

EIGHTH DAY - JANUARY 19, 2010**LEGISLATIVE JOURNAL****ONE HUNDRED FIRST LEGISLATURE
SECOND SESSION****EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 19, 2010

PRAYER

The prayer was offered by Pastor Rich Carlson, Union College, Lincoln.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Sheehy presiding.

The roll was called and all members were present except Senators Harms, Janssen, McCoy, and Stuthman who were excused; and Senators Carlson, Dierks, and Karpisek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventh day was approved.

REFERENCE COMMITTEE REPORT

The Executive Board submits the following report:

LB/LR	Committee
LB919	Urban Affairs
LB920	Education
LB921	Health and Human Services
LB922	Health and Human Services
LB923	Judiciary
LB924	Transportation and Telecommunications
LB925	Business and Labor
LB926	Transportation and Telecommunications
LB927	Nebraska Retirement Systems
LB928	Nebraska Retirement Systems
LB929	Education
LB930	Health and Human Services
LB931	Banking, Commerce and Insurance
LB932	Natural Resources
LB933	Transportation and Telecommunications

LB934 Business and Labor
 LB935 Appropriations
 LR289CA Health and Human Services
 LR292 Government, Military and Veterans Affairs

(Signed) John Wightman, Chairperson
 Executive Board

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 254. Placed on Select File with amendment.
 ER8139 is available in the Bill Room.

LEGISLATIVE BILL 512. Placed on Select File.

LEGISLATIVE BILL 325. Placed on Select File with amendment.
 ER8138

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 32-328, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 32-328 (1) The election commissioner or county clerk
- 6 shall, upon the personal application of any registered voter or
- 7 whenever informed of any error and after due investigation, correct
- 8 any error in the voter registration register. For such purpose,
- 9 the election commissioner or county clerk may summon witnesses and
- 10 compel their attendance to appear at the office of the election
- 11 commissioner or county clerk to give testimony pertaining to
- 12 residence, qualifications, or any other facts required to be
- 13 entered in the voter registration register. Such testimony shall be
- 14 transcribed and become a part of his or her records.
- 15 (2) If the name of any registered voter of any precinct
- 16 does not appear on the precinct list of registered voters through
- 17 an error and the election commissioner or county clerk informs
- 18 the precinct inspector or judge of election that credible evidence
- 19 exists that substantiates that an error has been made, the precinct
- 20 inspector or judge of election shall enter the correction in the
- 21 precinct list of registered voters, initial the correction, and
- 22 authorize the receiving board to issue the proper ballots to the
- 23 voter as directed by the election commissioner or county clerk
- 1 and receive his or her vote. The election commissioner or county
- 2 clerk shall designate whether the voter is entitled to a regular
- 3 ballot or a provisional ballot as provided in section 32-915. All
- 4 corrections shall be entered on the voter registration register as
- 5 soon as possible after the election.
- 6 Sec. 2. Section 32-329, Reissue Revised Statutes of
- 7 Nebraska, is amended to read:
- 8 32-329 (1) The Secretary of State with the assistance

9 of the election commissioners and county clerks shall perform
10 list maintenance with respect to the computerized statewide voter
11 registration list on a regular basis. The list maintenance shall be
12 conducted in a manner that ensures that:

13 (a) The name of each registered voter appears in the
14 computerized list;

15 (b) Only persons who have been entered into the register
16 in error or who are not eligible to vote are removed from the
17 computerized list; and

18 (c) Duplicate names are eliminated from the computerized
19 list.

20 (2) The election commissioner or county clerk shall
21 verify the voter registration register by using (a) the National
22 Change of Address program of the United States Postal Service
23 and a confirmation notice pursuant to subsection (3) of this
24 section or (b) the biennial mailing of a nonforwardable notice
25 to each registered voter. The Secretary of State shall provide
26 biennial training for the election commissioners and county clerks
27 responsible for maintaining voter registration lists. No name shall
1 be removed from the voter registration register for the sole reason
2 that such person has not voted for any length of time.

3 (3) When an election commissioner or county clerk
4 receives information from the National Change of Address program
5 of the United States Postal Service that a registered voter has
6 moved from the address at which he or she is registered to
7 vote, the election commissioner or county clerk shall ~~immediately~~
8 update the voter registration register to indicate that the voter
9 may have moved and mail a confirmation notice by forwardable
10 first-class mail. If a nonforwardable notice under subdivision
11 (2)(b) of this section is returned as undeliverable, the election
12 commissioner or county clerk shall mail a confirmation notice
13 by forwardable first-class mail. The confirmation notice shall
14 include a confirmation letter and a preaddressed, postage-paid
15 confirmation card. The confirmation letter shall contain statements
16 substantially as follows:

17 (a) The election commissioner or county clerk has
18 received information that you have moved to a different residence
19 address from that appearing on the voter registration register;

20 (b) If you have not moved or you have moved to a
21 new residence within this county, you should return the enclosed
22 confirmation card by the regular registration deadline prescribed
23 in section 32-302. If you fail to return the card by the deadline,
24 you will be required to affirm or confirm your address prior to
25 being allowed to vote. If you are required to affirm or confirm
26 your address, it may result in a delay at your polling place; and

27 (c) If you have moved out of the county, you must
1 reregister to be eligible to vote. This can be accomplished by mail
2 or in person. For further information, contact your local election
3 commissioner or county clerk.

