

FORTY-THIRD DAY - MARCH 9, 2011**LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE
FIRST SESSION****FORTY-THIRD DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 9, 2011

PRAYER

The prayer was offered by Senator Harms.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Flood presiding.

The roll was called and all members were present except Senator Janssen who was excused; and Senators Karpisek, Lautenbaugh, Pahls, Price, and Schilz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-second day was approved.

MOTION - Print in Journal

Senator Wightman filed the following motion to LB16:
MO18
Withdraw bill.

NOTICE OF COMMITTEE HEARING

Redistricting

Room 1525

Wednesday, March 16, 2011 12:00 p.m.

LR102

(Signed) Chris Langemeier, Chairperson

ANNOUNCEMENTS

Senator B. Harr designates LB387 as his priority bill.

Senator Brasch designates LB690 as her priority bill.

Senator Coash designates LB100 as his priority bill.

Senator Larson designates LB229 as his priority bill.

Senator Wightman designates LB388 as his priority bill.

BILLS ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 81. With Emergency Clause.

A BILL FOR AN ACT relating to cities and villages; to amend section 14-109, Reissue Revised Statutes of Nebraska, and section 18-1214, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to occupation taxes and motor vehicle registration; to authorize motor vehicle fees as prescribed; to define terms; to provide an operative date; to provide severability; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 37:

Adams	Cornett	Hadley	Louden	Smith
Ashford	Council	Hansen	McCoy	Sullivan
Brasch	Dubas	Harms	McGill	Utter
Campbell	Fischer	Harr, B.	Mello	Wallman
Carlson	Flood	Heidemann	Nelson	Wightman
Christensen	Fulton	Langemeier	Pankonin	
Coash	Gloor	Larson	Pirsch	
Conrad	Haar, K.	Lathrop	Schumacher	

Voting in the negative, 4:

Cook	Howard	Krist	Nordquist
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Present and not voting, 2:

Avery	Bloomfield
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Excused and not voting, 6:

Janssen	Lautenbaugh	Price
Karpisek	Pahls	Schilz

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB333 with 37 ayes, 1 nay, 5 present and not voting, and 6 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 333. With Emergency Clause.

A BILL FOR AN ACT relating to schools; to amend sections 79-720, 79-722, 79-760.04, 79-760.05, 79-1044, 79-1047, 79-1051, 79-1108, and 79-1108.02, Reissue Revised Statutes of Nebraska, and sections 9-812, 79-8,133, 79-8,137.01, 79-8,137.05, 79-8,139, 79-1012, and 79-2104.02, Revised Statutes Cumulative Supplement, 2010; to change and eliminate allocation provisions relating to the Education Innovation Fund; to change provisions relating to multicultural education, the Attracting Excellence to Teaching Program, the Enhancing Excellence in Teaching Program, and allocation and transfer of certain funds as prescribed; to eliminate provisions relating to a student achievement coordinator; to harmonize provisions; to repeal the original sections; to outright repeal section 79-11,150, Reissue Revised Statutes of Nebraska; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 44:

Adams	Conrad	Haar, K.	Larson	Pirsch
Ashford	Cook	Hadley	Lathrop	Schilz
Avery	Cornett	Hansen	Louden	Schumacher
Bloomfield	Council	Harms	McCoy	Smith
Brasch	Dubas	Harr, B.	McGill	Sullivan
Campbell	Fischer	Heidemann	Mello	Utter
Carlson	Flood	Howard	Nelson	Wallman
Christensen	Fulton	Krist	Nordquist	Wightman
Coash	Gloor	Langemeier	Pankonin	

Voting in the negative, 0.

Excused and not voting, 5:

Janssen Karpisek Lautenbaugh Pahls Price

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 88, 89, 90, 91, 92, and 93 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 88, 89, 90, 91, 92, and 93.

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 81 and 333.

SELECT FILE

LEGISLATIVE BILL 27. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 32. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 31. ER38, found on page 648, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 165. ER39, found on page 673, was adopted.

The Pahls amendment, AM520, found on page 653, was withdrawn.

Advanced to Enrollment and Review for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 421. Committee AM228, found on page 544 and considered 785, was renewed.

SENATOR GLOOR PRESIDING

The committee amendment was adopted with 31 ayes, 2 nays, 12 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 29 ayes, 4 nays, 12 present

and not voting, and 4 excused and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 111. Introduced by Utter, 33.

WHEREAS, the Hastings St. Cecilia Hawkettes won the 2011 Class C-1 Girls' State Basketball Championship; and

WHEREAS, the victory marked the first state championship in girls' basketball for the Hastings St. Cecilia Hawkettes since 1979; and

WHEREAS, the Hastings St. Cecilia Hawkettes displayed great determination, teamwork, perseverance, and sportsmanship throughout the season; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates the Hastings St. Cecilia Hawkettes on winning the 2011 Class C-1 Girls' State Basketball Championship.

2. That a copy of this resolution be sent to the Hastings St. Cecilia Hawkettes and their coach, Jahn Kile.

Laid over.

LEGISLATIVE RESOLUTION 112. Introduced by Larson, 40; Adams, 24; Ashford, 20; Avery, 28; Bloomfield, 17; Brasch, 16; Campbell, 25; Carlson, 38; Christensen, 44; Coash, 27; Conrad, 46; Cook, 13; Cornett, 45; Council, 11; Dubas, 34; Fischer, 43; Flood, 19; Fulton, 29; Gloor, 35; K. Haar, 21; Hadley, 37; Hansen, 42; Harms, 48; B. Harr, 8; Heidemann, 1; Howard, 9; Janssen, 15; Karpisek, 32; Krist, 10; Langemeier, 23; Lathrop, 12; Lautenbaugh, 18; Loudon, 49; McCoy, 39; McGill, 26; Mello, 5; Nelson, 6; Nordquist, 7; Pahls, 31; Pankonin, 2; Pirsch, 4; Price, 3; Schilz, 47; Schumacher, 22; Smith, 14; Sullivan, 41; Utter, 33; Wallman, 30; Wightman, 36.

