Board:

George Morrissey, 3333 North 140th, Omaha, NE 68164

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background materials are included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

November 24, 2008

Mr. President, Speaker Flood  
and Members of the Legislature  
State Capitol Building  
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individuals are being appointed to the Technical Advisory Committee for Statewide Assessment:

Dr. Brian Gong, Executive Director, The Nat'l. Ctr. for the Improvement of Educational Assessment, P.O. Box 351, Dover, NH 03821  
Dr. Wayne Camara, VP, Research & Dev. College Board, 45 Columbus Ave., New York, NY 10053  
Dr. Richard Sawyer, Sr. Research Scientist ACT, 500 ACT Drive, P.O. Box 168, Iowa City, IA 52243  
Dr. Dallas Watkins, Superintendent of Dundy County Stratton Public Schools, Benkelman, NE 69201  
Linda Poole, 5054 South 171st Ave. Omaha, NE 68135

The aforementioned appointees are respectfully submitted for your consideration. Copies of the appointment certificates and background materials are included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

November 25, 2008

Mr. President, Speaker Flood  
and Members of the Legislature  
State Capitol Building  
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individuals are being reappointed to the Nebraska Educational Telecommunications Commission:

Clay Smith, 2310 Woodsdale Blvd., Lincoln, NE 68502  
Stan Carpenter, 6731 Crooked Creek Dr., Lincoln, NE 68516

The aforementioned appointees are respectfully submitted for your consideration. Copies of the appointment certificates and background information are included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

December 4, 2008

Mr. President, Speaker Flood  
and Members of the Legislature  
State Capitol Building  
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individual is being reappointed to the Nebraska Investment Council:

Gail Werner-Robertson, 1215 North 136th Street, Omaha, NE 68154

The aforementioned appointee is respectfully submitted for your consideration. Copies of the appointment certificate and background information are included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

December 9, 2008

Mr. President, Speaker Flood  
and Members of the Legislature

State Capitol Building  
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed as the Director of the Department of Natural Resources:

Brian Dunnigan, 6111 Fleetwood Drive, Lincoln, NE 68516

The aforementioned appointee is respectfully submitted for your consideration. Copies of the appointment certificate and background information are included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

December 11, 2008

Mr. President, Speaker Flood  
and Members of the Legislature  
State Capitol Building  
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individuals are being appointed to the Game and Parks Commission:

Mark Spurgin, 55 Makochmni, Ogallala, NE 69153  
Rex Fisher, 10925 Fairway Dr., Omaha, NE 68136-4057

The aforementioned appointees are respectfully submitted for your consideration. Copies of the appointment certificates and background materials are included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

December 29, 2008

Mr. President, Speaker Flood  
and Members of the Legislature  
State Capitol Building  
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individuals are being appointed to the Nebraska Power Review Board:

Stephen Lichter, 24434 Mason Street, Waterloo, NE 68869  
Patrick Bourne, 13020 Binney Street, Omaha, NE 68164

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background materials are included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

December 29, 2008

Mr. President, Speaker Flood  
and Members of the Legislature  
State Capitol Building  
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individual is being appointed to the Public Employees Retirement Board:

Janis Elliott, 807 LeMay Dr., Bellevue, NE 68005

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background material are included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

December 30, 2008

Mr. President, Speaker Flood  
and Members of the Legislature  
State Capitol Building  
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individuals are being appointed to the Commission for the Deaf and Hard of Hearing:

Jan Moore, 6116 Avenue M, Kearney, NE 68847  
Steven Manning, 17039 Orchard Ave., Omaha, NE 68135

Contingent upon your approval, the following individuals are being reappointed to the Commission for the Deaf and Hard of Hearing:

Luana Duennerman, 4140 South 20th Street, Lincoln, NE 68502  
Clifford Carlson, 5925 Upton Grey Circle, Lincoln, NE 68516

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background materials are included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

December 30, 2008

Mr. President, Speaker Flood  
and Members of the Legislature  
State Capitol Building  
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed as a member of the Board of Public Roads Classifications and Standards:

Steven Riehle, 1709 Columbia Circle, Grand Island, NE 68801

The aforementioned appointee is respectfully submitted for your consideration. Copies of the appointment certificate and background information are included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

December 30, 2008

Mr. President, Speaker Flood  
and Members of the Legislature

State Capitol Building  
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individuals are being appointed to the Nebraska Arts Council:

Robert Nefsky, 2140 Sheridan Blvd., Lincoln, NE 68502  
Judy Pearl-Lee, 736 Sunset Trail, Omaha, NE 68132  
Louise Kent, 2102 Third Avenue, Scottsbluff, NE 69361  
Jeanne Ross, 3215 Fifth Avenue, Kearney, NE 68845

Contingent upon your approval, the following individuals are being reappointed to the Nebraska Arts Council:

Vicki Bromm, 1448 North Pine Street, Wahoo, NE 68066  
Julie Jacobson, 3020 West Leota Street, North Platte, NE 69101

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background materials are included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

December 30, 2008

Mr. President, Speaker Flood  
and Members of the Legislature  
State Capitol Building  
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individuals are being reappointed to the Boiler Safety Code Advisory Board:

Martin Kasl, 6700 Ridge Point Road, Lincoln, NE 68512  
Thomas DeMartino, 22017 Bobwhite Avenue, Gretna, NE 68028  
Charles Cole, 3651 F Road, Otoe, NE 68417  
Kenneth Stewart, 16039 Orchard Circle, Omaha, NE 68135

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background materials are included for your review.

Sincerely,  
 (Signed) Dave Heineman  
 Governor

Enclosures

## REPORTS

The following reports were received by the Legislature:

### **Administrative Services, Department of**

Annual Budgetary Report for the Year Ended June 30, 2008

### **Banking and Finance, Nebraska Department of**

Annual Report July 1, 2007 - June 30, 2008

### **Coordinating Commission for Postsecondary Education**

2008 Biennial Report for December 2006 to December 2008

2008 Biennial Report for December 2006 to December 2008, Approved Report

### **Correctional Services, Nebraska Department Of**

Annual Report for the Work Ethic Camp

### **Developmental Disabilities Special Investigative Committee**

Report of the Developmental Disabilities Special Investigative Committee (LR 283)

### **Economic Development, Department of**

Local Civic, Cultural, and Convention Center Financing Fund 2008 Annual Report

### **Educational Lands and Funds, Board of**

66th Biennial Report

### **Environmental Quality, Department of**

2008 Annual Report

### **Game and Parks Commission**

Certified Recreation Road Projects Identifying the Public Use Areas for Future Construction

One-Year Recreation Road Construction Schedule

### **Government, Military and Veterans Affairs Committee, Legislative**

Nebraska Boards and Commissions Report

### **Health and Human Services**

2008 Medicaid Reform Report of the Department of Health and Human Services Division of Medicaid and Long-Term Care

2008 Nebraska Health Care Funding Act (LB 692) Report

Beatrice State Developmental Center, Division of Developmental Disabilities, Beatrice State Developmental Center Baseline Quarterly Report

Medicaid Report of Implementation of Rules and Regulations, Plan Amendments, and Waivers for January 1, 2007 - December 31, 2008

