

FORTY-SIXTH DAY - MARCH 15, 2011**LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE
FIRST SESSION****FORTY-SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 15, 2011

PRAYER

The prayer was offered by Pastor Vern Olson, Cedar Valley Parish, Cedar Rapids and Belgrade.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Gloor presiding.

The roll was called and all members were present except Senators Carlson, Heidemann, and Lautenbaugh who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-fifth day was approved.

COMMITTEE REPORT

Government, Military and Veterans Affairs

LEGISLATIVE BILL 239. Placed on General File with amendment. AM727 is available in the Bill Room.

(Signed) Bill Avery, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 118. Introduced by Bloomfield, 17.

WHEREAS, the South Sioux City Cardinals won the 2011 Class B Boys' State Basketball Championship; and

WHEREAS, the South Sioux City Cardinals, ranked first coming into the tournament, won a second consecutive title with a 69-56 victory over the Gretna Dragons, who were ranked second; and

WHEREAS, the South Sioux City Cardinals won the semifinal game over Lincoln Pius X by the score of 50-47 and defeated the Holdrege Dusters in the first game of the tournament by a score of 66-33; and

WHEREAS, the South Sioux City Cardinals finished the season with twenty-four victories and two losses; and

WHEREAS, the South Sioux City Cardinals are the third team in the past fifteen years to win consecutive Class B state championships in the Boys' State Basketball Tournament; and

WHEREAS, for the first time during the season, all five starters on the South Sioux City Cardinal basketball team finished the championship game with scores in the double digits; and

WHEREAS, the South Sioux City Cardinals are as successful in the classroom as they are on the basketball court, with six members of the basketball team achieving grade point averages of 4.0.

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

1. That the South Sioux City Cardinals be congratulated for winning the 2011 Class B Boys' State Basketball Championship.

2. That the Legislature congratulates Head Coach Terry Comstock for his excellent season and guidance of his team.

3. That a copy of this resolution be sent to the Cardinals and Head Coach Terry Comstock.

Laid over.

MESSAGE FROM THE GOVERNOR

March 15, 2011

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bill 333e was received in my office on March 9, 2011.

I signed and delivered this bill to the Secretary of State earlier today.

Sincerely,
(Signed) Dave Heineman
Governor

AMENDMENT - Print in Journal

Senator Krist filed the following amendment to LB546:
AM748

(Amendments to E & R amendments, ER44)

- 1 1. On page 1, line 10, strike the new matter and insert
- 2 "2006 edition".

- 3 2. On page 2, line 16, strike "2009" and insert "2006";
4 and in lines 23 through 25 strike the new matter.
5 3. On page 3, lines 18 and 21, reinstate the stricken
6 matter; and in lines 20 through 23 strike the new matter.

GENERAL FILE

LEGISLATIVE BILL 544. Title read. Considered.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 8 present and not voting, and 1 excused and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 119. Introduced by Brasch, 16.

WHEREAS, the West Point Central Catholic Bluejays won the 2011 Class D-1 Boys' State Basketball Championship; and

WHEREAS, the victory gave the Bluejays their third state title and the first since back-to-back Class C-2 state championships in 1998 and 1999; and

WHEREAS, the Bluejays displayed great determination, teamwork, perseverance, and sportsmanship throughout the season; and

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

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

1. That the Legislature congratulates the West Point Central Catholic Bluejays on winning the 2011 Class D-1 Boys' State Basketball Championship.

2. That a copy of this resolution be sent to the West Point Central Catholic Bluejays and their coach, Derek Ippensen.

Laid over.

LEGISLATIVE RESOLUTION 120. Introduced by Adams, 24.

