

TWELFTH DAY - JANUARY 25, 2010
LEGISLATIVE JOURNAL
ONE HUNDRED FIRST LEGISLATURE
SECOND SESSION

TWELFTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, January 25, 2010

PRAYER

The prayer was offered by Pastor Art Grimm, St. John's Lutheran Church, Beatrice.

ROLL CALL

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

The roll was called and all members were present except Senators Ashford and Giese who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eleventh day was approved.

REFERENCE COMMITTEE REPORT

The Executive Board submits the following report:

LB/LR	Committee
LB1034	Education
LB1035	Government, Military and Veterans Affairs
LB1036	Health and Human Services
LB1037	Judiciary
LB1038	Health and Human Services
LB1039	Government, Military and Veterans Affairs
LB1040	Business and Labor
LB1041	Business and Labor
LB1042	Business and Labor
LB1043	Judiciary
LB1044	Business and Labor
LB1045	Judiciary
LB1046	Judiciary
LB1047	Judiciary
LB1048	Natural Resources

LB1049	Revenue
LB1050	Judiciary
LB1051	Banking, Commerce and Insurance
LB1052	Revenue
LB1053	Revenue
LB1054	Natural Resources
LB1055	Business and Labor
LB1056	Natural Resources
LB1057	Natural Resources
LB1058	Education
LB1059	Government, Military and Veterans Affairs
LB1060	Transportation and Telecommunications
LB1061	Education
LB1062	Judiciary
LB1063	Appropriations
LB1064	Urban Affairs
LB1065	Transportation and Telecommunications
LB1066	Revenue
LB1067	Health and Human Services
LB1068	Banking, Commerce and Insurance
LB1069	Education
LB1070	Education
LB1071	Education
LB1072	Education
LB1073	Revenue
LB1075	Judiciary
LB1076	Natural Resources
LB1077	Revenue
LB1078	Revenue
LB1079	Revenue
LB1080	Revenue
LB1081	Revenue
LB1082	Education
LB1083	Banking, Commerce and Insurance
LB1084	Judiciary
LB1085	Judiciary
LB1086	Business and Labor
LB1087	Education
LB1088	Banking, Commerce and Insurance
LB1089	Judiciary
LB1090	Business and Labor
LB1091	Business and Labor
LB1092	Transportation and Telecommunications
LB1093	Health and Human Services
LB1094	Judiciary
LB1095	Education
LB1096	Education
LB1097	Revenue
LB1098	Urban Affairs

LB1099 Urban Affairs
LB1100 Transportation and Telecommunications
LB1101 Executive Board
LB1102 Judiciary
LB1103 Judiciary
LB1104 Judiciary
LB1105 Judiciary
LB1106 Health and Human Services
LB1107 Revenue
LB1108 Revenue
LB1109 Executive Board
LR299CA Education
LR300CA Government, Military and Veterans Affairs
LR301CA Government, Military and Veterans Affairs

(Signed) John Wightman, Chairperson
Executive Board

NOTICE OF COMMITTEE HEARINGS
Transportation and Telecommunications

Room 1113

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

LR286CA
LB838
LB819

(Signed) Deb Fischer, Chairperson

Banking, Commerce and Insurance

Room 1507

Monday, February 1, 2010 1:30 p.m.

LB807
LB912
LB693

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

LB888
LB730
LB720

(Signed) Rich Pahls, Chairperson

COMMITTEE REPORT

Revenue

The Revenue 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.

Robert W. Hotz - Tax Equalization and Review Commission

Aye: 8 Senators Adams, Cornett, Dierks, Hadley, Louden, Pirsch, Utter, White. Nay: 0. Absent: 0.

(Signed) Abbie Cornett, Chairperson

PRESIDENT SHEEHY PRESIDING**SELECT FILE**

LEGISLATIVE BILL 261. ER8137, found on page 205, was adopted.

Senator Rogert asked unanimous consent to withdraw his amendment, AM1594, found on page 310, and replace it with his substitute amendment, AM1612. No objections. So ordered.
AM1612

(Amendments to E & R amendments, ER8137)

