

TENTH DAY - JANUARY 21, 2010**LEGISLATIVE JOURNAL****ONE HUNDRED FIRST LEGISLATURE
SECOND SESSION****TENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, January 21, 2010

PRAYER

The prayer was offered by Senator Gloor.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:45 a.m., President Sheehy presiding.

The roll was called and all members were present except Senators Fulton, Hadley, Langemeier, and Schilz who were excused; and Senator Gay who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the ninth day was approved.

REFERENCE COMMITTEE REPORT

The Executive Board submits the following report:

| LB/LR | Committee |
|--------------|---|
| LB963 | Business and Labor |
| LB964 | Natural Resources |
| LB965 | Government, Military and Veterans Affairs |
| LB966 | Education |
| LB967 | Revenue |
| LB968 | Judiciary |
| LB969 | Urban Affairs |
| LB970 | Government, Military and Veterans Affairs |
| LB971 | Judiciary |
| LB972 | Revenue |
| LB973 | Judiciary |
| LB974 | Education |
| LB975 | Revenue |
| LB976 | Revenue |
| LB977 | Urban Affairs |

LB978 Government, Military and Veterans Affairs
 LB979 Nebraska Retirement Systems
 LB980 Government, Military and Veterans Affairs
 LB981 Revenue
 LB982 Transportation and Telecommunications
 LB983 Revenue
 LB984 Judiciary
 LB985 General Affairs
 LB986 Agriculture
 LB987 Government, Military and Veterans Affairs
 LR295CA Urban Affairs
 LR296CA General Affairs

(Signed) John Wightman, Chairperson
 Executive Board

COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 373. Placed on Select File.

(Signed) Jeremy Nordquist, Chairperson

COMMITTEE REPORT

Revenue

LEGISLATIVE BILL 698. Placed on General File.

(Signed) Abbie Cornett, Chairperson

NOTICE OF COMMITTEE HEARINGS

Natural Resources

Room 1525

Thursday, January 28, 2010 1:30 p.m.

LB895
 LB885
 LB696

(Signed) Annette Dubas, Vice Chairperson

Agriculture

Room 2102

Tuesday, February 2, 2010 1:30 p.m.

LB865

LB882

(Signed) Tom Carlson, Chairperson

Judiciary

Room 1113

Thursday, January 28, 2010 1:30 p.m.

LB763

LB732

LB822

LB859

LB830

Friday, January 29, 2010 1:30 p.m.

LB864

LB792

LB809

LB817

(Signed) Brad Ashford, Chairperson

MOTION - Print in Journal

Senator Harms filed the following motion to LB944:

MO74

Withdraw bill.

MESSAGE FROM THE GOVERNOR

January 15, 2010

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

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

Contingent upon your approval, the following individual is being appointed to the Nebraska Arts Council:

Steve Homan, 32 Red Fox Lane, Kearney, NE 68845

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

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1034. Introduced by Cook, 13.

A BILL FOR AN ACT relating to the Community College Foundation and Equalization Aid Act; to amend sections 85-2201 and 85-2203, Reissue Revised Statutes of Nebraska; to define a term; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1035. Introduced by Cook, 13.

A BILL FOR AN ACT relating to public health and welfare; to provide powers for counties, cities, and villages to control and abate public health nuisances.

LEGISLATIVE BILL 1036. Introduced by Council, 11.

A BILL FOR AN ACT relating to anatomical gifts; to amend sections 60-494, 60-495, 60-2907, 71-531, 71-4813, 71-4814, 71-4816, and 71-4822, Reissue Revised Statutes of Nebraska, and sections 23-1825, 23-1826, 23-1827, 23-1828, 23-1829, 23-1830, 23-1831, 23-1832, and 60-493, Revised Statutes Cumulative Supplement, 2008; to adopt the Revised Uniform Anatomical Gift Act; to change provisions relating to coroners, issuance of operators' licenses and state identification cards, human immunodeficiency virus infection tests, hospital protocols, and the Donor Registry of Nebraska; to repeal the Uniform Anatomical Gift Act and provisions related to hospital protocols; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 71-4801, 71-4802, 71-4803, 71-4804, 71-4805, 71-4806, 71-4807, 71-4809, 71-4810, 71-4811, 71-4812, 71-4815, 71-4817, and 71-4818, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 1037. Introduced by Fulton, 29.

A BILL FOR AN ACT relating to support enforcement; to amend sections 43-3314 and 43-3333, Reissue Revised Statutes of Nebraska; to change provisions relating to delinquent support and arrearages; and to repeal the original sections.

LEGISLATIVE BILL 1038. Introduced by Fulton, 29.

A BILL FOR AN ACT relating to genetic testing; to amend section 71-551, Reissue Revised Statutes of Nebraska; to change provisions relating to written informed consent for genetic tests as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1039. Introduced by Fulton, 29.

A BILL FOR AN ACT relating to the State Fire Marshal; to amend section 81-502, Reissue Revised Statutes of Nebraska; to adopt the Fire Extinguishing Certification Act; to provide a duty for the State Fire Marshal; and to repeal the original section.

LEGISLATIVE BILL 1040. Introduced by Fulton, 29.

A BILL FOR AN ACT relating to labor; to amend section 48-818, Reissue Revised Statutes of Nebraska; to adopt the Nebraska Municipal Comparability Act; to encourage labor organizations and municipal governments to use joint arrays or surveys; to recognize good faith agreements reached in negotiations; to provide deadlines for collective bargaining; to harmonize provisions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1041. Introduced by Fulton, 29.

A BILL FOR AN ACT relating to labor; to amend section 48-818, Reissue Revised Statutes of Nebraska; to change provisions relating to findings and orders of the Commission of Industrial Relations; and to repeal the original section.

LEGISLATIVE BILL 1042. Introduced by Fulton, 29.

A BILL FOR AN ACT relating to labor; to amend section 48-818, Reissue Revised Statutes of Nebraska; to change provisions relating to findings and orders of the Commission of Industrial Relations; and to repeal the original section.

LEGISLATIVE BILL 1043. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to medical claims; to amend section 52-401, Revised Statutes Cumulative Supplement, 2008; to change provisions relating to liens; to provide for discovery of value and payment rights for

medical treatment rendered; and to repeal the original section.

LEGISLATIVE BILL 1044. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-101, Reissue Revised Statutes of Nebraska; to change employer liability provisions; and to repeal the original section.

LEGISLATIVE BILL 1045. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to courts; to amend section 25-1625, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to the designation of jury commissioner; and to repeal the original section.