WHEREAS, Dave and Lorraine Lostroh have monitored and presented testimony before the Legislature on behalf of Nebraska home schoolers for over twenty years; and

WHEREAS, Dave and Lorraine Lostroh have alerted Nebraska Christian Home Educators Association (NCHEA) members regarding legislation and legal and political issues affecting home schooling and parental rights on state and national scenes; and

WHEREAS, Dave and Lorraine Lostroh conducted a candidate survey during election years for distribution to NCHEA members; and

WHEREAS, Dave and Lorraine Lostroh have served as contacts for Nebraska legislators and their staff on issues impacting home schooling and the family; and

WHEREAS, Dave and Lorraine Lostroh documented the history and development of home schooling in Nebraska by writing a booklet for distribution; and

WHEREAS, Dave and Lorraine Lostroh have represented Nebraska at national home school leadership conferences and networked with the leaders of other state home school organizations; and

WHEREAS, Dave and Lorraine Lostroh continue to faithfully serve as NCHEA Legislative Liaisons after over twenty years of service for others.

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

1. That the Legislature congratulates Dave and Lorraine Lostroh on their years of service to the Nebraska Christian Home Educators Association.

2. That a copy of this resolution be sent to Dave and Lorraine Lostroh.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 100. Title read. Considered.

Committee AM165, found on page 772, was adopted with 37 ayes, 2 nays, 9 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 40 ayes, 2 nays, 6 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 230. Title read. Considered.

Committee AM365, found on page 617, was adopted with 40 ayes, 0 nays, 8 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 6 present and not voting, and 1 excused and not voting.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 389A. Placed on Select File.

LEGISLATIVE BILL 524. Placed on Select File with amendment.
ER53

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 9-701, Reissue Revised Statutes of

4 Nebraska, is amended to read:

5 9-701 (1) For purposes of this section:

6 (a) Gift enterprise means a contest, game of chance,
7 savings promotion raffle, or game promotion which is conducted
8 within the state or throughout the state and other states in
9 connection with the sale of consumer or trade products or services
10 solely as business promotions and in which the elements of chance
11 and prize are present. Gift enterprise does not include any scheme
12 using the game of bingo or keno; any non-telecommunication-related,
13 player-activated electronic or electromechanical facsimile of any
14 game of chance; or any slot machine of any kind. A gift enterprise
15 shall not utilize pickle cards as defined in section 9-315.
16 Promotional game tickets may be utilized subject to the following:

17 (i) The tickets utilized shall be manufactured or

18 imprinted with the name of the operator on each ticket;

19 (ii) The tickets utilized shall not be manufactured with
20 a cost per play printed on them; and

21 (iii) The tickets utilized shall not be substantially
22 similar to any type of pickle card approved by the Department of
23 Revenue pursuant to section 9-332.01; ~~and~~

1 (b) Operator means any person, firm, corporation,
2 association, governmental entity, or agent or employee thereof who
3 promotes, operates, or conducts a gift enterprise. Operator does
4 not include any nonprofit organization or any agent or employee
5 thereof, except that operator includes any credit union chartered
6 under state or federal law or any agent or employee thereof who
7 promotes, operates, or conducts a gift enterprise; ~~and-~~

8 (c) Savings promotion raffle means a contest conducted by
9 a credit union chartered under state or federal law or any agent or
10 employee thereof in which a chance of winning a designated prize is
11 obtained by the deposit of a specified amount of money in a savings
12 account or other savings program if each entry has an equal chance
13 of winning.

14 (2) Any operator may conduct a gift enterprise within
15 this state in accordance with this section.

16 (3) An operator shall not:

17 (a) Design, engage in, promote, or conduct a gift
18 enterprise in connection with the promotion or sale of consumer
19 products or services in which the winner may be unfairly
20 predetermined or the game may be manipulated or rigged;

21 (b) Arbitrarily remove, disqualify, disallow, or reject
22 any entry;

23 (c) Fail to award prizes offered;

24 (d) Print, publish, or circulate literature or
25 advertising material used in connection with such gift enterprise
26 which is false, deceptive, or misleading; or

27 (e) Require an entry fee, a payment or promise of payment
1 of any valuable consideration, or any other consideration as a
2 condition of entering a gift enterprise or winning a prize from the