Nebraska State Options Report for LB171 Food Stamp Program

Proposals to the 2008 Draft Biennial Medicaid Reform Report and Draft Medicaid Alternative Benefit Structure Recommendations Report

### **Investment Finance Authority, Nebraska (NIFA)**

2008A Drinking Water State Revolving Fund Revenue Bonds Notice

**Investment Council**

Northern Ireland Reporting Requirements Report

**Retirement Systems, Public Employees**

Nebraska Public Employees Retirement Systems School Retirement System 2008

Nebraska Public Employees Retirement Systems Judges' Retirement System 2008

Nebraska Public Employees Retirement Systems State Patrol Retirement System 2008

**Revenue, Nebraska Department of**

Charitable Gaming Division 2008 Annual Report

EPIC (Ethanol Production Incentive Cash Fund) Report

Report of Examination of State of Nebraska Auditor of Public Accounts for Fiscal Year Ended June 30, 2007

**Roads, Nebraska Department of**

2008 State Highway Needs Assessment

**Southeast Community College**

Financial Condition of the Center

**2008 INTERIM REPORT  
ON THE DISPOSITION OF  
INTERIM STUDY RESOLUTIONS**

Agriculture

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
314	Interim study to examine means to fully cash fund the duties carried out by the Dept. of Agriculture under the Noxious Weed Control Act	X		
315	Interim study to review the statutory provisions for disease eradication programs administered by the Bureau of Animal Industry			X
316	Interim study to continue examination of activities and staffing of the Dept. of Agriculture and the Bureau of Animal Industry			X
335	Interim study to examine policies, programs, services, and strategies to encourage and support family farm proprietorship			X

350	Interim study to examine development of renewable energy and other systems for capturing energy values from agricultural products and waste streams		X	
353	Interim study to examine the rural economic development potential of wind energy development in Nebraska		X	
357	Interim study to examine policies relating to livestock friendly county programs in the state			X
361	Interim study to examine the impact of federal and state bans on the slaughter of horses		X	
400	Interim study to examine issues relating to the implementation of the legislative intent stated in LB 1116, regarding relocation of the State Fair to Grand Island		X	

Appropriations

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
402	Interim study to examine various state aid to county programs		X(4)	
308(1)	Interim study to examine costs associated with the creation of the learning community	X		
329(2)	Interim study to examine state policy changes that should be pursued to ensure that state economic development efforts fully leverage the state's public and private research capacity	X(5)		
307(3)	Interim study to examine Nebraska's aid to dependent children program	X		
338(3)	Interim study to conduct research and develop recommendations relating to the implementation of the Nebraska Behavioral Health Services Act		X	

- (1) Joint reference with Education
- (2) Joint reference with Revenue
- (3) Joint reference with Health and Human Services
- (4) In cooperation with Revenue

(5) With Revenue, similar resolution, issued by Revenue

## Banking, Commerce and Insurance

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
299	Interim study to examine changes being implemented by insurance companies to reduce private insurance benefits covering prosthetic limbs		X	
301	Interim study to examine issues regarding the Comprehensive Health Insurance Pool		X	
305	Interim study to examine requiring issuers of group health benefit plans to provide information regarding claims paid and the amount of premiums by line of coverage		X	
309	Interim study to determine whether Nebraska should enact the Uniform Limited Partnership Act (2001)		X	

## Business and Labor

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
370	Interim study to examine issues relating to the effect of mandatory overtime at twenty-four-hour care facilities			X
334	Interim study of the effects of LB 588, 2007, on the premium cost to consumers of workers' compensation insurance in Nebraska and the impact of certain hospital fee schedules on Nebraska hospitals			X
399	Interim study to examine how the federal Family and Medical Leave Act has been implemented in Nebraska			X
358	Interim study to examine issues raised by LB 1073, 2008, that proposed to adopt the Nebraska Construction Prompt Pay Act			X

## Education

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
292	Interim study to review services available for at-risk children age birth to five years			X
293	Interim study to examine ways to develop interest in science and math disciplines			X
294	Interim study to examine alternative salary compensation and funding systems for teachers	X		
295	Interim study to examine regional models of delivering education in rural communities			X
304	Interim study to examine issues relating to early retirement by public school teachers			X
308*	Interim study to examine costs associated with the creation of the learning community	X		
347	Interim study to examine issues under the jurisdiction of the Education Committee			X
359	Interim study to review changes to Nebraska's statewide assessment statutes and the Quality Education Accountability Act and to evaluate models for implementing statewide assessment			X
369	Interim study to examine policy changes in order to provide guidance and oversight of Nebraska's home schools			X
371**	Interim study to determine current energy usage by schools and school districts and to examine effective energy efficiency measures			X
388	Interim study to review the constitutional references to and the statutory powers and duties of the State Board of Education and the Commissioner of Education	X		

\*Joint Study of the Education and Appropriations Committees

\*\*Joint Study of the Education and Natural Resources Committees

## Executive Board

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
275	Interim study to examine the process of creating legislative task forces, committees, and commissions			X
302	Interim study to examine issues relating to the availability and use of rooms for school children visiting the State Capitol and coordination of tours by the tour office	X		

## General Affairs

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
345	Interim study to examine issues relating to the horseracing industry in Nebraska	X		
389	Interim study to develop a plan for implementation of mandatory alcoholic liquor server training for employees of retail liquor licensees		X	
344	Interim study to examine the process and standards used to revise the State Electrical Act		X	

## Government, Military and Veterans Affairs

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
285	Interim study to examine whether state-funded building projects should be required to meet high performance green building standards		X	
296	Interim study of the impact of a future Base Realignment and Closure Commission on Nebraska's current military installations and missions	X		
298	Interim study to examine issues under the jurisdiction of the Government, Military and Veterans Affairs Committee		X	

368	Interim study to examine policy changes to provide cooperation between governmental agencies and tribal governments relating to paleontological resources		X	
385	Interim study to examine requiring a certain level of purchasing of goods and services produced in the State of Nebraska by state government		X	

Health and Human Services

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
221	Interim study to examine implementation of a statewide stroke registry		X	
297	Interim study to examine issues relating to the inspection requirements for Class B swimming pools and certified swimming pool operators		X	
303	Interim study to examine issues relating to establishment of a laboratory at the University of Nebraska Medical Center to conduct medical research on umbilical cord blood and tissue		X	
306	Interim study to examine issues relating to the use of latex in public places and efforts to restrict or eliminate the use of latex		X	
307	Interim study to examine Nebraska's aid to dependent children program		X	
318	Interim study to examine the participation rate of the food stamp program in Nebraska		X	
336	Interim study to examine how to better educate parents, school officials, day care providers, and the public regarding the administration of the influenza vaccine		X	
337	Interim study to examine the needs of the state for development of a plan to provide behavioral health		X	

	workers support personnel necessary to support community-based behavioral health services and funding of the plan			
338	Interim study to conduct research and develop recommendations relating to the implementation of the Nebraska Behavioral Health Services Act		X	
339	Interim study to examine issues raised by LB 742, 2008, relating to educational requirements for licensure as an engineer		X	
340	Interim study to examine transparency in health care pricing and billing		X	
348	Interim study to examine the issue of language access in Nebraska's health care and human services systems		X	
355	Interim study to examine the feasibility of the Dept. of Health and Human Services contracting with other social services agencies for the provision of foster care services		X	
363	Interim study to identify powers and duties of the Dept. of Health and Human Services, to prioritize programs and services, and to examine funding of programs and services		X	

