

THIRTIETH DAY - FEBRUARY 16, 2011**LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE
FIRST SESSION****THIRTIETH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 16, 2011

PRAYER

The prayer was offered by Reverend Roland Jank, Immanuel Lutheran Church (retired), Columbus.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Sheehy presiding.

The roll was called and all members were present except Senator Wightman who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-ninth day was approved.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 401. Placed on Select File.

LEGISLATIVE BILL 179. Placed on Select File.

LEGISLATIVE BILL 197. Placed on Select File.

LEGISLATIVE BILL 61. Placed on Select File with amendment.
ER32

- 1 1. On page 1, strike beginning with the semicolon in
- 2 line 2 through line 4 and insert ", and section 29-4003, Revised
- 3 Statutes Cumulative Supplement, 2010; to change provisions and
- 4 penalties relating to unlawful intrusion; to harmonize provisions;
- 5 and to repeal the original sections."

LEGISLATIVE BILL 308. Placed on Select File.

LEGISLATIVE BILL 335. Placed on Select File.

LEGISLATIVE BILL 160. Placed on Select File.

LEGISLATIVE BILL 218. Placed on Select File.

(Signed) Tyson Larson, Chairperson

COMMITTEE REPORT

Education

LEGISLATIVE BILL 445. Placed on General File with amendment.
AM364

- 1 1. Strike section 1.
- 2 2. On page 8, lines 1 through 7, strike the new matter
- 3 and reinstate the stricken matter; in line 7 after the reinstated
- 4 semicolon insert "and"; and in line 13 before "The" insert "(2)".
- 5 3. On page 9, line 3, strike the underscored period; in
- 6 lines 4 through 9, reinstate the stricken matter; in line 9 after
- 7 the semicolon insert "and"; and in line 15 before "The" insert
- 8 "(2)".
- 9 4. On page 10, lines 2 through 8, strike the new matter
- 10 and reinstate the stricken matter; in line 8 after the reinstated
- 11 semicolon insert "and"; and in line 12 before "The" insert "(2)".
- 12 5. Amend the repealer and renumber the remaining sections
- 13 accordingly.

(Signed) Greg Adams, Chairperson

RESOLUTION

Pursuant to Rule 4, Sec. 5(b), LR70 was adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LR70.

BILLS ON FINAL READING**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB19 with 43 ayes, 1 nay, 4 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 19. With Emergency Clause.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-405 and 28-416, Revised Statutes Cumulative Supplement, 2010; to include additional substances in the schedules of controlled substances and provide penalties under the Uniform Controlled Substances Act; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

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

The following bills were read and put upon final passage:

LEGISLATIVE BILL 23.

A BILL FOR AN ACT relating to the Nebraska Real Estate License Act; to amend section 81-885.20, Reissue Revised Statutes of Nebraska, and sections 81-885.14 and 81-885.19, Revised Statutes Cumulative Supplement, 2010; to change license renewal provisions and eliminate a fee exemption; to eliminate the requirements for pocket cards; and to repeal the original sections.

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

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 28.

A BILL FOR AN ACT relating to the Nebraska Chemigation Act; to amend sections 46-1117 and 46-1123, Reissue Revised Statutes of Nebraska; to change application and reporting requirements; and to repeal the original sections.

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

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 29.

A BILL FOR AN ACT relating to the Department of Environmental Quality; to amend sections 66-1519 and 81-15,162, Reissue Revised Statutes of Nebraska, and section 13-2042, Revised Statutes Cumulative Supplement, 2010; to change and eliminate provisions relating to the use of certain funds; to harmonize provisions; and to repeal the original sections.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Present and not voting, 2:

Heidemann Karpisek

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB30 with 43 ayes, 2 nays, and 4 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 30.

A BILL FOR AN ACT relating to the Environmental Protection Act; to amend section 81-1505, Reissue Revised Statutes of Nebraska; to change provisions relating to composting sites; to change and provide references to federal law; and to repeal the original section.

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

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 46.

A BILL FOR AN ACT relating to the Barber Act; to amend sections 71-202.01 and 71-208.01, Reissue Revised Statutes of Nebraska; to define a term; to harmonize provisions; and to repeal the original sections.

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

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 47. With Emergency Clause.

A BILL FOR AN ACT relating to railroad carriers; to amend section 86-164, Revised Statutes Cumulative Supplement, 2010; to include certain third parties in the definition of railroad carrier; to repeal the original section; and to declare an emergency.

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

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

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

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB59 with 44 ayes, 1 nay, and 4 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 59. With Emergency Clause.

