

SEVENTY-THIRD DAY - MAY 6, 2009**LEGISLATIVE JOURNAL****ONE HUNDRED FIRST LEGISLATURE
FIRST SESSION****SEVENTY-THIRD DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, May 6, 2009

PRAYER

The prayer was offered by Pastor Darrell Anderson, Shepard of the Hills Lutheran Church, Omaha.

ROLL CALL

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

The roll was called and all members were present except Senators Ashford, Carlson, Cook, Cornett, Friend, Lathrop, Loudon, McCoy, Price, Schilz, and Stuthman who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventy-second day was approved.

COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 198A. Placed on Final Reading.
ST9032

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

1. In the Stuthman amendment, AM1277, on page 1, line 4, "State" has been inserted before "Fire".

(Signed) Jeremy Nordquist, Chairperson

GENERAL FILE

LEGISLATIVE BILL 288A. Title read. Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 7 present and not voting, and 11 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 432. ER8070, found on page 1076, was adopted.

Senator Nelson withdrew his amendment, AM501, found on page 577.

Senator Nelson offered the following amendment:
AM1218

(Amendments to E & R amendments, ER8070)

1 1. On page 2, strike lines 15 through 23, show the
2 old matter as stricken, and insert "A professional finders' fee
3 shall be limited to ten percent of the total dollar amount of
4 the property presumed abandoned. To claim any such fee, the finder
5 shall disclose to the owner the nature, location, and value of
6 the property, provide notice of when such property was reported
7 to the State Treasurer, and provide notice that the property may
8 be claimed by the owner from the State Treasurer free of charge.
9 To claim any such fee if the property has not yet been abandoned,
10 the finder shall disclose to the owner the nature, location, and
11 value of the property, provide notice of when such property will
12 be reported to the State Treasurer, if known, and provide notice
13 that, upon receipt of the property by the State Treasurer, such
14 property may be claimed by the owner from the State Treasurer free
15 of charge.".

The Nelson amendment was adopted with 32 ayes, 0 nays, 7 present and not voting, and 10 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 137. ER8068, found on page 1078, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 152. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 302. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 299. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 343. ER8069, found on page 1078, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 84. Senator McGill renewed her amendment, AM269, found on page 1051.

The McGill amendment was adopted with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 394. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 131. ER8075, found on page 1126, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 133. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 113. ER8071, found on page 1126, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 163. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 434. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 348. ER8072, found on page 1126, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 540. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 528. ER8073, found on page 1127, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 450. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 274. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 339. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 412. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 27. ER8074, found on page 1127, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 27A. ER8089, found on page 1142, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 175. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 129. Senator Dubas renewed her amendment, AM1102, found on page 1128.

The Dubas amendment was adopted with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 208. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 94. ER8076, found on page 1127, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 389. ER8077, found on page 1131, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 209. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 422. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 488. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 501. ER8081, found on page 1132, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 60. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 278. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 447. ER8082, found on page 1132, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 531. Senator Sullivan renewed her amendment, AM1175, found on page 1165.

The Sullivan amendment was adopted with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 445. Senator Haar offered the following amendment:

AM1318

- 1 1. Strike sections 3 and 4.
- 2 2. Renumber the remaining sections and correct the
- 3 repealer accordingly.

Senator Haar withdrew his amendment.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 498. ER8080, found on page 1133, was adopted.

Senator Coash withdrew his amendment, AM1085, found on page 1059.

Senator Coash renewed his amendment, AM1131, found on page 1225.

The Coash amendment was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 604. ER8085, found on page 1133, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 446. ER8079, found on page 1133, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 372. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 500. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 627. ER8078, found on page 1133, was adopted.
Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 587. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 122. ER8084, found on page 1133, was adopted.

Senator Coash offered the following amendment:
AM1151

- 1 1. On page 2, line 10, after the period insert "The
- 2 department shall give public notice of the changes made to this
- 3 section and subsection (3) of section 28-720 by this legislative
- 4 bill within thirty days after the effective date of this act
- 5 by having such notice published in a newspaper or newspapers of
- 6 general circulation within the state.".

The Coash amendment was adopted with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 533. ER8087, found on page 1141, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 524. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 562. ER8086, found on page 1141, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 360. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 441. ER8090, found on page 1141, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 537. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 631. ER8088, found on page 1141, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 598. ER8093, found on page 1141, was adopted.

Senator Ashford renewed his amendment, AM954, found on page 1093.

The Ashford amendment was adopted with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 238. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 294. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 347. Advanced to Enrollment and Review for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 626. Title read. Considered.

Committee AM972, found on page 984, was considered.

SENATOR NANTKES PRESIDING

Senator Price withdrew his amendment, AM1034, found on page 1010.

Senator Karpisek renewed his amendment, AM1256, found on page 1266, to the committee amendment.

SENATOR COASH PRESIDING

SENATOR NANTKES PRESIDING

Senator Wallman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 8 nays, and 14 not voting.

The Karpisek amendment was adopted with 42 ayes, 0 nays, 6 present and not voting, and 1 excused and not voting.

Senator Lautenbaugh offered the following amendment to the committee amendment:

AM1322 is available in the Bill Room.

Pending.

COMMITTEE REPORT

Education

LEGISLATIVE BILL 228. Indefinitely postponed.

(Signed) Greg Adams, Chairperson

AMENDMENTS - Print in Journal

Senator Stuthman filed the following amendment to LB288:

AM1278 is available in the Bill Room.

Senator Lautenbaugh filed the following amendment to LB542:

AM1257

1 1. On page 2, line 18, after the period insert "The
 2 duties of dental assistants shall be limited to preparation
 3 of procedural trays or armamentaria setups; performance of
 4 sterilization and disinfection procedures; processing, mounting,
 5 and labeling of dental radiographics; selection and manipulation
 6 of gypsums and waxes; provision to patients of written
 7 preoperative and postoperative instructions; fabrication of custom
 8 trays, including impression and bleaching trays and athletic
 9 mouthguards; pouring and trimming of diagnostic casts; and exposing
 10 radiographs and performing coronal polishing after meeting training
 11 requirements established by the rules and regulations.".

VISITORS

Visitors to the Chamber were 33 fourth-grade students and teachers from Abraham Lincoln Elementary, Hastings; Dave and Garlin Muirhead from Overton; 60 fourth-grade students and teachers from Bennington; 48 fourth-grade students and teachers from Arbor Park Elementary, Blair; and 35 eighth-grade students from Blue Hill.

RECESS

At 11:56 a.m., on a motion by Senator Langemeier, the Legislature recessed until 1:30 p.m.

AFTER RECESS

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

ROLL CALL

The roll was called and all members were present except Senators Ashford, Cook, Cornett, Dierks, and White who were excused until they arrive.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 112. Placed on Select File with amendment.
ER8117

- 1 1. On page 1, line 3, strike "rural health" and insert
- 2 "health education".