Judiciary

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
276	Interim study to examine the standards and oversight of death investigations in Nebraska			X
312	Interim study to examine whether the Legislature should adopt a statewide 24/7 sobriety program			X
317	Interim study to examine the use of electronic surveillance devices and software by individuals who engage in the crime of stalking			X
333	Interim study to review the crime		X	

	of destruction of property through the use of graffiti and to make recommendations to combat the crime			
341	Interim study to review issues associated with requiring that DNA samples be collected for arrestees for felony sex offenses and other specified offenses			X
346	Interim study to reexamine the effects of changing the age of majority from age nineteen to age eighteen			X
354	Interim study to review the statutory provisions of the Adult Protective Services Act			X
362	Interim study to examine issues relating to illegal immigration	X		
389	Interim study to develop a plan for implementation of mandatory alcoholic liquor server training for employees of retail liquor licensees		X	
390	Interim study to examine firearm-related violence in Nebraska		X	

Natural Resources

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
286	Interim study to examine return flow issues as they affect surface water irrigation		X	
287	Interim study to examine Nebraska state forests as potential renewable energy resources		X	
288	Interim study to examine the causes and effects of water depletion across the state of Nebraska		X	
289	Interim study to examine public power issues relating to the generation of power in the state of Nebraska			X
290	Interim study to examine the possibility of recycling construction waste and deconstruction materials		X	
291	Interim study to examine the	X		

	process for obtaining an instream flow right by either a natural resources district or the Game and Parks Commission			
300	Interim study to examine issues relating to the authority of the Dept. of Natural Resources to set the boundaries of game refuges			X
319	Interim study to examine the statutes governing the placement of electric transmission lines			X
330	Interim study to identify points of diversion for transferring excess water, flood water, and storm water between river basins to increase water management capabilities		X	
331	Interim study to examine how to simplify and grant authority to a single entity to divert excess water in the Platte River to Johnson and Elwood Reservoirs after stream flows reach a specific level		X	
332	Interim study to examine the concept of transferring storm water runoff from cities to the Republican River Basin to help with interstate water compact compliance		X	
342	Interim study to examine the transfer of administration and enforcement of construction standards for onsite wastewater treatment systems from the Dept. of Environmental Quality to the Dept. of Health and Human Services			X
352	Interim study to examine a model for wind and solar rights in the State of Nebraska		X	
364	Interim study to review matters under the jurisdiction of the Natural Resources Committee			X
366	Interim study to examine the impact that improved irrigation efficiency could have on Nebraska's water shortage		X	
371	Interim study to determine current energy usage by schools and			X

	school districts and to examine effective energy efficiency measures			
377	Interim study to examine issues relating to the Department of Natural Resources	X		

Nebraska Retirement Systems

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
310	Interim study to examine the mandatory retirement age and lack of purchase of service provisions in the Nebraska State Patrol Retirement System		X	
311	Interim study to examine the public employee retirement systems administered by the Public Employees Retirement Board		X	
403	Interim study to examine retirement plans for law enforcement personnel of political subdivisions			X

Revenue

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
327	Interim study to review the report and recommendations of the Tax Policy Reform Commission	X		
349	Interim study to conduct a comprehensive examination of city and county state aid programs currently in state law	X		
343	Interim study to examine the collection and distribution of municipal aid and equalization to communities in Nebraska		X	
375*	Interim study to examine issues raised by LB 899, 2008, which proposed the establishment of a land reutilization authority within metropolitan class cities	X		
323	Interim study to examine tax incentive programs in Nebraska and other states to assess cost and	X		

	effectiveness			
329**	Interim study to examine state policy changes that should be pursued to ensure that state economic development efforts fully leverage the state's public and private research capacity	X		
328	Interim study to develop and publish information necessary to implement a method of valuation of agricultural real estate used by neighboring agricultural states		X	
356	Interim study to examine financing mechanisms for a natural resources district encompassing a city of the metropolitan class in order to implement flood control and water quality projects			X

\*Joint reference with Urban Affairs Committee

\*\*Joint reference with Appropriations Committee

#### Transportation and Telecommunications

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
313	Interim study to examine the need for a uniform voluntary procedure of dispute resolution between railroads and entities who enter into agreements to construct certain facilities			X
321	Interim study to examine issues relating to the Nebraska expressway system		X	
322	Interim study to examine the current and proposed system that the Dept. of Roads uses to prioritize the needs of Nebraska's highways		X	
324	Interim study to conduct a comprehensive study on Nebraska's highway development and funding system		X	
326	Interim study to examine issues under the jurisdiction of the Transportation and Telecommunications Committee			X
360	Interim study to examine the		X	

	feasibility of including Highway 133 as part of the expressway system in Nebraska			
365	Interim study to examine railroads' responsibilities to the citizens of the state		X	
367	Interim study to examine issues relating to the current and future availability and access to telecommunications and information services throughout the state			X

Urban Affairs

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
372	Interim study to examine standardization among the different classes of cities and villages regarding adoption, implementation, and enforcement of municipal ordinances		X	
375*	Interim study to examine issues raised by LB 899, 2008, which proposed the establishment of a land reutilization authority within metropolitan class cities		X	
373	Interim study to review the use of homeowners associations in sanitary and improvement districts		X	
374	Interim study to examine issues under the jurisdiction of the Urban Affairs Committee		X	

\*Joint reference with Revenue Committee

**COMMUNICATION**

Pursuant to 84-104.05 R.R.S. of Nebraska Governor Dave Heineman issued a proclamation declaring January 5, 2009, as George W. Norris Day.

**COMMITTEE ON COMMITTEES PRELIMINARY REPORT**

Senator Hansen offered the following Committee on Committees report:

	Agriculture - Carlson (C)		
Council	Dierks	Dubas	Karpisek
Price	Schilz	Wallman	

	Appropriations - Heidemann (C)		
Fulton	Hansen	Harms	Mello
Nantkes	Nelson	Nordquist	Wightman
	Banking, Commerce and Insurance - Pahls (C)		
Christensen	Gloor	Langemeier	McCoy
Pankonin	Pirsch	Utter	
	Business and Labor - Lathrop (C)		
Carlson	Council	McGill	Schilz
Wallman	White		
	Education - Adams (C)		
Ashford	Avery	Cornett	Giese
Haar	Howard	Sullivan	
	General Affairs - Karpisek (C)		
Coash	Cook	Dierks	Dubas
Friend	Price	Rogert	
	Government, Military and Veterans Affairs - Avery (C)		
Giese	Janssen	Karpisek	Pahls
Pirsch	Price	Sullivan	
	Health and Human Services - Gay (C)		
Campbell	Gloor	Howard	Pankonin
Stuthman	Wallman		
	Judiciary - Ashford (C)		
Christensen	Coash	Council	Lathrop
Lautenbaugh	McGill	Rogert	
	Natural Resources - Langemeier (C)		
Carlson	Cook	Dubas	Fischer
Haar	McCoy	Schilz	
	Nebraska Retirement Systems - Pankonin (C)		
Heidemann	Karpisek	Louden	Mello
Nordquist			
	Revenue - Cornett (C)		
Adams	Dierks	Friend	Hadley
Louden	Utter	White	
	Transportation and Telecommunications - Fischer (C)		
Campbell	Gay	Hadley	Janssen
Lautenbaugh	Louden	Stuthman	