4 (4) The election commissioner or county clerk shall
 5 maintain for a period of not less than two years a record of
 6 each confirmation letter indicating the date it was mailed and the
 7 person to whom it was mailed.

8 (5) If information from the National Change of Address
 9 program or the nonforwardable notice under subdivision (2)(b)
 10 of this section indicates that the voter has moved outside the
 11 jurisdiction and the election commissioner or county clerk receives
 12 no response to the confirmation letter and the voter does not offer
 13 to vote at any election held prior to and including the second
 14 statewide federal general election following the mailing of the
 15 confirmation notice, the voter's registration shall be canceled
 16 and his or her name shall be deleted from the voter registration
 17 register.

18 Sec. 3. Section 32-607, Revised Statutes Supplement,
 19 2009, is amended to read:

20 32-607 All candidate filing forms shall contain the
 21 following statement: I hereby swear that I will abide by the laws
 22 of the State of Nebraska regarding the results of the primary and
 23 general elections, that I am a registered voter and qualified to
 24 be elected, and that I will serve if elected. Candidate filing
 25 forms shall also contain the candidate's name; residence address;
 26 mailing address if different from the residence address; telephone
 27 number; office sought; and party affiliation if the office sought
 1 is a partisan office. Candidate filing forms shall be filed with
 2 the following filing officers:

3 (1) For candidates for national, state, or congressional
 4 office, directors of public power and irrigation districts,
 5 directors of reclamation districts, directors of natural resources
 6 districts, members of the boards of educational service units,
 7 members of governing boards of community colleges, delegates to
 8 national conventions, and other offices filled by election held in
 9 more than one county and judges desiring retention, in the office
 10 of the Secretary of State;

11 (2) For officers elected within a county, in the office
 12 of the election commissioner or county clerk. If the candidate is
 13 not a resident of the county, he or she shall submit a certificate
 14 of registration obtained under section 32-316 with the candidate
 15 filing form;

16 (3) For officers in school districts which include land
 17 in adjoining counties, in the office of the election commissioner
 18 or county clerk of the county in which the greatest number of
 19 registered voters entitled to vote for the officers reside. If the
 20 candidate is not a resident of the county, he or she shall submit a
 21 certificate of registration obtained under section 32-316 with the
 22 candidate filing form; and

23 (4) For city or village officers, in the office of the
 24 ~~city or village clerk, except that in the case of joint elections,~~
 25 ~~the filing may be either in the office of the election commissioner~~

26 or county clerk, ~~or in the office of the city or village clerk with~~
27 ~~deputized personnel. When the city or village clerk is deputized to~~
1 ~~take filings, he or she shall return all filings to the office of~~
2 ~~the election commissioner or county clerk by the end of the next~~
3 ~~business day following the filing deadline.~~

4 Sec. 4. Section 32-914.02, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 32-914.02 If a person who is registered to vote moves
7 to a new residence within the same county and precinct and has
8 continuously resided in such county and precinct since registering
9 to vote but the voter registration register has not been changed
10 to reflect the move, the person shall be entitled to vote at the
11 polling place for the new residence. The election commissioner or
12 county clerk shall designate whether such a person is entitled
13 to a regular ballot upon completing a registration application to
14 update his or her voter registration record at the polling place
15 or a provisional ballot as provided in section 32-915. The election
16 commissioner or county clerk shall update the voter registration
17 register to reflect the change of address.

18 Sec. 5. Section 32-915, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 32-915 (1) A person whose name does not appear on the
21 precinct list of registered voters at the polling place for the
22 precinct in which he or she resides, whose name appears on the
23 precinct list of registered voters at the polling place for the
24 precinct in which he or she resides at a different residence
25 address as described in section 32-914.02, or whose name appears
26 with a notation that he or she received a ballot for early voting
27 may vote a provisional ballot if he or she:

1 (a) Claims that he or she is a registered voter who has
2 continuously resided in the county in which the precinct is located
3 since registering to vote;

4 (b) Is not entitled to vote under section 32-914.01 or
5 32-914.02;

6 (c) Has not registered to vote or voted in any other
7 county since registering to vote in the county in which the
8 precinct is located;

9 (d) Has appeared to vote at the polling place for the
10 precinct to which the person would be assigned based on his or her
11 residence address; and

12 (e) Completes and signs a registration application before
13 voting.

14 (2) A voter whose name appears on the precinct list
15 of registered voters for the polling place with a notation
16 that the voter is required to present identification pursuant
17 to section 32-318.01 but fails to present identification may vote a
18 provisional ballot if he or she completes and signs a registration
19 application before voting.

