

TWENTY-FOURTH DAY - FEBRUARY 10, 2009**LEGISLATIVE JOURNAL****ONE HUNDRED FIRST LEGISLATURE
FIRST SESSION****TWENTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 10, 2009

PRAYER

The prayer was offered by Pastor Robert Snell, Southern Heights Presbyterian Church, Lincoln.

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 Senator Avery who was excused; and Senators Ashford, Christensen, Coash, and Cornett who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-third day was approved.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 80. Placed on Final Reading.

LEGISLATIVE BILL 87. Placed on Final Reading.

LEGISLATIVE BILL 189. Placed on Final Reading.

LEGISLATIVE BILL 192. Placed on Final Reading.

ST9005

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

1. Sections 4 to 13 have been renumbered as sections 2 to 11, respectively.
2. On page 1, line 2, "44-710.03, 44-710.04," has been struck; and the matter beginning with "to" in line 7 through line 8 has been struck.
3. On page 34, lines 6 and 13, "9" has been struck and "7" inserted.
4. On page 51, line 23, "44-710.03, 44-710.04," has been struck.

(Signed) Jeremy Nordquist, Chairperson

NOTICE OF COMMITTEE HEARINGS

Nebraska Retirement Systems

Room 1525

Wednesday, February 18, 2009 12:10 p.m.

LB365
 LB424
 LB612

Wednesday, February 25, 2009 12:10 p.m.

LB81
 LB242
 LB425

Wednesday, March 4, 2009 12:10 p.m.

LB187
 LB449
 LB140

Wednesday, March 11, 2009 12:10 p.m.

Nebraska Public Employees Retirement Systems Annual Report
 Nebraska Investment Council Annual Report

Wednesday, March 18, 2009 12:10 p.m.

LB426
 LB427

(Signed) Dave Pankonin, Chairperson

COMMITTEE REPORT

Health and Human Services

LEGISLATIVE BILL 220. Placed on General File with amendment.
 AM217

- 1 1. On page 12, line 13; and page 36, line 2, strike "and"
- 2 and insert "or".
- 3 2. On page 25, line 19, strike "and", show as stricken,
- 4 and insert "or".
- 5 3. On page 28, line 10, reinstate the stricken "drugs
- 6 which are"; in line 11 strike "doses of"; and in line 12 strike
- 7 "doses" and insert "drugs".
- 8 4. On page 30, line 8, strike "of the", show as stricken,
- 9 and insert "or signatures of".

(Signed) Tim Gay, Chairperson

GENERAL FILE

LEGISLATIVE BILL 7. Title read. Considered.

PRESIDENT SHEEHY PRESIDING

Advanced to Enrollment and Review Initial with 43 ayes, 0 nays, 4 present and not voting, and 2 excused and not voting.

COMMITTEE REPORTS

Government, Military and Veterans Affairs

LEGISLATIVE BILL 131. Placed on General File.

LEGISLATIVE BILL 133. Placed on General File.

(Signed) Pete Pirsch, Vice Chairperson

Urban Affairs

LEGISLATIVE BILL 522. Placed on General File.

(Signed) Mike Friend, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 219A. Introduced by Flood, 19.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 219, One Hundred First Legislature, First Session, 2009; to reduce an appropriation; to provide an operative date; and to declare an emergency.

GENERAL FILE

LEGISLATIVE BILL 55. Title read. Considered.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 4 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 20. Title read. Considered.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 102. Title read. Considered.

Committee AM43, found on page 325, was adopted with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 4 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 201. Title read. Considered.

Committee AM83, found on page 326, was considered.

SENATOR ROBERT PRESIDING

The committee amendment was adopted with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

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

LEGISLATIVE BILL 52. Title read. Considered.

Committee AM109, found on page 331, was considered.

SPEAKER FLOOD PRESIDING

Pending.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 16 and 17 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 16 and 17.