3 gift enterprise, except that a contest, game of chance, or business
 4 promotion may require, as a condition of participation, evidence
 5 of the purchase of a product or service as long as the purchase
 6 price charged for such product or service is not greater than it
 7 would have been without the contest, game of chance, or business
 8 promotion. For purposes of this section, consideration shall not
 9 include (i) filling out an entry blank, (ii) entering by mail with
 10 the purchase of postage at a cost no greater than the cost of
 11 postage for a first-class letter weighing one ounce or less, ~~or~~
 12 (iii) entering by a telephone call to the operator of or for the
 13 gift enterprise at a cost no greater than the cost of postage for a
 14 first-class letter weighing one ounce or less. When the only method
 15 of entry is by telephone, the cost to the entrant of the telephone
 16 call shall not exceed the cost of postage for a first-class letter
 17 weighing one ounce or less for any reason, including (A) whether
 18 any communication occurred during the call which was not related to
 19 the gift enterprise or (B) the fact that the cost of the call to
 20 the operator was greater than the cost to the entrant allowed under
 21 this section, or (iv) the deposit of money in a savings account or
 22 other savings program, regardless of the interest rate earned by
 23 such account or program.

24 (4) An operator shall disclose to participants all terms
 25 and conditions of a gift enterprise.

26 ~~(4)(a)-(5)(a)~~ The Department of Revenue may adopt and
 27 promulgate rules and regulations necessary to carry out the
 1 operation of gift enterprises.

2 (b) Whenever the department has reason to believe that a
 3 gift enterprise is being operated in violation of this section or
 4 the department's rules and regulations, it may bring an action in
 5 the district court of Lancaster County in the name of and on behalf
 6 of the people of the State of Nebraska against the operator of
 7 the gift enterprise to enjoin the continued operation of such gift
 8 enterprise anywhere in the state.

9 ~~(5)(a)-(6)(a)~~ Any person, firm, corporation, association,
 10 or agent or employee thereof who engages in any unlawful acts or
 11 practices pursuant to this section or violates any of the rules and
 12 regulations promulgated pursuant to this section shall be guilty of
 13 a Class II misdemeanor.

14 (b) Any person, firm, corporation, association, or agent
 15 or employee thereof who violates any provision of this section
 16 or any of the rules and regulations promulgated pursuant to this
 17 section shall be liable to pay a civil penalty of not more than
 18 one thousand dollars imposed by the district court of Lancaster
 19 County for each such violation which shall ~~accrue to the permanent~~
 20 school fund, be remitted to the State Treasurer for distribution
 21 in accordance with Article VII, section 5, of the Constitution
 22 of Nebraska. Each day of continued violation shall constitute a
 23 separate offense or violation for purposes of this section.

24 (7) A credit union may limit the number of chances that a
 25 participant in a savings promotion raffle may obtain for making the
 26 required deposits but shall not limit the number of deposits.

27 ~~(6)-(8)~~ In all proceedings initiated in any court or
 1 otherwise under this section, the Attorney General or appropriate
 2 county attorney shall prosecute and defend all such proceedings.

3 ~~(7)-(9)~~ This section shall not apply to any activity
 4 authorized and regulated under the Nebraska Bingo Act, the Nebraska
 5 County and City Lottery Act, the Nebraska Lottery and Raffle Act,
 6 the Nebraska Pickle Card Lottery Act, or the Nebraska Small Lottery
 7 and Raffle Act.

8 Sec. 2. Original section 9-701, Reissue Revised Statutes
 9 of Nebraska, is repealed.

LEGISLATIVE BILL 297. Placed on Select File with amendment.
 ER54

1 1. On page 1, line 1, strike the first comma; in line
 2 2 after "Center" insert "Financing"; in line 6 after "act" insert
 3 "and a fund"; and in line 7 after the first semicolon insert "to
 4 eliminate obsolete language;"

5 2. On page 5, strike beginning with "Local" in line 5
 6 through "Convention" in line 6, show as stricken, and insert "Civic
 7 and Community".