20 (3) Each person voting by provisional ballot shall
 21 enclose his or her ballot in an envelope marked Provisional
 22 Ballot and shall, by signing the certification on the front of the
 23 envelope or a separate form attached to the envelope, certify to
 24 the following facts:

25 (a) I am a registered voter in County;

26 (b) My name did not appear on the precinct list of
 27 registered voters;

1 (c) I registered to vote on or about this date
 2

3 (d) I registered to vote

4 in person at the election office or a voter
 5 registration site,

6 by mail,

7 on a form through the Department of Motor Vehicles,

8 on a form through another state agency,

9 in some other way;

10 (e) I have not resided outside of this county or voted
 11 outside of this county since registering to vote in this county;

12 (f) My current address is shown on the registration
 13 application completed as a requirement for voting by provisional
 14 ballot; and

15 (g) I am eligible to vote in this election and I have not
 16 voted and will not vote in this election except by this ballot.

17 (4) The voter shall sign the certification under penalty
 18 of election falsification. The following statements shall be on
 19 the front of the envelope or on the attached form: By signing the
 20 front of this envelope or the attached form you are certifying to
 21 the information contained on this envelope or the attached form
 22 under penalty of election falsification. Election falsification
 23 is a Class IV felony and may be punished by up to five years
 24 imprisonment, a fine of up to ten thousand dollars, or both.

25 (5) If the person's name does not appear on the precinct
 26 list of registered voters for the polling place and the judge or
 27 clerk of election determines that the person's residence address is
 1 located in another precinct within the same county, the judge or
 2 clerk of election shall direct the person to his or her correct
 3 polling place to vote.

4 Sec. 6. Section 32-930, Reissue Revised Statutes of
 5 Nebraska, is amended to read:

6 32-930 If a person is challenged on the ground that he
 7 or she is not eighteen years of age or, during the years in which
 8 a statewide general election is held, that he or she will not be
 9 eighteen years of age by the first Tuesday after the first Monday
 10 in November of such year, the person shall answer the following
 11 question on the form provided by the election commissioner or
 12 county clerk: Will you be ~~eighteen years of age to the best of~~
 13 ~~your knowledge and belief by the statewide general election of this~~
 14 ~~year?~~ at least eighteen years of age on or before the first Tuesday

15 following the first Monday in November of this year?

16 Sec. 7. Original sections 32-328, 32-329, 32-914.02,
 17 32-915, and 32-930, Reissue Revised Statutes of Nebraska, and
 18 section 32-607, Revised Statutes Supplement, 2009, are repealed.
 19 2. On page 1, strike beginning with "32-228" in line 1
 20 through line 10 and insert "32-328, 32-329, 32-914.02, 32-915, and
 21 32-930, Reissue Revised Statutes of Nebraska, and section 32-607,
 22 Revised Statutes Supplement, 2009; to change provisions relating to
 23 clerical errors on the precinct list of registered voters, updates
 24 of registration records due to change of address, candidate filing
 25 forms, provisional ballots, and challenges to voters; to harmonize
 26 provisions; and to repeal the original sections."

LEGISLATIVE BILL 183. Placed on Select File.

LEGISLATIVE BILL 197. Placed on Select File with amendment.
 ER8142

1 1. In the Standing Committee amendment, AM464, on page
 2 7, line 2, strike "and"; and in line 11 after "Nebraska" insert
 3 ", as amended by section 95, Legislative Bill 3, One Hundred First
 4 Legislative Bill 3, One Hundred First Legislature, First Special
 5 Session, 2009".

6 2. On page 1, strike lines 2 through 5 and insert
 7 "to amend sections 85-1802 and 85-1807, Reissue Revised Statutes
 8 of Nebraska; to redefine terms; to create funds; to change and
 9 eliminate provisions relating to the use of funds; to repeal the
 10 original sections; and to outright repeal section 85-1803, Reissue
 11 Revised Statutes of Nebraska, as amended by section 95, Legislative
 12 Bill 3, One Hundred First Legislature, First Special Session,
 13 2009".

LEGISLATIVE BILL 550. Placed on Select File with amendment.
 ER8141

1 1. On page 1, line 2, after the first comma insert

2 "55-121,".

3 2. On page 2, line 3, strike "6" and insert "7".

(Signed) Jeremy Nordquist, Chairperson

BILLS ON FIRST READING

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

LEGISLATIVE BILL 963. Introduced by Carlson, 38.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-128, Reissue Revised Statutes of Nebraska, and section 48-121, Revised Statutes Cumulative Supplement, 2008; to change disability compensation after retirement as prescribed; to harmonize

provisions; and to repeal the original sections.

LEGISLATIVE BILL 964. Introduced by Christensen, 44.

A BILL FOR AN ACT relating to oil and gas; to amend section 57-218, Reissue Revised Statutes of Nebraska; to prohibit the leasing of land in a county road right-of-way for oil and gas exploration and development; and to repeal the original section.

LEGISLATIVE BILL 965. Introduced by Sullivan, 41.

A BILL FOR AN ACT relating to education; to amend sections 32-570 and 79-1217, Reissue Revised Statutes of Nebraska; to change procedures for filling vacancies on school boards; to provide additional grounds for vacancies on governing boards of educational service units; and to repeal the original sections.

LEGISLATIVE BILL 966. Introduced by Pahls, 31.

A BILL FOR AN ACT relating to schools; to amend section 79-703, Reissue Revised Statutes of Nebraska; to adopt the Classroom Educational Expenditure Act; to harmonize provisions; to provide an operative date; and to repeal the original section.