## Urban Affairs - Friend (C)

Coash	Cook	Lathrop	McGill
Rogert	White		

## Committee on Committees - Hansen (C)

District 1:	District 2:	District 3:
Adams	Ashford	Dierks
Nantkes	Cornett	Fischer
Pankonin	Lathrop	Flood
Stuthman	White	Louden

## Enrollment and Review - Nordquist (C)

## Reference - Wightman (C)

Christensen	Fischer	Flood	Karpisek
Langemeier	Nelson (VC)	Pahls	White
Heidemann (nonvoting ex officio)			

## Rules - Lautenbaugh (C)

Dubas	Lathrop	Rogert	Utter
Flood (ex officio)			

## Executive Board - Wightman (C)

Christensen	Fischer	Flood	Karpisek
Langemeier	Nelson (VC)	Pahls	White
Heidemann (nonvoting ex officio)			

## Intergovernmental Cooperation - Janssen (C)

Hadley	Langemeier	McCoy	Price
Flood (nonvoting ex officio)			
Lt. Gov. Sheehy (nonvoting ex officio)			

**ANNOUNCEMENT**

The Committee on Committees elected Senator Dierks as Vice Chairperson.

**BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 1.** Introduced by Executive Board: Wightman, 36, Chairperson.

A BILL FOR AN ACT relating to settlement escrow; to repeal sections that are obsolete; and to outright repeal sections 25-2922, 25-2923, 25-2924, 25-2925, 25-2926, 25-2927, 25-2928, and 25-2929, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 2.** Introduced by Executive Board: Wightman, 36, Chairperson.

A BILL FOR AN ACT relating to the Nebraska Transit and Rail Advisory Council Act; to repeal sections that are obsolete; and to outright repeal sections 74-1501, 74-1502, 74-1503, 74-1504, 74-1505, 74-1506, 74-1507, 74-1508, 74-1509, 74-1510, 74-1511, 74-1512, 74-1513, and 74-1514, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 3.** Introduced by Executive Board: Wightman, 36, Chairperson.

A BILL FOR AN ACT relating to the Nebraska Venture Capital Forum Act; to repeal sections that are obsolete; and to outright repeal sections 81-12,106, 81-12,107, 81-12,108, 81-12,109, 81-12,110, 81-12,111, 81-12,112, 81-12,113, 81-12,114, 81-12,115, and 81-12,116, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 4.** Introduced by Christensen, 44.

A BILL FOR AN ACT relating to jury compensation; to amend section 33-138, Reissue Revised Statutes of Nebraska; to change the rate of jury compensation to minimum wage; and to repeal the original section.

**LEGISLATIVE BILL 5.** Introduced by Christensen, 44.

A BILL FOR AN ACT relating to the Game Law; to amend sections 37-513 and 37-614, Reissue Revised Statutes of Nebraska; to eliminate a restriction and a penalty on trapping wildlife in county road rights-of-way; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 6.** Introduced by Christensen, 44.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-4,124, Revised Statutes Cumulative Supplement, 2008; to authorize school permitholders to drive motor vehicles to work; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 7.** Introduced by Wightman, 36.

A BILL FOR AN ACT relating to clerks of the district court; to amend section 32-524, Reissue Revised Statutes of Nebraska; to provide a residency requirement; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 8.** Introduced by Wightman, 36.

A BILL FOR AN ACT relating to registers of deeds; to amend sections

25-529, 25-531, 25-2154, 33-109, and 52-1004, Reissue Revised Statutes of Nebraska, and sections 60-169 and 77-3903, Revised Statutes Cumulative Supplement, 2008; to change and eliminate fees received by the clerks and registers of deeds; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal section 33-112, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 9.** Introduced by Wightman, 36.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704.13, Reissue Revised Statutes of Nebraska; to exempt biofuels used in irrigation and farming from sales tax; to provide an operative date; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 10.** Introduced by Langemeier, 23.

A BILL FOR AN ACT relating to motor vehicles; to amend section 39-2215, Reissue Revised Statutes of Nebraska, and sections 60-301, 60-3,104, and 60-3,130.04, Revised Statutes Cumulative Supplement, 2008; to provide for specialty license plates; to change provisions relating to license plate fees; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 11.** Introduced by Langemeier, 23.

A BILL FOR AN ACT relating to the Nebraska Real Estate License Act; to amend section 81-885.14, Reissue Revised Statutes of Nebraska; to change licensing fees; to change a provision relating to revocation or denial of a license; and to repeal the original section.

**LEGISLATIVE BILL 12.** Introduced by Langemeier, 23.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Natural Resources.

**LEGISLATIVE BILL 13.** Introduced by White, 8.

A BILL FOR AN ACT relating to the Property Tax Credit Act; to amend sections 77-4209, 77-4210, 77-4211, and 77-4212, Revised Statutes Cumulative Supplement, 2008; to rename the act; to change the property tax credit; to provide property tax relief; to create a fund; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 14.** Introduced by White, 8.

A BILL FOR AN ACT relating to energy conservation; to provide energy conservation standards for certain state buildings; and to provide duties for certain state agencies.

**LEGISLATIVE BILL 15.** Introduced by White, 8.

A BILL FOR AN ACT relating to the Sex Offender Registration Act; to amend section 29-4006, Reissue Revised Statutes of Nebraska; to require driver's license and Internet address information as part of the registration information; and to repeal the original section.

**LEGISLATIVE BILL 16.** Introduced by White, 8.

A BILL FOR AN ACT relating to the Legislature; to amend section 77-27,119, Revised Statutes Cumulative Supplement, 2008; to adopt the Taxpayers Transparency Act; to change confidentiality provisions; and to repeal the original section.

**LEGISLATIVE BILL 17.** Introduced by White, 8.

A BILL FOR AN ACT relating to veterans; to provide for a waiver of tuition for combat-injured and disabled veterans.

**LEGISLATIVE BILL 18.** Introduced by Christensen, 44.

A BILL FOR AN ACT relating to water resources; to state intent; and to prohibit irrigation of certain educational lands as prescribed.

**LEGISLATIVE BILL 19.** Introduced by Christensen, 44.

A BILL FOR AN ACT relating to marriage licenses; to amend section 33-110, Reissue Revised Statutes of Nebraska, and section 71-614, Revised Statutes Cumulative Supplement, 2008; to change provisions relating to fees for marriage licenses as prescribed; to provide requirements for optional marriage education; to provide duties for county clerks; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 20.** Introduced by Harms, 48.

A BILL FOR AN ACT relating to the Access College Early Scholarship Program Act; to amend sections 85-2105 and 85-2106, Reissue Revised Statutes of Nebraska; to change provisions relating to the powers and duties of the Coordinating Commission for Postsecondary Education with respect to scholarships awarded under the act and a report requirement; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 21.** Introduced by Harms, 48.