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 60-4,111.01, Reissue Revised Statutes
- 4 of Nebraska, is amended to read:
- 5 60-4,111.01 (1) The Department of Motor Vehicles,
- 6 the courts, or law enforcement agencies may store or compile
- 7 information acquired from an operator's license or a state
- 8 identification card for their statutorily authorized purposes.
- 9 (2) ~~No~~ Except as otherwise provided in subsection (3)
- 10 ~~or (4) of this section, no person having use of or access to~~
- 11 ~~machine-readable information encoded on an operator's license or a~~
- 12 ~~state identification card shall compile, store, preserve, trade, or~~
- 13 ~~sell, or share such information. Violation of this subsection shall~~
- 14 ~~be~~ Any person who trades, sells, or shares such information shall
- 15 be guilty of a Class IV felony. Any person who compiles, stores, or
- 16 preserves such information except as authorized in subsection (3)
- 17 or (4) of this section shall be guilty of a Class IV felony.
- 18 (3)(a) For purposes of compliance with and enforcement
- 19 of restrictions on the purchase of alcohol, lottery tickets,
- 20 and tobacco products, a retailer who sells any of such items
- 21 pursuant to a license issued or a contract under the applicable
- 22 statutory provision may scan machine-readable information encoded
- 1 on an operator's license or a state identification card presented
- 2 for the purpose of such a sale. The retailer may store only the

3 following information obtained from the license or card: Age and
4 license or card identification number. The retailer shall post a
5 sign at the point of sale of any of such items stating that the
6 license or card will be scanned and that the age and identification
7 number will be stored. The stored information may only be used
8 by a law enforcement agency for purposes of enforcement of the
9 restrictions on the purchase of alcohol, lottery tickets, and
10 tobacco products and may not be shared with any other person or
11 entity. The retailer shall utilize software that stores only the
12 information allowed by this subsection. A programmer for computer
13 software designed to store such information shall certify to the
14 retailer that the software stores only the information allowed by
15 this subsection. Intentional or grossly negligent programming by
16 the programmer which allows for the storage of more than the age
17 and identification number or wrongfully certifying the software
18 shall be a Class IV felony. A retailer who knowingly stores
19 more information than the age and identification number from the
20 operator's license or state identification card shall be guilty of
21 a Class IV felony.

22 (b) Information scanned, compiled, stored, or preserved
23 pursuant to subdivision (a) of this subsection may not be retained
24 longer than eighteen months unless required by state or federal
25 law.

26 (4) In order to approve a negotiable instrument, an
27 electronic funds transfer, or a similar method of payment, a person
1 having use of or access to machine-readable information encoded on
2 an operator's license or a state identification card may:

3 (a) Scan, compile, store, or preserve such information
4 in order to provide the information to a check services company
5 subject to and in compliance with the federal Fair Credit Reporting
6 Act, 15 U.S.C. 1681, as such act existed on January 1, 2010, for
7 the purpose of effecting, administering, or enforcing a transaction
8 requested by the holder of the license or card or preventing fraud
9 or other criminal activity; or

10 (b) Scan and store such information only as necessary to
11 protect against or prevent actual or potential fraud, unauthorized
12 transactions, claims, or other liability or to resolve a dispute or
13 inquiry by the holder of the license or card.

14 (5) Except as provided in subdivision (4)(a) of this
15 section, information scanned, compiled, stored, or preserved
16 pursuant to this section may not be traded or sold to or shared
17 with a third party; used for any marketing or sales purpose by any
18 person, including the retailer who obtained the information; or,
19 unless pursuant to a court order, reported to or shared with any
20 third party. A person who violates this subsection shall be guilty
21 of a Class IV felony.

22 Sec. 2. Original section 60-4,111.01, Reissue Revised
23 Statutes of Nebraska, is repealed.

The Rogert amendment was adopted with 27 ayes, 6 nays, 14 present and not voting, and 2 excused and not voting.

Senator Haar renewed his amendment, AM1601, found on page 319.

The Haar amendment lost with 4 ayes, 24 nays, 19 present and not voting, and 2 excused and not voting.

Senator Pankonin requested a record vote on the advancement of the bill.

Voting in the affirmative, 31:

Adams	Fischer	Karpisek	Nordquist	Utter
Avery	Flood	Langemeier	Pahls	Wallman
Campbell	Gay	Lautenbaugh	Pirsch	Wightman
Carlson	Gloor	McCoy	Price	
Christensen	Hadley	McGill	Rogert	
Coash	Harms	Mello	Schilz	
Dubas	Janssen	Nelson	Sullivan	

Voting in the negative, 8:

Dierks	Hansen	Krist	Pankonin
Haar	Howard	Louden	White

Present and not voting, 8:

Ashford	Cook	Council	Lathrop
Conrad	Cornett	Fulton	Stuthman

Excused and not voting, 2:

Giese	Heidemann
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Advanced to Enrollment and Review for Engrossment with 31 ayes, 8 nays, 8 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 522. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 254. ER8139, found on page 236, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 325. ER8138, found on page 236, was adopted.

Senator Haar renewed his amendment, AM1592, found on page 321.

Senator Haar withdrew his amendment.