ANNOUNCEMENT

The Chair announced January 17 was Senator Schilz's birthday.

SELECT FILE

LEGISLATIVE BILL 682. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 683. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 684. Advanced to Enrollment and Review for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 304. Title read. Considered.

Senator Council moved for a call of the house. The motion prevailed with 37 ayes, 0 nays, and 12 not voting.

Senator Council requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 20:

Ashford	Conrad	Giese	Lathrop	Rogert
Avery	Cook	Gloor	McGill	Wallman
Christensen	Cornett	Haar	Mello	White
Coash	Council	Howard	Nordquist	Wightman

Voting in the negative, 20:

Adams	Fulton	Heidemann	Lautenbaugh	Price
Campbell	Gay	Karpisek	Nelson	Schilz
Fischer	Hadley	Krist	Pankonin	Sullivan
Flood	Hansen	Langemeier	Pirsch	Utter

Present and not voting, 4:

Dierks	Dubas	Louden	Pahls
--------	-------	--------	-------

Excused and not voting, 5:

Carlson	Harms	Janssen	McCoy	Stuthman
---------	-------	---------	-------	----------

Failed to advance to Enrollment and Review Initial with 20 ayes, 20 nays, 4 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 373. Title read. Considered.

Committee AM1022, found on page 1037, First Session, 2009, was considered.

Senator Price offered the following amendment to the committee amendment:

AM1577

(Amendments to Standing Committee amendments, AM1022)

- 1 1. On page 3, lines 10 and 11 and 15 and 16; and
- 2 page 4, lines 1 and 2, strike "meningococcal meningitis, or
- 3 methicillin-resistant Staphylococcus aureus" and insert "or
- 4 meningococcal meningitis".

Senator Price moved for a call of the house. The motion prevailed with 38 ayes, 0 nays, and 11 not voting.

Senator Price requested a roll call vote on his amendment.

Voting in the affirmative, 4:

Coash	Council	Gloor	Price
-------	---------	-------	-------

Voting in the negative, 27:

Adams	Cook	Giese	Karpisek	Nordquist
Ashford	Cornett	Haar	Krist	Pankonin
Avery	Dierks	Hadley	Lathrop	Rogert
Campbell	Dubas	Hansen	Lautenbaugh	
Christensen	Fischer	Heidemann	McGill	
Conrad	Fulton	Howard	Mello	

Present and not voting, 13:

Flood	Louden	Pirsch	Utter	Wightman
Gay	Nelson	Schilz	Wallman	
Langemeier	Pahls	Sullivan	White	

Excused and not voting, 5:

Carlson	Harms	Janssen	McCoy	Stuthman
---------	-------	---------	-------	----------

The Price amendment lost with 4 ayes, 27 nays, 13 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

The committee amendment was adopted with 28 ayes, 3 nays, 13 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 26 ayes, 9 nays, 10 present and not voting, and 4 excused and not voting.

NOTICE OF COMMITTEE HEARINGS

Health and Human Services

Room 1510

Wednesday, January 27, 2010 1:30 p.m.

LB855

LB930

LB866

LB827

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

LB922
LB828
LB902
LB903
LB904

(Signed) Tim Gay, Chairperson

Appropriations

Room 1524

Tuesday, January 26, 2010 1:30 p.m.

LB935

(Signed) Lavon Heidemann, Chairperson

Transportation and Telecommunications

Room 1113

Tuesday, January 26, 2010 1:30 p.m.

LB821
LB805
LB808
LB914

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

LB723
LB735
LB787
LB811

(Signed) Deb Fischer, Chairperson

Education

Room 1525

Tuesday, January 26, 2010 1:30 p.m.

Martin Demuth - Board of Educational Lands and Funds

LB898

LB929

(Signed) Greg Adams, Chairperson

Agriculture

Room 2102

Tuesday, January 26, 2010 1:30 p.m.

LB909

(Signed) Tom Carlson, Chairperson

Urban Affairs

Room 1510

Tuesday, January 26, 2010 1:30 p.m.

LB848

LB863

LB919

(Signed) Amanda McGill, Chairperson

AMENDMENTS - Print in Journal

Senator Pirsch filed the following amendment to LB147:
AM1569

- 1 1. Strike original sections 2, 3, and 4 and insert the
- 2 following sections:
- 3 Sec. 2. Section 28-718, Revised Statutes Supplement,
- 4 2009, is amended to read:
- 5 28-718 (1) There shall be a central register of
- 6 child protection cases maintained in the department containing
- 7 records of all reports of child abuse or neglect opened for
- 8 investigation as provided in section 28-713 and classified as
- 9 either court substantiated or agency substantiated as provided in
- 10 section 28-720. The department may change records classified as

11 inconclusive prior to August 30, 2009, to agency substantiated. The
12 department shall give public notice of the changes made to this
13 section and subsection (3) of section 28-720 by Laws 2009, LB 122,
14 within thirty days after August 30, 2009, by having such notice
15 published in a newspaper or newspapers of general circulation
16 within the state.