A BILL FOR AN ACT relating to the Nebraska Scholarship Act; to amend sections 9-812, 9-836.01, 71-5715, 85-1412, 85-1901, 85-1902, 85-1907, 85-1908, 85-1911, 85-1912, 85-1913, 85-1914, 85-1915, 85-1917, 85-1918, 85-1919, and 85-1920, Reissue Revised Statutes of Nebraska; to rename the act and the Nebraska Scholarship Fund; to change provisions relating to

student eligibility; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 22.** Introduced by Friend, 10.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 79-1225, Reissue Revised Statutes of Nebraska, and section 77-3442, Revised Statutes Cumulative Supplement, 2008; to change the tax levy authority of educational service units and school districts as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 23.** Introduced by Friend, 10.

A BILL FOR AN ACT relating to the Nebraska Investment Council; to amend section 72-1237, Revised Statutes Cumulative Supplement, 2008; to change membership provisions; and to repeal the original section.

**LEGISLATIVE BILL 24.** Introduced by Friend, 10.

A BILL FOR AN ACT relating to radiological instruments; to amend sections 71-3531, 71-3534, and 71-3535, Revised Statutes Cumulative Supplement, 2008; to change provisions relating to replacement, repair, calibration, receipting, and forfeiture as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 25.** Introduced by Friend, 10.

A BILL FOR AN ACT relating to children; to amend sections 68-908, 68-911, 68-1202, 71-401, 71-403, and 71-415, Revised Statutes Cumulative Supplement, 2008; to include children's day health services in assistance provided under the Medical Assistance Act and the social services program; to require rules and regulations; to define a term; to require licensure of children's day health services; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 26.** Introduced by Friend, 10.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 14-557, 15-725, 15-733, 15-735, 15-821, 15-822, 16-708.01, 77-208, 77-209, 77-1322, and 77-1917.01, Reissue Revised Statutes of Nebraska; to change priority of special assessment liens; and to repeal the original sections.

**LEGISLATIVE BILL 27.** Introduced by Pahls, 31.

A BILL FOR AN ACT relating to the Autism Treatment Program Act; to amend sections 85-1,139, 85-1,140, and 85-1,141, Reissue Revised Statutes of Nebraska, and section 71-7611, Revised Statutes Cumulative Supplement, 2008; to change provisions relating to the Autism Treatment

Program Fund and administration of the Autism Treatment Program as prescribed; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 28.** Introduced by Pahls, 31.

A BILL FOR AN ACT relating to law enforcement; to amend sections 60-3,135 and 60-480.01, Revised Statutes Cumulative Supplement, 2008; to authorize the issuance of undercover license plates and undercover driver's licenses to federal law enforcement agencies; and to repeal the original sections.

### EASE

The Legislature was at ease from 10:16 a.m. until 10:30 a.m.

### BILLS ON FIRST READING

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

**LEGISLATIVE BILL 29.** Introduced by Pahls, 31.

A BILL FOR AN ACT relating to the Nebraska Real Estate License Act; to amend section 81-885.19, Reissue Revised Statutes of Nebraska; to change requirements relating to management of branch offices as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 30.** Introduced by Pahls, 31.

A BILL FOR AN ACT relating to the Nebraska Real Estate License Act; to amend sections 81-885.02, 81-885.05, 81-885.09, 81-885.10, 81-885.15, 81-885.24, 81-885.25, 81-885.29, 81-885.43, 81-885.44, 81-885.46, 81-885.48, and 81-887.03, Reissue Revised Statutes of Nebraska; to change provisions relating to the act and the powers of the State Real Estate Commission as prescribed; to provide for civil penalties; to provide powers and duties for the Attorney General; to harmonize provisions; to repeal the original sections; and to outright repeal section 81-885.47, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 31.** Introduced by Pahls, 31.

A BILL FOR AN ACT relating to the Public Accountancy Act; to amend sections 1-105, 1-106, 1-109, 1-110, 1-111, 1-114, 1-116, 1-118, 1-119, 1-120, 1-122, 1-126, 1-134, 1-135, 1-136, 1-136.01, 1-136.02, 1-136.04, 1-137, 1-138, 1-148, 1-151, 1-152, 1-155, 1-156, 1-157, 1-158, 1-159, 1-161, 1-162, 1-162.01, 1-164.01, 1-164.02, 1-167, 1-168, 1-170, and 1-171, Reissue Revised Statutes of Nebraska; to redefine terms; to rename a fund; to change certificate and permit requirements; to provide for practice privileges; to eliminate obsolete provisions; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright

repeal sections 1-123, 1-125, 1-133, 1-136.03, 1-153, 1-154, and 1-163, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 32.** Introduced by Pahls, 31.

A BILL FOR AN ACT relating to banks and banking; to amend section 8-113, Reissue Revised Statutes of Nebraska; to change provisions relating to the unauthorized use of the word bank; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 33.** Introduced by Fulton, 29.

A BILL FOR AN ACT relating to zoning; to amend section 23-174.01, Reissue Revised Statutes of Nebraska; to provide for the transfer of development rights as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 34.** Introduced by Ashford, 20.

A BILL FOR AN ACT relating to employment; to adopt the Nebraska Fair and Legal Employment Act; to provide contracting duties for the state and political subdivisions; and to provide penalties.

**LEGISLATIVE BILL 35.** Introduced by Ashford, 20.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-101, 28-1204.01, 28-1205, and 28-1206, Reissue Revised Statutes of Nebraska; to prohibit certain gang activity; to provide enhanced penalties; to change the penalty for unlawful transfer of a firearm to a juvenile, use of a firearm to commit a felony, and possession of a firearm by a felon or a fugitive from justice; to adopt the Violence Prevention Act; to provide powers and duties for the Board of Regents of the University of Nebraska; to create a fund; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 36.** Introduced by Flood, 19.

A BILL FOR AN ACT relating to the death penalty; to amend sections 29-2532, 29-2533, 29-2534, 29-2535, 29-2536, 29-2537, 29-2538, 29-2539, 29-2540, 29-2541, 29-2542, 29-2543, and 29-2546, Reissue Revised Statutes of Nebraska; to change the method of and procedure for inflicting the death penalty; to provide powers and duties for the Director of Correctional Services and the Department of Correctional Services; to harmonize provisions; to provide a duty for the Revisor of Statutes; to provide severability; to repeal the original sections; and to outright repeal sections 29-2544 and 29-2545, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 37.** Introduced by Flood, 19.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to

the Board of Regents of the University of Nebraska.

**LEGISLATIVE BILL 38.** Introduced by Flood, 19.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-309, 28-929, 28-930, 28-931, 28-931.01, 28-932, and 28-933, Reissue Revised Statutes of Nebraska; to change provisions relating to assault, assault on an officer, and offenses by a confined person; and to repeal the original sections.

**LEGISLATIVE BILL 39.** Introduced by Flood, 19.

A BILL FOR AN ACT relating to the Nebraska Evidence Rules; to amend sections 27-404, 27-801, 27-1103, 28-318, 28-1010, and 83-4,143, Reissue Revised Statutes of Nebraska; to adopt new rules of evidence relating to sexual offenses; to change provisions relating to hearsay; to harmonize provisions; to eliminate conflicting and repetitive provisions; to provide a duty for the Revisor of Statutes; to provide an operative date; to repeal the original sections; and to outright repeal section 28-321, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 40.** Introduced by Flood, 19.