Senator Lathrop offered the following amendment:
AM1610

(Amendments to E & R amendments, ER8138)

1 1. Insert the following new section:

2 Sec. 7. Section 32-1002, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 32-1002 (1) As the ballots are removed from the ballot
5 box pursuant to sections 32-1012 to 32-1018, the receiving board
6 shall separate the envelopes containing the provisional ballots
7 from the rest of the ballots and deliver them to the election
8 commissioner or county clerk.

9 (2) Upon receipt of a provisional ballot, the election
10 commissioner or county clerk shall verify that the certificate on
11 the front of the envelope or the form attached to the envelope is
12 in proper form and that the certification has been signed by the
13 voter.

14 (3) The election commissioner or county clerk shall
15 also (a) verify that such person has not voted anywhere else
16 in the county or been issued a ballot for early voting, (b)
17 investigate whether any credible evidence exists that the person
18 was properly registered to vote in the county before the deadline
19 for registration for the election, (c) investigate whether any
20 information has been received pursuant to section 32-309, 32-310,
21 or 32-324 that the person has resided, registered, or voted in
22 any other county or state since registering to vote in the county,
1 and (d) upon determining that credible evidence exists that the
2 person was properly registered to vote in the county, make the
3 appropriate changes to the voter registration register by entering
4 the information contained in the registration application completed
5 by the voter at the time of voting a provisional ballot.

6 (4) A provisional ballot cast by a voter pursuant to
7 section 32-915 shall be counted if:

8 (a) Credible evidence exists that the voter was properly
9 registered in the county before the deadline for registration for
10 the election;

11 (b) The voter has resided in the county continuously
12 since registering to vote in the county;

13 (c) The voter has not voted anywhere else in the county
14 or has not otherwise voted early using a ballot for early voting;

15 (d) The voter has completed a registration application
16 prior to voting as prescribed in subsection (6) of this section
17 and:

18 (i) The residence address provided on the registration
19 application completed pursuant to subdivision (1)(e) of section
20 32-915 is located within the precinct in which the person voted;
21 and

22 (ii) If the voter is voting in a primary election,
23 the party affiliation provided on the registration application

24 completed prior to voting the provisional ballot is the same party
 25 affiliation that appears on the voter's voter registration record
 26 based on his or her previous registration application; and

27 (e) The certification on the front of the envelope or
 1 form attached to the envelope is in the proper form and signed by
 2 the voter.

3 (5) A provisional ballot cast by a voter pursuant to
 4 section 32-915 shall not be counted if:

5 (a) The voter was not properly registered in the county
 6 before the deadline for registration for the election;

7 (b) Information has been received pursuant to section
 8 32-309, 32-310, or 32-324 that the voter has resided, registered,
 9 or voted in any other county or state since registering to vote in
 10 the county in which he or she cast the provisional ballot;

11 (c) Credible evidence exists that the voter has voted
 12 elsewhere or has otherwise voted early;

13 (d) The voter failed to complete and sign a registration
 14 application pursuant to subsection (6) of this section and
 15 subdivision (1)(e) of section 32-915;

16 (e) The residence address provided on the registration
 17 application completed pursuant to subdivision (1)(e) of section
 18 32-915 is in a different county or in a different precinct than the
 19 county or precinct in which the voter voted;

20 (f) If the voter is voting in a primary election, the
 21 party affiliation on the registration application completed prior
 22 to voting the provisional ballot is different than the party
 23 affiliation that appears on the voter's voter registration record
 24 based on his or her previous registration application; or

25 (g) The voter failed to complete and sign the
 26 certification on the envelope or form attached to the envelope
 27 pursuant to subsection (3) of section 32-915.

1 (6) An error or omission of information on the
 2 registration application or the certification required under
 3 section 32-915 shall not result in the provisional ballot not being
 4 counted if:

5 (a)(i) The errant or omitted information is contained
 6 elsewhere on the registration application or certification; or

7 (ii) The information is not necessary to determine the
 8 eligibility of the voter to cast a ballot; and

9 (b) Both the registration application and the
 10 certification are signed by the voter.

11 ~~(6)~~(7) Upon determining that the voter's provisional
 12 ballot is eligible to be counted, the election commissioner or
 13 county clerk shall remove the ballot from the envelope without
 14 exposing the marks on the ballot and shall place the ballot with
 15 the ballots to be counted by the county canvassing board.