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

23 Sec. 3. Section 29-4004, Revised Statutes Supplement,
1 2009, is amended to read:

2 29-4004 (1) Any person subject to the Sex Offender
3 Registration Act shall register within three working days after
4 becoming subject to the act at a location designated by the
5 Nebraska State Patrol for purposes of accepting such registration.

6 (2) Any person required to register under the act shall
7 inform the sheriff of the county in which he or she resides, in
8 person, and complete a form as prescribed by the Nebraska State
9 Patrol for such purpose, if he or she has a new address, temporary
10 domicile, or habitual living location, within three working days
11 before the change. The sheriff shall submit such information to the
12 sex offender registration and community notification division of
13 the Nebraska State Patrol on the day it is received and in a manner
14 prescribed by the Nebraska State Patrol for such purpose.

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

1 temporary domicile, or habitual living location, within three
2 working days. The person shall report to the county sheriff of
3 his or her new county of residence and register with such county
4 sheriff within three working days after the address change.

5 (4) Any person required to register under the act shall
6 inform the sheriff of the county in which he or she resides, in
7 person, and complete a form as prescribed by the Nebraska State
8 Patrol for such purpose, if he or she moves to a new out-of-state
9 address, within three working days before the address change.

10 The sheriff shall submit such information to the sex offender
11 registration and notification division of the Nebraska State Patrol
12 on the day it is received and in a manner as prescribed by the
13 Nebraska State Patrol for such purpose. If the change in address,
14 temporary domicile, or habitual living location is to a location
15 outside of the State of Nebraska, the division shall notify the
16 sheriff of each affected county in Nebraska and the other state's,
17 country's, or territory's central repository for sex offender
18 registration of the new out-of-state address, temporary domicile,
19 or habitual living location, within three working days.

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

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

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

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

3 (7) Any person incarcerated for a registrable offense
4 under section 29-4003 in a jail, penal or correctional facility,

5 or other public or private institution shall be registered by
6 the jail, penal or correctional facility, or public or private
7 institution prior to his or her discharge, parole, furlough, work
8 release, or release. The person shall be informed and information
9 shall be obtained as required in section 29-4006.

10 (8) Any person required to register or who is registered
11 under the act, but is incarcerated for more than three working
12 days, shall inform the sheriff of the county in which he or
13 she is incarcerated, in writing, within three working days after
14 incarceration, of his or her incarceration and his or her expected
15 release date, if any such date is available. The sheriff shall
16 forward the information regarding incarceration to the sex offender
17 registration and community notification division of the Nebraska
18 State Patrol immediately on the day on which it was received and in
19 a manner prescribed by the Nebraska State Patrol for such purpose.

20 (9) Any person required to register or who is registered
21 under the act who no longer has a residence, temporary domicile, or
22 habitual living location shall report such change in person to the
23 sheriff of the county in which he or she is located, within three
24 working days after such change in residence, temporary domicile,
25 or habitual living location. Such person shall update his or her
26 registration, in person, to the sheriff of the county in which
27 he or she is located, on a form approved by the sex offender
1 registration and community notification division of the Nebraska
2 State Patrol at least once every thirty calendar days during the
3 time he or she remains without residence, temporary domicile, or
4 habitual living location.

5 (10) Each registering entity shall forward all written
6 information, photographs, and fingerprints obtained pursuant to the
7 act to the sex offender registration and community notification
8 division of the Nebraska State Patrol on the day it is received
9 and in a manner prescribed by the Nebraska State Patrol for such
10 purpose. The information shall be forwarded on forms furnished by
11 the division. The division shall maintain a central registry of sex
12 offenders required to register under the act. Any collected DNA
13 samples shall be forwarded to the State DNA Data Base.

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

22 Sec. 4. This act becomes operative on January 1, 2012.

23 Sec. 5. Original sections 28-718 and 29-4004, Revised
24 Statutes Supplement, 2009, are repealed.

Senator White filed the following amendment to LB552:
AM1563

- 1 1. On page 3, line 16; and page 5, line 1, strike
- 2 "thirty" and insert "forty-five".
- 3 2. On page 5, line 24, strike "2009" and insert "2010".
- 4 3. On page 9, line 1, strike "2009" and insert "2010".

BILLS ON FIRST READING

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

LEGISLATIVE BILL 967. Introduced by Schilz, 47.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-4106 and 77-5726, Reissue Revised Statutes of Nebraska; to change provisions relating to refunds of local sales and use taxes under certain tax incentive laws; to create a fund; and to repeal the original sections.

LEGISLATIVE BILL 968. Introduced by McGill, 26; Coash, 27; Conrad, 46.

A BILL FOR AN ACT relating to domestic abuse; to amend sections 28-323, 29-404.02, and 42-903, Reissue Revised Statutes of Nebraska; to redefine abuse for purposes of domestic assault, arrests without warrant, and the Protection from Domestic Abuse Act; and to repeal the original sections.

LEGISLATIVE BILL 969. Introduced by Urban Affairs Committee: McGill, 26, Chairperson; Coash, 27; Cook, 13; Krist, 10; Lathrop, 12; Rogert, 16; White, 8.

A BILL FOR AN ACT relating to municipalities; to amend sections 17-107 and 17-208, Revised Statutes Supplement, 2009; to provide for terms of office for certain officers; and to repeal the original sections.