(Signed) Tyson Larson, Chairperson

AMENDMENT - Print in Journal

Senator Coash filed the following amendment to LB41:
 AM737

1 1. Insert the following new sections:

2 Sec. 28. Section 37-615, Reissue Revised Statutes of
 3 Nebraska, is amended to read:

4 37-615 It shall be unlawful for any person to take any
 5 species of wildlife protected by the Game Law while his or her
 6 permits are revoked. It shall be unlawful for any person to apply
 7 for or purchase a permit to hunt, fish, or harvest fur in Nebraska
 8 while his or her permits are revoked and while the privilege to
 9 purchase such permits is suspended. Any person who violates this
 10 section shall be guilty of a Class III misdemeanor and in addition
 11 shall be suspended from hunting, fishing, and fur harvesting or
 12 purchasing permits to hunt, fish, and harvest fur for a period of
 13 not less than two nor more than five years as the court directs.
 14 The court shall consider the number and severity of the violations
 15 of the Game Law in determining the length of the suspension.

16 ~~Any person whose privilege or permit to hunt, fish, or~~
 17 ~~harvest fur in another state has been suspended or revoked as a~~
 18 ~~result of a conviction shall not be eligible to obtain a permit~~
 19 ~~to hunt, fish, or harvest fur if the conviction would constitute~~

20 ~~grounds for suspension or revocation under sections 37-614 to~~
 21 ~~37-617 until the period of suspension or revocation in the other~~
 22 ~~state has expired.~~

23 Sec. 29. Section 37-618, Reissue Revised Statutes of
 1 Nebraska, is amended to read:

2 37-618 ~~Any~~ (1) Except as otherwise provided in subsection
 3 (3) of this section, any person whose privilege or permit to
 4 hunt, fish, or harvest fur has been suspended or revoked in any
 5 jurisdiction within the United States or Canada shall be prohibited
 6 from obtaining a permit for such activity in this state during the
 7 period of suspension or revocation in the prosecuting jurisdiction
 8 if the offense for which the privilege or permit is suspended
 9 or revoked is an offense under the Game Law or would constitute
 10 grounds for suspension or revocation under sections 37-614 to
 11 37-617.

12 (2) If such person has previously obtained a permit
 13 under the Game Law for such activity, the permit shall become
 14 invalid and shall be suspended for the same period as determined in
 15 the prosecuting jurisdiction. The person shall immediately return
 16 the permit to the commission. No person shall possess a permit
 17 which has been suspended or revoked under this section except as
 18 otherwise provided in subsection (3) of this section.

19 (3) The commission may adopt and promulgate rules and
 20 regulations to create a process to (a) review the suspension or
 21 revocation of a privilege or permit to hunt, fish, or harvest fur
 22 imposed by any jurisdiction other than Nebraska to determine if the
 23 offense for which the privilege or permit is suspended or revoked
 24 is an offense under the Game Law or would constitute grounds for
 25 suspension or revocation under sections 37-614 to 37-617 and (b)
 26 provide for a hearing, if necessary, to confirm the suspension or
 27 revocation in Nebraska or reinstate the privilege or affirm the
 1 eligibility of the person to purchase a permit in Nebraska. The
 2 process may include an application for the review and a procedure
 3 for screening applications to determine if the hearing before the
 4 commission is necessary or appropriate.

5 (4) Any person who violates the provisions of this
 6 section shall be guilty of a Class I misdemeanor.

7 2. Renumber the remaining sections and correct the
 8 repealer accordingly.

RESOLUTION

LEGISLATIVE RESOLUTION 121. Introduced by Larson, 40; Carlson, 38; Christensen, 44; Cook, 13; Cornett, 45; Council, 11; Hansen, 42; Howard, 9; Janssen, 15; Karpisek, 32; Nordquist, 7; Schilz, 47; Sullivan, 41.