A BILL FOR AN ACT relating to community colleges; to amend sections 81-1118.02 and 85-1535, Reissue Revised Statutes of Nebraska, and sections 13-518, 77-3442, 85-1418, 85-1503, 85-1517, and 90-517, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to property tax authority of and aid to community colleges; to eliminate an obsolete reference; to harmonize provisions; to repeal the original sections;

and to declare an emergency.

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

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

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

The following bill was read and put upon final passage:

LEGISLATIVE BILL 68.

A BILL FOR AN ACT relating to hospitals; to amend section 71-2048.01, Reissue Revised Statutes of Nebraska; to permit certified nurse midwives to have clinical privileges; and to repeal the original section.

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

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB72 with 41 ayes, 2 nays, and 6 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 72.

A BILL FOR AN ACT relating to insurance; to amend sections 44-3,143, 44-402.01, 44-710.03, 44-710.04, 44-1540, 44-4803, and 44-4862, Reissue Revised Statutes of Nebraska; to change provisions relating to unfair claims settlement practices, life insurance reserves, and sickness and accident insurance policy provisions; to provide requirements and define terms under the Nebraska Insurers Supervision, Rehabilitation, and Liquidation Act; to harmonize provisions; and to repeal the original sections.

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

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 74. With Emergency Clause.

A BILL FOR AN ACT relating to banks and banking; to amend sections 8-1,140, 8-355, 8-602, 8-1510, and 21-17,115, Revised Statutes Cumulative Supplement, 2010; to eliminate provisions relating to impairment of bank capital; to revise powers of state-chartered banks, building and loan associations, and credit unions; to change provisions relating to the schedule of fees; to change provisions relating to acquisitions and mergers; to provide operative dates; to repeal the original sections; to outright repeal section 8-132.01, Reissue Revised Statutes of Nebraska; and to declare an emergency.

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

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

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

LEGISLATIVE BILL 75. With Emergency Clause.

A BILL FOR AN ACT relating to banking and finance; to amend sections 45-189, 45-190, and 45-742, Reissue Revised Statutes of Nebraska, and section 8-702, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to loan brokers, mortgage loan originators, and residential mortgage licensing; to repeal the original sections; and to declare an emergency.

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

emergency clause attached?' "

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

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

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB76 with 47 ayes, 0 nays, and 2 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 76. With Emergency Clause.

A BILL FOR AN ACT relating to banking and finance; to amend sections 8-1101, 8-1704, 8-1707, 69-2103, 69-2104, and 69-2112, Reissue Revised Statutes of Nebraska, and sections 8-1110 and 8-1111, Revised Statutes Cumulative Supplement, 2010; to adopt updated federal laws in the areas of securities, commodities, and consumer rental purchase agreements; to change provisions relating to securities and transactions exempt from registration; to change internal references; to harmonize provisions; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

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

The following bills were read and put upon final passage:

LEGISLATIVE BILL 111.

A BILL FOR AN ACT relating to mental health boards; to amend section 71-915, Reissue Revised Statutes of Nebraska; to change the membership of mental health boards; and to repeal the original section.

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

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 122.

A BILL FOR AN ACT relating to state buildings; to amend section 90-115, Reissue Revised Statutes of Nebraska; to rename an educational telecommunications building; and to repeal the original section.

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

Voting in the affirmative, 45:

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

Voting in the negative, 3:

Janssen	Karpisek	Lautenbaugh
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Present and not voting, 1:

Bloomfield

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 134. With Emergency Clause.

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

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Present and not voting, 2:

Christensen Krist

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

LEGISLATIVE BILL 154.

A BILL FOR AN ACT relating to natural resources districts; to amend section 2-3215, Reissue Revised Statutes of Nebraska; to change procedures for filling vacancies on the boards of directors; and to repeal the original section.

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

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB157 with 46 ayes, 0 nays, and 3 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 157.

A BILL FOR AN ACT relating to guardianship and conservatorship; to amend sections 25-2708, 25-2911, 25-2943, 30-1601, 30-2209, 30-2210, 30-2211, 30-2601, 30-2613, 30-2618, 30-2620, 30-2626, 30-2628, 30-2629, 30-2630.01, 30-2632, 30-2640, 30-2647, 30-2648, and 30-2655, Reissue Revised Statutes of Nebraska, and section 30-2201, Revised Statutes Cumulative Supplement, 2010; to provide for real estate filings, use of dispute resolution, duties for the State Court Administrator, and ex parte proceedings; to adopt the Nebraska Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act; to provide and change duties for guardians and conservators; to provide a penalty; to harmonize provisions; to provide a duty for the Revisor of Statutes; to provide an operative date; and to repeal the original sections.

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

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 157A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 157, One Hundred Second Legislature, First Session, 2011.