LEGISLATIVE BILL 288. Placed on Select File with amendment.
ER8118

- 1 1. On page 1, strike lines 2 through 13 and insert
- 2 "sections 32-310, 38-2893, 38-2894, 68-1017.01, 71-531, 81-2270,
- 3 81-2271, 81-3119, 83-1209, 83-1211, 83-1213, 83-1217, 83-1217.02,
- 4 and 85-2104, Reissue Revised Statutes of Nebraska, and sections
- 5 48-647, 68-717, 68-901, 68-906, 68-908, 68-934, 68-940, 68-948,
- 6 68-1016, 68-1017, 68-1017.02, 68-1070, 68-1713, 71-401, 71-604.05,
- 7 and 71-5309, Revised Statutes Cumulative Supplement, 2008; to
- 8 change references to the federal food stamp program; to change a
- 9 date within the Medical Assistance Act relating to acceptance of
- 10 federal provisions; to eliminate references to a pilot project;
- 11 to change provisions relating to pharmacy technicians, a registry,
- 12 the medical assistance program, false medicaid claims, the
- 13 Medicaid Reform Council, consent to human immunodeficiency virus
- 14 infection testing, public water system operator licensing, and
- 15 the Developmental Disabilities Services Act; to create a fund; to
- 16 provide for and eliminate provisions relating to itemized billing
- 17 statements by health care facilities; to provide for a transfer
- 18 of funds; to provide for relabeling and redispensing drugs at
- 19 correctional facilities and jails; to harmonize provisions; to
- 20 provide operative dates; to repeal the original sections; to
- 21 outright repeal sections 71-2049, 81-2265, and 81-2267, Reissue
- 22 Revised Statutes of Nebraska; and to declare an emergency.".
- 23 2. On page 2, strike lines 1 through 4.

LEGISLATIVE BILL 288A. Placed on Select File.

LEGISLATIVE BILL 16. Placed on Select File with amendment.
ER8110

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:

3 Section 1. The establishment of the web site under
4 section 50-401.01 shall be known and may be cited as the Taxpayer
5 Transparency Act.

6 Sec. 2. Section 50-401.01, Revised Statutes Cumulative
7 Supplement, 2008, is amended to read:

8 50-401.01 (1) The Legislative Council shall have an
9 executive board, to be known as the Executive Board of the
10 Legislative Council, which shall consist of a chairperson, a
11 vice-chairperson, and six members of the Legislature, to be chosen
12 by the Legislature at the commencement of each regular session of
13 the Legislature when the speaker is chosen, and the Speaker of
14 the Legislature. The Legislature at large shall elect two of its
15 members from legislative districts Nos. 1, 2, 15, 21 to 30, 32,
16 34, and 46, two from legislative districts Nos. 3 to 14, 18, 20,
17 31, 39, and 45, and two from legislative districts Nos. 16, 17,
18 19, 33, 35 to 38, 40 to 44, and 47 to 49. The Chairperson of the
19 Committee on Appropriations shall serve as a nonvoting ex officio
20 member of the executive board whenever the board is considering
21 fiscal administration.

22 (2) The executive board shall:

23 (a) Supervise all services and service personnel of the
1 Legislature and may employ and fix compensation and other terms of
2 employment for such personnel as may be needed to carry out the
3 intent and activities of the Legislature or of the board, unless
4 otherwise directed by the Legislature, including the adoption of
5 policies by the executive board which permit (i) the purchasing
6 of an annuity for an employee who retires or (ii) the crediting
7 of amounts to an employee's deferred compensation account under
8 section 84-1504. The payments to or on behalf of an employee may be
9 staggered to comply with other law; ~~and~~

10 (b) Appoint persons to fill the positions of Legislative
11 Fiscal Analyst, Director of Research, Revisor of Statutes, and
12 Legislative Auditor. The persons appointed to these positions shall
13 have training and experience as determined by the executive board
14 and shall serve at the pleasure of the executive board. The
15 Legislative Performance Audit Committee shall recommend the person
16 to be appointed Legislative Auditor. Their respective salaries
17 shall be set by the executive board; ~~and-~~

18 (c)(i) By August 1, 2010, develop a single, searchable
19 web site which is accessible by the public at no cost to access.
20 The web site shall be hosted on a server owned and operated by
21 the State of Nebraska or approved by the Chief Information Officer.
22 The naming convention for the web site shall identify the web site
23 as a state government web site. All content and information to
24 be provided shall be subject to the review and approval by the
25 executive board and shall document the sources of all tax receipts
26 and the expenditure of state funds by all agencies, boards,
27 commissions, and departments of the state. The duty to compile
1 and maintain the content and information on the web site developed

2 pursuant to this section shall, at the discretion of the executive
3 board, be assigned to the Clerk of the Legislature or to the State
4 Treasurer if the State Treasurer agrees to perform all the duties
5 of this subdivision. If the provision allowing assignment of such
6 duties to the State Treasurer is deemed to be unconstitutional,
7 then the provision allowing assignment of such duties to the Clerk
8 of the Legislature shall be deemed severable and survive and such
9 duties shall be assigned to and performed by the Clerk of the
10 Legislature. The executive board shall determine the appropriate
11 level of detail to be published in the web site for each of the
12 following:

13 (A) The identity, principal location, and amount of funds
14 received or expended;

15 (B) The funding or expending agency, board, commission,
16 or department;

17 (C) The budget program source;

18 (D) The amount, date, purpose, and recipient of all
19 disbursed funds; and

20 (E) Other relevant information.

21 (i) The web site shall include data for fiscal year
22 2008-09 and each fiscal year thereafter. Beginning July 1, 2010,
23 the data shall be available on the web site no later than thirty
24 days after the end of the preceding fiscal year.

25 (iii) All agencies, boards, commissions, and departments
26 of the state shall provide to the executive board, at such times
27 and in such form as designated by the executive board, such
1 information as is necessary to accomplish the purposes of the
2 Taxpayer Transparency Act.

3 (iv) Nothing in this subdivision requires the disclosure
4 of information which is considered confidential under state or
5 federal law or is not a public record under section 84-712.05.

6 (v) For purposes of this subdivision, expenditure
7 of state funds means all expenditures of appropriated or
8 nonappropriated funds by an agency, board, commission, or
9 department of the state from the state treasury in forms including,
10 but not limited to:

11 (A) Grants;

12 (B) Contracts;

13 (C) Subcontracts;

14 (D) State aid to political subdivisions; and

15 (E) Tax refunds or credits that may be disclosed

16 pursuant to the Nebraska Advantage Act, the Nebraska Advantage
17 Microenterprise Tax Credit Act, the Nebraska Advantage Research and
18 Development Act, or the Nebraska Advantage Rural Development Act.

19 (vi) Expenditure of state funds does not include the
20 transfer of funds between two agencies, boards, commissions, or
21 departments of the state or payments of state or federal assistance
22 to an individual.

23 (3) Notwithstanding any other provision of law, the

24 executive board may contract to obtain legal, auditing, accounting,
 25 actuarial, or other professional services or advice for or on
 26 behalf of the executive board, the Legislative Council, the
 27 Legislature, or any member of the Legislature. The providers
 1 of such services or advice shall meet or exceed the minimum
 2 professional standards or requirements established or specified by
 3 their respective professional organizations or licensing entities
 4 or by federal law. Such contracts, the deliberations of the
 5 executive board with respect to such contracts, and the work
 6 product resulting from such contracts shall not be subject to
 7 review or approval by any other entity of state government.

8 Sec. 3. Section 50-1304, Reissue Revised Statutes of
 9 Nebraska, is amended to read:

10 50-1304 (1) All agencies, boards, commissions, and
 11 departments of the state shall furnish such information, reports,
 12 aid, services, and assistance as may be requested by any standing
 13 committee of the Legislature or the Executive Board of the
 14 Legislative Council in the performance of its duties.

15 (2) The Government, Military and Veterans Affairs
 16 Committee of the Legislature shall use its staff and may
 17 also request assistance from the Director of Research of the
 18 Legislature, the Legislative Fiscal Analyst, or any other division
 19 within the Legislature as may be necessary in the performance of
 20 the duties set forth in sections 50-1301 to 50-1304.