WHEREAS, the University of Nebraska at Omaha wrestling program has been the most successful varsity sport at the University of Nebraska at Omaha; and

WHEREAS, the University of Nebraska at Omaha wrestling program has twenty-six top three finishes and eight national titles, including six national titles in the past eight years and the last three consecutively; and

WHEREAS, the University of Nebraska at Omaha wrestling program has produced thirty-one individual national champions, including three in 2011; and

WHEREAS, the University of Nebraska at Omaha wrestling program instills values such as teamwork, dedication, determination, and family in young men from across the country, which further enables those young men to be more productive members of their communities.

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

1. That the Legislature expresses its clear support for the University of Nebraska at Omaha wrestling program and its continuation as a varsity sport and asks the Board of Regents of the University of Nebraska to also support the tradition and excellence of the University of Nebraska at Omaha wrestling program.

2. That a copy of this resolution be sent to the Board of Regents of the University of Nebraska and the Chancellor of the University of Nebraska at Omaha.

Laid over.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Section 8, LR121 was referred to the Reference Committee.

GENERAL FILE

LEGISLATIVE BILL 387. Title read. Considered.

Senator Hadley renewed his amendment, AM636, found on page 830.

SENATOR LANGEMEIER PRESIDING

SENATOR ADAMS PRESIDING

SENATOR GLOOR PRESIDING

Senator B. Harr offered the following amendment to the Hadley amendment:

AM804

(Amendments to AM636)

1. On page 1, strike beginning with "municipality" in
2. line 6 through the second "a" in line 9.

SPEAKER FLOOD PRESIDING

Pending.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 101, 103, and 104 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 101, 103, and 104.

COMMITTEE REPORTS

Urban Affairs

LEGISLATIVE BILL 54. Placed on General File.

(Signed) Amanda McGill, Chairperson

Agriculture

LEGISLATIVE BILL 473. Placed on General File with amendment. AM782

1 1. On page 2, line 15, strike "the federal government";
 2 and in line 24 after "(2)" insert "A black-tailed prairie dog
 3 management plan shall include a finding by the county board of
 4 adverse impacts of unmanaged black-tailed prairie dog colonies
 5 within the county and the necessity to exercise the authority
 6 made available under the Black-Tailed Prairie Dog Management Act.
 7 Such management plan shall include a listing of the methods for
 8 management of black-tailed prairie dog colonies to be used for
 9 purposes which are consistent with the act. Such management plan
 10 shall not conflict with any state management plan for black-tailed
 11 prairie dogs or any rules or regulations adopted and promulgated
 12 pursuant to the Nongame and Endangered Species Conservation Act
 13 and shall not conflict with any state or federal recovery plan for
 14 endangered or threatened species.

15 (3) A county may cooperate and coordinate with the
 16 Animal and Plant Health Inspection Service of the United States
 17 Department of Agriculture, the Game and Parks Commission, the
 18 United States Fish and Wildlife Service, and other local, state,
 19 and national agencies and organizations, public or private, to
 20 prepare a coordinated program for the control and management
 21 of black-tailed prairie dogs and to carry out its duties and
 22 responsibilities under the Black-Tailed Prairie Dog Management Act.

23 (4)".

1 2. On page 3, strike beginning with "Cooperate" in line
 2 17 through "(3)" in line 25.

3 3. On page 4, line 3, strike "(4)" and insert "(3)".

(Signed) Tom Carlson, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LR121	Education

(Signed) John Wightman, Chairperson
Executive Board

RESOLUTIONS

LEGISLATIVE RESOLUTION 122. Introduced by Ashford, 20; Adams, 24; Bloomfield, 17; Brasch, 16; Campbell, 25; Carlson, 38; Christensen, 44; Coash, 27; Conrad, 46; Cook, 13; Cornett, 45; Council, 11; Dubas, 34; Fischer, 43; Flood, 19; Fulton, 29; Gloor, 35; K. Haar, 21; Hadley, 37; Hansen, 42; Harms, 48; B. Harr, 8; Heidemann, 1; Howard, 9; Janssen, 15; Karpisek, 32; Krist, 10; Langemeier, 23; Larson, 40; Lathrop, 12; Lautenbaugh, 18; Loudon, 49; McCoy, 39; McGill, 26; Mello, 5; Nelson, 6; Nordquist, 7; Pahls, 31; Pankonin, 2; Pirsch, 4; Price, 3; Schilz, 47; Schumacher, 22; Smith, 14; Sullivan, 41; Utter, 33; Wallman, 30; Wightman, 36.

