

**FIFTEENTH DAY - JANUARY 26, 2011****LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE  
FIRST SESSION****FIFTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, January 26, 2011

**PRAYER**

The prayer was offered by Senator Carlson.

**ROLL CALL**

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

The roll was called and all members were present.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fourteenth day was approved.

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LB643	Government, Military and Veterans Affairs

(Signed) John Wightman, Chairperson  
Executive Board

**COMMITTEE REPORTS**

Enrollment and Review

**LEGISLATIVE BILL 170.** Placed on Select File with amendment.  
ER5

1. On page 21, line 7, reinstate the stricken "a"; and in
- 2 line 8 after "or" insert "a".

**LEGISLATIVE BILL 19.** Placed on Select File with amendment.  
ER4

1. On page 1, strike line 3 and insert "to include
- 2 additional substances in the schedules of controlled substances and

3 provide penalties under the Uniform Controlled".

4 2. On page 10, line 21, strike "are" and insert "is".

**LEGISLATIVE BILL 122.** Placed on Select File.

(Signed) Tyson Larson, Chairperson

### **COMMITTEE REPORTS**

Transportation and Telecommunications

**LEGISLATIVE BILL 163.** Placed on General File.

**LEGISLATIVE BILL 241.** Placed on General File.

(Signed) Deb Fischer, Chairperson

### **NOTICE OF COMMITTEE HEARINGS**

Transportation and Telecommunications

Room 1113

Monday, February 28, 2011 1:30 p.m.

Fred Stone - Nebraska Motor Vehicle Industry Licensing Board  
William Reeg - Nebraska Motor Vehicle Industry Licensing Board  
Blake Dillon - Nebraska Motor Vehicle Industry Licensing Board

(Signed) Deb Fischer, Chairperson

Banking, Commerce and Insurance

Room 1507

Monday, February 7, 2011 1:30 p.m.

LB387  
LB388  
LB404  
LB434  
LB448  
LB453  
LB454  
LB455

Monday, February 14, 2011 1:30 p.m.

LB223  
LB322  
LB240  
LB422  
LB409  
LB514

Tuesday, February 15, 2011 1:30 p.m.

LB22  
LB132  
LB493  
LB371  
LB280  
LB678

Tuesday, February 22, 2011 1:30 p.m.

LB571  
LB613  
LB614  
LB639  
LB478  
LB317

(Signed) Rich Pahls, Chairperson

Judiciary

Room 1113

Thursday, February 3, 2011 1:30 p.m.

LB147  
LB408  
LB488  
LB673  
LB115

Friday, February 4, 2011 1:30 p.m.

LB226  
LB242  
LB402  
LB677

(Signed) Brad Ashford, Chairperson

**CONFLICT OF INTEREST STATEMENT**

Pursuant to Rule 1, Sec. 19, Senator Pirsch has filed a Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act. The statement is on file in the Clerk of the Legislature's Office.

**MESSAGES FROM THE GOVERNOR**

January 13, 2011

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

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

Contingent upon your approval, the following individual is being reappointed to the Game and Parks Commission:

Dr. Mark Pinkerton, 13695 W. State Hwy 4, Beatrice, NE 68310

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

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

January 13, 2011

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

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

Contingent upon your approval, the following individual is being reappointed to the Commission for the Deaf and Hard of Hearing:

Dillard Delts, 1502 Grandview Ave. #18, Papillion, NE 68046

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

included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

January 13, 2011

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

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

Contingent upon your approval, the following individual is being appointed to the Board of Public Roads Classifications and Standards:

LeRoy Gerrard, 814 East 7th St., Box 108, Stromsburg, NE 68666

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

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

### **GENERAL FILE**

**LEGISLATIVE BILL 157.** Title read. Considered.

Senator Flood withdrew his amendments, AM67, AM68, AM69, AM70, AM71, AM72, AM73, AM74, and AM66, found on pages 346, 347, and 348.

Senator Coash withdrew his amendment, AM60, found on page 348.

Senator Coash offered the following amendment:  
AM106 is available in the Bill Room.

Pending.