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

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB163 with 45 ayes, 0 nays, and 4 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 163.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 18-1736, 18-1737, 18-1738, 18-1738.01, 18-1738.02, 18-1740, 18-1741, 18-1741.03, 18-1741.04, 18-1742, 60-151, 60-153, 60-301, 60-302, and 60-3,113, Reissue Revised Statutes of Nebraska, and sections 18-1739, 18-1741.02, and 23-186, Revised Statutes Cumulative Supplement, 2010; to change and provide provisions relating to parking permits and license plates for handicapped or disabled persons; to define terms; to authorize the development of an electronic application system for parking permits for

handicapped or disabled persons; to provide a penalty; to harmonize provisions; and to repeal the original sections.

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

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 163A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 163, One Hundred Second Legislature, First Session, 2011.

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

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB208 with 48 ayes, 0 nays, and 1 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 208.

A BILL FOR AN ACT relating to the Nebraska Power Review Board; to amend sections 70-1015 and 76-3001, Reissue Revised Statutes of Nebraska, and sections 70-1001.01, 70-1013, and 70-1014.02, Revised Statutes Cumulative Supplement, 2010; to provide waiver and injunctive relief powers to the board as prescribed; to redefine terms; and to repeal the original sections.

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

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB211 with 43 ayes, 0 nays, and 6 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 211.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 13-324, 13-2814, 77-2703, 77-2703.03, 77-2704.10, and 77-27,143, Reissue Revised Statutes of Nebraska, and section 77-2712.03, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to collection of sales tax on rented and leased motor vehicles, direct mail sourcing, a sales and use tax exemption for certain food, and the streamlined sales and use tax agreement; to provide an operative date; and to repeal the original sections.

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

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Present and not voting, 1:

Krist

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB212 with 46 ayes, 0 nays, and 3 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 212. With Emergency Clause.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-144, 60-3,193.01, 60-3,221, 60-462.01, 60-4,147.02, and 75-393, Reissue Revised Statutes of Nebraska, and sections 18-1739, 75-363, and 75-364, Revised Statutes Cumulative Supplement, 2010; to adopt revisions of federal laws and regulations and a registration reciprocity agreement by reference; to change provisions relating to applications for certificates of title and towing trailers; to harmonize provisions; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

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

The following bill was read and put upon final passage:

LEGISLATIVE BILL 241. With Emergency Clause.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-126, 60-139, 60-140, 60-142, and 60-344, Reissue Revised Statutes of Nebraska; to redefine parts vehicle; to require use of a bill of sale for a parts vehicle; to provide a penalty; to harmonize provisions; to repeal the original sections; and to declare an emergency.

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

emergency clause attached?" "

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

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

SELECT FILE

LEGISLATIVE BILL 181. Advanced to Enrollment and Review for Engrossment.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 19, 23, 28, 29, 30, 46, 47, 59, 68, 72, 74, 75, 76, 111, 122, 134, 154, 157, 157A, 163, 163A, 208, 211, 212, and 241.

GENERAL FILE

LEGISLATIVE BILL 333. Title read. Considered.

Committee AM261, found on page 483, was considered.

SENATOR GLOOR PRESIDING

PRESIDENT SHEEHY PRESIDING

Pending.

COMMITTEE REPORTS

Transportation and Telecommunications

LEGISLATIVE BILL 255. Placed on General File.

LEGISLATIVE BILL 259. Placed on General File.

LEGISLATIVE BILL 112. Placed on General File with amendment.
AM361

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 75-302, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 75-302 For purposes of sections 75-301 to 75-322 and in
- 6 all rules and regulations adopted and promulgated by the commission
- 7 pursuant to such sections, unless the context otherwise requires:
- 8 (1) Attended services means an attendant or caregiver
- 9 accompanying a minor or persons who are physically, mentally,
- 10 or developmentally disabled and unable to travel or wait without
- 11 assistance or supervision;
- 12 ~~(1)-(2)~~ Carrier enforcement division means the carrier
- 13 enforcement division of the Nebraska State Patrol or the Nebraska
- 14 State Patrol;
- 15 ~~(2)-(3)~~ Certificate means a certificate of public
- 16 convenience and necessity issued under Chapter 75, article 3, to
- 17 common carriers by motor vehicle;
- 18 ~~(3)-(4)~~ Civil penalty means any monetary penalty assessed
- 19 by the commission or carrier enforcement division due to a
- 20 violation of Chapter 75, article 3, or section 75-126 as such
- 21 section applies to any person or carrier specified in Chapter 75,
- 22 article 3; any term, condition, or limitation of any certificate
- 23 or permit issued pursuant to Chapter 75, article 3; or any
- 1 rule, regulation, or order of the commission, the Division of
- 2 Motor Carrier Services, or the carrier enforcement division issued
- 3 pursuant to Chapter 75, article 3;
- 4 ~~(4)-(5)~~ Commission means the Public Service Commission;
- 5 ~~(5)-(6)~~ Common carrier means any person who or which
- 6 undertakes to transport passengers or household goods for the
- 7 general public in intrastate commerce by motor vehicle for hire,
- 8 whether over regular or irregular routes, upon the highways of this
- 9 state;
- 10 ~~(6)-(7)~~ Contract carrier means any motor carrier which
- 11 transports passengers or household goods for hire other than as
- 12 a common carrier designed to meet the distinct needs of each
- 13 individual customer or a specifically designated class of customers
- 14 without any limitation as to the number of customers it can serve
- 15 within the class;
- 16 ~~(7)-(8)~~ Division of Motor Carrier Services means the
- 17 Division of Motor Carrier Services of the Department of Motor
- 18 Vehicles;