LEGISLATIVE BILL 1046. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to criminal procedure; to amend sections 29-1207 and 29-1208, Reissue Revised Statutes of Nebraska; to change provisions relating to speedy trial and indefinite continuances; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1047. Introduced by Wightman, 36.

A BILL FOR AN ACT relating to wills and trusts; to provide for construction of certain terms relating to federal estate and generation-skipping transfer taxes.

LEGISLATIVE BILL 1048. Introduced by Natural Resources Committee: Langemeier, 23, Chairperson; Carlson, 38; Cook, 13; Dubas, 34; Fischer, 43; Haar, 21; McCoy, 39; Schilz, 47.

A BILL FOR AN ACT relating to power generation; to amend sections 70-1001.01, 70-1013, 70-1014, 76-710.04, 77-103, 77-202, and 77-702, Reissue Revised Statutes of Nebraska; to define terms; to change provisions relating to hearings; to provide for approval of facilities as prescribed; to change provisions relating to eminent domain; to provide for a tax as prescribed; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

LEGISLATIVE BILL 1049. Introduced by Langemeier, 23.

A BILL FOR AN ACT relating to energy; to amend sections 70-1902, 70-1903, and 77-2704.57, Reissue Revised Statutes of Nebraska; to change provisions relating to community-based energy projects; to change tax exemption provisions; and to repeal the original sections.

LEGISLATIVE BILL 1050. Introduced by Price, 3.

A BILL FOR AN ACT relating to coroners; to amend section 23-1824, Reissue Revised Statutes of Nebraska; to require a second coroner's opinion as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1051. Introduced by Christensen, 44.

A BILL FOR AN ACT relating to the Abstracters Act; to amend sections 76-545, 76-547, and 76-550, Reissue Revised Statutes of Nebraska; to change provisions relating to certificate terms, fees, and rosters of abstracters; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 1052. Introduced by Christensen, 44.

A BILL FOR AN ACT relating to revenue; to adopt the Agricultural Production and Economic Stability and Assistance Act; to create a fund; to provide an operative date; and to declare an emergency.

MOTION - Escort Chief Justice

Senator Council moved that a committee of five be appointed to escort the Chief Justice of the Supreme Court to the Legislative Chamber for the purpose of delivering the State of the Judiciary Address.

The motion prevailed.

The Chair appointed Senators Nelson, Conrad, Christensen, Ashford, and McGill to serve on said committee.

The committee escorted Chief Justice Michael G. Heavican to the rostrum where he delivered the following message:

Mr. President, Mr. Speaker, members of the Legislature, and fellow Justices of the Supreme Court. I would like to thank the members of this body, and specifically the Speaker, for inviting me to address you again this year. It is always a great honor for me to do so.

Let me first introduce my fellow Justices of the Court.

To my immediate right is Justice John Gerrard of Norfolk. To the right of Justice Gerrard is Justice Michael McCormack of Omaha. To my immediate left is Justice Kenneth Stephan of Lincoln. And to Justice Stephan's left is Justice Lindsey Miller-Lerman of Omaha. Justice John Wright of Scottsbluff and Justice William Connolly of Hastings are not able to be with us today.

As the third branch of government, the judiciary is mindful of its role in providing citizens and litigants access to a swift and fair system of justice. As I have in past years, I will first speak to you about swift and fair justice for children in our juvenile court system.

Children in the Courts - Probation

Consistent with the Nebraska Supreme Court's Strategic Agenda, the Court's Office of Probation Administration has initiated a series of new and progressive programs. These programs are designed to prevent juveniles from going into state care and to address alternatives to detention for nonviolent juvenile offenders in the court system.

Beginning in January 2009, the Office of Probation Administration cooperated with the Department of Health and Human Services to provide community-based services for juveniles and families in the Omaha area in a pilot project entitled "The Nebraska Juvenile Service Delivery Project." This endeavor is intended to safely supervise children at home or in the community while they receive needed assistance.

The goal is for children to receive rehabilitative services without being made wards of the State. Prior to this project, in order to access such services it had been a common practice for these children to be made State wards supervised by the Department of Health and Human Services while simultaneously being supervised by probation staff. This was a costly, confusing, and redundant practice.

The Juvenile Service Delivery Project is already showing promising results:

- Nearly 80% of all juveniles in the project are receiving needed services in their own home while on probation;
- There has been a 59% reduction in the number of these children being simultaneously supervised by both State Probation and the Department of Health and Human Services;
- Access to all of these services is greatly expedited through the new program.
- I want to thank the Department of Health and Human Services for making funds available to probation so that the project can succeed.

This project has the potential to be implemented statewide.

The Court's Office of Probation Administration is also working with members of the Legislature's Judiciary Committee, officials of Douglas County, and other interested parties to reduce the number of juveniles housed in the Douglas County Juvenile Detention Center. The Office of Probation Administration is refining the screening instruments used in determining detention of probation violators and is developing alternatives to detention for those violators.

The Court's Minority Justice Committee and the Nebraska State Bar Association have given special attention to juvenile detention issues in Douglas County and are working closely with probation staff and this body's Judiciary Committee on this project.

Children in the Courts – Abuse and Neglect

Our juvenile courts also deal with abused and neglected children. I have spoken to you in the past about our Through the Eyes of the Child Initiative. This Initiative continues to be a major part of our efforts to improve court processing in abuse and neglect cases. The following improvements have been made:

- There has been a significant drop in Nebraska's foster care population, from 6,222 children in foster care in 2006 to 5,221 children in foster care in 2009. The role of our State's juvenile courts in facilitating that decrease in the number of foster care children has been to continue to emphasize front-loading in the juvenile court process. Prehearing conferences have been initiated throughout the State so that when children are placed in foster care services for both children and their parents are provided as quickly as possible.
- There has been a significant increase in the timeliness of adoptions: Only 18% of adoptions happened within 24 months in 2006; the number increased to 36% of adoptions within 24 months in 2009.
- Judges who host national Adoption Day celebrations in Omaha, Lincoln, Grand Island, and Hastings were joined this year by judges in Kearney, O'Neill, and Scottsbluff. Scotts Bluff County reports that in 2009 they had a record number of adoptions from foster care due, in part, to the Through the Eyes of the Child Initiative.
- Statewide, the number of adoptions increased from 397 in 2006 to 537 in 2009.
- There has also been a small but positive improvement in timeliness of permanency in child placement between 2006 and 2009. In 2006, 39% of cases achieved permanency within 12 months; in 2009, 41% of cases achieved permanency within 12 months.