21 Sec. 4. Section 84-602, Reissue Revised Statutes of
 22 Nebraska, is amended to read:

23 84-602 It shall be the duty of the State Treasurer:

24 (1) To receive and keep all money of the state not
 25 expressly required to be received and kept by some other person;

26 (2) To disburse the public money upon warrants drawn upon
 27 the state treasury according to law; and not otherwise;

1 (3) To keep a just, true, and comprehensive account of
 2 all money received and disbursed;

3 (4) To keep a just account with each fund, and each head
 4 of appropriation made by law, and the warrants drawn against them;

5 (5) To render a full statement to the Department of
 6 Administrative Services; of all money received by him or her from
 7 whatever source, and if on account of revenue, for what year;
 8 of all penalties and interest on delinquent taxes reported or
 9 accounted for to him or her, and of all disbursements of public
 10 funds; with a list, in numerical order, of all warrants redeemed,
 11 the name of the payee, amount, interest, and total amount allowed
 12 thereon, and with the amount of the balance of the several funds
 13 unexpended; which statement shall be made on the first day of
 14 December, March, June, and September, and more often if required;

15 (6) To report to the Legislature as soon as practicable,
 16 but within ten days after the commencement of each regular session,
 17 a detailed statement of the condition of the treasury; and its
 18 operations for the preceding fiscal year;

19 (7) To give information in writing to the Legislature,
 20 whenever required, upon any subject connected with the treasury or
 21 touching any duty of his or her office; ~~and~~

22 (8) To account for, and pay over, all money received by
 23 him or her as such treasurer, to his or her successor in office,
 24 and deliver all books, vouchers, and effects of office to him or
 25 her; and such successor shall receipt therefor. In accounting for
 26 and paying over such money the treasurer shall not be held liable
 27 on account of any loss occasioned by any investment, when such
 1 investment shall have been made pursuant to the direction of the
 2 state investment officer; and-

3 (9) To compile and maintain the content and information
 4 on the web site developed by the Executive Board of the Legislative
 5 Council pursuant to section 50-401.01 if the State Treasurer is
 6 designated by the executive board to carry out such duties and he
 7 or she agrees to discharge such duties.

8 Sec. 5. Original sections 50-1304 and 84-602, Reissue
 9 Revised Statutes of Nebraska, and section 50-401.01, Revised
 10 Statutes Cumulative Supplement, 2008, are repealed.

11 2. On page 1, strike beginning with "section" in line
 12 1 through line 4 and insert "sections 50-1304 and 84-602,
 13 Reissue Revised Statutes of Nebraska, and section 50-401.01,
 14 Revised Statutes Cumulative Supplement, 2008; to provide for the
 15 establishment of a web site known as the Taxpayer Transparency Act;
 16 to require information to be provided; to provide powers and duties
 17 for the State Treasurer; and to repeal the original sections."

LEGISLATIVE BILL 16A. Placed on Select File.

LEGISLATIVE BILL 241. Placed on Select File with amendment.
 ER8111 is available in the Bill Room.

LEGISLATIVE BILL 97A. Placed on Select File with amendment.
 ER8119

- 1 1. On page 2, line 3, after the second "the" insert
- 2 "Nebraska".

LEGISLATIVE BILL 246A. Placed on Select File.

LEGISLATIVE BILL 342A. Placed on Select File.

LEGISLATIVE BILL 633A. Placed on Select File.

LEGISLATIVE BILL 671A. Placed on Select File.

LEGISLATIVE BILL 311. Placed on Select File with amendment.
 ER8113

- 1 1. In the Standing Committee amendments, AM886:
- 2 a. On page 8, line 27, strike the second hyphen and
- 3 insert "to";
- 4 b. On page 9, line 7, after the dash insert "NEBRASKA";
- 5 and in line 14 strike the second "-0-" and insert "10,448";

- 6 c. On page 12, line 11, strike "This" and insert "There";
 7 d. On page 26, line 20, strike "Legislative Bill", show
 8 as stricken, and insert "Laws 2008, LB"; and
 9 e. On page 28, line 15, before "52" insert "Sec."
 10 2. On page 1, line 6, strike "an appropriation" and
 11 insert "appropriations"; and in lines 7 and 8 strike "to require
 12 reports;".

LEGISLATIVE BILL 312. Placed on Select File.

LEGISLATIVE BILL 313. Placed on Select File.

LEGISLATIVE BILL 314. Placed on Select File with amendment.
 ER8112

- 1 1. In the Standing Committee amendments, AM888:
 2 a. On page 5, line 13, strike "Ventilative" and insert
 3 "Ventilation";
 4 b. On page 8, line 13, strike the second hyphen and
 5 insert "to"; and in line 23 strike "Nongame-Endangered Species"
 6 and insert "Nongame and Endangered Species Land Acquisition and
 7 Development";
 8 c. On page 12, line 17, after the first comma insert
 9 "and" and strike the second comma;
 10 d. On page 22, line 9, strike "88-188.05" and insert
 11 "81-188.05";
 12 e. On page 26, line 4, after "State" insert "Parks";
 13 in line 9 strike "Acquisitions" and insert "Acquisition"; in
 14 line 20 after the dash insert "Improvements to"; and in lines
 15 22 and 23 strike "Wildlife Management Areas - Improvements" and
 16 insert "Improvements to Special Use Areas (Wildlife Management
 17 Areas)"; and in lines 25 and 26 strike "Administrative Facilities
 18 - Improvements" and insert "Improvements to Administrative
 19 Facilities"; and
 20 f. On page 27, line 1, strike "Fish production" and
 21 insert "Improvements to Fish Production Facilities"; in line 3
 22 strike "- Park System" and insert "to State Park System Areas";
 23 and in line 13 strike "- Improvements" and insert "Enhancement and
 1 Restoration".

LEGISLATIVE BILL 315. Placed on Select File with amendment.
 ER8122

- 1 1. In the Standing Committee amendments, AM889:
 2 a. On page 46, line 24, strike the comma;
 3 b. On page 50, line 24, strike "Families" and insert
 4 "Family";
 5 c. On page 55, line 15, strike "5,226,558" and insert
 6 "5,226,127";
 7 d. On page 57, after line 19, insert "FEDERAL FUND est.
 8 35,096,231 36,044,236"; in line 20 strike "FEDERAL FUND est." and
 9 insert "PROGRAM TOTAL"; and strike line 21;

- 10 e. On page 104, line 14, strike the second comma; and in
 11 line 24 before "for" insert "General Funds";
 12 f. On page 167, line 24, strike "Administration" and
 13 insert "Department of Administrative Services"; and
 14 g. On page 168, line 6, after "Personnel" insert
 15 "Division".

LEGISLATIVE BILL 316. Placed on Select File with amendment.
 ER8115

- 1 1. In the Standing Committee amendments, AM890:
 2 a. On page 1, line 4, strike "Administration"; and in
 3 lines 5 and 8 after "Personnel" insert "Division";
 4 b. On page 3, line 10, after the first "the" insert
 5 "Nebraska"; and
 6 c. On page 14, line 18, strike the colon.
 7 2. On page 1, strike beginning with "and" in line 1
 8 through line 7 and insert ", 81-1201.21, 82-331, 82-332, 84-510,
 9 and 85-415, Reissue Revised Statutes of Nebraska, and sections
 10 66-1334, 66-1345.04, 71-7608, 71-7611, and 71-8805, Revised
 11 Statutes Cumulative Supplement, 2008; to provide for, change, and
 12 eliminate provisions relating to the use and transfer of funds; to
 13 harmonize provisions; to repeal the original sections; to outright
 14 repeal section 81-1623, Reissue Revised Statutes of Nebraska; and
 15 to declare an emergency.".