19 ~~(8) Escort services means an attendant or caregiver~~
20 ~~accompanying a minor or persons who are physically, mentally,~~
21 ~~or developmentally disabled and unable to travel or wait without~~
22 ~~assistance or supervision;~~

23 (9) Highway means the roads, highways, streets, and ways
24 in this state;

25 (10) Household goods means personal effects and property
26 used or to be used in a dwelling, when a part of the equipment
27 or supply of such dwelling, and similar property as the commission
1 may provide by regulation if the transportation of such effects or
2 property, is:

3 (a) Arranged and paid for by the householder, including
4 transportation of property from a factory or store when the
5 property is purchased by the householder with the intent to use in
6 his or her dwelling; or

7 (b) Arranged and paid for by another party;

8 (11) Intrastate commerce means commerce between any place
9 in this state and any other place in this state and not in part
10 through any other state;

11 (12) Motor carrier means any person other than a
12 regulated motor carrier who or which owns, controls, manages,
13 operates, or causes to be operated any motor vehicle used to
14 transport passengers or property over any public highway in this
15 state;

16 (13) Motor vehicle means any vehicle, machine, tractor,
17 trailer, or semitrailer propelled or drawn by mechanical power
18 and used upon the highways in the transportation of passengers
19 or property but does not include any vehicle, locomotive, or car
20 operated exclusively on a rail or rails;

21 (14) Permit means a permit issued under Chapter 75,
22 article 3, to contract carriers by motor vehicle;

23 (15) Person means any individual, firm, partnership,
24 limited liability company, corporation, company, association,
25 or joint-stock association and includes any trustee, receiver,
26 assignee, or personal representative thereof;

27 (16) Private carrier means any motor carrier which
1 owns, controls, manages, operates, or causes to be operated a
2 motor vehicle to transport passengers or property to or from
3 its facility, plant, or place of business or to deliver to
4 purchasers its products, supplies, or raw materials (a) when such
5 transportation is within the scope of and furthers a primary
6 business of the carrier other than transportation and (b) when
7 not for hire. Nothing in sections 75-301 to 75-322 shall apply to
8 private carriers; ~~and~~

9 (17) Regulated motor carrier means any person who or
10 which owns, controls, manages, operates, or causes to be operated
11 any motor vehicle used to transport passengers, other than those
12 excepted under section 75-303, or household goods over any public
13 highway in this state;:-

14 (18) Residential care means care for a minor or a
 15 person who is physically, mentally, or developmentally disabled
 16 who resides in a residential home or facility regulated by the
 17 Department of Health and Human Services, including, but not limited
 18 to, a foster home, treatment facility, group home, or shelter;

19 (19) Residential care transportation services means
 20 transportation services to persons in residential care when such
 21 residential care transportation services and residential care are
 22 provided as part of a services contract with the Department of
 23 Health and Human Services or pursuant to a subcontract entered into
 24 incident to a services contract with the department; and

25 (20) Supported transportation services means
 26 transportation services to a minor or for a person who is
 27 physically, mentally, or developmentally disabled when the person
 1 providing transportation services also assists and supervises the
 2 passenger or transportation services to a family member of a minor
 3 when it is necessary for provider staff to accompany or facilitate
 4 the transportation in order to provide necessary services and
 5 support to the minor. Supported transportation services must be
 6 provided as part of a services contract with the Department of
 7 Health and Human Services or pursuant to a subcontract entered into
 8 incident to a services contract with the department, and the driver
 9 must meet department requirements for (a) training or experience
 10 working with minors or persons who are physically, mentally, or
 11 developmentally disabled, (b) training with regard to the specific
 12 needs of the client served, (c) reporting to the department,
 13 and (d) age. Assisting and supervising the passenger shall not
 14 necessarily require the person providing transportation services
 15 to stay with the passenger after the transportation services have
 16 been provided.