The Supreme Court is also currently in the process of adopting new, tighter guidelines for timeliness of hearings, including permanency hearings in abuse and neglect cases.

Children's Summit

In September of 2009, all juvenile court judges and county court judges with juvenile court jurisdiction attended a training and planning session in Grand Island. This session was called the Children's Summit. Some of you attended all or part of that Summit, and I want to thank you for doing so.

Issues impacting children in the courts, including parenting time, reasonable efforts at family reunification, children's presence at court hearings, permanency hearings, and using mediation in the juvenile court process were all discussed at the Summit.

At the conclusion of the Summit, three future priorities for the Through the Eyes of the Child Initiative were announced, including further reducing the time to family reunification; improving treatment opportunities for parents who abuse drugs and alcohol; and improving the use of parenting time in the family reunification process. These priorities will be the focus of action teams working throughout the State.

Getting accurate data reports to those action teams is an integral part of improving the performance of all participants in the juvenile court system. We have made great progress in the past year in providing data to our Through the Eyes of the Child action teams. Data reports for each team were distributed at the Children's Summit and are now publicly available on the Through the Eyes of the Child website, www.throughtheeyes.org.

Although the data indicates that we still have room for improvement, the collection and analysis of the reports is a significant step in improving the work we do on behalf of Nebraska's most vulnerable children.

Education for Lawyers

The Grand Island Summit was also part of an ambitious effort to provide excellent training around the State for guardians ad litem and other participants in the juvenile court system. Regional training is continuing in Lexington, Valentine, Hastings, and South Sioux City, as well as Lincoln, Papillion, and Omaha this spring.

Attorneys around the state will have access to this excellent and inexpensive training. Coupled with Mandatory Continuing Legal Education requirements being implemented by the Court this year, these educational opportunities are part of an ongoing effort to increase the quality of legal representation for Nebraska's foster children.

Judicial Branch Education

Internally, the Court's Office of Judicial Branch Education has increased opportunities for distance learning for judges, support personnel, and probation officers. We have instituted monthly on-line education sessions for all members of the court family about such things as the Through the Eyes of the Child Initiative, legislative updates, procedural changes, and personnel matters. Delivery of on-line educational material is both timely and cost effective. It allows us to improve our service to the public while significantly reducing the cost of providing that service.

Technology

Providing education through technology is just part of the Court's emphasis on technology. As you are aware, our courts are in the process of implementing other money-saving and productivity-increasing technology projects.

For example, electronic payment of fines, which we call e-payment, is now available statewide. In December 2009, more than 2,580 payments were made using the e-payment system. In all, 18% of citations were paid online in December, a record for e-payment use. For all of 2009, online payments totaled \$3,408,806.62.

The estimated staff time saved was 1,757 hours. The vast majority of those collections were for traffic or speeding tickets, but individuals can now pay all fines and fees on-line.

Another major court technology initiative has been the implementation of electronic, or e-filing, throughout the State. At this point the bulk of the State's district and county courts are accepting e-filings. By the end of March the court system will have reached a major milestone with every available court accepting e-filings.

Work continues in converting the computer system in the district and juvenile courts in Douglas County to our statewide computer network so that e-filing will be available in those courts soon.

Also, we continue to automate the work of court clerks around the State. A recent example is our program to computerize what we call "default

judgments." A default judgment is given to a plaintiff when the defendant does not respond in court. This happens frequently in county courts. In the past our staff had to go through a lengthy process of pulling files and issuing paperwork. Now, after review by a county court judge, the default is entered into the computer and the system automatically does the rest of the work. The 38 county courts using this new default judgment system processed over 4,000 judgments and saved an estimated 1,000 hours in staff time.

Another example of how courts are using technology creatively is happening in the 10th Judicial District in south-central Nebraska. The Nuckolls County Court has used technological advances to assist other courts which have more filings and greater workloads. The Nuckolls County Clerk Magistrate typically processes 50 filings a day for the Lancaster County Court. The 10th Judicial District also utilizes a district-wide online calendar for scheduling.

These courts are also using "Skype," a computer video camera that provides free video calls. Skype also allows for group interaction among judges, magistrates, attorneys, and interpreters, greatly cutting down on travel costs.

In other courts across the State interpreter services are being provided in various court processes also utilizing Skype. These innovations were pioneered in the Colfax County Court and are now being utilized in several other counties. We have also implemented a statewide system of on-call certified Spanish interpreters. This system uses telephones and Skype, thereby increasing the quality of interpretation while at the same time minimizing costs.

Budget Concerns

I have emphasized the courts' use of technology in this presentation so that you, as members of the Legislature and all citizens of Nebraska, understand that the Court is mindful of the difficult economic times our State is facing. The Court is also aware of the tough budget decisions that the Legislature has made and will need to make in the future. I want to acknowledge and thank the Legislature for recognizing the unique circumstances of the State's judiciary during its special session this past November.

As I reported to the Appropriations Committee at that time, the Supreme Court had already taken action to reduce expenditures prior to the Special Session. Consistent with the executive branch initiative, the Court had restricted hiring, travel, and large purchases. We had previously reduced mileage reimbursement to a level below the amount which is given other State employees, and salary increases for many of our court employees was less than that given to most employees in the executive branch. We have since indefinitely postponed the hiring of necessary administrative positions.

Because our budget is 95% salaries and benefits, budget reductions are particularly difficult for the judiciary. Nevertheless, this Court is continuing efforts to make cuts while at the same time maintaining necessary court services.

Nebraska has requested cost-free assistance from the National Center for State Courts. We are one (1) of five (5) states selected to participate in an intensive planning process to reshape courts for the 21st century.

The Supreme Court and the judicial branch will continue to explore options which will allow Nebraska to save money yet better serve the citizens of the state. We will work with you in making any future budget sacrifices.

Thank you so much for this opportunity to speak to you today.

The committee escorted the Chief Justice from the Chamber.

NOTICE OF COMMITTEE HEARINGS
Health and Human Services

Room 1510

Friday, January 29, 2010 1:30 p.m.

Acela Turco - Foster Care Review Board

(Signed) Tim Gay, Chairperson

Appropriations

Room 1003

Thursday, January 28, 2010 1:30 p.m.