LEGISLATIVE BILL 318. Placed on Select File with amendment.
 ER8116

- 1 1. On page 8, line 4, strike "bill" and insert "act".

LEGISLATIVE BILL 456. Placed on Select File with amendment.
 ER8121

- 1 1. On page 1, line 3, after "eliminate" insert "obsolete
 2 provisions and"; in line 4 after the first semicolon insert "to
 3 provide for transfers from the Cash Reserve Fund; to provide a duty
 4 for the Department of Economic Development;" and strike "and"; and
 5 in line 5 after "sections" insert "; and to declare an emergency".

LEGISLATIVE BILL 414. Placed on Select File with amendment.
 ER8114

- 1 1. Strike the original sections and all amendments
 2 thereto and insert the following new sections:
 3 Section 1. Section 24-201.01, Reissue Revised Statutes of
 4 Nebraska, is amended to read:
 5 24-201.01 ~~On July 1, 2006, the salary of the Chief~~
 6 ~~Justice and the judges of the Supreme Court shall be one hundred~~
 7 ~~twenty-six thousand eight hundred forty-six dollars. On July 1,~~
 8 ~~2007, the salary of the Chief Justice and the judges of the~~
 9 ~~Supreme Court shall be one hundred thirty-one thousand two hundred~~

10 ~~eighty five dollars and sixty one cents.~~ On July 1, 2008, the
 11 salary of the Chief Justice and the judges of the Supreme Court
 12 shall be one hundred thirty-five thousand eight hundred eighty
 13 dollars and sixty cents. On July 1, 2009, the salary of the
 14 Chief Justice and the judges of the Supreme Court shall be one
 15 hundred thirty-nine thousand two hundred seventy-seven dollars and
 16 sixty-one cents. On July 1, 2010, the salary of the Chief Justice
 17 and the judges of the Supreme Court shall be one hundred forty-two
 18 thousand seven hundred fifty-nine dollars and fifty-five cents.

19 The Chief Justice and the judges of the Supreme Court
 20 shall hold no other public office of profit or trust during their
 21 terms of office nor accept any public appointment or employment
 22 under the authority of the government of the United States for
 23 which they receive compensation for their services. Such salaries

1 shall be payable in equal monthly installments.
 2 Sec. 2. Section 24-703, Reissue Revised Statutes of
 3 Nebraska, is amended to read:

4 24-703 (1) Each original member shall contribute monthly
 5 four percent of his or her monthly compensation to the fund
 6 until the maximum benefit as limited in subsection (1) of section
 7 24-710 has been earned. It shall be the duty of the Director
 8 of Administrative Services in accordance with subsection (10) of
 9 this section to make a deduction of four percent on the monthly
 10 payroll of each original member who is a judge of the Supreme
 11 Court, a judge of the Court of Appeals, a judge of the district
 12 court, a judge of a separate juvenile court, a judge of the county
 13 court, a clerk magistrate of the county court who was an associate
 14 county judge and a member of the fund at the time of his or her
 15 appointment as a clerk magistrate, or a judge of the Nebraska
 16 Workers' Compensation Court showing the amount to be deducted and
 17 its credit to the fund. The Director of Administrative Services
 18 and the State Treasurer shall credit the four percent as shown
 19 on the payroll and the amounts received from the various counties
 20 to the fund and remit the same to the director in charge of the
 21 judges retirement system who shall keep an accurate record of the
 22 contributions of each judge.

23 (2)(a) ~~Beginning~~ In addition to the contribution required
 24 under subdivision (c) of this subsection, beginning on July 1,
 25 2004, each future member who has not elected to make contributions
 26 and receive benefits as provided in section 24-703.03 shall
 27 contribute monthly six percent of his or her monthly compensation
 1 to the fund until the maximum benefit as limited in subsection
 2 (2) of section 24-710 has been earned. After the maximum benefit
 3 as limited in subsection (2) of section 24-710 has been earned,
 4 such future member shall make no further contributions to the fund,
 5 except that (i) any time the maximum benefit is changed, a future
 6 member who has previously earned the maximum benefit as it existed
 7 prior to the change shall contribute monthly six percent of his
 8 or her monthly compensation to the fund until the maximum benefit

9 as changed and as limited in subsection (2) of section 24-710 has
10 been earned and (ii) such future member shall continue to make the
11 contribution required under subdivision (c) of this subsection.

12 (b) ~~Beginning~~ In addition to the contribution required
13 under subdivision (c) of this subsection, beginning on July 1,
14 2004, a judge who first serves as a judge on or after such date
15 or a future member who elects to make contributions and receive
16 benefits as provided in section 24-703.03 shall contribute monthly
17 eight percent of his or her monthly compensation to the fund until
18 the maximum benefit as limited by subsection (2) of section 24-710
19 has been earned. ~~After~~ In addition to the contribution required
20 under subdivision (c) of this subsection, after the maximum benefit
21 as limited in subsection (2) of section 24-710 has been earned,
22 such judge or future member shall contribute monthly four percent
23 of his or her monthly compensation to the fund for the remainder of
24 his or her active service.

25 (c) Beginning on July 1, 2009, until July 1, 2014, a
26 member or judge described in subdivisions (a) and (b) of this
27 subsection shall contribute monthly an additional one percent of
1 his or her monthly compensation to the fund.

2 ~~(e)-(d)~~ It shall be the duty of the Director of
3 Administrative Services to make a deduction on the monthly payroll
4 of each such future member who is a judge of the Supreme Court,
5 a judge of the Court of Appeals, a judge of the district court,
6 a judge of a separate juvenile court, a judge of the county
7 court, a clerk magistrate of the county court who was an associate
8 county judge and a member of the fund at the time of his or her
9 appointment as a clerk magistrate, or a judge of the Nebraska
10 Workers' Compensation Court showing the amount to be deducted and
11 its credit to the fund. This shall be done each month. The Director
12 of Administrative Services and the State Treasurer shall credit the
13 amount as shown on the payroll and the amounts received from the
14 various counties to the fund and remit the same to the director in
15 charge of the judges retirement system who shall keep an accurate
16 record of the contributions of each judge.

17 (3) ~~A-Except~~ as otherwise provided in this subsection,
18 a Nebraska Retirement Fund for Judges fee of five dollars shall
19 be taxed as costs in each (a) civil cause of action, criminal
20 cause of action, traffic misdemeanor or infraction, and city or
21 village ordinance violation filed in the district courts, the
22 county courts, and the separate juvenile courts, (b) filing in the
23 district court of an order, award, or judgment of the Nebraska
24 Workers' Compensation Court or any judge thereof pursuant to
25 section 48-188, (c) appeal or other proceeding filed in the Court
26 of Appeals, and (d) original action, appeal, or other proceeding
27 filed in the Supreme Court. Beginning on July 1, 2009, and until
1 July 1, 2014, such fee shall be six dollars. In county courts a sum
2 shall be charged which is equal to ten percent of each fee provided
3 by sections 33-125, 33-126.02, 33-126.03, and 33-126.06, rounded to

4 the nearest even dollar. No judges retirement fee shall be charged
5 for filing a report pursuant to sections 33-126.02 and 33-126.06.
6 When collected by the clerk of the district or county court, such
7 fees shall be paid and information submitted to the director in
8 charge of the judges retirement system on forms prescribed by the
9 board by the clerk within ten days after the close of each calendar
10 quarter. The board may charge a late administrative processing fee
11 not to exceed twenty-five dollars if the information is not timely
12 received or the money is delinquent. In addition, the board may
13 charge a late fee of thirty-eight thousandths of one percent of the
14 amount required to be submitted pursuant to this section for each
15 day such amount has not been received. Such director shall promptly
16 thereafter remit the same to the State Treasurer for credit to
17 the fund. No Nebraska Retirement Fund for Judges fee which is
18 uncollectible for any reason shall be waived by a county judge as
19 provided in section 29-2709.