17 Sec. 2. Section 75-303, Reissue Revised Statutes of
 18 Nebraska, is amended to read:

19 75-303 Sections 75-301 to 75-322 shall apply to
 20 transportation by a motor carrier or the transportation of
 21 passengers and household goods by a regulated motor carrier for
 22 hire in intrastate commerce except for the following:

23 (1) A motor carrier for hire in the transportation of
 24 school children and teachers to and from school;

25 (2) A motor carrier for hire operated in connection with
 26 a part of a streetcar system;

27 (3) An ambulance, ambulance owner, hearse, or automobile
 1 used exclusively as an incident to conducting a funeral;

2 (4) A motor carrier exempt by subdivision (1) of this
 3 section which hauls for hire (a) persons of a religious, fraternal,
 4 educational, or charitable organization, (b) pupils of a school to
 5 athletic events, (c) players of American Legion baseball teams when
 6 the point of origin or termination is within five miles of the
 7 domicile of the carrier, and (d) the elderly as defined in section

8 13-1203 and their spouses and dependents under a contract with a
9 municipality or county authorized in section 13-1208;

10 (5) A motor carrier operated by a city and engaged in the
11 transportation of passengers, and such exempt operations shall be
12 no broader than those authorized in intrastate commerce at the time
13 the city or other political subdivision assumed ownership of the
14 operation;

15 (6) A motor vehicle owned and operated by a nonprofit
16 organization which is exempt from payment of federal income
17 taxes, as provided by section 501(c)(4), Internal Revenue Code,
18 transporting solely persons over age sixty, persons who are spouses
19 and dependents of persons over age sixty, and handicapped persons;

20 (7) A motor carrier engaged in the transportation of
21 passengers operated by a transit authority created under and acting
22 pursuant to the laws of the State of Nebraska;

23 (8) A motor carrier operated by a municipality or county,
24 as authorized in section 13-1208, in the transportation of elderly
25 persons;

26 (9) A motor vehicle having a seating capacity of twenty
27 or less which is operated by a governmental subdivision or a
1 qualified public-purpose organization as defined in section 13-1203
2 engaged in the transportation of passengers in the state;

3 (10) A motor vehicle owned and operated by a nonprofit
4 entity organized for the purpose of furnishing electric service;
5 ~~and~~

6 (11) A motor carrier engaged in ~~escort-attended~~ services
7 ~~and~~-under contract or subcontract with the Department of Health
8 and Human Services or with any agency organized under the Nebraska
9 Community Aging Services Act;-

10 (12) A motor carrier engaged in residential care
11 transportation services if the motor carrier complies with the
12 requirements of the Department of Health and Human Services
13 adopted, promulgated, and enforced to protect the safety and
14 well-being of the passengers, including insurance, training, and
15 age requirements; and

16 (13) A motor carrier engaged in supported transportation
17 services if the motor carrier complies with the requirements of the
18 Department of Health and Human Services adopted, promulgated, and
19 enforced to protect the safety and well-being of the passengers,
20 including insurance, training, and age requirements.

21 Sec. 3. Section 75-311, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 75-311 (1) A certificate shall be issued to any
24 qualified applicant authorizing the whole or any part of the
25 operations covered by the application if it is found after notice
26 and hearing that (a) the applicant is fit, willing, and able
27 properly to perform the service proposed and to conform to the
1 provisions of sections 75-301 to 75-322 and the requirements,
2 rules, and regulations of the commission under such sections and

3 (b) the proposed service, to the extent to be authorized by the
 4 certificate, whether regular or irregular, passenger or household
 5 goods, is or will be required by the present or future public
 6 convenience and necessity. Otherwise the application shall be
 7 denied.

8 (2) A permit shall be issued to any qualified applicant
 9 therefor authorizing in whole or in part the operations covered
 10 by the application if it appears after notice and hearing from
 11 the application or from any hearing held on the application that
 12 (a) the applicant is fit, willing, and able properly to perform
 13 the service of a contract carrier by motor vehicle and to conform
 14 to the provisions of such sections and the lawful requirements,
 15 rules, and regulations of the commission under such sections and
 16 (b) the proposed operation, to the extent authorized by the permit,
 17 will be consistent with the public interest by providing services
 18 designed to meet the distinct needs of each individual customer
 19 or a specifically designated class of customers as defined in
 20 subdivision ~~(6)-(7)~~ of section 75-302. Otherwise the application
 21 shall be denied.