A BILL FOR AN ACT relating to civil procedure; to amend sections 25-1144 and 27-1201, Reissue Revised Statutes of Nebraska; to correct internal references to certain statutory provisions; and to repeal the original sections.

**LEGISLATIVE BILL 41.** Introduced by Flood, 19.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-4004, Reissue Revised Statutes of Nebraska; to clarify references to the county sheriff; and to repeal the original section.

**LEGISLATIVE BILL 42.** Introduced by Flood, 19.

A BILL FOR AN ACT relating to natural resources; to amend section 46-1011, Revised Statutes Cumulative Supplement, 2008; to change provisions relating to rural water districts; and to repeal the original section.

**LEGISLATIVE BILL 43.** Introduced by Flood, 19.

A BILL FOR AN ACT relating to natural resources; to eliminate a fund that terminated; and to outright repeal section 61-217, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 44.** Introduced by Flood, 19.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections

77-1624 and 77-5903, Revised Statutes Cumulative Supplement, 2008; to eliminate an obsolete reference; to correct a definition; and to repeal the original sections.

**LEGISLATIVE BILL 45.** Introduced by Flood, 19.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-5601, Revised Statutes Cumulative Supplement, 2008; to eliminate references to a fund that terminated; and to repeal the original section.

**LEGISLATIVE BILL 46.** Introduced by Wightman, 36.

A BILL FOR AN ACT relating to decedents' estates; to amend sections 30-2485 and 30-2487, Reissue Revised Statutes of Nebraska; to provide for costs and expenses of administration of estates; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 47.** Introduced by Wightman, 36.

A BILL FOR AN ACT relating to decedents' estates; to amend section 30-2302, Reissue Revised Statutes of Nebraska; to change the amount of the intestate share of the surviving spouse; and to repeal the original section.

**LEGISLATIVE BILL 48.** Introduced by Fischer, 43.

A BILL FOR AN ACT relating to motor carriers; to amend sections 75-363 and 75-364, Revised Statutes Cumulative Supplement, 2008; to change provisions relating to adoption of federal Motor Carrier Safety Regulations and federal Hazardous Material Regulations; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 49.** Introduced by Fischer, 43.

A BILL FOR AN ACT relating to vehicles and motorboats; to amend sections 18-1214, 23-186, 37-1201, and 83-123, Reissue Revised Statutes of Nebraska, and sections 60-101, 60-111, and 60-320, Revised Statutes Cumulative Supplement, 2008; to require that titling and registration of vehicles and motorboats be performed by county treasurers as prescribed; to provide powers and duties for the Director of Motor Vehicles; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 50.** Introduced by Fischer, 43.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-1401.02, Revised Statutes Cumulative Supplement, 2008; to change provisions relating to manufacturers; and to repeal the original section.

**LEGISLATIVE BILL 51.** Introduced by Fulton, 29.

A BILL FOR AN ACT relating to workers' compensation; to amend section 48-1,110, Revised Statutes Cumulative Supplement, 2008; to provide that compensation court documents and information are confidential; to provide exceptions; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 52.** Introduced by Fischer, 43.

A BILL FOR AN ACT relating to veterans service offices; to amend section 80-410, Reissue Revised Statutes of Nebraska; to change provisions relating to employment qualifications; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 53.** Introduced by Fischer, 43.

A BILL FOR AN ACT relating to public power districts; to amend sections 70-603, 70-604.01, 70-604.05, and 70-681, Reissue Revised Statutes of Nebraska, and section 70-604.02, Revised Statutes Cumulative Supplement, 2008; to change provisions relating to formation, territory, and operating area of districts; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 54.** Introduced by Fischer, 43.

A BILL FOR AN ACT relating to the Nebraska Ground Water Management and Protection Act; to amend sections 46-714, 46-715, and 46-719, Revised Statutes Cumulative Supplement, 2008; to change provisions relating to integrated management plans; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 55.** Introduced by Fischer, 43.

A BILL FOR AN ACT relating to attorneys; to amend sections 23-1201.02 and 32-507, Reissue Revised Statutes of Nebraska; to change requirements for the office of county attorney and Attorney General; and to repeal the original sections.

**LEGISLATIVE BILL 56.** Introduced by Fischer, 43.

A BILL FOR AN ACT relating to the Livestock Waste Management Act; to amend sections 54-2417, 54-2422, 54-2431, and 54-2435, Revised Statutes Cumulative Supplement, 2008; to redefine a term; to change provisions relating to permit requirements, applications, and rules and regulations; and to repeal the original sections.

**LEGISLATIVE BILL 57.** Introduced by Loudon, 49; Carlson, 38; Christensen, 44; Fischer, 43; Harms, 48; Heidemann, 1; Stuthman, 22; Sullivan, 41; Wallman, 30.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2708.01, Reissue Revised Statutes of Nebraska, and section 77-2704.36,

Revised Statutes Cumulative Supplement, 2008; to exempt repairs and parts for agricultural machinery or equipment from sales and use tax; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 58.** Introduced by Louden, 49; Carlson, 38; Harms, 48; Howard, 9; Wallman, 30.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701 and 77-2701.04, Revised Statutes Cumulative Supplement, 2008; to provide a sales and use tax exemption for heating oil and propane used for residential heating purposes; to harmonize provisions; to provide an operative date; and to repeal the original sections.

### EASE

The Legislature was at ease from 10:34 a.m. until 10:41 a.m.

### BILLS ON FIRST READING

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

**LEGISLATIVE BILL 59.** Introduced by Louden, 49; Harms, 48; Howard, 9; Wallman, 30.

A BILL FOR AN ACT relating to law enforcement; to amend section 53-160, Reissue Revised Statutes of Nebraska; to adopt the Citizen Safety Grant Fund Program Act; to change provisions relating to a tax on alcoholic liquor; to harmonize provisions; to provide operative dates; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 60.** Introduced by Adams, 24.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-1901, Revised Statutes Cumulative Supplement, 2008; to redefine abandoned vehicle; and to repeal the original section.

**LEGISLATIVE BILL 61.** Introduced by Adams, 24.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 79-1022, 79-1023, 79-1026.01, 79-1027, and 79-1031.01, Reissue Revised Statutes of Nebraska; to change certification dates as prescribed; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 62.** Introduced by Adams, 24.

A BILL FOR AN ACT relating to schools; to amend sections 79-233, 79-237, 79-238, 79-1007.22, and 79-2110, Reissue Revised Statutes of

Nebraska; to change provisions relating to the enrollment option program and learning communities; to provide a duty for the State Department of Education; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 63.** Introduced by Friend, 10; Fulton, 29; Howard, 9; Rogert, 16.