20 (4) All expenditures from the fund shall be authorized by
21 voucher in the manner prescribed in section 24-713. The fund shall
22 be used for the payment of all annuities and other benefits and for
23 the expenses of administration.

24 (5) The fund shall consist of the total fund as of
25 December 25, 1969, the contributions of members as provided in this
26 section, all supplementary court fees as provided in subsection (3)
27 of this section, and any required contributions of the state.

1 (6) Not later than January 1 of each year, the State
2 Treasurer shall transfer to the fund the amount certified by the
3 board as being necessary to pay the cost of any benefits accrued
4 during the fiscal year ending the previous June 30 in excess
5 of member contributions for that fiscal year and court fees as
6 provided in subsection (3) of this section and fees pursuant to
7 sections 25-2804, 33-103, 33-103.01, 33-106, 33-106.02, 33-123,
8 33-125, 33-126.02, 33-126.03, and 33-126.06 and directed to be
9 remitted to the fund, if any, for that fiscal year plus any
10 required contributions of the state as provided in subsection (9)
11 of this section.

12 (7) Benefits under the retirement system to members or to
13 their beneficiaries shall be paid from the fund.

14 (8) Any member who is making contributions to the fund on
15 December 25, 1969, may, on or before June 30, 1970, elect to become
16 a future member by delivering written notice of such election to
17 the board.

18 (9) Not later than January 1 of each year, the State
19 Treasurer shall transfer to the fund an amount, determined on
20 the basis of an actuarial valuation as of the previous June 30
21 and certified by the board, to fully fund the unfunded accrued
22 liabilities of the retirement system as of June 30, 1988, by level
23 payments up to January 1, 2000. Such valuation shall be on the
24 basis of actuarial assumptions recommended by the actuary, approved
25 by the board, and kept on file with the board. For the fiscal

26 year beginning July 1, 2002, and each fiscal year thereafter,
27 the actuary for the board shall perform an actuarial valuation
1 of the system using the entry age actuarial cost method. Under
2 this method, the actuarially required funding rate is equal to the
3 normal cost rate, plus the contribution rate necessary to amortize
4 the unfunded actuarial accrued liability on a level payment basis.
5 The normal cost under this method shall be determined for each
6 individual member on a level percentage of salary basis. The normal
7 cost amount is then summed for all members. The initial unfunded
8 actual accrued liability as of July 1, 2002, if any, shall be
9 amortized over a twenty-five-year period. Prior to July 1, 2006,
10 changes in the funded actuarial accrued liability due to changes
11 in benefits, actuarial assumptions, the asset valuation method, or
12 actuarial gains or losses shall be measured and amortized over a
13 twenty-five-year period beginning on the valuation date of such
14 change. Beginning July 1, 2006, any existing unfunded liabilities
15 shall be reinitialized and amortized over a thirty-year period,
16 and during each subsequent actuarial valuation, changes in the
17 funded actuarial accrued liability due to changes in benefits,
18 actuarial assumptions, the asset valuation method, or actuarial
19 gains or losses shall be measured and amortized over a thirty-year
20 period beginning on the valuation date of such change. If the
21 unfunded actuarial accrued liability under the entry age actuarial
22 cost method is zero or less than zero on an actuarial valuation
23 date, then all prior unfunded actuarial accrued liabilities shall
24 be considered fully funded and the unfunded actuarial accrued
25 liability shall be reinitialized and amortized over a thirty-year
26 period as of the actuarial valuation date. If the actuarially
27 required contribution rate exceeds the rate of all contributions
1 required pursuant to the Judges Retirement Act, there shall be a
2 supplemental appropriation sufficient to pay for the differences
3 between the actuarially required contribution rate and the rate of
4 all contributions required pursuant to the Judges Retirement Act.

5 (10) The state or county shall pick up the member
6 contributions required by this section for all compensation paid
7 on or after January 1, 1985, and the contributions so picked up
8 shall be treated as employer contributions in determining federal
9 tax treatment under the Internal Revenue Code as defined in section
10 49-801.01, except that the state or county shall continue to
11 withhold federal income taxes based upon these contributions until
12 the Internal Revenue Service or the federal courts rule that,
13 pursuant to section 414(h) of the code, these contributions shall
14 not be included as gross income of the member until such time as
15 they are distributed or made available. The state or county shall
16 pay these member contributions from the same source of funds which
17 is used in paying earnings to the member. The state or county
18 shall pick up these contributions by a compensation deduction
19 through a reduction in the compensation of the member. Member
20 contributions picked up shall be treated for all purposes of the

21 Judges Retirement Act in the same manner and to the extent as
 22 member contributions made prior to the date picked up.

23 Sec. 3. Sections 2 and 6 of this act become operative on
 24 July 1, 2009. The other sections of this act become operative on
 25 their effective date.

26 Sec. 4. This act shall be considered a complete act
 27 and its provisions inseverable. If any provision of this act is
 1 declared unconstitutional, the entire act shall be invalid.

2 Sec. 5. Original section 24-201.01, Reissue Revised
 3 Statutes of Nebraska, is repealed.

4 Sec. 6. Original section 24-703, Reissue Revised Statutes
 5 of Nebraska, is repealed.

6 Sec. 7. Since an emergency exists, this act takes effect
 7 when passed and approved according to law.

8 2. On page 1, strike beginning with "section" in line 1
 9 through line 4 and insert "sections 24-201.01 and 24-703, Reissue
 10 Revised Statutes of Nebraska; to change salary and retirement
 11 provisions for judges; to change the Nebraska Retirement Fund
 12 for Judges fee; to provide operative dates; to provide for
 13 inseverability; to repeal the original sections; and to declare
 14 an emergency.".

LEGISLATIVE BILL 414A. Placed on Select File.

LEGISLATIVE BILL 629. Placed on Select File.

LEGISLATIVE BILL 628. Placed on Select File with amendment.
 ER8120

1 1. In the Standing Committee amendments, AM1116, on page
 2 1, line 10, before "and" insert an underscored comma.

(Signed) Jeremy Nordquist, Chairperson

GENERAL FILE

LEGISLATIVE BILL 626. The Lautenbaugh amendment, AM1322, found
 in this day's Journal, to the committee amendment, was renewed.

Senator Lautenbaugh withdrew and refiled his amendment, AM1322.

Committee AM972, found on page 984 and considered in this day's Journal,
 as amended, was renewed.

Senator Langemeier moved the previous question. The question is, "Shall
 the debate now close?" The motion prevailed with 31 ayes, 3 nays, and 15
 not voting.

The committee amendment, as amended, was adopted with 35 ayes, 6 nays,
 4 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 4 nays, 9 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 263. Title read. Considered.

Committee AM354, found on page 747, was adopted with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 2 nays, 8 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 392. Title read. Considered.

Committee AM1079, found on page 1042, was considered.

Senator Adams renewed his amendment, AM1303, found on page 1313, to the committee amendment.

SENATOR CARLSON PRESIDING

Senator Ashford moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 1 nay, and 20 not voting.

The Adams amendment was adopted with 36 ayes, 0 nays, 11 present and not voting, and 2 excused and not voting.