22 (3) No person shall at the same time hold a certificate
 23 as a common carrier and a permit as a contract carrier for
 24 transportation of household goods by motor vehicles over the same
 25 route or within the same territory unless the commission finds
 26 that it is consistent with the public interest and with the policy
 27 declared in section 75-301.

1 (4) After the issuance of a certificate or permit, the
 2 commission shall review the operations of all common or contract
 3 carriers who hold authority from the commission to determine
 4 whether there are insufficient operations in the transportation
 5 of household goods to justify the commission's finding that
 6 such common or contract carrier has willfully failed to perform
 7 transportation under sections 75-301 to 75-322 and rules and
 8 regulations promulgated under such sections. If the commission
 9 determines that there are insufficient operations, then the
 10 commission shall commence proceedings under section 75-315 to
 11 revoke the certificate or permit involved.

12 (5) This section shall not apply to operations pursuant
 13 to a contract authorized by sections 75-303.01 and 75-303.02.

14 Sec. 4. Original sections 75-302, 75-303, and 75-311,
 15 Reissue Revised Statutes of Nebraska, are repealed.

16 Sec. 5. Since an emergency exists, this act takes effect
 17 when passed and approved according to law.

LEGISLATIVE BILL 477. Placed on General File with amendment.
 AM343

1 1. On page 4, line 2, after "community" insert ", except
 2 that no application needs to be filed to change a franchisee's
 3 community if an agreement has been entered into as provided in
 4 subsection (3) of section 60-1420".

- 5 2. On page 9, line 25, strike the new matter.
- 6 3. On page 10, lines 1 through 5 strike the new matter;
 7 in lines 9 through 13, strike the new matter and insert "A
 8 manufacturer, importer, or distributor may not share, sell, or
 9 transfer customer information, obtained from a dealer and not
 10 otherwise publicly available, to other dealers franchised by the
 11 manufacturer while the originating dealer is still a franchised
 12 dealer of the manufacturer unless otherwise agreed to by the
 13 originating dealer. A manufacturer, importer, or distributor may
 14 not use any nonpublic personal information, as that term is used
 15 in 16 C.F.R. part 313, which is obtained from a dealer unless
 16 such use falls within one or more of the exceptions to opt out
 17 requirements under 16 C.F.R. 313.14 or 313.15"; and in line 24
 18 after "facilities" insert "if the dealer complies with subdivision
 19 (9) of this section".
- 20 4. On page 11, line 14, after the period insert "If a
 21 dealer voluntarily terminates and has entered into a separately
 22 negotiated site control agreement, the agreement may survive the
 23 termination if the agreement clearly states that fact.".
- 1 5. On page 21, line 14 strike "The" and insert "As a
 2 result of an audit authorized under this subsection, the"; and in
 3 line 16 strike "false or fraudulent", show as stricken, and insert
 4 "previously paid".

(Signed) Deb Fischer, Chairperson

Health and Human Services

LEGISLATIVE BILL 45. Placed on General File with amendment.
 AM321

- 1 1. On page 14, line 9; and page 21, line 25, after the
 2 first occurrence of "state" insert "or any political subdivision".
 3
- 4 2. On page 14, line 21; and page 24, line 6, reinstate
 5 the stricken matter.
- 6 3. On page 15, lines 3 through 9; and page 24, lines
 7 15 through 22, strike the underscored matter and reinstate the
 8 stricken matter.

(Signed) Kathy Campbell, Chairperson

Transportation and Telecommunications

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

Ralph Holzfast - Nebraska Railway Council

Frank Landis - Nebraska Railway Council
 Gary Rasmussen - Nebraska Railway Council
 John Rebensdorf - Nebraska Railway Council

Aye: 7 Senators Campbell, Fischer, Hadley, Janssen, Lautenbaugh, Louden, Price. Nay: 0. Absent: 0. Present and not voting: 1 Senator Dubas.

(Signed) Deb Fischer, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 16, 2011, at 10:48 a.m. were the following: LBs 19e, 23, 28, 29, 30, 46, 47e, 59e, 68, 72, 74e, 75e, 76e, 111, 122, 134e, 154, 157, 157A, 163, 163A, 208, 211, 212e, and 241e.