WHEREAS, Sergeant Marcus Holan, United States Marine Corps, has achieved the Bronze Star Medal for heroic achievements in connection with combat while serving as Squad Leader, 3d Combat Team 7, Marine Expeditionary Brigade, in Afghanistan on February 15, 2010; and

WHEREAS, while conducting a mission in Marjah, Afghanistan, Sergeant Holan's platoon was attacked by heavy machine-gun fire and rocket-propelled grenades, and Sergeant Holan courageously maneuvered his squad to engage enemy forces and launched an attack to acquire the enemy position; and

WHEREAS, Sergeant Holan led his squad under enemy fire to a light antitank weapon, where he fired a rocket at the compound and temporarily subdued the enemy. Sergeant Holan continued towards the compound under

small arms fire, threw a fragmentation grenade over the compound wall, and eliminated enemy combatants; and

WHEREAS, Sergeant Holan's heroic actions were rousing to the Marines around him and led to the platoon's mission being accomplished. Through his guidance, devout initiative and complete dedication to duty, Sergeant Holan portrayed great valor and upheld the highest traditions of the United States Marine Corps and the United States Naval Service.

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

1. That the Legislature expresses sincere gratitude for Sergeant Marcus Holan's service to his country and congratulates him for earning the Bronze Star Medal.

2. That a copy of this resolution be sent to Sergeant Marcus Holan.

Laid over.

ANNOUNCEMENTS

Senator Avery designates LB606 as his priority bill.

Senator K. Haar designates LB283 as his priority bill.

The Health and Human Services Committee designates LB95 as its priority bill.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 9, 2011, at 9:23 a.m. were the following: LBs 81e and 333e.

(Signed) Jamie Kruse
Clerk of the Legislature's Office

EXPLANATION OF VOTES

Had I been present, I would have voted "aye" on final passage of LBs 81e and 333e.

(Signed) Scott Price

COMMITTEE REPORTS

Government, Military and Veterans Affairs

LEGISLATIVE BILL 480. Placed on General File.

LEGISLATIVE BILL 503. Placed on General File.

LEGISLATIVE BILL 606. Placed on General File.

LEGISLATIVE BILL 139. Placed on General File with amendment.
AM292

1 1. Strike the original sections and insert the following
2 new sections:

3 Section 1. Section 23-3104, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 23-3104 As used in the County Purchasing Act, unless the
6 context otherwise requires:

7 (1) Mobile equipment ~~shall mean means~~ all vehicles
8 propelled by any power other than muscular, including, but
9 not limited to, motor vehicles, off-road designed vehicles,
10 motorcycles, passenger cars, self-propelled mobile homes,
11 truck-tractors, trucks, cabin trailers, semitrailers, trailers,
12 utility trailers, and road and general-purpose construction and
13 maintenance machinery not designed or used primarily for the
14 transportation of persons or property, including, but not limited
15 to, ditchdigging apparatus, asphalt spreaders, bucket loaders,
16 leveling graders, earthmoving carryalls, power shovels, earthmoving
17 equipment, and crawler tractors;

18 (2) Personal property ~~shall include, but not be includes,~~
19 but is not limited to, supplies, materials, mobile equipment, and
20 equipment used by or furnished to any county officer, office,
21 department, institution, board, or other agency of the county
22 government. Personal property shall does not include election
23 ballots;

1 (3) Services ~~shall mean means~~ any and all services except
2 telephone, telegraph, postal, and electric light and power service,
3 other similar services, and election contractual services; and

4 (4) Purchasing or purchase ~~shall mean means~~ the obtaining
5 of personal property or services by sale, lease, or other
6 contractual means. Purchase ~~shall also include includes~~ contracting
7 with sheltered workshops for products or services as provided in
8 Chapter 48, article 15.

9 Sec. 2. Section 23-3107, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 23-3107 The county board or purchasing agent, subject
12 to the approval of the county board, shall: (1) Prescribe the
13 manner in which personal property shall be purchased, delivered,
14 and distributed; (2) prescribe dates for making estimates, the
15 future period which they are to cover, the form in which they
16 are submitted, and the manner of their authentication; (3) revise
17 forms from time to time as conditions warrant; (4) provide for the
18 transfer to and between county departments and agencies of personal
19 property which is surplus with one department or agency but which
20 may be needed by another or others; (5) dispose of by sale personal
21 property which has been declared by the county board to be surplus
22 and which is obsolete or not usable by the county. ~~Such Except~~
23 as otherwise provided in subsection (2) of section 23-3115, such
24 property with a value of less than two thousand five hundred

25 dollars may be sold without competitive bidding. ~~Property-Except as~~
 26 otherwise provided in subsection (2) of section 23-3115, property
 27 with a value of two thousand five hundred dollars or more shall
 1 be sold through competitive bidding; (6) prescribe the amount of
 2 cash deposit or bond to be submitted with a bid on a contract and
 3 the amount of deposit or bond to be given for the performance of
 4 a contract, if the amount of the bond is not specifically provided
 5 by law; and (7) prescribe the manner in which claims for personal
 6 property or services delivered to any department or agency of the
 7 county shall be submitted, approved, and paid.

8 Sec. 3. Section 23-3115, Reissue Revised Statutes of
 9 Nebraska, is amended to read:

10 23-3115 (1) The county board or the purchasing agent,
 11 with the approval of the county board, may authorize a county
 12 official or employee to sell surplus personal property, other
 13 than mobile equipment, which is obsolete or not usable by the
 14 county, ~~other than mobile equipment, having~~ and which has a value
 15 of less than two thousand five hundred dollars. In making such
 16 authorization, the county board or purchasing agent may place any
 17 restriction on the type or value of property to be sold, restrict
 18 such authority to a single transaction or to a period of time, or
 19 make any other appropriate restrictions or conditions.