Agency 5 - Supreme Court

Agency 13 - Education, Department of

Agency 25 - Health and Human Services

Agency 72 - Economic Development, Department of

(Signed) Lavon Heidemann, Chairperson

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1053. Introduced by Pahls, 31.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701 and 77-2701.04, Reissue Revised Statutes of Nebraska; to exempt prepared food and meals, furniture and appliances, computer software and hardware and electronic devices, and clothing from sales tax; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 1054. Introduced by Carlson, 38.

A BILL FOR AN ACT relating to the Nebraska Ground Water Management

and Protection Act; to amend sections 46-701 and 46-706, Revised Statutes Supplement, 2009; to define a term; to adopt the correlative rights doctrine; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1055. Introduced by Carlson, 38.

A BILL FOR AN ACT relating to Employment Security Law; to amend sections 48-628.02 and 48-628.03, Reissue Revised Statutes of Nebraska; to change provisions relating to extended benefits; to eliminate obsolete provisions and restructure provisions; to alphabetize defined terms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1056. Introduced by Carlson, 38.

A BILL FOR AN ACT relating to the Nebraska Ground Water Management and Protection Act; to amend section 46-701, Revised Statutes Supplement, 2009; to provide duties for the Department of Natural Resources relating to aquifer depletion; to provide for limitations on irrigation as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1057. Introduced by Carlson, 38; Christensen, 44; Fischer, 43.

A BILL FOR AN ACT relating to water resources; to create the Republican River Basin Water Sustainability Task Force; to provide duties; to state intent relating to expenses; and to declare an emergency.

LEGISLATIVE BILL 1058. Introduced by Howard, 9.

A BILL FOR AN ACT relating to the Community College Foundation and Equalization Aid Act; to amend sections 77-3442, 85-1416, 85-1418, 85-1503, 85-1511, 85-1517, 85-2201, 85-2202, 85-2203, 85-2215, 85-2221, 85-2222, 85-2223, and 85-2224, Reissue Revised Statutes of Nebraska, and section 13-518, Revised Statutes Supplement, 2009; to rename the act and a fund; to redefine a term; to change provisions relating to a formula; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1059. Introduced by Avery, 28.

A BILL FOR AN ACT relating to initiative and referendum petitions; to amend sections 32-101, 32-117, 32-118, 32-628, 32-1401, 32-1402, 32-1405, 32-1409, 32-1412, and 84-205, Reissue Revised Statutes of Nebraska; to change provisions relating to preparation of initiative and referendum petitions; to provide for digital and electronic signatures on petitions via the Internet; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1060. Introduced by Janssen, 15.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,131, Reissue Revised Statutes of Nebraska; to change requirements for driving in the right-hand lane of a roadway; and to repeal the original section.

LEGISLATIVE BILL 1061. Introduced by Janssen, 15.

A BILL FOR AN ACT relating to postsecondary education; to amend section 85-1412, Revised Statutes Supplement, 2009; to adopt the Tuition Equalization Grant Program Act; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1062. Introduced by McGill, 26.

A BILL FOR AN ACT relating to homicide; to amend sections 28-304 and 28-305, Reissue Revised Statutes of Nebraska, and section 28-101, Revised Statutes Supplement, 2009; to change provisions relating to murder in the second degree and manslaughter; to create the offenses of voluntary and involuntary manslaughter; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1063. Introduced by Nelson, 6.

A BILL FOR AN ACT relating to the Nebraska Arts Council; to amend sections 82-326 and 82-329, Reissue Revised Statutes of Nebraska; to authorize an art maintenance fund and provide for an inspection schedule; and to repeal the original sections.

LEGISLATIVE BILL 1064. Introduced by Nelson, 6; Coash, 27; Janssen, 15; Karpisek, 32; Krist, 10; Pirsch, 4; Rogert, 16.

A BILL FOR AN ACT relating to drainage; to amend sections 25-2501, 32-608, 32-1203, 77-1701, 77-1858, 77-3442, and 77-3444, Reissue Revised Statutes of Nebraska, and section 2-4214, Revised Statutes Supplement, 2009; to adopt the Limited Purpose Sanitary and Improvement District Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1065. Introduced by Heidemann, 1.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-2401, 60-2401.01, 60-2403, 60-2405, 60-2406, 60-2407, 60-2408, 60-2409, and 60-2411, Reissue Revised Statutes of Nebraska, and sections 60-2404 and 60-2410, Revised Statutes Cumulative Supplement, 2008; to change provisions relating to towing; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1066. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701.16, Reissue Revised Statutes of Nebraska; to provide for sales and use tax on services as prescribed; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 1067. Introduced by Rogert, 16.

A BILL FOR AN ACT relating to infants; to state findings; to require pulse oximetry screening for newborn infants; and to provide duties for the Department of Health and Human Services.

LEGISLATIVE BILL 1068. Introduced by Hansen, 42.

A BILL FOR AN ACT relating to economic development; to adopt the Rural Tourism Development Act; to provide operative dates; and to declare an emergency.

LEGISLATIVE BILL 1069. Introduced by Adams, 24.

A BILL FOR AN ACT relating to educational service units; to amend sections 79-1233, 79-1241.02, 79-1245, 79-1247, 79-1248, 79-1249, 86-516, 86-520, 86-521, and 86-5,100, Reissue Revised Statutes of Nebraska, and sections 79-1241.01 and 79-1241.03, Revised Statutes Supplement, 2009; to change and eliminate provisions relating to core services and technology infrastructure purchase and funding; to change provisions relating to the Educational Service Unit Coordinating Council and Network Nebraska; to provide, change, and eliminate duties for the Nebraska Information Technology Council and Chief Information Officer; to harmonize provisions; to repeal the original sections; to outright repeal sections 79-1243 and 79-1331, Reissue Revised Statutes of Nebraska; and to declare an emergency.

LEGISLATIVE BILL 1070. Introduced by Adams, 24.

A BILL FOR AN ACT relating to learning communities; to amend sections 77-3442, 79-527, 79-2111, and 79-2112, Reissue Revised Statutes of Nebraska, and sections 32-546.01, 79-528, and 79-2104, Revised Statutes Supplement, 2009; to change provisions relating to tax levies; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1071. Introduced by Adams, 24.

A BILL FOR AN ACT relating to schools; to amend sections 79-201, 79-215, 79-1003.01, 79-1007.04, 79-1007.05, 79-1013, and 79-1030, Reissue Revised Statutes of Nebraska, sections 13-509, 79-8,137.01, 79-8,137.03, 79-8,137.04, and 79-1014, Revised Statutes Supplement, 2009, and sections 79-1003 and 79-1007.23, Revised Statutes Supplement, 2009, as amended by sections 3 and 9, respectively, Legislative Bill 5, One Hundred First Legislature, First Special Session, 2009; to change provisions relating to certification of property valuations, attendance age, admissions, the Enhancing Excellence in Teaching Program, and the Tax Equity and Educational Opportunities Support Act; to redefine terms; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1072. Introduced by Adams, 24.