LEGISLATIVE BILL 970. Introduced by Campbell, 25.

A BILL FOR AN ACT relating to county planning commissions; to amend section 23-114.01, Reissue Revised Statutes of Nebraska; to change provisions relating to the appeal from a conditional use or special exception decision; and to repeal the original section.

LEGISLATIVE BILL 971. Introduced by Campbell, 25; Hansen, 42.

A BILL FOR AN ACT relating to foster care; to amend sections 43-285 and 43-1318, Reissue Revised Statutes of Nebraska; to provide notice to relatives of removal of a neglected child from the home; to require reasonable efforts to place siblings together; to provide for sibling time as prescribed; to provide for a transition plan for older youth; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 972. Introduced by Utter, 33.

A BILL FOR AN ACT relating to budgets; to amend sections 23-909 and 79-1085, Reissue Revised Statutes of Nebraska, sections 13-508, 79-1084, and 79-1086, Revised Statutes Supplement, 2009, and section 79-1023, Revised Statutes Supplement, 2009, as amended by section 11, Legislative Bill 5, One Hundred First Legislature, First Special Session, 2009; to change a date related to certain budget filings as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 973. Introduced by Coash, 27; McGill, 26.

A BILL FOR AN ACT relating to the Child Protection Act; to amend sections 28-710 and 28-713.01, Reissue Revised Statutes of Nebraska, and sections 28-718 and 28-720, Revised Statutes Supplement, 2009; to change provisions relating to a central register; to provide for a hearing and appeal as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 974. Introduced by Avery, 28.

A BILL FOR AN ACT relating to learning communities; to amend sections 77-3442 and 79-2111, Reissue Revised Statutes of Nebraska, and section 79-2104, Revised Statutes Supplement, 2009; to change provisions relating to use of a tax levy as prescribed; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 975. Introduced by Nordquist, 7; Ashford, 20; Cook, 13; Council, 11; Mello, 5; White, 8.

A BILL FOR AN ACT relating to the Convention Center Facility Financing Assistance Act; to amend section 13-2610, Revised Statutes Supplement, 2009; to change provisions relating to projects undertaken in areas with a high concentration of poverty; and to repeal the original section.

LEGISLATIVE BILL 976. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 13-519, Revised Statutes Supplement, 2009; to change a provision relating to budget limitations; and to repeal the original section.

LEGISLATIVE BILL 977. Introduced by Mello, 5; Haar, 21.

A BILL FOR AN ACT relating to state buildings; to amend sections 81-1114.02 and 85-1414, Reissue Revised Statutes of Nebraska; to require new state buildings and renovations to comply with energy efficiency standards; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 978. Introduced by Mello, 5; Haar, 21.

A BILL FOR AN ACT relating to the Department of Administrative Services; to amend section 81-161, Reissue Revised Statutes of Nebraska; to provide requirements relating to energy star certified appliances in the competitive bidding process; to provide powers for the materiel administrator; and to repeal the original section.

LEGISLATIVE BILL 979. Introduced by Nebraska Retirement Systems Committee: Pankonin, 2, Chairperson; Heidemann, 1; Karpisek, 32; Louden, 49; Mello, 5; Nordquist, 7.

A BILL FOR AN ACT relating to the State Employees Retirement Act; to amend section 84-1301, Reissue Revised Statutes of Nebraska, and section 84-1307, Revised Statutes Supplement, 2009; to provide for the transition of certain employees to the State Employees Retirement System as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 980. Introduced by Wallman, 30; Conrad, 46; Haar, 21; Karpisek, 32; Mello, 5; White, 8.

A BILL FOR AN ACT relating to state government; to amend sections 73-301, 73-302, 73-303, 73-304, 73-305, 73-306, 73-307, and 81-154.01, Reissue Revised Statutes of Nebraska; to name an act; to define terms; to change provisions relating to contracts for personal services; to provide requirements for privatization contracts; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 981. Introduced by Cornett, 45; Adams, 24; Dierks, 40; Hadley, 37; Louden, 49; Pahls, 31; Pirsch, 4; Utter, 33; White, 8.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-382, Reissue Revised Statutes of Nebraska; to create a panel to review a tax expenditure report; and to repeal the original section.

LEGISLATIVE BILL 982. Introduced by Campbell, 25; Gay, 14.

A BILL FOR AN ACT relating to roads; to amend sections 39-2201, 39-2205, 39-2209, 39-2211, 39-2212, 39-2213, 39-2215.01, 39-2216, 39-2223, and 39-2224, Reissue Revised Statutes of Nebraska; to adopt the Build Nebraska Act; to authorize issuance of highway bonds; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 983. Introduced by Karpisek, 32; Cornett, 45.