20 (2) The county board or the purchasing agent, with the
 21 approval of the county board, may authorize a county official or
 22 employee to sell surplus mobile equipment which is obsolete or
 23 not usable by the county and which has a value of less than five
 24 thousand dollars. Surplus mobile equipment which is obsolete or not
 25 usable by the county and which has a value of five thousand dollars
 26 or more shall be sold through competitive bidding.

27 ~~(2)-(3)~~ Any county official or employee granted the
 1 authority to sell surplus personal property which is obsolete or
 2 not usable by the county as prescribed in subsection (1) or (2) of
 3 this section shall make a written report to the county board within
 4 thirty days after the end of the fiscal year reflecting, for each
 5 transaction, the item sold, the name and address of the purchaser,
 6 the price paid by the purchaser for each item, and the total amount
 7 paid by the purchaser.

8 ~~(3)-(4)~~ The money generated by any sales authorized by
 9 this section shall be payable to the county treasurer and shall be
 10 credited to the funds of the department, office, or agency to which
 11 the property belonged.

12 ~~(4)-(5)~~ No person authorized by the county board or
 13 purchasing agent to make such sales shall be authorized to make or
 14 imply any warranty of any kind whatsoever as to the nature, use,
 15 condition, or fitness for a particular purpose of any property sold
 16 pursuant to this section. Any person making sales authorized by
 17 this section shall inform the purchaser that such property is being
 18 sold as is without any warranty of any kind whatsoever.

19 Sec. 4. Original sections 23-3104, 23-3107, and 23-3115,
 20 Reissue Revised Statutes of Nebraska, are repealed.

LEGISLATIVE BILL 176. Placed on General File with amendment.
 AM622

- 1 1. On page 2, line 13, after "case" insert "if the
- 2 violator did not appear at the hearing personally or by counsel".

LEGISLATIVE BILL 254. Placed on General File with amendment.
 AM240

- 1 1. On page 4, after line 1, insert the following new
- 2 subsection:
- 3 "(5) The changes made to this section by this legislative
- 4 bill do not affect the duty of a register of deeds to file
- 5 an instrument presented for recordation as set forth in sections
- 6 23-1506 and 76-237".

LEGISLATIVE BILL 352. Placed on General File with amendment.
 AM631

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 3-301, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 3-301 For purposes of the Airport Zoning Act, unless the
- 6 context otherwise requires:
- 7 (1) Airport means any area of land or water designed and
- 8 set aside for the landing and taking off of aircraft and utilized
- 9 or to be utilized in the interest of the public for such purposes;
- 10 (2) Airport hazard means any structure or tree or use
- 11 of land which obstructs the airspace required for the flight of
- 12 aircraft in landing or taking off at an airport or is otherwise
- 13 hazardous to such landing or taking off of aircraft;
- 14 (3) Airport hazard area means any area of land or
- 15 water upon which an airport hazard might be established if not
- 16 prevented as provided in the act, but such area shall not extend
- 17 in any direction a distance in excess of ~~three miles from the~~
- 18 ~~adjacent boundary of an airport;~~ the limits provided for approach,
- 19 operation, transition, and turning zones;
- 20 (4) Approach zone means a zone that extends from the end
- 21 of each operation zone and is centered along the extended runway
- 22 centerlines. An approach zone's dimensions are as follows:
- 23 (a) For an existing or proposed instrument runway:
- 1 (i) An approach zone extends ten miles from the operation
- 2 zone, measured along the extended runway centerline. The approach
- 3 zone is one thousand feet wide at the end of the zone nearest
- 4 the runway and expands uniformly to sixteen thousand eight hundred
- 5 forty feet wide at the farthest end of the zone; and
- 6 (ii) The height limit of an approach zone begins at the
- 7 elevation of the runway end for which it is the approach and rises

8 one foot vertically for every fifty feet horizontally, except that
 9 the height limit shall not exceed one hundred fifty feet above
 10 the nearest existing or proposed runway end elevation within three
 11 miles of the end of the operation zone at that runway end. At three
 12 miles from such operation zone, the height limit resumes sloping
 13 one foot vertically for every fifty feet horizontally and continues
 14 to the ten-mile limit; and

15 (b) For an existing or proposed visual runway:

16 (i) An approach zone extends from the operation zone to
 17 the limits of the turning zone, measured along the extended runway
 18 centerline. The approach zone is five hundred feet wide at the
 19 end of the zone nearest the runway and expands uniformly so that
 20 at a point on the extended runway centerline three miles from the
 21 operation zone, the approach zone is three thousand seven hundred
 22 feet wide; and

23 (ii) The height limit of an approach zone begins at the
 24 elevation of the runway end for which it is the approach and rises
 25 one foot vertically for every forty feet horizontally, except that
 26 the height limit shall not exceed one hundred fifty feet above
 27 the nearest existing or proposed runway end elevation within three
 1 miles of the end of the operation zone at that runway end;

2 (5) Operation zone means a zone that is longitudinally
 3 centered on each existing or proposed runway. An operation zone's
 4 dimensions are as follows:

5 (a) For existing and proposed paved runways, the
 6 operation zone extends two hundred feet beyond the ends of each
 7 runway. For existing and proposed turf runways, the operation zone
 8 begins and ends at the same points as the runway begins and ends;

9 (b) For existing and proposed instrument runways, the
 10 operation zone is one thousand feet wide, with five hundred feet
 11 on either side of the runway centerline. For all other existing
 12 and proposed runways, the operation zone is five hundred feet
 13 wide, with two hundred fifty feet on either side of the runway
 14 centerline; and

15 (c) The height limit of the operation zone is the same as
 16 the height of the nearest point on an existing or proposed runway
 17 or the surface of the ground, whichever is higher;

18 (4)-(6) Political subdivision means any municipality,
 19 city, village, or county;