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

AMENDMENTS - Print in Journal

Senator Utter filed the following amendment to LB410:
 AM360

(Amendments to E & R amendments, ER27)

- 1 1. On page 10, strike lines 11 through 15 and insert the
- 2 following new subsection:
- 3 "(2) For purposes of subdivision (1)(b) of this
- 4 section, each individual owner of more than ten percent of an
- 5 appraisal management company shall, at the time an application for
- 6 registration as an appraisal management company is made, submit
- 7 two copies of legible ink-rolled fingerprint cards or equivalent
- 8 electronic fingerprint submissions to the board for delivery to the
- 9 Nebraska State Patrol in a form approved by both the Nebraska State
- 10 Patrol and the Federal Bureau of Investigation. The board shall pay
- 11 the Nebraska State Patrol the costs associated with conducting a
- 12 fingerprint based national criminal history record check through
- 13 the Nebraska State Patrol and the Federal Bureau of Investigation
- 14 with such record check to be carried out by the board.".

Senator Fischer filed the following amendment to LB178:
 AM374

- 1 1. Insert the following new section:
- 2 Sec. 19. Section 60-4,171, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 60-4,171 (1) Following any period of revocation ordered
- 5 by a court, a resident who has had a commercial driver's license
- 6 revoked pursuant to section 60-4,169 may apply for a Class O or M
- 7 operator's license.
- 8 (2) Any person who has had his or her commercial driver's
- 9 license revoked pursuant to section 60-4,169 may, at the end of

10 such revocation period, apply to have his or her eligibility for
 11 a commercial driver's license reinstated. The applicant shall (a)
 12 apply to the Department of Motor Vehicles and provide his or her
 13 social security number, (b) take the commercial driver's license
 14 knowledge and driving skills examinations prescribed pursuant to
 15 section 60-4,155, (c) up to and including December 31, 2011,
 16 comply with section 60-4,145 regarding physical requirements, (d)
 17 on or after January 1, 2012, certify pursuant to section 13 of
 18 this act and meet the applicable medical requirements for such
 19 certification, (e) be subject to a check of his or her driving
 20 record, ~~(e)-(f)~~ pay the fees specified in section 60-4,115 and a
 21 reinstatement fee as provided in section 60-499.01, and ~~(f)-(g)~~
 22 surrender any operator's license issued pursuant to subsection (1)
 23 of this section.

1 2. On page 38, line 6, after the last comma insert

2 "60-4,171,".

3 3. Renumber the remaining sections accordingly.

NOTICE OF COMMITTEE HEARINGS

Judiciary

Room 1113

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

LR39
 LB48
 LR28
 LB569

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

LB667
 LB675
 LB693
 LB660

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

LB668
 LB300
 LB276

(Signed) Brad Ashford, Chairperson

Government, Military and Veterans Affairs

Room 1507

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

LB566
LB312
LB606

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

LB550
LR19CA
LB610
LR45CA

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

LB277
LB685
LB523

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

LB643
LR22
LB654

Wednesday, March 16, 2011 1:30 p.m.

LB142
LB175
LB292
LB568

(Signed) Bill Avery, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Bley, Steven - Boiler Safety Code Advisory Board - Business and Labor
Clouse, Stan - Nebraska Natural Resources Commission - Natural
Resources
Incontro, Thomas - Foster Care Review Board - Health and Human Services
Kasch, Amy - Commission for the Deaf and Hard of Hearing - Health and
Human Services

Kirkpatrick, Robert - Boiler Safety Code Advisory Board - Business and Labor
 Lomicky, Carol - Commission for the Deaf and Hard of Hearing - Health and Human Services
 Minert, Lowell - Nebraska State Fair Board - Agriculture
 Phipps, Thomas - Boiler Safety Code Advisory Board - Business and Labor
 Zimmerer, Mark - Foster Care Review Board - Health and Human Services

(Signed) John Wightman, Chairperson
 Executive Board

GENERAL FILE

LEGISLATIVE BILL 333. Committee AM261, found on page 483 and considered in this day's Journal, was renewed.

The committee amendment was adopted with 36 ayes, 0 nays, 12 present and not voting, and 1 excused and not voting.

Senator Adams offered the following amendment:
 AM367

1 1. Insert the following new sections:
 2 Sec. 12. Section 79-1044, Reissue Revised Statutes of
 3 Nebraska, is amended to read:
 4 79-1044 The forest reserve funds, annually paid into the
 5 state treasury by the United States Government under an act of
 6 Congress approved June 30, 1906, shall be distributed among the
 7 counties of the state entitled to the same for the benefit of
 8 the public schools and the public roads of such counties; based
 9 upon information provided by the United States Department of the
 10 Interior under the direction of the Commissioner of Education; in
 11 the following manner:

12 (1) The State Treasurer shall annually on the first
 13 Monday in July certify to the commissioner the amount of
 14 money received from the United States Government as Nebraska's
 15 proportionate share of the income from the forest reserves within
 16 the state for the most recent complete fiscal year; and

17 ~~(2) The Board of Educational Lands and Funds shall~~
 18 ~~annually on the first Monday in July make and deliver to the~~
 19 ~~commissioner a certificate showing the counties entitled to share~~
 20 ~~in the Forest Reserve Fund, together with the number of acres of~~
 21 ~~forest reserves in each county; and~~

22 ~~(3)~~ (2) The commissioner shall, on or before August 5,
 23 make apportionment of such funds to such counties according to the
 1 number of acres of forest reserve in each county and certify the
 2 apportionment of each county to the county treasurer of the proper
 3 county and to the Director of Administrative Services. The director
 4 shall draw a warrant on the State Treasurer in favor of the various
 5 counties for the amount specified by the commissioner.