GENERAL FILE

LEGISLATIVE BILL 52. Committee AM109, found on page 331 and considered in this day's Journal, was renewed.

Pending.

NOTICE OF COMMITTEE HEARINGS
Health and Human Services

Room 1510

Wednesday, February 18, 2009 1:30 p.m.

LB172
LB319
LB370
LB458
LB679

Thursday, February 19, 2009 1:30 p.m.

LB489
LB601
LB603
LB661

Friday, February 20, 2009 1:30 p.m.

LB407
LB408
LB463
LB586

(Signed) Tim Gay, Chairperson

COMMITTEE REPORT
Executive Board

LEGISLATIVE RESOLUTION 11. Reported to the Legislature for further consideration with the following amendment:
AM281

- 1 1. Strike the third Resolved paragraph and insert the
- 2 following new Resolved paragraphs:
- 3 "3. The Developmental Disabilities Special Investigative
- 4 Committee of the Legislature shall issue a report with its findings
- 5 as the circumstances warrant.
- 6 4. The Developmental Disabilities Special Investigative
- 7 Committee of the Legislature is hereby authorized to continue its
- 8 work until the beginning of the One Hundred Second Legislature,
- 9 First Session."

(Signed) John Wightman, Chairperson

AMENDMENT - Print in Journal

Senator Lathrop filed the following amendment to LB90:
AM290

- 1 1. Insert the following new sections:
- 2 Section 1. Section 29-4204, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 29-4204 The audiovisual communication system and the
- 5 facilities for an audiovisual court appearance shall:
- 6 (1) Operate so that the detainee or prisoner and the
- 7 judge or magistrate can see each other simultaneously and converse
- 8 with each other verbally and documents can be transmitted between
- 9 the judge or magistrate and the detainee or prisoner;
- 10 (2) Operate so that the detainee or prisoner and his
- 11 or her counsel, if any, are both physically in the same location
- 12 during the audiovisual court appearance; or if ~~the detainee or~~
- 13 ~~prisoner waives the right to have counsel physically present and~~
- 14 the detainee or prisoner and his or her counsel are in different
- 15 locations, operate so that the detainee or prisoner and counsel
- 16 can communicate privately and confidentially and be allowed to
- 17 confidentially transmit papers back and forth; and
- 18 (3) Be at locations conducive to judicial proceedings.
- 19 Audiovisual court proceedings may be conducted in the courtroom,
- 20 the judge's or magistrate's chambers, or any other location
- 21 suitable for audiovisual communications. The locations shall be
- 22 sufficiently lighted for use of the audiovisual equipment. The
- 23 location provided for the judge or magistrate to preside shall be
- 1 accessible to the public and shall be operated so that interested
- 2 persons have an opportunity to observe the proceeding.
- 3 Sec. 2. Original section 29-4204, Reissue Revised
- 4 Statutes of Nebraska, is repealed.
- 5 2. Renumber the remaining section accordingly.

UNANIMOUS CONSENT - Add Cointroducer

Senator Stuthman asked unanimous consent to add his name as cointroducer to LB675. No objections. So ordered.

VISITORS

Visitors to the Chamber were Elizabeth Samelson, Joanne Jensen, and Laurel Johnson from Bloomfield and Brenda Johnson from Norfolk; members of Change to Win Labor Group from across the state; Pat Hoban from North Platte, Donna Wineman and Glenda Willnerd from Lincoln, and Lloyd Cook from Auburn; 25 fifth- and sixth-grade students and teachers from St. Mary's, Lincoln; members of Nebraska State Education Association-Retired from across the state; Jo Anne Bourquard from the National Conference of State Legislatures; and Deb Witt from South Sioux City.

The Doctor of the Day was Dr. Marlon Weiss from Lincoln.

ADJOURNMENT

At 11:59 a.m., on a motion by Senator Janssen, the Legislature adjourned until 9:00 a.m., Wednesday, February 11, 2009.

Patrick J. O'Donnell
Clerk of the Legislature