A BILL FOR AN ACT relating to the Mechanical Amusement Device Tax Act; to amend sections 2-1207.01, 77-3001, 77-3002, 77-3003, 77-3004, 77-3005, 77-3006, 77-3007, 77-3008, 77-3009, 77-3010, and 77-3011, Reissue Revised Statutes of Nebraska; to provide for the taxation and regulation of skilled mechanical amusement devices as prescribed; to

provide for excise fees; to distribute certain funds to the State Racing Commission; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 984. Introduced by Howard, 9; Ashford, 20; Avery, 28; Campbell, 25; Conrad, 46; Cornett, 45; Dubas, 34; Giese, 17; Gloor, 35; Hansen, 42; Lathrop, 12; McGill, 26; Mello, 5; Nordquist, 7; Pirsch, 4; Wallman, 30.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-707, Reissue Revised Statutes of Nebraska; to change a penalty relating to child abuse; and to repeal the original section.

LEGISLATIVE BILL 985. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to gambling; to amend sections 2-219, 9-1,101, 9-1,103, 9-1,104, 9-204, 9-226, 9-227, 9-232.01, 9-312, 9-322, 9-323, 9-411, 9-415, 9-418, 9-419, 9-507, 9-509, 9-512, 9-607, 9-620, 9-701, 9-826, 17-120, 17-207, 28-1101, 28-1105, 28-1113, and 35-901, Reissue Revised Statutes of Nebraska, and sections 14-102, 15-258, and 16-226, Revised Statutes Supplement, 2009; to adopt the Nebraska Charitable Poker Act; to harmonize provisions; to provide a duty for the Revisor of Statutes; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 986. Introduced by Conrad, 46.

A BILL FOR AN ACT relating to the Agricultural Opportunities and Value-Added Partnerships Act; to amend sections 2-5414, 2-5416, and 2-5419, Reissue Revised Statutes of Nebraska; to state intent; to authorize grants relating to electronic scanners and point-of-sale devices; and to repeal the original sections.

LEGISLATIVE BILL 987. Introduced by Krist, 10; Avery, 28; Christensen, 44; Coash, 27; Hadley, 37; Howard, 9; Lautenbaugh, 18; McGill, 26; Nelson, 6; Pankonin, 2; Pirsch, 4; Price, 3; Rogert, 16; Schilz, 47.

A BILL FOR AN ACT relating to veterans; to amend section 71-7611, Reissue Revised Statutes of Nebraska; to provide for a study of lung cancer in veterans; to provide duties for the Department of Veterans' Affairs; to provide for a transfer of funds; and to repeal the original section.

RESOLUTIONS**LEGISLATIVE RESOLUTION 294.** Introduced by White, 8; Mello, 5.

WHEREAS, on July 26, 1990, the Americans with Disabilities Act of 1990 was signed into federal law in order to accord equality and civil rights protections to individuals with disabilities; and

WHEREAS, the Americans with Disabilities Act of 1990 declares that disability in no way diminishes an individual's civil rights, including the right to fully participate in all aspects of society; and

WHEREAS, prior to the Americans with Disabilities Act of 1990, individuals who experienced discrimination on the basis of disability often had no legal recourse to redress such discrimination; and

WHEREAS, the Americans with Disabilities Act of 1990 codifies the nation's goals regarding individuals with disabilities, which are to assure equality of opportunity, full participation in society, independent living, and economic self-sufficiency; and

WHEREAS, the Americans with Disabilities Act of 1990 serves to provide a national mandate for the elimination of discrimination against individuals with disabilities and provides strong, consistent, and enforceable standards to redress such discrimination; and

WHEREAS, it is fitting that the State of Nebraska officially recognizes the Americans with Disabilities Act of 1990 on its twentieth anniversary, the act's declaration of the inherent civil rights of individuals with disabilities, and the recourse provided by the act to individuals with disabilities to remove barriers to full participation in society.

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

1. That the Legislature recognizes July 26, 2010, as the twentieth anniversary of the Americans with Disabilities Act of 1990.

2. That the Legislature reaffirms its support of and commitment to the Americans with Disabilities Act of 1990 and celebrates the act's inclusion of all citizens of Nebraska in society.

Laid over.

LEGISLATIVE RESOLUTION 295CA. Introduced by McGill, 26.

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

Section 1. At the primary election in May 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 XIII, section 2:

XIII-2 (1) Notwithstanding any other provision in the Constitution, the Legislature may authorize any county or incorporated city or village, including cities operating under home rule charters, to acquire, own, develop, and lease real and personal property suitable for use by

manufacturing or industrial enterprises and to issue revenue bonds for the purpose of defraying the cost of acquiring and developing such property by construction, purchase, or otherwise. The Legislature may also authorize such county, city, or village to acquire, own, develop, and lease real and personal property suitable for use by enterprises as determined by law if such property is located in blighted areas as determined by law and to issue revenue bonds for the purpose of defraying the cost of acquiring and developing or financing such property by construction, purchase, or otherwise. Such bonds shall not become general obligation bonds of the governmental subdivision by which such bonds are issued. Any real or personal property acquired, owned, developed, or used by any such county, city, or village pursuant to this ~~section~~-subsection shall be subject to taxation to the same extent as private property during the time it is leased to or held by private interests, notwithstanding the provisions of Article VIII, section 2, of ~~the~~-this Constitution. The acquiring, owning, developing, and leasing of such property shall be deemed for a public purpose, but the governmental subdivision shall not have the right to acquire such property by condemnation. The principal of and interest on any bonds issued may be secured by a pledge of the lease and the revenue therefrom and by mortgage upon such property. No such governmental subdivision shall have the power to operate any such property as a business or in any manner except as the lessor thereof.