16 ~~(7)~~(8) The election commissioner or county clerk shall
 17 notify the system administrator of the system created pursuant to

18 section 32-202 as to whether the ballot was counted and, if not,
19 the reason the ballot was not counted.
20 ~~(8)~~(9) The verification and investigation shall be
21 completed within seven days after the election.
22 2. On page 2, line 3; and page 6, line 15, after the
23 period insert "The election commissioner or county clerk shall
24 implement the policy regarding designation of ballots uniformly
25 throughout the county.".
26 3. Renumber the remaining sections and correct the
27 repealer accordingly.

The Lathrop amendment was adopted with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 183. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 197. ER8142, found on page 241, was adopted.

Senator Gay renewed the Gay-Fulton amendment, AM1588, found on page 327.

The Gay-Fulton amendment was adopted with 38 ayes, 0 nays, 10 present and not voting, and 1 excused and not voting.

Senator Fulton offered the following amendment:
AM1578 is available in the Bill Room.

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

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 550. ER8141, found on page 241, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 210. ER8143, found on page 266, was adopted.

Senator Langemeier renewed his amendment, AM1573, found on page 268.

The Langemeier amendment was adopted with 39 ayes, 0 nays, 9 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 139. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 475. ER8145, found on page 267, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 279. Advanced to Enrollment and Review for Engrossment.

NOTICE OF COMMITTEE HEARINGS

Urban Affairs

1510

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

LB799
LB949
LB977
LR295CA

(Signed) Amanda McGill, Chairperson

Education

Room 1525

Monday, February 1, 2010 1:30 p.m.

LB1001
LB1061
LB745
LB956

(Signed) Greg Adams, Chairperson

Business and Labor

Room 2102

Monday, February 1, 2010 1:30 p.m.

LB934
LB925
LB1086
LB1055
LB1020

(Signed) Steve Lathrop, Chairperson

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 216. Placed on Select File.

LEGISLATIVE BILL 147. Placed on Select File with amendment.
ER8147

1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:
3 Section 1. Section 25-21,271, Reissue Revised Statutes of
4 Nebraska, is amended to read:
5 25-21,271 (1) Any person desiring to change his or her
6 name ~~may~~shall file a petition in the district court of the county
7 in which such person may be a resident, setting forth (a) that the
8 petitioner has been a bona fide citizen of such county for at least
9 one year prior to the filing of the petition, (b) the address of
10 the petitioner, (c) the date of birth of the petitioner, (d) the
11 cause for which the change of petitioner's name is sought, and (e)
12 (e) the name asked for.

13 (2) Notice of the filing of the petition shall be
14 published in a newspaper in the county, and if no newspaper is
15 printed in the county, then in a newspaper of general circulation
16 therein. The notice shall be published (a) once a week for four
17 consecutive weeks if the petitioner is nineteen years of age
18 or older at the time the action is filed and (b) once a week
19 for two consecutive weeks if the petitioner is under nineteen
20 years of age at the time the action is filed. In an action
21 involving a petitioner under nineteen years of age who has a
22 noncustodial parent, notice of the filing of the petition shall be
23 sent by certified mail within five days after publication to the
1 noncustodial parent at the address provided to the clerk of the
2 district court pursuant to subsection (1) of section 42-364.13 for
3 the noncustodial parent if he or she has provided an address. The
4 clerk of the district court shall provide the petitioner with the
5 address upon request.

6 (3) It shall be the duty of the district court, upon
7 being duly satisfied by proof in open court of the truth of the
8 allegations set forth in the petition, that there exists proper
9 and reasonable cause for changing the name of the petitioner,
10 and that notice of the filing of the petition has been given as
11 required by this section, to order and direct a change of name of
12 such petitioner and that an order for the purpose be made in the
13 journals of the court.

14 (4) The clerk of the district court shall deliver a copy
15 by hard copy or electronic means of any name-change order issued
16 by the court pursuant to this section to the Department of Health

17 and Human Services for use pursuant to sections 28-376 and 28-718
18 and to the sex offender registration and community notification
19 division of the Nebraska State Patrol for use pursuant to section
20 29-4004.

21 Sec. 2. Section 28-376, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 28-376 (1) The department shall establish and maintain
24 an Adult Protective Services Central Registry for recording each
25 report of alleged abuse.

26 (2) Upon request, a vulnerable adult who is the subject
27 of a report or, if the vulnerable adult is legally incapacitated,
1 the guardian or guardian ad litem of the vulnerable adult shall
2 be entitled to receive a copy of all information contained in the
3 registry pertaining to his or her case. The department shall not
4 release data that would be harmful or detrimental to the vulnerable
5 adult or that would identify or locate a person who, in good faith,
6 made a report or cooperated in a subsequent investigation unless
7 ordered to do so by a court of competent jurisdiction.