20 (5)-(7) Person means any individual, firm, partnership,
 21 limited liability company, corporation, company, association,
 22 joint-stock association, or body politic and includes any trustee,
 23 receiver, assignee, or other similar representative thereof;

24 (6)-(8) Structure means any object constructed or
 25 installed by man, including, but without limitation, buildings,
 26 towers, smokestacks, and overhead transmission lines; and

27 (9) Transition zone means a zone that extends outward at
 1 a right angle to the runway centerline and upward at a rate of one
 2 foot vertically for every seven feet horizontally. The height limit

3 of a transition zone begins at the height limit of the adjacent
 4 approach zone or operation zone and ends at a height of one hundred
 5 fifty feet above the highest elevation on the existing or proposed
 6 runway;

7 ~~(7)~~(10) Tree means any object of natural growth; and-
 8 (11) Turning zone's outer limit means the area located
 9 at a distance of three miles as a radius from the corners of
 10 the operation zone of each runway and connecting adjacent arcs
 11 with tangent lines, excluding any area within the approach zone,
 12 operation zone, or transition zone. The height limit of the turning
 13 zone is one hundred fifty feet above the highest elevation on the
 14 existing or proposed runway.

15 Sec. 2. Section 3-303, Revised Statutes Cumulative
 16 Supplement, 2010, is amended to read:

17 3-303 In order to prevent the creation or establishment
 18 of airport hazards, every political subdivision that has adopted
 19 a comprehensive plan and zoning regulations and has an airport
 20 hazard area within the area of its zoning jurisdiction, shall
 21 adopt, administer, and enforce, under the police power and in
 22 the manner and upon the conditions hereinafter prescribed, airport
 23 zoning regulations for such airport hazard area, which regulations
 24 shall meet the minimum regulations as prescribed by the Department
 25 of Aeronautics for the airport classifications for each airport and
 26 may divide such area into zones and, within such zones, specify the
 27 land uses permitted and regulate and restrict the height to which
 1 the structures and trees may be erected or allowed to grow. Any
 2 existing structure or tree in compliance on the effective date of
 3 this act shall be deemed to be in compliance after the effective
 4 date of this act if the structure or tree does not increase in
 5 height.

6 Sec. 3. Original section 3-301, Reissue Revised Statutes
 7 of Nebraska, and section 3-303, Revised Statutes Cumulative
 8 Supplement, 2010, are repealed.

LEGISLATIVE BILL 143. Indefinitely postponed.

LEGISLATIVE BILL 419. Indefinitely postponed.

LEGISLATIVE BILL 501. Indefinitely postponed.

(Signed) Bill Avery, Chairperson

Transportation and Telecommunications

LEGISLATIVE BILL 418. Placed on General File with amendment.
 AM643

1 1. On page 2, line 25, strike "message otherwise" and
 2 insert "person as defined in section 49-1438 with respect to
 3 activity subject to the Nebraska Political Accountability and
 4 Disclosure Act".

5 2. On page 3, line 1, strike the new matter.

LEGISLATIVE BILL 500. Placed on General File with amendment.
AM717

- 1 1. On page 5, line 9, after "to" insert "significantly
- 2 and materially".

LEGISLATIVE BILL 220. Indefinitely postponed.

LEGISLATIVE BILL 659. Indefinitely postponed.

(Signed) Deb Fischer, Chairperson

Health and Human Services

The Health and Human Services Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Kathy Boswell - Nebraska Rural Health Advisory Commission
Douglas Dilly - Nebraska Rural Health Advisory Commission
Martin Fattig - Nebraska Rural Health Advisory Commission
Zachary Frey - Nebraska Rural Health Advisory Commission
Sharon Vandegrift - Nebraska Rural Health Advisory Commission

Aye: 7 Senators Bloomfield, Campbell, Cook, Gloor, Howard, Krist, Wallman. Nay: 0. Absent: 0. Present and not voting: 0.

The Health and Human Services Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Susan Staab - Foster Care Review Board

Aye: 7 Senators Bloomfield, Campbell, Cook, Gloor, Howard, Krist, Wallman. Nay: 0. Absent: 0. Present and not voting: 0.

The Health and Human Services Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Diane Jackson - State Board of Health
Dale Michels - State Board of Health
Roger Reamer - State Board of Health

Aye: 7 Senators Bloomfield, Campbell, Cook, Gloor, Howard, Krist, Wallman. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Kathy Campbell, Chairperson

Government, Military and Veterans Affairs

The Government, Military and Veterans Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Keith Hansen - State Emergency Response Commission
Tim Hofbauer - State Emergency Response Commission
Dana Miller - State Emergency Response Commission

Aye: 6 Senators Avery, Brasch, Karpisek, Price, Schumacher, Sullivan.
Nay: 0. Absent: 2 Senators Janssen, Pahls. Present and not voting: 0.

The Government, Military and Veterans Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Brian Tessman - State Personnel Board

Aye: 6 Senators Avery, Brasch, Karpisek, Price, Schumacher, Sullivan.
Nay: 0. Absent: 2 Senators Janssen, Pahls. Present and not voting: 0.

(Signed) Bill Avery, Chairperson

Transportation and Telecommunications

The Transportation and Telecommunications Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

LeRoy Gerrard - Board of Public Roads Classifications and Standards
David Wacker - Board of Public Roads Classifications and Standards

Aye: 8 Senators Campbell, Dubas, Fischer, Hadley, Janssen, Lautenbaugh, Loudon, Price. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Deb Fischer, Chairperson

GENERAL FILE

LEGISLATIVE BILL 260. Title read. Considered.

Committee AM310, found on page 536, was adopted with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 105. Title read. Considered.

Advanced to Enrollment and Review Initial with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

ANNOUNCEMENT

The Chair announced today is Senator Hadley's birthday.

GENERAL FILE

LEGISLATIVE BILL 207. Title read. Considered.