A BILL FOR AN ACT relating to community colleges; to amend sections

77-3442, 85-960.02, 85-962, 85-966.01, 85-1404, 85-1413, 85-1416, 85-1418, 85-1429, 85-1501, 85-1501.01, 85-1502, 85-1503, 85-1511, 85-1515, 85-1516, 85-1517, 85-1521, 85-1535, 85-2201, 85-2202, 85-2203, 85-2205, 85-2206, 85-2212, 85-2215, 85-2220, 85-2221, 85-2222, 85-2223, 85-2224, 85-2227, 85-2228, and 86-594, Reissue Revised Statutes of Nebraska, and sections 13-509, 13-518, 13-519, and 85-1412, Revised Statutes Supplement, 2009; to rename an act and a fund; to change and provide duties for community colleges and the Coordinating Commission for Postsecondary Education; to define and redefine terms; to change provisions relating to aid to community colleges; to harmonize provisions; to repeal the original sections; and to declare an emergency.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 682. Placed on Final Reading.

LEGISLATIVE BILL 683. Placed on Final Reading.

LEGISLATIVE BILL 684. Placed on Final Reading.

(Signed) Jeremy Nordquist, Chairperson

GENERAL FILE

LEGISLATIVE BILL 306. Senator Council offered the following motion: MO73

Indefinitely postpone.

Laid over.

LEGISLATIVE BILL 552. Title read. Considered.

Senator White renewed his amendment, AM1563, found on page 250.

The White amendment was adopted with 39 ayes, 0 nays, 5 present and not voting, and 5 excused and not voting.

Senator White offered the following amendment:

AM1591

- 1 1. On page 2, line 23, strike "the state," and after
- 2 "subdivision" insert "of this state. Owner does not include the
- 3 State of Nebraska".
- 4 2. On page 4, line 24, strike the second occurrence of
- 5 "section" and insert "act".
- 6 3. On page 6, line 17, strike "the state or" and strike
- 7 the second occurrence of "the" and insert "this"; and in line 18
- 8 strike "the state or".
- 9 4. On page 7, line 1, strike "the state or"; in line 2
- 10 strike the first occurrence of "the" and insert "this"; strike the
- 11 matter in lines 6 and 7; in line 8 strike "(b)" and insert "(a)";

12 in line 11 strike "(c)" and insert "(b)"; in line 13 strike "(d)"
 13 and insert "(c)"; in line 15 strike "(e)" and insert "(d)"; in line
 14 18 strike "state or"; in line 20 strike "by the state or political
 15 subdivision"; and strike beginning with "by" in line 24 through
 16 "subdivision" in line 25.

17 5. On page 8, line 9, strike "the state"; in line 10
 18 strike "or" and strike "the" and insert "this"; and in line 11
 19 strike "the state or".

20 6. Strike sections 11 and 13 and renumber the remaining
 21 section accordingly.

The White amendment was adopted with 37 ayes, 0 nays, 6 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 5 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 216. Title read. Considered.

Pending.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1073. Introduced by Mello, 5; Conrad, 46; McGill, 26.

A BILL FOR AN ACT relating to economic development; to amend sections 77-2715.07, 77-2717, and 77-2734.03, Reissue Revised Statutes of Nebraska; to adopt the Building Nebraska's Creative Economy Act; to provide a termination date; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 1074. Introduced by Mello, 5.

A BILL FOR AN ACT relating to economic development; to amend sections 81-1203 and 81-1211, Reissue Revised Statutes of Nebraska; to change provisions relating to job training grants and the Tourist Promotion Fund; and to repeal the original sections.

LEGISLATIVE BILL 1075. Introduced by Carlson, 38; Harms, 48.

A BILL FOR AN ACT relating to alcoholic liquor; to adopt the Alcoholic Liquor Liability Act; and to provide an operative date.

LEGISLATIVE BILL 1076. Introduced by Schilz, 47.

A BILL FOR AN ACT relating to the Nebraska Ground Water Management

and Protection Act; to amend section 46-713, Revised Statutes Supplement, 2009; to change provisions relating to evaluation of river basins, subbasins, and reaches as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1077. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 46-294.03, 77-112, 77-201, 77-1359, 77-1371, and 77-5023, Reissue Revised Statutes of Nebraska, and section 79-1016, Revised Statutes Supplement, 2009; to change provisions relating to valuation of agricultural land and horticultural land; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1078. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 49-801.01, Revised Statutes Supplement, 2009; to update references to the Internal Revenue Code of 1986; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1079. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-202.02, 77-1315, 77-1375, 77-1502, 77-1504, 77-1507, 77-1510, 77-5028, and 77-5029, Reissue Revised Statutes of Nebraska; to change the time for appealing to the Tax Equalization and Review Commission as prescribed; to change certain dates relating to property tax assessment and equalization as prescribed; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 1080. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to the Nebraska Advantage Act; to amend sections 77-5715 and 77-5725, Reissue Revised Statutes of Nebraska; to provide tax incentives for wind energy projects; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1081. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to economic development; to amend sections 77-27,188, 81-1203, and 81-1204, Reissue Revised Statutes of Nebraska; to provide a tax credit and authorize job training grants for teleworkers; and to repeal the original sections.

LEGISLATIVE BILL 1082. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to community colleges; to amend sections 77-3442, 85-960.02, 85-962, 85-966.01, 85-1404, 85-1413, 85-1416, 85-1418, 85-1429, 85-1501, 85-1502, 85-1503, 85-1511, 85-1517, 85-1535,

85-2201, 85-2202, 85-2205, 85-2221, 85-2222, 85-2223, 85-2224, 85-2227, and 85-2228, Reissue Revised Statutes of Nebraska, and sections 13-509, 13-518, 13-519, and 85-1412, Revised Statutes Supplement, 2009; to rename an act and a fund; to change and provide duties for community colleges and the Coordinating Commission for Postsecondary Education; to define and redefine terms; to change provisions relating to aid to community colleges; to provide for a maximum levy; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1083. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to the Nebraska Uniform Trust Code; to amend section 30-38,103, Reissue Revised Statutes of Nebraska; to change provisions relating to contents of a certification of trust; and to repeal the original section.