WHEREAS, Susan Marchese has been a dominant figure in Nebraska amateur golf; and

WHEREAS, Susan Marchese started her remarkable record of golfing success in high school by winning the individual state championship for Class B in 1977 and 1978; and

WHEREAS, Susan Marchese has won eighteen Nebraska Women's Amateur Golf Association state championships, including multiple championships in both match play and stroke play; and

WHEREAS, Susan Marchese has also won a Nebraska Women's Amateur Golf Association senior state championship; and

WHEREAS, Susan Marchese is a member of the Nebraska Golf Hall of Fame and the Nebraska High School Sports Hall of Fame; and

WHEREAS, in April 2011, Susan Marchese will be inducted into the Omaha Sports Hall of Fame.

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

1. That the Legislature congratulates Susan Marchese on her outstanding accomplishments in Nebraska amateur golf.

2. That a copy of this resolution be sent to Susan Marchese.

Laid over.

LEGISLATIVE RESOLUTION 123. Introduced by Cornett, 45; Campbell, 25; Coash, 27; Fischer, 43; K. Haar, 21; Hansen, 42; Howard, 9; Lathrop, 12; McGill, 26; Pahls, 31; Pankonin, 2; Wallman, 30.

WHEREAS, civil aviation plays a pivotal role in promoting cultural exchange, business, trade, and tourism; and

WHEREAS, the development of international civil aviation in a safe and orderly manner is the supreme cause of the International Civil Aviation Organization (ICAO); and

WHEREAS, Taiwan is the world's twentieth-largest economy, eighteenth-largest trading country, and a key air transport hub linking Northeast and Southeast Asia; and

WHEREAS, over 174,000 international flights travel to and from Taiwan, with foreign passengers making around 3.8 million trips to the island every year, and over 35 million passengers, including 25.39 million passengers on international flights, arrived and departed from Taiwan's airports in 2008; and

WHEREAS, without Taiwan's participation, international flight plans, regulations, and procedures that the ICAO formulates will be incomplete and unsafe.

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

1. That the Legislature endorses the proposition that Taiwan participate in the International Civil Aviation Organization as an observer.

2. That the Legislature is supportive of all efforts to grant Taiwan official observer status at the United Nations Framework Convention on Climate Change. As a collaborative partner of the United States on a wide range of public issues, Taiwan should be afforded the opportunity to participate in global efforts aimed at reducing and preventing global warming and natural disasters.

3. That a copy of this resolution be sent to the United States Secretary of State, the United States Secretary of Transportation, each member of the Nebraska congressional delegation, and the Director General of the Taipei Economic and Cultural Office in Kansas City.

Laid over.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Section 8, LR123 was referred to the Reference Committee.

AMENDMENTS - Print in Journal

Senator Hadley filed the following amendment to LB329:
AM781

1 1. Insert the following new sections:

2 Section 1. Section 18-132, Reissue Revised Statutes of
3 Nebraska, is amended to read:
4 18-132 The legislative bodies of all cities and villages
5 may adopt by ordinance the conditions, provisions, limitations, and
6 terms of a plumbing code, an electrical code, a fire prevention
7 code, a building code, and any other standard code which contains
8 rules and regulations printed as a code in book or pamphlet
9 form, by reference to such code, or portions thereof, alone,
10 without setting forth in the ordinance the conditions, provisions,
11 limitations, and terms of such code. When any such code, or portion
12 thereof, has been incorporated by reference into any ordinance, as
13 provided in this section, it shall have the same force and effect
14 as though it had been spread at large in such ordinance without
15 further or additional posting or publication thereof. Not less than
16 one copy of such standard code, or portion thereof, shall be filed
17 for use and examination by the public in the office of the clerk
18 of such city or village prior to the adoption thereof. The adoption
19 of any such standard code by reference shall be construed to
20 incorporate such amendments thereto as may be made in such standard
21 code from time to time, if the copy of such standard code so filed
22 is at all times kept current in the office of the clerk of such
23 city or village. If there is no ordinance adopting a plumbing code
1 in effect in a city or village, the 2009 International Plumbing
2 Code or the 2009 Uniform Plumbing Code accredited by the American
3 National Standards Institute ~~Uniform Plumbing Code, ANSI A40-1993,~~
4 shall serve as the plumbing code for all the area within the
5 jurisdiction of the city or village. Nothing in this section shall
6 be interpreted as creating an obligation for the city or village
7 to inspect plumbing work done within its jurisdiction to determine
8 compliance with the plumbing code.