**AMENDMENT - Print in Journal**

Senator Smith filed the following amendment to LB135:  
AM61

- 1 1. Insert the following new section:
  - 2 Section 1. Section 37-1287, Revised Statutes Cumulative
  - 3 Supplement, 2010, is amended to read:
    - 4 37-1287 (1) The county clerks, the designated county
    - 5 officials, or the Department of Motor Vehicles shall charge a fee
    - 6 of six dollars for each certificate of title and a fee of three
    - 7 dollars for each notation of any lien on a certificate of title.
    - 8 The county clerks or designated county officials shall retain
    - 9 for the county four dollars of the six dollars charged for each
    - 10 certificate of title and two dollars for each notation of lien. The
    - 11 remaining amount of the fee charged for the certificate of title
    - 12 and notation of lien under this subsection shall be remitted to the
    - 13 State Treasurer for credit to the General Fund.
    - 14 (2) The county clerks, the designated county officials,
    - 15 or the department shall charge a fee of ten dollars for each
    - 16 replacement or duplicate copy of a certificate of title, and the
    - 17 duplicate copy issued shall show only those unreleased liens of
    - 18 record. Such fees shall be remitted by the county or the department
    - 19 to the State Treasurer for credit to the General Fund.
    - 20 (3) In addition to the fees prescribed in subsections (1)
    - 21 and (2) of this section, the county clerks, the designated county
    - 22 officials, or the department shall charge a fee of four dollars for
    - 23 each certificate of title, each replacement or duplicate copy of a
    - 1 certificate of title, and each notation of lien on a certificate of
    - 2 title. The county clerks, the designated county officials, or the
    - 3 department shall remit the fee charged under this subsection to the
    - 4 State Treasurer for credit to the Department of Motor Vehicles Cash
    - 5 Fund.
    - 6 (4) The county clerks or designated county officials
    - 7 shall remit fees due the State Treasurer for credit to the General
    - 8 Fund under this section monthly and not later than the ~~five~~
    - 9 fifteenth day of the month following collection. The county clerks
    - 10 or designated county officials shall remit fees not due to the
    - 11 State Treasurer for credit to the General Fund to their respective
    - 12 county treasurers who shall credit the fees to the county general
    - 13 fund.
    - 14 2. On page 2, line 11, strike "is" and insert "and
    - 15 section 37-1287, Revised Statutes Cumulative Supplement, 2010,
    - 16 are".
    - 17 3. Renumber the remaining sections accordingly.

**NOTICE OF COMMITTEE HEARINGS**  
Revenue

Room 1524

Wednesday, February 2, 2011 1:30 p.m.

LB430  
LB527  
LB528

Thursday, February 3, 2011 1:30 p.m.

LB672  
LB361  
LB384

Friday, February 4, 2011 1:30 p.m.

LB165  
LB537  
LB562

Wednesday, February 9, 2011 1:30 p.m.

LB318  
LB319  
LB320  
LB321

Thursday, February 10, 2011 1:30 p.m.

LB84  
LB429  
LB504  
LB505

Friday, February 11, 2011 1:30 p.m.

LB174  
LB370  
LB423  
LB483

(Signed) Abbie Cornett, Chairperson

## Nebraska Retirement Systems

Room 1525

Tuesday, February 8, 2011 12:10 p.m.

LB486  
LB509

Tuesday, February 15, 2011 12:10 p.m.

LB246  
LB307  
LB688

Tuesday, March 1, 2011 12:10 p.m.

LB679  
LB680

(Signed) Jeremy Nordquist, Chairperson

**GENERAL FILE****LEGISLATIVE BILL 157.** The Coash amendment, AM106, found in this day's Journal, was renewed.Senator Flood offered the following amendment to the Coash amendment:  
AM110

(Amendments to AM106)

- 1 1. On page 22, strike beginning with "The" in line 24
- 2 through the period in line 27.

Senator Flood withdrew and refiled his amendment, AM110.

Senator Flood offered the following amendment to the Coash amendment:  
AM111

(Amendments to AM106)

- 1 1. On page 23, lines 7 and 8, strike "or concerned
- 2 individual"; and in line 15 after the period insert "Any interested
- 3 person that submits an affidavit under this subsection in bad
- 4 faith or submits an affidavit under this section that lacks a
- 5 factual basis as determined by the court, is guilty of a Class II
- 6 misdemeanor."