LEGISLATIVE BILL 1084. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to criminal procedure; to amend sections 28-1006, 28-1012, 28-1019, and 29-818, Reissue Revised Statutes of Nebraska; to provide for seizures of pet animals and equines as prescribed; to provide procedures; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1085. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to civil procedure; to amend section 25-1011, Reissue Revised Statutes of Nebraska; to change provisions relating to garnishment; to eliminate obsolete provisions; and to repeal the original section.

LEGISLATIVE BILL 1086. Introduced by McCoy, 39.

A BILL FOR AN ACT relating to the Employment Security Law; to amend section 48-649, Revised Statutes Supplement, 2009; to change provisions relating to determination of the state unemployment insurance tax rate and require a hearing; and to repeal the original section.

LEGISLATIVE BILL 1087. Introduced by Adams, 24.

A BILL FOR AN ACT relating to schools; to amend sections 79-215, 79-1113, 79-1124, and 79-1140, Reissue Revised Statutes of Nebraska, and section 79-1110, Revised Statutes Supplement, 2009; to change provisions relating to payments for educational services as prescribed; to define and redefine terms under the Special Education Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1088. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to prescriptions; to adopt the Physician and Patient Prescription Protection Act.

LEGISLATIVE BILL 1089. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to adult guardianship jurisdiction; to amend sections 30-2603, 30-2607, 30-2610, 30-2611, 30-2616, 30-2636, 30-2639, and 30-2647, Reissue Revised Statutes of Nebraska; to adopt the Nebraska Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1090. Introduced by Business and Labor Committee: Lathrop, 12, Chairperson; Carlson, 38; McGill, 26; Wallman, 30; White, 8.

A BILL FOR AN ACT relating to claims against the state; to appropriate funds for the payment of certain claims; to provide for payment of the claims; to authorize agencies to write off certain claims as prescribed; and to declare an emergency.

LEGISLATIVE BILL 1091. Introduced by Business and Labor Committee: Lathrop, 12, Chairperson; Carlson, 38; McGill, 26; Wallman, 30; White, 8.

A BILL FOR AN ACT relating to claims against the state; to disapprove certain claims.

LEGISLATIVE BILL 1092. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-2410, Revised Statutes Cumulative Supplement, 2008; to provide restrictions on fees for towing services as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1093. Introduced by Lathrop, 12; Campbell, 25.

A BILL FOR AN ACT relating to the Medicaid Prescription Drug Act; to amend sections 68-953 and 68-954, Reissue Revised Statutes of Nebraska; to change provisions relating to the pharmaceutical and therapeutics committee; and to repeal the original sections.

LEGISLATIVE BILL 1094. Introduced by Lathrop, 12; Lautenbaugh, 18.

A BILL FOR AN ACT relating to courts; to amend section 84-907.03, Revised Statutes Supplement, 2009; to adopt the Nonrecourse Civil Litigation Act; to provide powers and duties for the Secretary of State; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1095. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to educational service units; to amend section 79-1241.03, Revised Statutes Supplement, 2009; to change provisions relating to distribution of funds; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1096. Introduced by Haar, 21; Cook, 13; Mello, 5.

A BILL FOR AN ACT relating to schools; to adopt the Nebraska High Performance Schools Initiative Act.

LEGISLATIVE BILL 1097. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-3442, Reissue Revised Statutes of Nebraska; to change property tax levy limitations as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1098. Introduced by Mello, 5; Ashford, 20; Cook, 13; Haar, 21; Harms, 48; Lathrop, 12; McGill, 26; Nordquist, 7.

A BILL FOR AN ACT relating to municipalities; to authorize creation of sustainable energy financing districts; and to grant powers and duties regarding such districts.

LEGISLATIVE BILL 1099. Introduced by Mello, 5; Haar, 21.

A BILL FOR AN ACT relating to cities of the metropolitan class; to amend section 13-2020, Reissue Revised Statutes of Nebraska, and section 14-102, Revised Statutes Supplement, 2009; to provide for the establishment of a recycling program as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1100. Introduced by Mello, 5; Gay, 14.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-6,349, Reissue Revised Statutes of Nebraska, sections 60-123, 60-137, 60-302, 60-339, and 60-605, Revised Statutes Cumulative Supplement, 2008, and sections 60-101, 60-301, and 60-601, Revised Statutes Supplement, 2009; to allow operation of low-speed vehicles on highways as prescribed; to require titling and registration for low-speed vehicles; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1101. Introduced by Wightman, 36.

A BILL FOR AN ACT relating to the Legislature; to amend section 50-401.01, Revised Statutes Cumulative Supplement, 2008; to authorize use of employee furloughs; and to repeal the original section.

LEGISLATIVE BILL 1102. Introduced by Giese, 17; Karpisek, 32;

Rogert, 16.

A BILL FOR AN ACT relating to horseracing; to amend sections 2-1203.01 and 2-1215, Reissue Revised Statutes of Nebraska; to authorize the State Racing Commission to license and regulate wagering on historic horseraces; to provide a penalty; and to repeal the original sections.

LEGISLATIVE BILL 1103. Introduced by Flood, 19.

A BILL FOR AN ACT relating to abortion; to amend section 38-2021, Reissue Revised Statutes of Nebraska, and section 28-101, Revised Statutes Supplement, 2009; to adopt the Abortion Pain Prevention Act; to provide and change civil and criminal penalties with respect to abortion; to harmonize provisions; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 1104. Introduced by Flood, 19.

A BILL FOR AN ACT relating to judges; to amend section 24-201.01, Revised Statutes Supplement, 2009; to change salaries; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1105. Introduced by Council, 11; Ashford, 20; Conrad, 46; Lathrop, 12.

A BILL FOR AN ACT relating to the death penalty; to require an audit comparing the costs of administering death penalty and non-death-penalty sentences resulting from murder in the first degree convictions; and to provide a duty for the Auditor of Public Accounts.

LEGISLATIVE BILL 1106. Introduced by Nordquist, 7; Ashford, 20; Cook, 13; Council, 11; Gloor, 35; Howard, 9; Mello, 5.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend sections 68-901, 68-907, and 68-908, Reissue Revised Statutes of Nebraska; to define a term; to provide for school-based health centers; to provide for amending or seeking a waiver to the medicaid state plan; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1107. Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 14-557, 15-725, 15-733, 15-735, 15-821, 15-822, 16-708.01, 17-524, 77-209, and 77-1917.01, Reissue Revised Statutes of Nebraska; to change priority of special assessment liens; and to repeal the original sections.