8 (3) The department shall establish classifications for
9 all cases in the registry. All cases determined to be unfounded
10 shall be expunged from the registry.

11 (4) The department shall determine whether a name-change
12 order received from the clerk of a district court pursuant to
13 section 25-21,271 is for a person on the Adult Protective Services
14 Central Registry and, if so, shall include the changed name with
15 the former name in the registry and file or cross-reference the
16 information under both names.

17 Sec. 3. Section 28-718, Revised Statutes Supplement,
18 2009, is amended to read:

19 28-718 (1) There shall be a central register of
20 child protection cases maintained in the department containing
21 records of all reports of child abuse or neglect opened for
22 investigation as provided in section 28-713 and classified as
23 either court substantiated or agency substantiated as provided in
24 section 28-720. The department may change records classified as
25 inconclusive prior to August 30, 2009, to agency substantiated. The
26 department shall give public notice of the changes made to this
27 section and subsection (3) of section 28-720 by Laws 2009, LB 122,
1 within thirty days after August 30, 2009, by having such notice
2 published in a newspaper or newspapers of general circulation
3 within the state.

4 (2) The department shall determine whether a name-change
5 order received from the clerk of a district court pursuant to
6 section 25-21,271 is for a person on the central register of child
7 protection cases and, if so, shall include the changed name with
8 the former name in the register and file or cross-reference the
9 information under both names.

10 Sec. 4. Section 29-4004, Revised Statutes Supplement,
11 2009, is amended to read:

12 29-4004 (1) Any person subject to the Sex Offender
13 Registration Act shall register within three working days after
14 becoming subject to the act at a location designated by the
15 Nebraska State Patrol for purposes of accepting such registration.

16 (2) Any person required to register under the act shall
17 inform the sheriff of the county in which he or she resides, in
18 person, and complete a form as prescribed by the Nebraska State
19 Patrol for such purpose, if he or she has a new address, temporary
20 domicile, or habitual living location, within three working days
21 before the change. The sheriff shall submit such information to the
22 sex offender registration and community notification division of
23 the Nebraska State Patrol on the day it is received and in a manner
24 prescribed by the Nebraska State Patrol for such purpose.

25 (3) Any person required to register under the act shall
26 inform the sheriff of the county in which he or she resides, in
27 person, and complete a form as prescribed by the Nebraska State
1 Patrol for such purpose, if he or she has a new address, temporary
2 domicile, or habitual living location in a different county in
3 this state, within three working days before the address change.
4 The sheriff shall submit such information to the sex offender
5 registration and community notification division of the Nebraska
6 State Patrol on the day it is received and in a manner as
7 prescribed by the Nebraska State Patrol for such purpose. If the
8 change in address, temporary domicile, or habitual living location
9 is to a location within the State of Nebraska, the division shall
10 notify the sheriff of each affected county of the new address,
11 temporary domicile, or habitual living location, within three
12 working days. The person shall report to the county sheriff of
13 his or her new county of residence and register with such county
14 sheriff within three working days after the address change.

15 (4) Any person required to register under the act shall
16 inform the sheriff of the county in which he or she resides,
17 in person, and complete a form as prescribed by the Nebraska
18 State Patrol for such purpose, if he or she moves to a new
19 out-of-state address, within three working days before the address
20 change. The sheriff shall submit such information to the sex
21 offender registration and community notification division of the
22 Nebraska State Patrol on the day it is received and in a manner
23 as prescribed by the Nebraska State Patrol for such purpose. If
24 the change in address, temporary domicile, or habitual living
25 location is to a location outside of the State of Nebraska, the
26 division shall notify the sheriff of each affected county in
27 Nebraska and the other state's, country's, or territory's central
1 repository for sex offender registration of the new out-of-state
2 address, temporary domicile, or habitual living location, within
3 three working days.

4 (5) Any person required to register under the act who is
5 employed, carries on a vocation, or attends school shall inform, in
6 person, the sheriff of the county in which he or she is employed,

7 carries on a vocation, or attends school and complete a form as
8 prescribed by the Nebraska State Patrol for such purpose, within
9 three working days after becoming employed, carrying on a vocation,
10 or attending school. The person shall also notify the sheriff,
11 in person, of any changes in employment, vocation, or school of
12 attendance, and complete a form as prescribed by the Nebraska
13 State Patrol for such purpose, within three working days after
14 the change. The sheriff shall submit such information to the sex
15 offender registration and community notification division of the
16 Nebraska State Patrol on the day it is received and in a manner as
17 prescribed by the Nebraska State Patrol for such purpose.