6 Sec. 13. Section 79-1047, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 79-1047 The public grazing funds, annually paid to the
9 state treasury by the United States Government under the federal
10 Taylor Grazing Act, 43 U.S.C. 315i, as such act existed on May
11 8, 2001, shall be distributed among the counties of the state
12 entitled to the same for the benefit of the school districts of
13 such counties; based upon information provided by the United States
14 Department of the Interior under the direction of the Commissioner
15 of Education; in the following manner:

16 (1) The State Treasurer shall annually on the first
17 Monday in July certify to the commissioner the amount of
18 money received from the United States Government as Nebraska's
19 proportionate share of the income from the grazing lands within the
20 state for the most recent complete fiscal year; and

21 ~~(2) The Board of Educational Lands and Funds shall~~
22 ~~annually on the first Monday in July make and deliver to the~~
23 ~~commissioner a certificate showing the counties entitled to share~~
24 ~~in the grazing fund, together with the number of acres of grazing~~
25 ~~land in each county; and~~

26 ~~(3)-(2)~~ The commissioner shall, on or before August 5,
27 make apportionment of such funds to such counties according to the
1 number of acres of grazing land in each county and certify the
2 apportionment of each county to the county treasurer of the proper
3 county and to the Director of Administrative Services. The director
4 shall draw a warrant on the State Treasurer in favor of the
5 various counties for the amount so specified by the Commissioner of
6 Education.

7 Sec. 14. Section 79-1051, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 79-1051 The distribution of the funds received by the
10 State Treasurer under section 79-1049 shall be made based upon
11 information provided by the United States Department of the
12 Interior under the direction of the Commissioner of Education
13 in the following manner:

14 (1) The State Treasurer shall annually on the first
15 Monday in July certify to the commissioner the amount of
16 money received from the United States Government as Nebraska's
17 proportionate share of the income from the leasing of lands
18 acquired by the United States for flood control purposes; and

19 ~~(2) The commissioner shall ascertain by appropriate~~
20 ~~inquiry in what counties the real estate on which lease rentals~~
21 ~~were paid was situated; and~~

22 ~~(3)-(2)~~ The commissioner shall, on or before August 5,
23 make apportionment of such fund to the counties entitled thereto
24 in accordance with section 79-1050 and certify the apportionment of
25 each county to the county treasurer of the proper county and to
26 the Director of Administrative Services. The director shall draw a
27 warrant on the State Treasurer in favor of the various counties for

- 1 the amount specified by the commissioner.
- 2 2. Renumber the remaining sections and amend the repealer
- 3 accordingly.

The Adams amendment was adopted with 34 ayes, 0 nays, 14 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 7 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 228. Title read. Considered.

Senator Mello offered the following amendment:
AM388

- 1 1. On page 3, line 20, after "sent" insert
- 2 "electronically".

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

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

AMENDMENT - Print in Journal

Senator Karpisek filed the following amendment to LB161:
AM383

- 1 1. On page 4, line 13, after the period insert "If
- 2 the requesting candidate waives the balance of the recount, the
- 3 results of the precincts which were manually recounted shall not be
- 4 included in the official results of the election.".

UNANIMOUS CONSENT - Add Cointroducers

Senator Bloomfield asked unanimous consent to add his name as cointroducer to LB22 and LB298. No objections. So ordered.

VISITORS

Visitors to the Chamber were Senator Carlson's wife, Margo Carlson, from Holdrege and Mary Delka from Red Cloud, Mary Trambley from Campbell, and Carla Cram from Lincoln; Senator Hadley's wife, Marilyn Hadley, from Kearney and Nancy Borrell from Lincoln; 15 seventh-grade students and teacher from King Science Tech Magnet Center, Omaha; and 3 students and teachers from Greeley-Wolbach.

ADJOURNMENT

At 11:56 a.m., on a motion by Speaker Flood, the Legislature adjourned until 9:00 a.m., Thursday, February 17, 2011.

Patrick J. O'Donnell
Clerk of the Legislature