SENATOR LANGEMEIER PRESIDING

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 563. Title read. Considered.

SENATOR GLOOR PRESIDING

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

BILL ON FIRST READING

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

LEGISLATIVE BILL 289A. Introduced by Mello, 5.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 289, One Hundred Second Legislature, First Session, 2011.

ANNOUNCEMENTS

The Urban Affairs Committee designates LB329 and LB54 as its priority bills.

Senator Adams designates LB235 as his priority bill.

Senator Conrad designates LB345 as her priority bill.

The Judiciary Committee designates LB463 and LB251 as its priority bills.

RESOLUTIONS

LEGISLATIVE RESOLUTION 113. Introduced by Howard, 9; Avery, 28; Brasch, 16; Christensen, 44; Conrad, 46; Cook, 13; Dubas, 34; Harms, 48; Karpisek, 32; Mello, 5; Nordquist, 7; Pirsch, 4; Wallman, 30.

WHEREAS, Fetal Alcohol Spectrum Disorders Awareness Day has been celebrated internationally on September 9th of each year since 1999; and

WHEREAS, Fetal Alcohol Spectrum Disorders (FASD) describes a spectrum of significant physical, mental, behavioral, and learning effects that can occur in individuals whose mothers consume alcohol during pregnancy; and

WHEREAS, only forty percent of women realize they are pregnant at four weeks, a critical time for organ development, and many women continue to drink during this period because they do not know they are pregnant; and

WHEREAS, nationally one in thirty women engage in binge drinking when they are pregnant; and

WHEREAS, FASD is a lifelong disability that is completely preventable; and

WHEREAS, the first step in preventing FASD is making sure that potential parents are aware of the dangers of alcohol consumption during pregnancy.

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

1. That September 9, 2011, be designated Fetal Alcohol Spectrum Disorders Awareness Day in Nebraska.

2. That on September 9, 2011, individuals, organizations, and communities are encouraged to engage in discussions and activities that raise awareness about FASD and the dangers of consuming alcohol during pregnancy.

Laid over.

LEGISLATIVE RESOLUTION 114. Introduced by Howard, 9; Avery, 28; Brasch, 16; Christensen, 44; Conrad, 46; Cook, 13; Dubas, 34; Harms, 48; Karpisek, 32; Mello, 5; Nordquist, 7; Pirsch, 4.

WHEREAS, in the United States, one in eight babies is born too soon; and

WHEREAS, prematurity is the number one killer of newborns; and

WHEREAS, premature birth can result in lifelong health effects, including cerebral palsy, mental retardation, chronic lung disease, blindness, and hearing loss; and

WHEREAS, the key to preventing and treating issues related to prematurity is education of parents and health care providers and research into prevention and causes; and

WHEREAS, there is much more work to be done.

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

1. That November 2011 be designated Prematurity Awareness Month in Nebraska. That during this month individuals, organizations, and communities are encouraged to engage in discussion and activities that raise awareness about the dangers of premature birth and its prevention.

2. That a copy of this resolution be sent to the March of Dimes.

Laid over.

COMMITTEE REPORTS

General Affairs

LEGISLATIVE BILL 279. Placed on General File with amendment.
AM694

1 1. On page 2, line 3, strike "No", show as stricken, and
2 insert "(1)(a) Except as otherwise provided in subsection (2) of
3 this section, no"; and in line 15 strike "No", show as stricken,
4 and insert paragraphing and "(b) Except as otherwise provided in
5 subsection (2) of this section, no".

6 2. On page 3, after line 2, insert the following new
7 subsection:

8 "(2) A manufacturer of beer may acquire an ownership
9 interest otherwise prohibited by subsection (1) of this section,
10 for a period not to exceed two years, upon the death or bankruptcy
11 of the wholesaler with which the manufacturer is doing business or
12 upon the wholesaler with which the manufacturer is doing business
13 becoming ineligible to hold a license under section 53-125."

LEGISLATIVE BILL 336. Placed on General File with amendment.
AM695

1 1. On page 3, line 4, after the period insert "No such
2 employment shall be approved if the licensee receives more than
3 fifty percent of the licensee's gross revenue from the sale or
4 dispensing of alcoholic liquor."

LEGISLATIVE BILL 407. Placed on General File with amendment.
AM696

1 1. Insert the following new sections:

2 Section 1. Section 53-101, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 53-101 Sections 53-101 to 53-1,122 and section 8 of this
5 act shall be known and may be cited as the Nebraska Liquor Control
6 Act.

7 Sec. 2. Section 53-110, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 53-110 (1) No person shall be appointed as a
10 commissioner, the executive director of the commission, or an

11 employee of the commission who is not a citizen of the United
 12 States and who has not resided within the State of Nebraska
 13 successively for two years next preceding the date of his or her
 14 appointment.

15 (2) No person ~~(1)-(a)~~ convicted of or who has pleaded
 16 guilty to a felony or any violation of any federal or state law
 17 concerning the manufacture or sale of alcoholic liquor prior or
 18 subsequent to the passage of the Nebraska Liquor Control Act, ~~(2)~~
 19 (b) who has paid a fine or penalty in settlement of any prosecution
 20 against him or her for any violation of such laws, or ~~(3)-(c)~~ who
 21 has forfeited his or her bond to appear in court to answer charges
 22 for any such violation shall be appointed commissioner.

23 (3)(a) Except as otherwise provided in subdivision (b) of
 1 this subsection, no ~~No~~ commissioner or employee of the commission
 2 may, directly or indirectly, individually, as a member of a
 3 partnership, as a member of a limited liability company, or as
 4 a shareholder of a corporation, have any interest whatsoever
 5 in the manufacture, sale, or distribution of alcoholic liquor,
 6 receive any compensation or profit from such manufacture, sale, or
 7 distribution, or have any interest whatsoever in the purchases or
 8 sales made by the persons authorized by the act to purchase or to
 9 sell alcoholic liquor.