18 (6) Any person required to register under the act who
19 is residing, has a temporary domicile, or is habitually living in
20 another state, and is employed, carries on a vocation, or attends
21 school in this state, shall report and register, in person, with
22 the sheriff of the county in which he or she is employed, carries
23 on a vocation, or attends school in this state and complete a
24 form as prescribed by the Nebraska State Patrol for such purpose,
25 within three working days after becoming employed, carrying on
26 a vocation, or attending school. The person shall also notify
27 the sheriff of any changes in employment, vocation, or school of
1 attendance, in person, and complete a form as prescribed by the
2 Nebraska State Patrol for such purpose, within three working days
3 after the change. The sheriff shall submit such information to the
4 sex offender registration and community notification division of
5 the Nebraska State Patrol on the day it is received and in a manner
6 as prescribed by the Nebraska State Patrol for such purpose. For
7 purposes of this subsection:

8 (a) Attends school means enrollment in any educational
9 institution in this state on a full-time or part-time basis; and

10 (b) Is employed or carries on a vocation means any
11 full-time or part-time employment, with or without compensation,
12 which lasts for a duration of more than fourteen days or for an
13 aggregate period exceeding thirty days in a calendar year.

14 (7) Any person incarcerated for a registrable offense
15 under section 29-4003 in a jail, penal or correctional facility,
16 or other public or private institution shall be registered by
17 the jail, penal or correctional facility, or public or private
18 institution prior to his or her discharge, parole, furlough, work
19 release, or release. The person shall be informed and information
20 shall be obtained as required in section 29-4006.

21 (8) Any person required to register or who is registered
22 under the act, but is incarcerated for more than three working
23 days, shall inform the sheriff of the county in which he or
24 she is incarcerated, in writing, within three working days after
25 incarceration, of his or her incarceration and his or her expected
26 release date, if any such date is available. The sheriff shall
27 forward the information regarding incarceration to the sex offender
1 registration and community notification division of the Nebraska

2 State Patrol immediately on the day on which it was received and in
3 a manner prescribed by the Nebraska State Patrol for such purpose.

4 (9) Any person required to register or who is registered
5 under the act who no longer has a residence, temporary domicile, or
6 habitual living location shall report such change in person to the
7 sheriff of the county in which he or she is located, within three
8 working days after such change in residence, temporary domicile,
9 or habitual living location. Such person shall update his or her
10 registration, in person, to the sheriff of the county in which
11 he or she is located, on a form approved by the sex offender
12 registration and community notification division of the Nebraska
13 State Patrol at least once every thirty calendar days during the
14 time he or she remains without residence, temporary domicile, or
15 habitual living location.

16 (10) Each registering entity shall forward all written
17 information, photographs, and fingerprints obtained pursuant to the
18 act to the sex offender registration and community notification
19 division of the Nebraska State Patrol on the day it is received
20 and in a manner prescribed by the Nebraska State Patrol for such
21 purpose. The information shall be forwarded on forms furnished by
22 the division. The division shall maintain a central registry of sex
23 offenders required to register under the act. Any collected DNA
24 samples shall be forwarded to the State DNA Data Base.

25 (11) The sex offender registration and community
26 notification division of the Nebraska State Patrol shall determine
27 whether a name-change order received from the clerk of a district
1 court pursuant to section 25-21,271 is for a person in the central
2 registry of sex offenders and, if so, shall include the changed
3 name with the former name in the registry, file or cross-reference
4 the information under both names, and notify the sheriff of the
5 county in which such person then resides.

6 Sec. 5. This act becomes operative on January 1, 2012.

7 Sec. 6. Original sections 25-21,271 and 28-376, Reissue
8 Revised Statutes of Nebraska, and sections 28-718 and 29-4004,
9 Revised Statutes Supplement, 2009, are repealed.

10 2. On page 1, strike lines 2 through 6 and insert
11 "25-21,271 and 28-376, Reissue Revised Statutes of Nebraska,
12 and sections 28-718 and 29-4004, Revised Statutes Supplement,
13 2009; to change petition requirements for a change of name; to
14 require delivery of court orders regarding name changes; to require
15 inclusion and notification of name changes for the Adult Protective
16 Services Central Registry, the central register of child protection
17 cases, and the central registry of sex offenders; to provide an
18 operative date; and to repeal the original sections."

- 1 1. In the Standing Committee amendments, AM1282, on page
 2 3, line 12, after the second occurrence of "railroad" insert
 3 "carrier".