A BILL FOR AN ACT relating to law; to amend sections 28-101, 28-111, 28-308, 28-309, 28-929, 28-930, 28-1201, 28-1202, 28-1204, 28-1204.01, 28-1204.04, 28-1205, 28-1206, 28-1212.02, 29-901, 29-901.01, 43-245, 43-276, 69-2407, 69-2409.01, 69-2412, 69-2414, 69-2422, and 69-2423, Reissue Revised Statutes of Nebraska, and sections 69-2404, 69-2405, 69-2410, 69-2411, 69-2430, 69-2433, and 69-2441, Revised Statutes Cumulative Supplement, 2008; to change provisions relating to assault, firearm and handgun offenses, deadly weapon offenses, bail, handgun certificates, and concealed handgun permits; to prohibit the unauthorized application of graffiti, discharge of a firearm while in or near a motor vehicle, and unlawful recruitment into an organization; to change and provide penalties; to change provisions relating to the Nebraska Juvenile Code; to eliminate provisions relating to the use of persons released on probation, parole, or work release and jailhouse informers by law enforcement; to harmonize provisions; to provide severability; to repeal the original sections; and to outright repeal sections 29-1928, 29-1929, and 29-2262.01, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 64.** Introduced by Howard, 9; Avery, 28; Flood, 19; Friend, 10; Harms, 48; Lautenbaugh, 18; Rogert, 16.

A BILL FOR AN ACT relating to education; to adopt the Lindsay Ann Burke Act.

**LEGISLATIVE BILL 65.** Introduced by Dubas, 34; Carlson, 38; Dierks, 40; Fischer, 43; Karpisek, 32; Rogert, 16; Schilz, 47; Stuthman, 22; Wallman, 30.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2708.01, Reissue Revised Statutes of Nebraska, and section 77-2704.36, Revised Statutes Cumulative Supplement, 2008; to exempt repair or replacement parts for commercial agricultural machinery and equipment from sales and use tax; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 66.** Introduced by Rogert, 16; Friend, 10.

A BILL FOR AN ACT relating to Nebraska Political Accountability and Disclosure Act; to amend sections 49-1415, 49-1471, 49-1472, and 49-1490, Reissue Revised Statutes of Nebraska, and sections 49-1446.03 and 49-1447, Revised Statutes Cumulative Supplement, 2008; to change the limit on certain contributions and gifts; and to repeal the original sections.

**LEGISLATIVE BILL 67.** Introduced by Friend, 10.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2715.07 and 77-2734.03, Revised Statutes Cumulative Supplement, 2008; to adopt the Elementary and Secondary Education Opportunity Act; to harmonize provisions; to provide an operative date; to provide severability; and to repeal the original sections.

**LEGISLATIVE BILL 68.** Introduced by Wallman, 30; Adams, 24; Avery, 28; Cornett, 45; Harms, 48; Karpisek, 32; Lathrop, 12; Louden, 49; Stuthman, 22.

A BILL FOR AN ACT relating to developmental disabilities; to amend section 83-1201, Reissue Revised Statutes of Nebraska; to provide procedures for closure of certain facilities; to harmonize provisions; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 69.** Introduced by Cornett, 45; Avery, 28; Gay, 14; Karpisek, 32; Price, 3; Wallman, 30.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Cumulative Supplement, 2008; to exclude military retirement benefits from income taxation; and to repeal the original section.

**LEGISLATIVE BILL 70.** Introduced by Cornett, 45; Avery, 28; Gay, 14; Karpisek, 32; Price, 3; Wallman, 30.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Cumulative Supplement, 2008; to exclude military retirement benefits from income taxation; and to repeal the original section.

**LEGISLATIVE BILL 71.** Introduced by Cornett, 45.

A BILL FOR AN ACT relating to crimes; to amend sections 28-1013 and 28-1017, Reissue Revised Statutes of Nebraska; to require animal care professionals to report animal abandonment, cruel neglect, and cruel mistreatment; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 72.** Introduced by Cornett, 45; Avery, 28.

A BILL FOR AN ACT relating to education; to provide for policy guidelines for management of students and children with life-threatening allergies; and to provide duties for the State Department of Education, the Department of Health and Human Services, schools, and early childhood education programs.

**LEGISLATIVE BILL 73.** Introduced by Cornett, 45; Avery, 28; Karpisek, 32.

A BILL FOR AN ACT relating to education; to ratify the Interstate Compact on Educational Opportunity for Military Children on behalf of the State of Nebraska with any other state legally joining thereon; to create the State Council on Educational Opportunity for Military Children and the positions of compact commissioner and military family education liaison within the Department of Veterans' Affairs as prescribed.

**LEGISLATIVE BILL 74.** Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to banking; to amend section 8-133, Reissue Revised Statutes of Nebraska; to authorize the pledging of Federal Home Loan Bank of Topeka letters of credit as security for private deposits; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 75.** Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to banking and finance; to amend section 8-157.01, Reissue Revised Statutes of Nebraska; to change provisions relating to automatic teller machine usage fees; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 76.** Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-603 and 28-604, Reissue Revised Statutes of Nebraska; to provide for the aggregation of amounts in determining the classification of offenses for forgery in the second degree and criminal possession of a forged instrument; and to repeal the original sections.

**LEGISLATIVE BILL 77.** Introduced by Gay, 14; Gloor, 35.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2716 and 77-6102, Revised Statutes Cumulative Supplement, 2008; to change provisions relating to income tax credits and long-term care insurance; to provide operative dates; and to repeal the original sections.

### **MOTION - Escort Committees**

Senator Harms moved that a series of committees be appointed to escort the various state and constitutional officers for the purpose of administering their oaths of office.

The motion prevailed.

**BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 78.** Introduced by Gay, 14.

A BILL FOR AN ACT relating to the Victim's Compensation Fund; to amend sections 81-1835 and 83-183, Reissue Revised Statutes of Nebraska; to provide for a percentage of wages earned by inmates in a work release program to be deposited in the fund as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 79.** Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to child support; to amend section 43-512.15, Reissue Revised Statutes of Nebraska; to change provisions relating to when a child support order modification complaint is to be filed; and to repeal the original section.

**LEGISLATIVE BILL 80.** Introduced by Nelson, 6.

A BILL FOR AN ACT relating to decedents' estates; to amend sections 30-3116, 30-3135, and 30-3146, Reissue Revised Statutes of Nebraska; to change provisions relating to the Uniform Principal and Income Act; to provide for applicability; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 81.** Introduced by Nordquist, 7; Heidemann, 1; Mello, 5; Pankonin, 2.

A BILL FOR AN ACT relating to the Nebraska State Patrol Retirement Act; to amend section 81-2017, Reissue Revised Statutes of Nebraska; to change provisions relating to contributions; to provide an operative date; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 82.** Introduced by Howard, 9; Dierks, 40; Harms, 48; Nantkes, 46.

A BILL FOR AN ACT relating to the Nebraska Juvenile Code; to amend section 43-285, Reissue Revised Statutes of Nebraska; to require notification of change in case managers as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 83.** Introduced by McGill, 26.

A BILL FOR AN ACT relating to protection orders; to amend section 42-924, Reissue Revised Statutes of Nebraska; to provide for the care of and protect from harm domestic animals as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 84.** Introduced by McGill, 26.

A BILL FOR AN ACT relating to the Women's Health Initiative Advisory Council; to amend section 71-702, Revised Statutes Cumulative Supplement, 2008; to eliminate a termination date; and to repeal the original section.