9 Sec. 2. Section 18-1915, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 18-1915 The State of Nebraska shall permit cities and
12 villages to collect permit fees and inspect all sanitary plumbing
13 installed or repaired, except for a single-family dwelling or a
14 farm or ranch structure, within the State of Nebraska outside
15 of the zoning jurisdiction of cities and villages. The city or
16 village nearest the construction site shall have jurisdiction to
17 collect such permit fees and conduct the inspection of the sanitary
18 plumbing. If the city or village has a plumbing ordinance in force
19 and effect, such ordinance will govern the installation of the
20 sanitary plumbing. If there is no city ordinance in effect for such
21 city or village, the 2009 International Plumbing Code or the 2009
22 Uniform Plumbing Code accredited by the American National Standards

23 Institute ~~Uniform Plumbing Code, ANSI A40 1993~~, shall apply to
 24 all buildings except single-family dwellings and farm and ranch
 25 structures.

26 Any code or ordinance enacted by a city or village which
 27 is at least equal to the 2009 International Plumbing Code or the
 1 2009 Uniform Plumbing Code accredited by the American National
 2 Standards Institute Uniform Plumbing Code, ANSI A40 1993, shall
 3 take preference over the provisions of the immediately preceding
 4 sentence.

5 Sec. 3. Section 23-172, Reissue Revised Statutes of
 6 Nebraska, is amended to read:

7 23-172 The county board may adopt by resolution, which
 8 shall have the force and effect of law, the conditions, provisions,
 9 limitations, and terms of a building code, a plumbing code,
 10 an electrical code, a fire prevention code, or any other code
 11 relating to building or relating to the erection, construction,
 12 reconstruction, alteration, repair, conversion, maintenance,
 13 placing, or using of any building, structure, automobile trailer,
 14 house trailer, or cabin trailer. For this purpose, the county board
 15 may adopt any standard code which contains rules or regulations
 16 printed as a code in book or pamphlet form by reference to such
 17 code or portions thereof without setting forth in the resolution
 18 the conditions, provisions, limitations, or terms of such code.
 19 When such code or any such standard code or portion thereof is
 20 incorporated by reference into any resolution, it shall have the
 21 same force and effect as though it has been spread at large in
 22 such resolution without further or additional publication. One copy
 23 of such code or such standard code or portion thereof shall be
 24 filed for use and examination by the public in the office of the
 25 clerk of such county prior to its adoption. The adoption of any
 26 standard code by reference shall be construed to incorporate such
 27 amendments thereof as may be made if the copy of such standard
 1 code is kept current in the office of the clerk of the county.

2 If there is no county resolution adopting a plumbing code in
 3 effect for such county, the 2009 International Plumbing Code or
 4 the 2009 Uniform Plumbing Code accredited by the American National
 5 Standards Institute Uniform Plumbing Code, ANSI A40 1993, shall
 6 apply to all buildings. Any code adopted and approved by the county
 7 board, as provided in this section, or if there is no county
 8 resolution adopting a plumbing code in effect for such county,
 9 the 2009 International Plumbing Code or the 2009 Uniform Plumbing
 10 Code accredited by the American National Standards Institute
 11 Uniform Plumbing Code, ANSI A40 1993, and the building permit
 12 requirements or occupancy permit requirements imposed by such code
 13 or by sections 23-114.04 and 23-114.05, shall apply to all of
 14 the county except within the limits of any incorporated city or
 15 village and except within an unincorporated area where a city or
 16 village has been granted zoning jurisdiction and is exercising
 17 such jurisdiction. Nothing in this section shall be interpreted as

18 creating an obligation for the county to inspect plumbing work done
19 within its jurisdiction to determine compliance with the plumbing
20 code.