LEGISLATIVE BILL 190. Placed on Select File with amendment.
 ER8149

- 1 1. Strike the original sections and all amendments
 2 thereto and insert the following new sections:
 3 Section 1. Section 29-4101, Reissue Revised Statutes of
 4 Nebraska, is amended to read:
 5 29-4101 Sections 29-4101 to 29-4115 and section 5 of this
 6 act shall be known and may be cited as the DNA Identification
 7 Information Act.
 8 Sec. 2. Section 29-4102, Reissue Revised Statutes of
 9 Nebraska, is amended to read:
 10 29-4102 The Legislature finds that DNA data banks are
 11 an important tool in criminal investigations, in the exclusion
 12 of individuals who are the subject of criminal investigations or
 13 prosecutions, in deterring and detecting recidivist acts, and in
 14 locating and identifying missing persons and human remains. Several
 15 states have enacted laws requiring persons convicted of certain
 16 crimes, especially sex offenses, to provide genetic samples for DNA
 17 typing tests. Moreover, it is the policy of this state to assist
 18 federal, state, and local criminal justice and law enforcement
 agencies in the identification and detection of individuals in
 20 criminal investigations and in locating and identifying missing
 21 persons and human remains. It is in the best interest of this
 22 state to establish a State DNA Data Base for DNA records and
 23 a State DNA Sample Bank as a repository for DNA samples from
 1 individuals convicted of felony ~~sex~~ offenses and other specified
 2 offenses and from individuals for purposes of assisting in locating
 3 and identifying missing persons and human remains.
 4 Sec. 3. Section 29-4103, Reissue Revised Statutes of
 5 Nebraska, is amended to read:
 6 29-4103 For purposes of the DNA Identification
 7 Information Act:
 8 (1) Combined DNA Index System means the Federal Bureau
 9 of Investigation's national DNA identification index system that
 10 allows the storage and exchange of DNA records submitted by state
 11 and local forensic DNA laboratories;
 12 (2) DNA means deoxyribonucleic acid which is located in
 13 the cells and provides an individual's personal genetic blueprint.
 14 DNA encodes genetic information that is the basis of human heredity
 15 and forensic identification;
 16 (3) DNA record means the DNA identification information
 17 stored in the State DNA Data Base or the Combined DNA Index System
 18 which is derived from DNA typing test results;

19 (4) DNA sample means a blood, tissue, or bodily fluid
 20 sample provided by any person covered by the DNA Identification
 21 Information Act for analysis or storage, or both;

22 (5) DNA typing tests means the laboratory procedures
 23 which evaluate the characteristics of a DNA sample which are of
 24 value in establishing the identity of an individual;

25 ~~(6) Felony sex offense means a felony offense, or an~~
 26 ~~attempt, conspiracy, or solicitation to commit a felony offense,~~
 27 ~~under any of the following:~~

1 (a) ~~Kidnapping of a minor pursuant to section 28-313,~~
 2 ~~except when the person is the parent of the minor and was not~~
 3 ~~convicted of any other offense in this subdivision;~~

4 (b) ~~Incest of a minor pursuant to section 28-703;~~

5 (c) ~~Sexual assault in the first or second degree pursuant~~
 6 ~~to section 28-319 or 28-320;~~

7 (d) ~~Sexual assault of a child in the second or third~~
 8 ~~degree pursuant to section 28-320.01;~~

9 (e) ~~Sexual assault of a child in the first degree~~
 10 ~~pursuant to section 28-319.01;~~

11 (f) ~~Sexual assault of a vulnerable adult pursuant to~~
 12 ~~subdivision (1)(c) of section 28-386; and~~

13 (g) ~~False imprisonment of a minor in the first degree~~
 14 ~~pursuant to section 28-314, except when the person is the parent~~
 15 ~~of the minor and was not convicted of any other offense in this~~
 16 ~~subdivision;~~

17 ~~(7)-(6) Law enforcement agency includes a police~~
 18 ~~department, a town marshal, a county sheriff, and the Nebraska~~
 19 ~~State Patrol, and the office of the Attorney General;~~

20 ~~(8)-(7) Other specified offense means an offense,~~
 21 misdemeanor stalking pursuant to sections 28-311.02 to 28-311.05 or
 22 false imprisonment in the second degree pursuant to section 28-315
 23 or an attempt, conspiracy, or solicitation to commit an offense,
 24 under any of the following: stalking pursuant to sections 28-311.02
 25 to 28-311.05, false imprisonment in the first degree pursuant to
 26 section 28-314, false imprisonment in the second degree pursuant
 27 to section 28-315, knowing and intentional sexual abuse of a
 1 vulnerable adult pursuant to subdivision (1)(c) of section 28-386,
 2 or a violation of the Sex Offender Registration Act pursuant to
 3 section 29-4011; and

4 (a) ~~Murder in the first degree pursuant to section~~
 5 ~~28-303;~~

6 (b) ~~Murder in the second degree pursuant to section~~
 7 ~~28-304;~~

8 (c) ~~Manslaughter pursuant to section 28-305;~~

9 (d) ~~Stalking pursuant to sections 28-311.02 to 28-311.05;~~

10 (e) ~~Burglary pursuant to section 28-507 provided that the~~
 11 ~~real estate is a dwelling place intended for human occupancy; or~~

12 (f) ~~Robbery pursuant to section 28-324; and~~

13 ~~(9)-(8)~~ Released means any release, parole, furlough,
 14 work release, prerelease, or release in any other manner from a
 15 prison, a jail, or any other detention facility or institution.