Senator Flood withdrew and refiled his amendment, AM111.



Senator Flood offered the following amendment to the Coash amendment:  
AM107

(Amendments to AM106)

- 1 1. On page 23, line 16, strike "(a)".
- 2 2. On page 24, strike lines 16 through 19.

The Flood amendment was adopted with 33 ayes, 6 nays, 9 present and not voting, and 1 excused and not voting.

Pending.

## COMMITTEE REPORTS

Transportation and Telecommunications

**LEGISLATIVE BILL 47.** Placed on General File with amendment.  
AM109

- 1 1. Insert the following new section:
- 2 Sec. 3. Since an emergency exists, this act takes effect
- 3 when passed and approved according to law.

**LEGISLATIVE BILL 212.** Placed on General File with amendment.  
AM2

- 1 1. Insert the following new section:
- 2 Sec. 2. Section 60-144, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 60-144 (1)(a) Except as provided in subdivisions (b),
- 5 (c), and (d) of this subsection, the county clerk or designated
- 6 county official shall be responsible for issuing and filing
- 7 certificates of title for vehicles, and each county shall issue
- 8 and file such certificates of title using the vehicle titling
- 9 and registration computer system prescribed by the department.
- 10 Application for a certificate of title shall be made upon a form
- 11 prescribed by the department. All applications shall be accompanied
- 12 by the appropriate fee or fees.
- 13 (b) The department shall issue and file certificates
- 14 of title for Nebraska-based fleet vehicles. Application for a
- 15 certificate of title shall be made upon a form prescribed by
- 16 the department. All applications shall be accompanied by the
- 17 appropriate fee or fees.
- 18 (c) The department shall issue and file certificates of
- 19 title for state-owned vehicles. Application for a certificate of
- 20 title shall be made upon a form prescribed by the department. All
- 21 applications shall be accompanied by the appropriate fee or fees.
- 22 (d) The department shall issue certificates of title
- 23 pursuant to section 60-142.06. Application for a certificate of
- 1 title shall be made upon a form prescribed by the department. All
- 2 applications shall be accompanied by the appropriate fee or fees.
- 3 (2) If the owner of an all-terrain vehicle, a
- 4 utility-type vehicle, or a minibike resides in Nebraska, the

5 application shall be filed with the county clerk or designated  
6 county official of the county in which the owner resides.

7 (3)(a) Except as otherwise provided in subdivision (b) of  
8 this subsection, if a vehicle, other than an all-terrain vehicle,  
9 a utility-type vehicle, or a minibike, has situs in Nebraska, the  
10 application shall be filed with the county clerk or designated  
11 county official of the county in which the vehicle has situs.

12 (b) If a motor vehicle dealer licensed under the Motor  
13 Vehicle Industry Regulation Act, applies for a certificate of title  
14 for a vehicle, the application may be filed with the county clerk  
15 or designated county official of any county.

16 (4) If the owner of a vehicle is a nonresident, the  
17 application shall be filed in the county in which the transaction  
18 is consummated.

19 (5) The application shall be filed within thirty days  
20 after the delivery of the vehicle.

21 (6) All applicants registering a vehicle pursuant to  
22 section 60-3,198 shall file the application for a certificate  
23 of title with the Division of Motor Carrier Services of the  
24 department. The division shall deliver the certificate to the  
25 applicant if there are no liens on the vehicle. If there are ~~any~~  
26 one or more liens on the vehicle, the ~~division shall deliver or~~  
27 ~~mail the certificate of title to the holder of the first lien~~  
1 on the day of issuance. shall be handled as provided in section  
2 60-164. All certificates of title issued by the division shall be  
3 issued in the manner prescribed for the county clerk or designated  
4 county official in section 60-152.

5 2. On page 18, line 3, after "sections" insert "60-144,".

6 3. Renumber the remaining sections accordingly.

(Signed) Deb Fischer, Chairperson

**NOTICE OF COMMITTEE HEARING**  
Government, Military and Veterans Affairs

Room 1507

Wednesday, February 2, 2011 1:30 p.m.