(2) Notwithstanding any other provision in this Constitution, the Legislature may also authorize any county, city, or village to acquire, own, develop, and lease or finance real and personal property, other than property used or to be used for sectarian instruction or study or as a place for devotional activities or religious worship, to be used, during the term of any revenue bonds issued, only by nonprofit enterprises as determined by law and to issue revenue bonds for the purpose of defraying the cost of acquiring and developing or financing such property by construction, purchase, or otherwise. Such bonds shall not become general obligation bonds of the governmental subdivision by which such bonds are issued, and such governmental subdivision shall have no authority to impose taxes for the payment of such bonds. Notwithstanding the provisions of Article VIII, section 2, of this Constitution, the acquisition, ownership, development, use, or financing of any real or personal property pursuant to the provisions of this subsection shall not affect the imposition of any taxes or the exemption therefrom by the Legislature pursuant to this Constitution. The acquiring, owning, developing, and leasing or financing of such property shall be deemed for a public purpose, but the governmental subdivision shall not have the right to acquire such property for the purposes specified in this subsection by condemnation. The principal of and interest on any bonds issued may be secured by a pledge of the lease and the revenue therefrom and by mortgage upon such property. No such governmental subdivision shall have the power to operate any such property as a business or in any manner except as the lessor thereof.

(3) Notwithstanding any other provision in ~~the~~-this Constitution, the Legislature may also authorize any incorporated city or village, including cities operating under home rule charters, to appropriate from local sources

of revenue such funds as may be deemed necessary for an economic or industrial development project or program subject to approval by a vote of a majority of the registered voters of such city or village voting upon the question. For purposes of this provision, funds from local sources of revenue shall mean funds raised from general taxes levied by the city or village and shall not include any funds received by the city or village which are derived from state or federal sources.

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 authorize the use of revenue bonds to develop and lease property for use by nonprofit enterprises as determined by law.

For

Against.

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 296CA. Introduced by Karpisek, 32.

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 24:

III-24 (1) Except as provided in this section, the Legislature shall not authorize any game of chance or any lottery or gift enterprise when the consideration for a chance to participate involves the payment of money for the purchase of property, services, or a chance or admission ticket or requires an expenditure of substantial effort or time.

(2) The Legislature may authorize and regulate a state lottery pursuant to subsection (3) of this section and other lotteries, raffles, charitable poker, and gift enterprises which are intended solely as business promotions or the proceeds of which are to be used solely for charitable or community betterment purposes without profit to the promoter of such lotteries, raffles, charitable poker, or gift enterprises.

(3)(a) The Legislature may establish a lottery to be operated and regulated by the State of Nebraska. The proceeds of the lottery shall be appropriated by the Legislature for the costs of establishing and maintaining the lottery and for the following purposes, as directed by the Legislature:

(i) The first five hundred thousand dollars after the payment of prizes and operating expenses shall be transferred to the Compulsive Gamblers Assistance Fund;

(ii) Forty-four and one-half percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the Nebraska Environmental Trust Fund to be used as provided in the Nebraska Environmental Trust Act;

(iii) Forty-four and one-half percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be used for education as the Legislature may direct;

(iv) Ten percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the Nebraska State Fair Board if the most populous city within the county in which the fair is located provides matching funds equivalent to ten percent of the funds available for transfer. Such matching funds may be obtained from the city and any other private or public entity, except that no portion of such matching funds shall be provided by the state. If the Nebraska State Fair ceases operations, ten percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the General Fund; and

(v) One percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the Compulsive Gamblers Assistance Fund.

(b) No lottery game shall be conducted as part of the lottery unless the type of game has been approved by a majority of the members of the Legislature.

(4) Nothing in this section shall be construed to prohibit (a) the enactment of laws providing for the licensing and regulation of wagering on the results of horseraces, wherever run, either within or outside of the state, by the parimutuel method, when such wagering is conducted by licensees within a licensed racetrack enclosure or (b) the enactment of laws providing for the licensing and regulation of bingo games conducted by nonprofit associations which have been in existence for a period of five years immediately preceding the application for license, except that bingo games cannot be conducted by agents or lessees of such associations on a percentage basis.

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 permit the Legislature to authorize and regulate charitable poker.

For

Against.

Referred to the Reference Committee.

UNANIMOUS CONSENT - Add Cointroducers

Senator Mello asked unanimous consent to add his name as cointroducer to LB552 and LB799. No objections. So ordered.

Senator Krist asked unanimous consent to add his name as cointroducer to LB977. No objections. So ordered.

WITHDRAW - Cointroducer

Senator Mello withdrew his name as cointroducer to LB949.

VISITORS

Visitors to the Chamber were Virginia Kiviranta, Phyllis Fleharty, and Cheryl Pignotti from Omaha.

ADJOURNMENT

At 12:01 p.m., on a motion by Speaker Flood, the Legislature adjourned until 9:00 a.m., Wednesday, January 20, 2010.

Patrick J. O'Donnell
Clerk of the Legislature