16 Sec. 4. Section 29-4106, Reissue Revised Statutes of
 17 Nebraska, is amended to read:

18 29-4106 (1) A person who is convicted of a felony ~~sex~~
 19 offense or other specified offense on or after ~~July 14, 2006,~~
 20 the effective date of this act, who does not have a DNA sample
 21 available for use in the State DNA Sample Bank, shall have a DNA
 22 sample collected:

23 (a) Upon intake to a prison, jail, or other detention
 24 facility or institution to which such person is sentenced. If the
 25 person is already confined at the time of sentencing, the person
 26 shall have a DNA sample collected immediately after the sentencing.
 27 Such DNA samples shall be collected at the place of incarceration
 1 or confinement. Such person shall not be released unless and until
 2 a DNA sample has been collected; or

3 (b) As a condition for any sentence which will not
 4 involve an intake into a prison, jail, or other detention facility
 5 or institution. Such DNA samples shall be collected at a detention
 6 facility or institution as specified by the court. Such person
 7 shall not be released unless and until a DNA sample has been
 8 collected.

9 (2) A person who has been convicted of a felony ~~sex~~
 10 offense or other specified offense before ~~July 14, 2006,~~ the
 11 effective date of this act, who does not have a DNA sample
 12 available for use in the State DNA Sample Bank, and who is still
 13 serving a term of confinement for such felony offense or other
 14 specified offense on July 14, 2006, the effective date of this
 15 act, shall not be released prior to the expiration of his or her
 16 maximum term of confinement unless and until a DNA sample has been
 17 collected.

18 Sec. 5. The State DNA Sample and Data Base Fund is
 19 created. The fund shall be maintained by the Department of Justice
 20 and administered by the Attorney General. The fund shall consist
 21 of any funds transferred to the fund by the Legislature or
 22 made available by any department or agency of the United States
 23 Government if so directed by such department or agency. The fund
 24 shall be used to pay the expenses of the Department of Correctional
 25 Services and the Nebraska State Patrol as needed to collect DNA
 26 samples as provided in section 29-4106. Any money in the fund
 27 available for investment shall be invested by the state investment
 1 officer pursuant to the Nebraska Capital Expansion Act and the
 2 Nebraska State Funds Investment Act.

3 Sec. 6. Original sections 29-4101, 29-4102, 29-4103, and
 4 29-4106, Reissue Revised Statutes of Nebraska, are repealed.

5 2. On page 1, strike lines 2 through 6 and insert "amend
 6 sections 29-4101, 29-4102, 29-4103, and 29-4106, Reissue Revised
 7 Statutes of Nebraska; to provide for the collection of DNA samples

8 from individuals convicted of felony offenses; to provide for
9 applicability; to create a fund; to harmonize provisions; and to
10 repeal the original sections."

(Signed) Jeremy Nordquist, Chairperson

AMENDMENTS - Print in Journal

Senator Christensen filed the following amendment to LB650:
AM1593

(Amendments to Standing Committee amendments, AM1582)

- 1 1. On page 46, strike beginning with "any" in line 25
- 2 through "higher" in line 26 and insert "freeways".

Senator Cornett filed the following amendment to LB579:
AM1566 is available in the Bill Room.

UNANIMOUS CONSENT - Add Cointroducers

Senator Mello asked unanimous consent to add his name as cointroducer to LB709, LB918, LB982, and LB1081. No objections. So ordered.

Senator Krist asked unanimous consent to add his name as cointroducer to LB952. No objections. So ordered.

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

VISITORS

Visitors to the Chamber were Dr. Chen Limei, Dr. Ai Jia, and Dr. Li Tao from China.

The Doctor of the Day was Dr. Paul Paulman from Omaha.

ADJOURNMENT

At 11:52 a.m., on a motion by Speaker Flood, the Legislature adjourned until 9:00 a.m., Tuesday, January 26, 2010.

Patrick J. O'Donnell
Clerk of the Legislature