**LEGISLATIVE BILL 85.** Introduced by McGill, 26.

A BILL FOR AN ACT relating to municipalities; to authorize urban growth districts and provide bond authority.

**LEGISLATIVE BILL 86.** Introduced by Wallman, 30.

A BILL FOR AN ACT relating to the Nebraska Capitol Commission; to amend section 81-1108.38, Reissue Revised Statutes of Nebraska; to change provisions relating to the Capitol Landscape Restoration Master Plan; to provide duties for the commission; and to repeal the original section.

**LEGISLATIVE BILL 87.** Introduced by Pahls, 31.

A BILL FOR AN ACT relating to secured transactions; to amend section 9-506, Uniform Commercial Code, Revised Statutes Cumulative Supplement, 2008; to extend existing provisions of and delay changes to the effects of errors and omissions in financing statements; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 88.** Introduced by Pahls, 31.

A BILL FOR AN ACT relating to banking; to amend section 8-113, Reissue Revised Statutes of Nebraska; to change provisions relating to the unauthorized use of the word bank; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 89.** Introduced by Cornett, 45.

A BILL FOR AN ACT relating to the Tobacco Products Tax Act; to amend sections 77-4001, 77-4002, 77-4004, 77-4007, 77-4008, 77-4009, 77-4014, 77-4017, 77-4018, and 77-4024, Reissue Revised Statutes of Nebraska; to change the tax on snuff; to define a term; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 90.** Introduced by Heidemann, 1.

A BILL FOR AN ACT relating to audiovisual court appearances; to remove a requirement of consent and waiver of physical appearance as prescribed; and to outright repeal section 29-4203, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 91.** Introduced by Howard, 9; Coash, 27; Cook, 13; Flood, 19; Hansen, 42; Harms, 48; Heidemann, 1; Louden, 49; Nantkes, 46; Sullivan, 41.

A BILL FOR AN ACT relating to children; to amend section 43-117, Reissue Revised Statutes of Nebraska; to change provisions relating to department payments on behalf of certain children; and to repeal the original section.

**LEGISLATIVE BILL 92.** Introduced by Howard, 9; Flood, 19; Hansen, 42; Louden, 49; Wallman, 30.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,151, Reissue Revised Statutes of Nebraska; to change provisions relating to operation of vehicles upon the approach of authorized emergency vehicles; to provide penalties; and to repeal the original section.

**LEGISLATIVE BILL 93.** Introduced by Howard, 9.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-601, Revised Statutes Cumulative Supplement, 2008; to prohibit smoking in a motor vehicle as prescribed; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 94.** Introduced by Howard, 9.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-3512 and 77-3516, Reissue Revised Statutes of Nebraska, and sections 77-3513 and 77-3514, Revised Statutes Cumulative Supplement, 2008; to change provisions relating to applications for homestead exemptions; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 95.** Introduced by Howard, 9.

A BILL FOR AN ACT relating to the Nebraska Advantage Act; to amend sections 77-5701, 77-5723, and 77-5727, Revised Statutes Cumulative Supplement, 2008; to prohibit taxpayers who violate federal immigration laws from receiving incentives under the act; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 96.** Introduced by Heidemann, 1.

A BILL FOR AN ACT relating to the State Energy Office Cash Fund; to eliminate obsolete provisions; and to outright repeal section 81-1623, Reissue Revised Statutes of Nebraska.

**RECESS**

At 11:12 a.m., on a motion by Senator Howard, the Legislature recessed until 1:45 p.m.

**AFTER RECESS**

The Legislature reconvened at 1:45 p.m., Speaker Flood presiding.

**ROLL CALL**

The roll was called and all members were present except Senators Ashford, Gay, and Lautenbaugh who were excused.

**COMMITTEE ON COMMITTEES FINAL REPORT**

Senator Hansen offered the following Committee on Committees report:

	Agriculture - Carlson (C)		
Council	Dierks	Dubas	Karpisek
Price	Schilz	Wallman	
	Appropriations - Heidemann (C)		
Fulton	Hansen	Harms	Mello
Nantkes	Nelson	Nordquist	Wightman
	Banking, Commerce and Insurance - Pahls (C)		
Christensen	Gloor	Langemeier	McCoy
Pankonin	Pirsch	Utter	
	Business and Labor - Lathrop (C)		
Carlson	Council	McGill	Schilz
Wallman	White		
	Education - Adams (C)		
Ashford	Avery	Cornett	Giese
Haar	Howard	Sullivan	
	General Affairs - Karpisek (C)		
Coash	Cook	Dierks	Dubas
Friend	Price	Rotger	
	Government, Military and Veterans Affairs - Avery (C)		
Giese	Janssen	Karpisek	Pahls
Pirsch	Price	Sullivan	
	Health and Human Services - Gay (C)		
Campbell	Gloor	Howard	Pankonin
Stuthman	Wallman		

## Judiciary - Ashford (C)

Christensen	Coash	Council	Lathrop
Lautenbaugh	McGill	Rogert	

## Natural Resources - Langemeier (C)

Carlson	Cook	Dubas	Fischer
Haar	McCoy	Schilz	

## Nebraska Retirement Systems - Pankonin (C)

Heidemann	Karpisek	Louden	Mello
Nordquist			

## Revenue - Cornett (C)

Adams	Dierks	Friend	Hadley
Louden	Utter	White	

## Transportation and Telecommunications - Fischer (C)

Campbell	Gay	Hadley	Janssen
Lautenbaugh	Louden	Stuthman	

## Urban Affairs - Friend (C)

Coash	Cook	Lathrop	McGill
Rogert	White		

## Committee on Committees - Hansen (C)

District 1:	District 2:	District 3:	
Adams	Ashford	Dierks (VC)	
Nantkes	Cornett	Fischer	
Pankonin	Lathrop	Flood	
Stuthman	White	Louden	

## Enrollment and Review - Nordquist (C)

## Reference - Wightman (C)

Christensen	Fischer	Flood	Karpisek
Langemeier	Nelson (VC)	Pahls	White
Heidemann (nonvoting ex officio)			

## Rules - Lautenbaugh (C)

Dubas	Lathrop	Rogert	Utter
Flood (ex officio)			

## Executive Board - Wightman (C)

Christensen	Fischer	Flood	Karpisek
Langemeier	Nelson (VC)	Pahls	White
Heidemann (nonvoting ex officio)			

Intergovernmental Cooperation - Janssen (C)  
Hadley                      Langemeier                      McCoy                      Price  
Flood (nonvoting ex officio)  
Lt. Gov. Sheehy (nonvoting ex officio)

### **PRESENTATION OF COLORS**

Presentation of Colors by the Military Honor Guard.

### **INAUGURAL CEREMONIES**

Chief Justice Michael G. Heavican administered the Oath of Office to the newly elected state officials.

The Chief Justice and the newly elected state officials were escorted from the Chamber.

### **VISITOR**

The Doctor of the Day was Dr. Kevin Wycoff from Hastings.

### **ADJOURNMENT**

At 2:17 p.m., on a motion by Senator Wightman, the Legislature adjourned until 10:00 a.m., Friday, January 9, 2009.

Patrick J. O'Donnell  
Clerk of the Legislature