10 (b) With the written approval of the executive director,
 11 an employee of the commission, other than the executive director
 12 or a division manager, may accept part-time or seasonal employment
 13 with a person licensed or regulated by the commission. No such
 14 employment shall be approved if the licensee receives more than
 15 fifty percent of the licensee's gross revenue from the sale or
 16 dispensing of alcoholic liquor.

17 (4) This section shall not prevent any commissioner, the
 18 executive director, or any employee from purchasing and keeping in
 19 his or her possession for the use of himself, herself, or members
 20 of his or her family or guests any alcoholic liquor which may be
 21 purchased or kept by any person pursuant to the act.

22 Sec. 7. Section 53-177, Reissue Revised Statutes of
 23 Nebraska, is amended to read:

24 53-177 (1) Except as otherwise provided in subsection
 25 (2) of this section, no license shall be issued for the sale
 26 at retail of any alcoholic liquor within one hundred fifty feet
 27 of any church, school, hospital, or home for aged or indigent
 1 persons or for veterans, their wives or children. This prohibition
 2 does not apply (a) to any location within such distance of
 3 one hundred fifty feet for which a license to sell alcoholic
 4 liquor at retail has been granted by the ~~Nebraska Liquor Control~~
 5 ~~Commission~~ commission for two years continuously prior to making
 6 of application for license, ~~and~~ (b) to hotels offering restaurant
 7 service, to regularly organized clubs, or to restaurants, food
 8 shops, or other places where sale of alcoholic liquor is not
 9 the principal business carried on, if such place of business so

10 exempted was established for such purposes prior to May 24, 1935,
 11 or (c) to a college or university in the state which is subject to
 12 section 2 of this act.

13 (2) If a proposed location for the sale at retail of
 14 any alcoholic liquor is within one hundred fifty feet of any
 15 church, a license may be issued if the commission gives notice to
 16 the affected church and holds a hearing as prescribed in section
 17 53-133.

18 ~~(3) No alcoholic liquor, other than beer, shall be sold~~
 19 ~~for consumption on the premises within three hundred feet from the~~
 20 ~~campus of any college or university in the state, except that this~~
 21 ~~section:~~

22 ~~(a) Does not prohibit a nonpublic college or university~~
 23 ~~from contracting with an individual or corporation holding a~~
 24 ~~license to sell alcoholic liquor at retail for the purpose of~~
 25 ~~selling alcoholic liquor at retail on the campus of such college~~
 26 ~~or university at events sanctioned by such college or university~~
 27 ~~but does prohibit the sale of alcoholic liquor at retail by such~~
 1 ~~licensee on the campus of such nonpublic college or university at~~
 2 ~~student activities or events; and~~

3 ~~(b) Does not prohibit sales of alcoholic liquor by a~~
 4 ~~community college culinary education program pursuant to section~~
 5 ~~53-124.15.~~

6 Sec. 8. (1) No alcoholic liquor shall be sold for
 7 consumption on the premises within three hundred feet from the
 8 campus of any college or university in the state, except that this
 9 section:

10 (a) Does not prohibit a nonpublic college or university
 11 from contracting with an individual or corporation holding a
 12 license to sell alcoholic liquor at retail for the purpose of
 13 selling alcoholic liquor at retail on the campus of such college
 14 or university at events sanctioned by such college or university
 15 but does prohibit the sale of alcoholic liquor at retail by such
 16 licensee on the campus of such nonpublic college or university at
 17 student activities or events; and

18 (b) Does not prohibit sales of alcoholic liquor by a
 19 community college culinary education program pursuant to section
 20 53-124.15.

21 (2) Except as otherwise provided in subsection (4) of
 22 this section, the commission may waive the three-hundred-foot
 23 restriction in subsection (1) of this section taking into
 24 consideration one or more of the following:

25 (a) The impact of retail sales of alcoholic liquor for
 26 consumption on the premises on the academic mission of the college
 27 or university;

1 (b) The impact on students and prospective students if
 2 such sales were permitted on or near campus;

3 (c) The impact on economic development opportunities
 4 located within or in proximity to the campus; and

- 5 (d) The waiver would likely reduce the number of
 6 applications for special designated licenses requested by the
 7 college or university or its designee.
 8 (3) To apply for a waiver under this section, the
 9 applicant shall submit a written application to the commission. The
 10 commission shall notify the governing body of the affected college
 11 or university when the commission receives an application for a
 12 waiver. The application shall include:
 13 (a) The address of the location for which the waiver is
 14 requested;
 15 (b) The name and type of business for which the waiver is
 16 requested; and
 17 (c) A description of the justification for the waiver
 18 explaining how the proposed location complies with the findings
 19 prescribed in subsection (2) of this section.
 20 (4) The commission shall not waive the three-hundred-foot
 21 restriction in subsection (1) of this section without written
 22 approval from the governing body of the college or university or
 23 its designee if the physical location of the property which is
 24 the subject of the requested waiver is (a) surrounded by property
 25 owned by the college or university including any public or private
 26 easement, street, or right-of-way adjacent to the property owned
 27 by the college or university or (b) adjacent to property on two
 1 or more sides owned by the college or university including any
 2 public or private easement, street, or right-of-way adjacent to the
 3 property owned by the college or university.
 4 2. On page 8, line 10, after "sections" insert "53-101,
 5 53-110,"; and in line 11 strike "and 53-133" and insert "53-133,
 6 and 53-177".
 7 3. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 641. Placed on General File with amendment.
 AM656

- 1 1. On page 2, line 24, after "commission" insert "(a)".
 2 2. On page 3, line 1, after "occurred" insert "or (b)
 3 within thirty days after the conclusion of an ongoing police
 4 investigation, whichever is later".
 5 3. On page 5, line 19, after "commission" insert "(1)";
 6 in line 20 strike "or" and insert ", (2) within thirty days after";
 7 and in line 21 after the last comma insert "or (3) within thirty
 8 days after the conclusion of an ongoing police investigation,".