Dana Miller - State Emergency Response Commission

LB399  
LB499  
LB368  
LB173

(Signed) Bill Avery, Chairperson

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

Delts, Dillard - Commission for the Deaf and Hard of Hearing - Health and Human Services

Gerrard, LeRoy - Board of Public Roads Classifications and Standards - Transportation and Telecommunications

Pinkerton, Mark - Game and Parks Commission - Natural Resources

(Signed) John Wightman, Chairperson  
Executive Board

**AMENDMENTS - Print in Journal**

Senator Cornett filed the following amendment to LB81:  
AM132

1 1. On page 3, strike beginning with "The" in line 4  
2 through the period in line 9, show as stricken, and insert  
3 "The city council shall also have the power to require  
4 any person whose primary residence is in the city and who owns a  
5 motor vehicle in the city or any partnership, limited liability  
6 company, corporation, or business that has a place of business in  
7 the city and that owns a motor vehicle in the city to annually  
8 register the motor vehicle in such manner as may be provided and  
9 to require such person, partnership, limited liability company,  
10 corporation, or business to pay an annual registration fee therefor  
11 and to require the payment of registration fees upon the change of  
12 ownership of such motor vehicle."; in line 14 strike "not more than  
13 one week.", show as stricken, and insert "six months or less in a  
14 twelve-month period."; and strike beginning with "No" in line 14  
15 through line 15 and insert

16 "No registration fee shall be required when a person  
17 does not have a primary residence in the city and does not  
18 own a motor vehicle in the city or when a partnership, limited  
19 liability company, corporation, or business does not have a place  
20 of business in the city and does not own a motor vehicle in the  
21 city. No registration fee shall be required when a person is a  
22 full-time student attending a postsecondary institution in the city  
23 regardless of how many months he or she is in such city.".

1 2. On page 5, strike beginning with "All" in line 5  
2 through the period in line 8, show the old matter as stricken, and  
3 insert

4 "All cities and villages shall have the power to require  
5 any person whose primary residence is in such city or village  
6 and who owns a motor vehicle in such city or village or any  
7 partnership, limited liability company, corporation, or business  
8 that has a place of business in such city or village and that  
9 owns a motor vehicle in such city or village to annually register

10 the motor vehicle in such manner and as may be provided and  
 11 to require such person, partnership, limited liability company,  
 12 corporation, or business to pay an annual registration fee therefor  
 13 and to require the payment of registration fees upon the change  
 14 of ownership of such motor vehicle. No registration fee shall  
 15 be required when a person does not have a primary residence in  
 16 such city or village and does not own a motor vehicle in the  
 17 city or village or when a partnership, limited liability company,  
 18 corporation, or business does not have a place of business in such  
 19 city or village and does not own a motor vehicle in the city or  
 20 village. No registration fee shall be required when a person is a  
 21 full-time student attending a postsecondary institution in the city  
 22 or village regardless of how many months he or she is in such city  
 23 or village."; in lines 10 and 15 strike "tax", show as stricken,  
 24 and insert "fee"; and in line 13 strike "taxes", show as stricken,  
 25 and insert "fees".

Senator Flood filed the following amendment to LB157:  
 AM112

(Amendments to AM106)

1 1. On page 46, strike lines 21 through 25 and insert  
 2 "shall not require a bond if the protected person executed a  
 3 written, valid power of attorney that specifically nominates a  
 4 guardian or conservator and specifically does not require a bond.  
 5 The court shall consider as one of the factors of good cause,  
 6 when determining whether a bond should be required and the amount  
 7 thereof, the protected person's choice of any attorney-in-fact or  
 8 alternative attorney-in-fact. No bond shall be required of any  
 9 financial institution, as that term is defined in subdivision (12)  
 10 of section 8-101, or any officer, director, employee, or agent of  
 11 the financial institution serving as a conservator, or any trust  
 12 company serving as a conservator.".

### **MOTION - Print in Journal**

Senator Mello filed the following motion to LB492:  
 MO3  
 Withdraw bill.

### **VISITOR**

The Doctor of the Day was Dr. Dale Michels from Lincoln.

**ADJOURNMENT**

At 11:52 a.m., on a motion by Speaker Flood, the Legislature adjourned until 10:00 a.m., Thursday, January 27, 2011.

Patrick J. O'Donnell  
Clerk of the Legislature