LEGISLATIVE BILL 1108. Introduced by Nordquist, 7.

A BILL FOR AN ACT relating to compressed natural gas; to amend

sections 39-2215, 66-697, 66-6,107, 66-6,109, 66-1810, and 66-1825, Reissue Revised Statutes of Nebraska; to impose an excise tax and provide for its use; to provide for a grant program; to provide funding and create a fund; to change provisions relating to jurisdictional utilities; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1109. Introduced by Conrad, 46; Harms, 48; Mello, 5; Nordquist, 7; Wightman, 36.

A BILL FOR AN ACT relating to the Legislature; to adopt the Nebraska Innovation and High Wage Employment Act; to provide a termination date; to provide funding; and to declare an emergency.

RESOLUTIONS

LEGISLATIVE RESOLUTION 298. Introduced by Dubas, 34.

WHEREAS, the Aurora Huskies won the 2009 Class B State Football Championship; and

WHEREAS, the Huskies defeated Skutt Catholic High School 34-21 to win the state title; and

WHEREAS, the Huskies finished the season undefeated at 13-0; and

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

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

1. That the Legislature congratulates the Aurora Huskies on winning the 2009 Class B State Football Championship.

2. That a copy of this resolution be sent to the Aurora Huskies and their coach, Randy Huebert.

Laid over.

LEGISLATIVE RESOLUTION 299CA. Introduced by Ashford, 20.

THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 2010 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To add a new section 18 to Article VII:

VII-18 Effective January 1, 2012, there shall be no more than three community college areas in Nebraska as the Legislature shall provide.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to require the Legislature to provide for no more than three community college areas effective January 1, 2012.

For
Against.

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 300CA. Introduced by Nelson, 6.

THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 2010 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 2:

III-2 The first power reserved by the people is the initiative whereby laws may be enacted and constitutional amendments adopted by the people independently of the Legislature. This power may be invoked by petition wherein the proposed measure shall be set forth at length. If the petition be for the enactment of a law, it shall be signed by ~~seven-three~~ percent of the registered voters of the state, and if the petition be for the amendment of the Constitution, the petition therefor shall be signed by ~~ten-five~~ percent of such registered voters. In all cases For a petition for the enactment of a law, the registered voters signing such petition shall be so distributed as to include three percent of the registered voters of each of two-fifths of the counties of the state. For a petition for the amendment of the Constitution, the registered voters signing such petition shall be so distributed as to include five percent of the registered voters of each of two-fifths of the counties of the state. When —and when— thus signed, the petition shall be filed with the Secretary of State who shall submit the measure thus proposed to the electors of the state at the first general election held not less than four months after such petition ~~shall have been~~ is filed. The same measure, either in form or in essential substance, shall not be submitted to the people by initiative petition, either affirmatively or negatively, more often than once in three years. If conflicting measures submitted to the people at the same election be approved, the one receiving the highest number of affirmative votes shall thereby become law as to all conflicting provisions. The constitutional limitations as to the scope and subject matter of statutes enacted by the Legislature shall apply to those enacted by the initiative. Initiative measures shall contain only one subject. The Legislature shall not amend, repeal, modify, or impair a law enacted by the people by initiative, contemporaneously with the adoption of this initiative measure or at any time thereafter, except upon a vote of at least two-thirds of all the members of the Legislature.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to change the number of signatures required for an initiative petition.

For
Against.

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 301CA. Introduced by Price, 3; Avery, 28; Janssen, 15; Karpisek, 32; Mello, 5.

THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 2010 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, sections 2, 3, and 4:

III-2 The first power reserved by the people is the initiative whereby laws may be enacted and constitutional amendments adopted by the people independently of the Legislature. This power may be invoked by petition wherein the proposed measure shall be set forth at length. If the petition be for the enactment of a law, it shall be signed by seven percent of the registered voters of the state calculated as of January 1 of the calendar year in which the petition signatures are filed, and if the petition be for the amendment of the Constitution, the petition therefor shall be signed by ten percent of ~~such~~ the registered voters of the state calculated as of January 1 of the calendar year in which the petition signatures are filed. In all cases the registered voters signing such petition shall be so distributed as to include five percent of the registered voters of each of two-fifths of the counties of the state calculated as of January 1 of the calendar year in which the petition signatures are filed, and when thus signed, the petition shall be filed with the Secretary of State who shall submit the measure thus proposed to the electors of the state at the first general election held not less than four months after such petition shall have been filed.

The same measure, either in form or in essential substance, shall not be submitted to the people by initiative petition, either affirmatively or negatively, more often than once in three years. If conflicting measures submitted to the people at the same election be approved, the one receiving the highest number of affirmative votes shall thereby become law as to all conflicting provisions. The constitutional limitations as to the scope and subject matter of statutes enacted by the Legislature shall apply to those enacted by the initiative. Initiative measures shall contain only one subject. The Legislature shall not amend, repeal, modify, or impair a law enacted by the people by initiative, contemporaneously with the adoption of this initiative measure or at any time thereafter, except upon a vote of at least two-thirds of all the members of the Legislature.

III-3 The second power reserved is the referendum which may be invoked, by petition, against any act or part of an act of the Legislature, except those making appropriations for the expense of the state government or a state institution existing at the time of the passage of such act. Petitions invoking the referendum shall be signed by not less than five percent of the registered voters of the state calculated as of January 1 of the calendar year in which the petition signatures are filed, distributed as required for initiative petitions, and filed in the office of the Secretary of State within ninety days

after the Legislature at which the act sought to be referred was passed shall have adjourned sine die or for more than ninety days. Each such petition shall set out the title of the act against which the referendum is invoked and, in addition thereto, when only a portion of the act is sought to be referred, the number of the section or sections or portion of sections of the act designating such portion. No more than one act or portion of an act of the Legislature shall be the subject of each referendum petition. When the referendum is thus invoked, the Secretary of State shall refer the same to the electors for approval or rejection at the first general election to be held not less than thirty days after the filing of such petition.

When the referendum is invoked as to any act or part of act, other than emergency acts or those for the immediate preservation of the public peace, health, or safety, by petition signed by not less than ten percent of the registered voters of the state calculated as of January 1 of the calendar year in which the petition signatures are filed, distributed as aforesaid, it shall suspend the taking effect of such act or part of act until the same has been approved by the electors of the state.