(Signed) Russ Karpisek, Chairperson

GENERAL FILE

LEGISLATIVE BILL 621. Title read. Considered.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 41. Title read. Considered.

Committee AM219, found on page 541, was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Senator Hadley renewed his amendment, AM652, found on page 786.

The Hadley amendment was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 342. Title read. Considered.

Committee AM221, found on page 542, was adopted with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 366. Title read. Considered.

Committee AM122, found on page 543, was adopted with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 255. Title read. Considered.

Pending.

LEGISLATIVE BILL 51. Senator Cook withdrew her motion, MO14, found on page 628 and considered on page 705, to recommit to committee.

Senator Conrad withdrew her amendments, AM440, AM441, AM442, AM443, AM445, AM447, AM449, AM450, AM452, AM453, AM457, AM458, AM460, AM461, AM462, AM463, AM464, AM439, and AM438, found on pages 629, 630, 631, and 632.

Senator Krist renewed his motion, MO17, found on page 761, to indefinitely postpone.

Laid over.

RESOLUTIONS

LEGISLATIVE RESOLUTION 115. Introduced by Price, 3; Cornett, 45; Council, 11; Langemeier, 23; McCoy, 39; Mello, 5; Smith, 14; Sullivan, 41.

WHEREAS, the Bellevue East Chieftains won the 2011 Class A Girls' State Basketball Championship; and

WHEREAS, the victory marked the third state championship in girls' basketball for the Bellevue East Chieftains since 2002; and

WHEREAS, the Bellevue East Chieftains displayed great determination, teamwork, perseverance, and sportsmanship throughout the season; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates the Bellevue East Chieftains on winning the 2011 Class A Girls' State Basketball Championship.

2. That a copy of this resolution be sent to the Bellevue East Chieftains and their coach, Scott Jensen.

Laid over.

LEGISLATIVE RESOLUTION 116. Introduced by Council, 11; Adams, 24; Ashford, 20; Avery, 28; Bloomfield, 17; Brasch, 16; Campbell, 25; Carlson, 38; Christensen, 44; Coash, 27; Conrad, 46; Cook, 13; Cornett, 45; Dubas, 34; Fischer, 43; Flood, 19; Fulton, 29; Gloor, 35; K. Haar, 21; Hadley, 37; Hansen, 42; Harms, 48; B. Harr, 8; Heidemann, 1; Howard, 9; Karpisek, 32; Krist, 10; Langemeier, 23; Larson, 40; Lathrop, 12; Lautenbaugh, 18; Loudon, 49; McCoy, 39; McGill, 26; Mello, 5; Nelson, 6; Nordquist, 7; Pankonin, 2; Pirsch, 4; Price, 3; Schilz, 47; Schumacher, 22; Smith, 14; Sullivan, 41; Utter, 33; Wallman, 30; Wightman, 36.

WHEREAS, Parnell D. Matthews was born September 19, 1975, in Omaha, Nebraska, to Robert and Gloria Matthews; and

WHEREAS, Parnell D. Matthews graduated from Omaha North High School and excelled in basketball; and

WHEREAS, Parnell D. Matthews earned his bachelor's degree in criminal justice from the University of Nebraska at Omaha; and

WHEREAS, Parnell D. Matthews was an eight-year veteran of the Nebraska State Patrol and served in the Traffic Services Division Troop-A Omaha; and

WHEREAS, Parnell D. Matthews was active as a child passenger seat technician and dedicated to the protection of young children; and

WHEREAS, Parnell D. Matthews worked diligently to keep our citizens safe through DUI enforcement; and

WHEREAS, Parnell D. Matthews was a proud public servant who committed himself to serving the people of Nebraska; and

WHEREAS, Parnell D. Matthews touched the lives of many and received an outpouring of love and support during his brief illness; and

WHEREAS, Parnell D. Matthews was a dedicated state trooper who loved his job and cherished his family and friends; and

WHEREAS, Parnell D. Matthews died on March 3, 2011; and

WHEREAS, Parnell D. Matthews is survived by his children, Parnell, Jr., TyPree, DeAngelo, and TyNell.

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

1. That the Legislature expresses its deep and sincere appreciation of Parnell D. Matthews for his dedication and service to the people of Nebraska.

2. That the Legislature expresses and extends its sympathy and condolences to the family of Parnell D. Matthews.

3. That a copy of this resolution be sent to the family of Parnell D. Matthews as a token of the high regard the people of Nebraska have for him and his service to the state.

Laid over.

AMENDMENTS - Print in Journal

Senator Wightman filed the following amendment to LB388:
AM649

- 1 1. On page 3, strike lines 5 through 8 and insert:
- 2 "The State Treasurer shall transfer one million dollars
- 3 from the Affordable Housing Trust Fund to the Site and Building
- 4 Development Fund on or after January 1, 2012, but no later than
- 5 January 10, 2012.
- 6 The State Treasurer shall transfer one million dollars
- 7 from the Affordable Housing Trust Fund to the Site and Building
- 8 Development Fund on or after January 1, 2013, but no later than
- 9 January 10, 2013."
- 10 2. On page 10, line 16, strike "ninety" and insert
- 11 "ninety-five"; and in line 17 strike "thirty" and insert
- 12 "twenty-five".

Senator McGill filed the following amendment to LB524:
AM697

(Amendments to Standing Committee amendments, AM340)

- 1 1. On page 1, strike lines 6 and 7.
- 2 2. On page 1, line 8; and page 2, lines 3 and 7, strike
- 3 the new matter and reinstate the stricken matter.
- 4 3. On page 2, line 8, strike the new matter; and in line
- 5 11 strike "(d)" and insert "(c)".

6 4. On page 2, line 12; and page 4, line 27, strike
 7 "financial institution" and insert "credit union".