Senator Adams offered the following amendment to the committee amendment:

AM1324

(Amendments to Standing Committee amendments, AM1079)

- 1 1. Strike section 4.
- 2 2. On page 10, after line 4 insert "and strike
- 3 "79-1007.21,"".

The Adams amendment was adopted with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

The committee amendment, as amended, was adopted with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

Senator Nordquist renewed his amendment, AM1296, found on page 1307.

The Nordquist amendment was adopted with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

Senator Adams renewed his amendment, AM1300, found on page 1308.

The Adams amendment 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 39 ayes, 0 nays, 6 present and not voting, and 4 excused and not voting.

BILL ON FIRST READING

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

LEGISLATIVE BILL 545A. Introduced by Adams, 24.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 545, One Hundred First Legislature, First Session, 2009; to outright repeal section 48, Legislative Bill 315, One Hundred First Legislature, First Session, 2009; and to declare an emergency.

AMENDMENTS - Print in Journal

Senator Price filed the following amendment to LB532:
AM1321

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. (1) In addition to the powers granted by
- 4 section 23-104, a county may, in the manner specified by sections 1
- 5 to 7 of this act, regulate the following subjects by ordinance:
- 6 (a) Parking of motor vehicles on public roads, highways,
- 7 and rights-of-way as it pertains to snow removal for and access by
- 8 emergency vehicles to areas within the county;
- 9 (b) Motor vehicles as defined in section 60-339 that are
- 10 abandoned on public or private property;
- 11 (c) Graffiti on public or private property;
- 12 (d) False alarms from electronic security systems that
- 13 result in requests for emergency response from law enforcement or
- 14 other emergency responders; and
- 15 (e) Violation of the public peace and good order of
- 16 the county by disorderly conduct, lewd or lascivious behavior, or
- 17 public nudity.
- 18 (2) For the enforcement of any ordinance authorized by
- 19 this section, a county may impose fines, forfeitures, or penalties
- 20 and provide for the recovery, collection, and enforcement of such
- 21 fines, forfeitures, or penalties. A county may also authorize
- 22 such other measures for the enforcement of ordinances as may be
- 23 necessary and proper. A fine enacted pursuant to this section shall
- 1 not exceed five hundred dollars for each offense.
- 2 Sec. 2. A county board shall provide notice of the time
- 3 when any county ordinance is set for consideration before the
- 4 board. Such notice shall appear at least once a week for two weeks
- 5 in a newspaper published or of general circulation in the county.

6 The notice shall contain the entire wording of the ordinance and
7 the time and place of the public hearing. The last publication of
8 the notice shall be not less than five days nor more than two weeks
9 prior to the time set for the public hearing on the adoption of
10 the ordinance. A county board shall not take final action on the
11 proposed ordinance until after at least one public hearing has been
12 held thereon by the county board at which public comment regarding
13 the proposed ordinance was permitted.

14 Sec. 3. A county ordinance may be proved by the
15 certificate of the county clerk under the seal of the county.
16 The adoption and publication of the ordinance shall be sufficiently
17 proved by a certificate under the seal of the county, from the
18 county clerk, showing (1) that such ordinance was adopted and (2)
19 when and in what paper the ordinance was published or when, by
20 whom, and where the ordinance was posted.

21 Sec. 4. (1) A county ordinance shall be read by title
22 on three different days unless three-fourths of the county board
23 members, following the public hearing on the ordinance, vote to
24 suspend this requirement. If such requirement is suspended, the
25 ordinance shall be read by title or number and then moved for final
26 adoption. Three-fourths of the county board members may require
27 a reading of any such ordinance in full before adoption under
1 either procedure set out in this section. The votes of each member
2 shall be called aloud and recorded. To adopt any ordinance, the
3 concurrence of a majority of the whole number of the members of the
4 county board shall be required.

5 (2) A county ordinance shall contain no subject which is
6 not clearly expressed in the title, and no ordinance or section
7 thereof shall be revised or amended unless the new ordinance
8 contains the entire ordinance or section as revised or amended and
9 the ordinance or section that is amended is repealed.

10 Sec. 5. The style of county ordinances shall be: "Be it
11 ordained by the county board of the county of, " and
12 all county ordinances shall, within fifteen days after they are
13 adopted, be published in some newspaper published or of general
14 circulation within the county.

15 Sec. 6. (1) No ordinance adopted pursuant to sections 1
16 to 7 of this act shall be effective within the corporate boundaries
17 of any incorporated city or village located in whole or in part
18 within the county. No ordinance adopted pursuant to sections 1 to
19 7 of this act shall be effective within the area outside of the
20 corporate boundaries of any city or village in which such city or
21 village has been granted and is exercising powers by ordinance on a
22 similar subject matter. Every county ordinance adopted pursuant to
23 sections 1 to 7 of this act shall include one section defining the
24 area of the county within which the county ordinance is effective.
25 The ordinance shall be amended to reflect any changes in the area
26 of the county's jurisdiction resulting from (a) annexation by a
27 city or village, (b) action by a city or village to adopt an

1 ordinance regarding similar subject matter to that of the county
2 ordinance if the city or village ordinance is to be effective in
3 areas beyond its corporate boundary, or (c) any changes in the
4 area of jurisdiction of the city or village regarding such city or
5 village ordinance.

6 (2) Before a county adopts an ordinance under sections 1
7 to 7 of this act, the county clerk shall provide a copy of the
8 text of the ordinance to the clerk of each city and village within
9 the county no later than seven days after the first reading of
10 the ordinance or the public hearing on the ordinance, whichever
11 occurs first. Within seven days after receiving a copy of the
12 ordinance, the city or village shall respond to the county and
13 provide a copy of any ordinance specifying where the city or
14 village is enforcing an ordinance on similar subject matter outside
15 its corporate boundaries. Any ordinance adopted by the county
16 shall not be effective in the area in which the city or village
17 is exercising jurisdiction. Prior to the adoption of the county
18 ordinance, the section of the ordinance that defines the area of
19 county jurisdiction shall be amended to show the removal of the
20 area of the jurisdiction of such city or village as indicated
21 in the city or village ordinance provided to the county from the
22 description of the area within which the county ordinance will be
23 effective. An ordinance adopted under sections 1 to 7 of this act
24 shall not be effective until fifteen days after its adoption.

25 (3) Any city or village located in whole or in part
26 within a county that has adopted an ordinance pursuant to sections
27 1 to 7 of this act which (a) annexes any territory, (b) adopts
1 an ordinance on similar subject matter to that of the county
2 ordinance and extends the jurisdiction of the city or village under
3 such ordinance to areas beyond its corporate boundaries, or (c)
4 changes the area beyond the corporate boundaries of the city or
5 village within which the city or village exercises jurisdiction
6 by ordinance on similar subject matter to that of the county
7 ordinance shall provide to the county clerk a copy of the ordinance
8 establishing and delineating its jurisdiction or any change to
9 that jurisdiction within seven days after the adoption of the
10 relevant city or village ordinance. Upon the effective date of the
11 city or village ordinance, the county ordinance shall cease to be
12 effective within the area in which the city or village has assumed
13 jurisdiction. The county board shall promptly amend its ordinance
14 to reflect the change in the area within which the county ordinance
15 is effective.