~~III-4 The whole number of votes cast for Governor at the general election next preceding the filing of an initiative or referendum petition shall be the basis on which the number of signatures to such petition shall be computed.~~ The veto power of the Governor shall not extend to measures initiated by or referred to the people.

A measure initiated shall become a law or part of ~~the this~~ Constitution, as the case may be, when a majority of the votes cast ~~thereon, on the measure,~~ and not less than thirty-five ~~per cent percent~~ of the total vote cast at the election at which the ~~same measure~~ was submitted, are cast in favor ~~thereof, and of the measure, and the measure~~ shall take effect upon proclamation by the Governor which shall be made within ten days after the official canvass of ~~such the~~ votes. The vote upon initiative and referendum measures shall be returned and canvassed in the manner prescribed for the canvass of votes for president.

The method of submitting and adopting amendments to the Constitution provided by this section shall be supplementary to the method prescribed in ~~the article Article XVI~~ of this Constitution, ~~entitled, "Amendments"~~ and the latter shall in no case be construed to conflict ~~herewith, with the provisions relating to initiative and referendum.~~ The provisions with respect to the initiative and referendum shall be self-executing, but legislation may be enacted to facilitate their operation. ~~All propositions submitted in pursuance hereof Initiative and referendum measures shall be submitted in a non-partisan nonpartisan manner and without any indication or suggestion on the ballot that they have been approved or endorsed by any political party or organization. Only the title or proper descriptive words of measures shall be printed on the ballot, and when two or more measures have the same title, they shall be numbered consecutively in the order of filing with the Secretary of State and the number shall be followed by the name of the first petitioner on the corresponding petition.~~

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to change the basis for calculating the number of signatures needed on initiative and referendum petitions.

For

Against.

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 302. Introduced by Karpisek, 32.

WHEREAS, the Nebraska Petroleum Marketers and Convenience Store Association will be celebrating its ninetieth anniversary in 2010; and

WHEREAS, the Nebraska Petroleum Marketers and Convenience Store Association began in 1920 as the Nebraska Petroleum Marketers Association; and

WHEREAS, the Nebraska Petroleum Marketers and Convenience Store Association has existed for the past ninety years to unify petroleum marketers in order to effectively further the common business interests of the petroleum marketing industry and the convenience store industry.

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

1. That the Legislature congratulates the Nebraska Petroleum Marketers and Convenience Store Association on celebrating its ninetieth anniversary.

2. That a copy of this resolution be sent to the Nebraska Petroleum Marketers and Convenience Store Association.

Laid over.

BILL ON FIRST READING

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

LEGISLATIVE BILL 638A. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 638, One Hundred First Legislature, Second Session, 2010.

COMMITTEE REPORT

Judiciary

LEGISLATIVE BILL 226. Placed on General File with amendment.

AM1590

1 1. Strike the original sections and insert the following

2 sections:

3 Section 1. Section 30-2604, Reissue Revised Statutes of

4 Nebraska, is amended to read:

5 30-2604 A parent or a guardian of a minor or

6 incapacitated person, by a properly executed power of attorney, may

7 delegate to another person, for a period not exceeding six months,
 8 any of his or her powers regarding care, custody, or property of
 9 the minor child or ward, except his or her power to consent to
 10 marriage or adoption of a minor ward. A parent or guardian of a
 11 minor who is at least eighteen years of age, by a properly executed
 12 power of attorney, may delegate to such minor, for a period not
 13 exceeding one year, the parent or guardian's power to consent to
 14 such minor's own health care and medical treatment.

15 Sec. 2. Section 43-2101, Reissue Revised Statutes of
 16 Nebraska, is amended to read:

17 43-2101 All persons under nineteen years of age are
 18 declared to be minors, but in case any person marries under the
 19 age of nineteen years, his or her minority ends. Upon becoming the
 20 age of majority, a person is considered an adult and acquires all
 21 rights and responsibilities granted or imposed by statute or common
 22 law, except that a person eighteen years of age or older may enter
 23 into a binding contract or lease of whatever kind or nature and
 1 shall be legally responsible therefor.

2 Sec. 3. This act becomes operative on January 1, 2011.

3 Sec. 4. Original sections 30-2604 and 43-2101, Reissue
 4 Revised Statutes of Nebraska, are repealed.

(Signed) Brad Ashford, Chairperson

AMENDMENT - Print in Journal

Senator Rogert filed the following amendment to LB261:
 AM1594

(Amendments to E & R amendments, ER8137)

- 1 1. On page 2, strike lines 23 through 27.
- 2 2. On page 3, strike lines 1 through 9 and insert
- 3 "(4) In order to approve a negotiable instrument, an
- 4 electronic funds transfer, or a similar method of payment, a person
- 5 having use of or access to machine-readable information encoded on
- 6 an operator's license or a state identification card may:
- 7 (a) Scan, compile, store, or preserve such information
- 8 in order to provide the information to a consumer reporting agency
- 9 subject to and in compliance with the federal Fair Credit Reporting
- 10 Act, 15 U.S.C. 1681, as such act existed on January 1, 2009, for
- 11 the purpose of effecting, administering, or enforcing a transaction
- 12 requested by the holder of the license or card or preventing fraud
- 13 or other criminal activity; or
- 14 (b) Scan and store such information only as necessary to
- 15 protect against or prevent actual or potential fraud, unauthorized
- 16 transactions, claims, or other liability or to resolve a dispute or
- 17 inquiry by the holder of the license or card."; in line 10 strike
- 18 "subsection (4)" and insert "subdivision (4)(a)"; and in line 13
- 19 strike "person" and insert "party".

ANNOUNCEMENT

Senator Harms designates LB258 as his priority bill.

UNANIMOUS CONSENT - Add Cointroducers

Senator Cornett asked unanimous consent to add her name as cointroducer to LB754. No objections. So ordered.

Senator McCoy asked unanimous consent to add his name as cointroducer to LB1103. No objections. So ordered.

VISITORS

Visitors to the Chamber were Lou, Mike, Matt, and Nathan Brtek from Norfolk; Michael Kinney and Warren Whitted Jr. from Omaha, Robert Bartle and Jane Schoenike from Lincoln, and Bradley White from Hastings; and Jim O'Keeffe from Hastings.

The Doctor of the Day was Dr. Kyle Haeefele from Lincoln.

ADJOURNMENT

At 12:01 p.m., on a motion by Senator McCoy, the Legislature adjourned until 9:00 a.m., Friday, January 22, 2010.

Patrick J. O'Donnell
Clerk of the Legislature