BILL ON FIRST READING

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

LEGISLATIVE BILL 389A. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 389, One Hundred Second Legislature, First Session, 2011; and to declare an emergency.

COMMITTEE REPORTS

Education

LEGISLATIVE BILL 283. Placed on General File.

(Signed) Greg Adams, Chairperson

Health and Human Services

LEGISLATIVE BILL 304. Placed on General File.

LEGISLATIVE BILL 541. Placed on General File.

LEGISLATIVE BILL 95. Placed on General File with amendment.
 AM704

1 1. Strike the original section and insert the following
 2 new sections:
 3 Section 1. Every lead agency which is under contract with
 4 the Department of Health and Human Services on the effective date
 5 of this act to provide out-of-home care for children under the age
 6 of nineteen years shall be accredited within eighteen months after
 7 the effective date of this act by a national accrediting entity
 8 with respect to the services being provided by such lead agency.
 9 Any lead agency entering into such a contract after the effective
 10 date of this act shall be so accredited within eighteen months
 11 after entering into such contract. The department may adopt and
 12 promulgate rules and regulations to carry out the requirements of
 13 this section.
 14 Sec. 2. (1) It is the intent of the Legislature to attain
 15 a stable system of care for children and families involved in
 16 the child welfare system and the juvenile justice system and for
 17 wards of the state. To obtain this stability, it is the intent of
 18 the Legislature that pursuant to subsections (3) and (4) of this
 19 section there be a moratorium on contracting with any new lead
 20 agency for the provision of services in the child welfare system
 21 and the juvenile justice system and for wards of the state pursuant
 22 to the child welfare reform initiative known as Families Matter and

23 a moratorium on adding new or additional service areas to any new
 1 lead agency contracting to provide services in the child welfare
 2 system and juvenile justice system and for wards of the state
 3 pursuant to the child welfare reform initiative known as Families
 4 Matter.

5 (2) For purposes of attaining such stability, the
 6 Legislature has adopted Legislative Resolution 37, One Hundred
 7 Second Legislature, First Session, 2011, to provide for continued
 8 review, investigation, and assessment of such child welfare reform
 9 initiative and development of a report and appropriate legislation
 10 to establish a stable system of care for children and families
 11 involved in the child welfare system and the juvenile justice
 12 system and for wards of the state.

13 (3) Until June 1, 2012, service coordination and case
 14 management functions, including supervision of service coordination
 15 and case management functions, offered through the child welfare
 16 system and the juvenile justice system and for wards of the state
 17 shall be provided by employees of the Department of Health and
 18 Human Services, and not by contract employees or by contract, in
 19 areas of the state, including the western, central, and northern
 20 service areas, which were previously provided through Boys and
 21 Girls Home as a lead agency under contract for service delivery and
 22 service coordination between Boys and Girls Home and the Division
 23 of Children and Family Services of the department as of September
 24 30, 2010.

25 (4) Until June 1, 2012, the department shall not enter
 26 into any contract with a new lead agency for purposes of service
 27 coordination and case management functions, including supervision
 1 of service coordination and case management functions, for the
 2 child welfare system and the juvenile justice system and for wards
 3 of the state in the areas identified in subsection (3) of this
 4 section.

LEGISLATIVE BILL 431. Placed on General File with amendment.
 AM407

1 1. Strike original section 8 and insert the following new
 2 section:

3 Sec. 8. (1) A health care provider or an individual
 4 (a) serving as a member or employee of a peer review committee,
 5 working on behalf of a peer review committee, furnishing counsel
 6 or services to a peer review committee, or participating in a peer
 7 review activity as an officer, director, employee, or member of
 8 the governing board of a facility which is a health care provider
 9 and (b) acting without malice shall not be held liable in damages
 10 to any person for any acts, omissions, decisions, or other conduct
 11 within the scope of the functions of a peer review committee.

12 (2) A person who makes a report or provides information
 13 to a peer review committee shall not be subject to suit as a result
 14 of providing such information if such person acts without malice.

- 15 2. On page 3, line 13, after "by" insert "the governing
 16 board of a facility which is".
 17 3. On page 4, line 11, strike the second "or"; and in
 18 line 12 after "committee" insert ", or participates in a peer
 19 review activity as an officer, director, employee, or member of the
 20 governing board of a facility which is a health care provider".

LEGISLATIVE BILL 468. Placed on General File with amendment.
 AM380

- 1 1. On page 2, lines 10 and 11, strike the new matter; in
 2 lines 15 and 16 reinstate the stricken matter; and in line 19 after
 3 the period insert "Any changes in medicaid copayments in fiscal
 4 year 2011-12 are exempt from the reporting requirement of this
 5 subsection and the requirements of section 68-912.".

(Signed) Kathy Campbell, Chairperson

ANNOUNCEMENTS

Senator Heidemann designates LB386 as his priority bill.

Senator Wallman designates LB667 as his priority bill.

Senator Nordquist designates LB558 as his priority bill.

UNANIMOUS CONSENT - Add Cointroducers

Senators Coash, Fulton, Larson, and Lautenbaugh asked unanimous consent to add their names as cointroducers to LB298. No objections. So ordered.

VISITORS

Visitors to the Chamber were members of North Star Services from West Point; members of Nebraska Boys and Girls Clubs from across the state; 45 fourth-grade students and teachers from Conestoga Elementary, Murray; 31 fourth-grade students and teacher from Freeman Public School, Adams; 9 eleventh- and twelfth-grade students and teachers from Aquinas High School, David City; and Andrew Klutman from Omaha.

The Doctor of the Day was Dr. Ronald Klutman from Columbus.

ADJOURNMENT

At 11:59 a.m., on a motion by Senator Lautenbaugh, the Legislature adjourned until 9:00 a.m., Thursday, March 10, 2011.

Patrick J. O'Donnell
 Clerk of the Legislature