16 Sec. 7. A county attorney may sign and prosecute a
17 complaint in the county court for a violation of an ordinance of
18 the county in which he or she serves as county attorney. No county
19 may prosecute a complaint for a violation of an ordinance unless
20 such county has on file with the court a current copy of the
21 ordinances of such county. Subject to guidelines provided by the

22 State Court Administrator, the court shall prescribe the form in
 23 which such ordinances shall be filed.

Senator Heidemann filed the following amendment to LB311:
 AM1294

(Amendments to Standing Committee amendments, AM886)

- 1 1. Purpose: To correct a fund source.
 2 Amendment:
 3 1. On page 6, line 25, strike "CASH" and insert
 4 "GENERAL".
 5 2. Purpose: To include the federal financial
 6 participation adjustment contained in ARRA.
 7 Amendment:
 8 1. On page 16, line 8, strike "544,521,881" and
 9 insert "479,681,184"; in line 11 strike "883,964,062" and insert
 10 "948,804,759"; in line 19 strike "\$544,521,881" and insert
 11 "\$479,681,184"; and in line 20 strike "\$883,964,062" and insert
 12 "\$948,804,759".
 13 2. On page 17, after line 11 insert:
 14 "There is included in the Federal Fund estimate
 15 \$64,840,697 for FY2008-09 to be received as authorized by ARRA, for
 16 Title 5, Federal Medicaid Assistance Participation rate.".
 17 3. Purpose: To include the federal financial
 18 participation adjustment contained in ARRA.
 19 Amendment:
 20 1. On page 17, line 19, strike "218,973,140" and insert
 21 "217,792,687"; strike line 21, show as stricken, and insert
 22 "FEDERAL FUND est. 118,641,094 120,368,732".
 1 2. On page 18, line 6, strike "\$218,973,140" and insert
 2 "\$217,792,687" and strike "\$119,188,279", show as stricken, and
 3 insert "\$120,368,732"; and after line 26 insert:
 4 "There is included in the Federal Fund estimate
 5 \$1,180,453 for FY2008-09 to be received as authorized by ARRA, for
 6 Title 5, Adoption Assistance and Foster Care.".

Senator Heidemann filed the following amendment to LB315:
 AM1290

(Amendments to Standing Committee amendments, AM889)

- 1 1. Purpose: Divide Legislative Council, Legislative
 2 Research, into two budget programs.
 3 Amendment:
 4 1. Strike section 12 and insert the following new
 5 sections:
 6 Sec. 12. AGENCY NO. 3 - LEGISLATIVE COUNCIL
 7 Program No. 126 - Legislative Research
- | | FY2009-10 | FY2010-11 |
|------------------|-----------|-----------|
| 9 GENERAL FUND | 967,438 | 1,006,696 |
| 10 PROGRAM TOTAL | 967,438 | 1,006,696 |
| 11 SALARY LIMIT | 698,589 | 715,789 |

12 The unexpended General Fund appropriation balance
 13 existing on June 30, 2009, is hereby reappropriated.
 14 Sec. 14. AGENCY NO. 3 - LEGISLATIVE COUNCIL
 15 Program No. 129 - Legislative Audit

	FY2009-10	FY2010-11
17 GENERAL FUND	456,432	460,436
18 PROGRAM TOTAL	456,432	460,436
19 SALARY LIMIT	335,818	344,233

20 2. Renumber the remaining sections accordingly and
 21 correct internal references accordingly.

22 2. Purpose: Appropriate additional Help America Vote Act
 1 funds received from ARRA and the required match.

2 Amendment:

3 1. On page 11, line 10, strike "2,004,033" and insert
 4 "2,626,547"; and in line 12 strike "2,102,333" and insert
 5 "2,724,847".

6 2. On page 176, line 15, strike "\$469,908" and insert
 7 "\$501,034".

8 3. Purpose: Reduce Revolving Fund appropriation and
 9 increase Cash Fund appropriation.

10 Amendment:

11 1. On page 12, line 10, strike "2,361,724" and insert
 12 "2,861,724"; and in line 11 strike "1,506,809" and insert
 13 "1,006,809".

14 4. Purpose: General funds are decreased by \$555,042 in
 15 FY2009-10 to reflect actual insurance premium taxes available to
 16 fund TEEOSA.

17 Amendment:

18 1. On page 22, line 2, strike "1,036,452,542" and insert
 19 "1,035,897,500"; in line 5 strike "1,403,827,415" and insert
 20 "1,403,272,373"; in line 7 strike "\$1,036,452,542" and insert
 21 "\$1,035,897,500"; and in line 15 strike "\$826,704,311" and insert
 22 "\$826,149,269".

23 5. Purpose: To correct a federal fund number and a
 24 program total.

25 Amendment:

26 1. On page 58, line 18, strike "124,615,656" and insert
 27 "124,568,759"; and in line 19 strike "371,279,639" and insert
 1 "371,323,554".

2 2. On page 59, line 7, strike "\$124,615,656" and insert
 3 "\$124,568,759".

4 6. Purpose: To adjust ICF-MR rates by 2.5% each year.

5 Amendment:

6 1. On page 60, strike line 13 and insert "GENERAL
 7 FUND 453,901,728 539,841,361"; strike line 15 and insert "FEDERAL
 8 FUND est. 1,134,179,079 1,110,855,790"; strike line 16 and insert
 9 "PROGRAM TOTAL 1,611,225,393 1,673,841,737"; in line 18 strike
 10 "\$453,813,219" and insert "\$453,901,728"; in line 19 strike
 11 "\$1,134,003,302" and insert "\$1,134,179,079"; in line 21 strike

12 "\$539,643,477" and insert "\$539,841,361"; and in line 22 strike
 13 "\$1,110,509,139" and insert "\$1,110,855,790".

14 7. Purpose: To correct an earmark amount.

15 Amendment:

16 1. On page 69, lines 22 and 25, strike "\$8,580,000" and
 17 insert "\$5,600,000".

18 8. Purpose: To correct an earmark amount.

19 Amendment:

20 1. On page 71, line 25, strike "\$549,007" and insert
 21 "\$650,507"; and strike "\$557,242" and insert "\$660,264".

22 9. Purpose: Increase the Personal Service Limit by \$1,552
 23 for FY2009-10 and by \$1,580 for FY2010-11.

24 Amendment:

25 1. On page 140, strike line 25 and insert "SALARY LIMIT
 26 127,071 130,260".

27 10. Purpose: Increase .7 of 1% to 1% for FY2009-10.

1 Amendment:

2 1. On page 151, lines 17 and 18, strike "20,370,490" and
 3 insert "25,589,490".

Senator Heidemann filed the following amendment to LB316:
 AM1289

(Amendments to Standing Committee amendments, AM890)

1 1. Insert the following new sections:

2 Sec. 21. Section 77-2602.04, Revised Statutes Cumulative
 3 Supplement, 2008, is amended to read:

4 77-2602.04 Notwithstanding any other provision of law,
 5 for bonds issued on or after July 1, 2008, funds received by
 6 the issuer pursuant to section 77-2602 shall not be pledged for
 7 repayment of bonds, except that such funds may be pledged for
 8 repayment of refunding bonds issued to refund bonds issued prior to
 9 the effective date of this act.

10 Sec. 27. Section 85-421, Reissue Revised Statutes of
 11 Nebraska, is amended to read:

12 85-421 (1) The Legislature shall appropriate from the
 13 General Fund (a) an amount not less than five million five hundred
 14 thousand dollars for each fiscal year for the period beginning
 15 with the fiscal year commencing July 1, 2006, and continuing
 16 through the fiscal year ending June 30, 2009, and (b) an amount
 17 not less than eleven million dollars for each fiscal year for
 18 the period beginning with the fiscal year commencing July 1,
 19 2009, and continuing through the fiscal year ending June 30,
 20 2020, to the University of Nebraska Facilities Program of 2006 to
 21 be used by the Board of Regents of the University of Nebraska
 22 to accomplish projects as provided in this section. Through the
 1 allotment process established in section 81-1113, the Department
 2 of Administrative Services shall make appropriated funds available.
 3 Undisbursed appropriations balances existing in the University of
 4 Nebraska Facilities Program of 2006 at the end of each fiscal year

5 until June 30, 2021, shall be and are hereby reappropriated.

6 (2) The Legislature finds and determines that the
7 projects funded through the University of Nebraska Facilities
8 Program of 2006 are of critical importance to the State
9 of Nebraska. It is the intent of the Legislature that the
10 appropriations to the program shall not be reduced until all
11 contracts and securities relating to the construction and financing
12 of the projects or portions of the projects funded from such funds
13 or accounts of such funds are completed or paid but in no case
14 shall such appropriations extend beyond the fiscal year ending
15 June 30, 2020, nor shall the cumulative total of the General Fund
16 appropriations for the program exceed one hundred thirty-seven
17 million five hundred thousand dollars.

18 (3) Subject to the receipt of project approval from
19 the Coordinating Commission for Postsecondary Education as
20 required by subsection (10) of section 85-1414 for each of
21 the following University of Nebraska projects, the Board of
22 Regents of the University of Nebraska is authorized to make
23 expenditures from the University of Nebraska Facilities Program
24 of 2006 for the following projects: (a) Deferred maintenance,
25 repair, and renovation of University of Nebraska at Kearney
26 Bruner Hall; (b) construction of University of Nebraska at Kearney
27 campus-wide central utilities plant and system; (c) construction
1 of facilities to replace University of Nebraska-Lincoln Behlen,
2 Brace, and Ferguson Halls or deferred maintenance, repair, and
3 renovation of University of Nebraska-Lincoln Behlen, Brace,
4 and Ferguson Halls; (d) construction of a facility to replace
5 University of Nebraska-Lincoln Keim Hall or deferred maintenance,
6 repair, and renovation of University of Nebraska-Lincoln Keim
7 Hall; (e) deferred maintenance, repair, and renovation of
8 University of Nebraska-Lincoln Sheldon Memorial Art Gallery; (f)
9 deferred maintenance, repair, and renovation of University of
10 Nebraska-Lincoln Animal Science Complex; (g) deferred maintenance,
11 repair, and renovation of University of Nebraska Medical Center
12 Poynter, Bennet, and Wittson Halls; (h) deferred maintenance,
13 repair, and renovation of University of Nebraska Medical Center
14 Eppley Institute for Research in Cancer and Allied Diseases or
15 replacement if additional federal or private funds are received;
16 (i) deferred maintenance, repair, and renovation of University
17 of Nebraska Medical Center College of Dentistry; (j) deferred
18 maintenance, repair, and renovation of University of Nebraska at
19 Omaha Library; and (k) deferred maintenance, repair, and renovation
20 of University of Nebraska at Omaha utilities infrastructure.

21 (4) Expenditures of matching funds provided for the
22 projects listed in this section by the Board of Regents of the
23 University of Nebraska as provided for in section 85-419 shall be
24 accounted for in the Nebraska State Accounting System through the
25 University of Nebraska Facilities Program of 2006 or according to
26 some other reporting process mutually agreed upon by the University

27 of Nebraska and the Department of Administrative Services.

1 (5) The Board of Regents of the University of Nebraska
2 shall record and report, on the Nebraska State Accounting System,
3 expenditure of amounts from the University of Nebraska Facilities
4 Program of 2006 and expenditure of proceeds arising from any
5 contract entered into pursuant to this section and section 85-422
6 in such manner and format as prescribed by the Department of
7 Administrative Services or according to some other reporting
8 process mutually agreed upon by the University of Nebraska and
9 the Department of Administrative Services.

10 (6) The Board of Regents of the University of Nebraska
11 shall provide to the Task Force for Building Renewal semiannual
12 reports concerning the status of each project authorized by this
13 section.

14 2. On page 2, line 20, strike "\$8,250,000" and insert
15 "\$3,000,000".

16 3. On page 7, line 27, strike "and".

17 4. On page 8, strike lines 1 and 2 and insert:

18 "(j) For fiscal year 2009-10, \$8,250,000 in addition to
19 the other amounts in this section; and

20 (k) For fiscal year 2010-11, \$3,000,000 in addition to
21 the other amounts in this section.".

22 5. On page 20, line 18, strike "and 85-415" and insert
23 "85-415, and 85-421"; and in line 19 strike "and 71-8805" and
24 insert "71-8805, and 77-2602.04".

25 6. Renumber the remaining sections accordingly.

GENERAL FILE

LEGISLATIVE BILL 561. Title read. Considered.

Committee AM1210, found on page 1224, was considered.

SENATOR KARPISEK PRESIDING

The committee amendment was adopted with 38 ayes, 1 nay, 5 present and not voting, and 5 excused and not voting.

Senator Langemeier withdrew his amendment, AM769, found on page 799.

Advanced to Enrollment and Review Initial with 37 ayes, 2 nays, 5 present and not voting, and 5 excused and not voting.

AMENDMENTS - Print in Journal

Senator Cornett filed the following amendment to LB218A:
AM1033

- 1 1. Strike sections 2 and 3.
- 2 2. On page 1, line 1, strike "\$10,493,255" and insert
- 3 "-0-"; and in line 2 strike "\$10,860,519" and insert "-0-".

Senator Council filed the following amendment to LB503:
AM1260

(Amendments to Standing Committee amendments, AM1080)

- 1 1. Insert the following new section:
- 2 Sec. 11. The Nebraska Shooting Range Protection Act does
- 3 not apply to any city of the metropolitan class.
- 4 2. On page 1, line 3, strike "10" and insert "11".
- 5 3. Renumber the remaining sections accordingly.

Senator Pirsch filed the following amendment to LB671:
AM1336

(Amendments to AM1009)

- 1 1. Strike section 3 and insert the following new section:
- 2 Sec. 3. The council shall, with respect to ensuring
- 3 quality and uniform death investigation processes throughout the
- 4 state, develop guidelines to promote uniform and quality death
- 5 investigations for county coroners. Such guidelines may include
- 6 guidance to the county coroner in:
- 7 (1) Determining the need for autopsies involving:
- 8 (a) Deaths of individuals nineteen years of age or older;
- 9 (b) Deaths of individuals under nineteen years of age;
- 10 (c) Sudden, unexplained infant deaths;
- 11 (d) Deaths while in custody;
- 12 (e) Deaths caused by motor vehicle collisions;
- 13 (f) Deaths by burning; and
- 14 (g) Suspicious deaths;
- 15 (2) The utilization of investigative tools and equipment;
- 16 (3) Entering the death scene;
- 17 (4) Documenting and evaluating the death scene;
- 18 (5) Documenting and evaluating the body;
- 19 (6) Establishing and recording decedent profile
- 20 information; and
- 21 (7) Completing the death scene investigation.
- 22 Persons investigating infant deaths and young child
- 1 deaths may also refer to the recommendations adopted by the
- 2 Attorney General with respect to such investigations.

GENERAL FILE

LEGISLATIVE BILL 542. Title read. Considered.

Senator Campbell renewed her amendment, AM1224, found on page 1246.

Pending.

VISITORS

Visitors to the Chamber were Carl Sjulín; and 40 fifth- and sixth-grade students from Kenesaw.

The Doctor of the Day was Dr. Tim Dalton from Lincoln.

ADJOURNMENT

At 5:54 p.m., on a motion by Speaker Flood, the Legislature adjourned until 9:00 a.m., Thursday, May 7, 2009.

Patrick J. O'Donnell
Clerk of the Legislature