21 2. Renumber the remaining sections and correct the
22 repealer accordingly.

Senator Janssen filed the following amendment to LB95:
AM753

(Amendments to Standing Committee amendments, AM704)

1 1. Insert the following new sections:

2 Sec. 3. Section 71-1902, Reissue Revised Statutes of
3 Nebraska, is amended to read:
4 71-1902 Except as otherwise provided in this section,
5 no person shall furnish or offer to furnish foster care for
6 two or more children from different families without having
7 in full force and effect a written license issued by the
8 department upon such terms and conditions as may be prescribed
9 by general rules and regulations adopted and promulgated by the
10 department. The department may issue a time-limited, nonrenewable
11 provisional license to an applicant who is unable to comply
12 with all licensure requirements and standards, is making a good
13 faith effort to comply, and is capable of compliance within the
14 time period stated in the license. The department may issue a
15 time-limited, nonrenewable probationary license to a licensee who
16 agrees to establish compliance with rules and regulations that,
17 when violated, do not present an unreasonable risk to the health,
18 safety, or well-being of the foster children in the care of the
19 applicant. No license shall be issued pursuant to this section
20 unless the applicant has completed the required hours of training
21 in foster care as prescribed by the department.

22 All nonprovisional and nonprobationary licenses issued
1 under sections 71-1901 to 71-1906.01 shall expire two years from
2 the date of issuance and shall be subject to renewal under the
3 same terms and conditions as the original license, except that if
4 a licensee submits a completed renewal application thirty days or
5 more before the license's expiration date, the license shall remain
6 in effect until the department either renews the license or denies
7 the renewal application. No license issued pursuant to this section
8 shall be renewed unless the licensee has completed the required
9 hours of training in foster care in the preceding twelve months as
10 prescribed by the department. For the issuance or renewal of each
11 nonprovisional and nonprobationary license, the department shall
12 charge a fee of fifty dollars for a group home, fifty dollars for a
13 child-caring agency, and fifty dollars for a child-placing agency.
14 For the issuance of each provisional license and each probationary
15 license, the department shall charge a fee of twenty-five dollars
16 for a group home, twenty-five dollars for a child-caring agency,
17 and twenty-five dollars for a child-placing agency. A license may

18 be revoked for cause, after notice and hearing, in accordance with
 19 rules and regulations adopted and promulgated by the department.

20 For purposes of this section:

21 (1) Foster family home means any home which provides
 22 twenty-four-hour care to children who are not related to the foster
 23 parent by blood or adoption;

24 (2) Group home means a home which is operated under the
 25 auspices of an organization which is responsible for providing
 26 social services, administration, direction, and control for the
 27 home and which is designed to provide twenty-four-hour care for
 1 children and youth in a residential setting;

2 (3) Child-caring agency means an organization which is
 3 ~~incorporated~~ organized as a corporation or a limited liability
 4 company for the purpose of providing care for children in buildings
 5 maintained by the organization for that purpose; and

6 (4) Child-placing agency means an organization which is
 7 authorized by its articles of incorporation and by its license to
 8 place children in foster family homes.

9 Sec. 4. Original section 71-1902, Reissue Revised
 10 Statutes of Nebraska, is repealed.

Senator Utter filed the following amendment to LB387:
 AM805

(Amendments to AM636)

1 1. Insert the following new section:

2 Sec. 16. The Business Innovation Act terminates on
 3 October 1, 2016.

4 2. Renumber the remaining sections and correct internal
 5 references accordingly.

UNANIMOUS CONSENT - Add Cointroducers

Senator Mello asked unanimous consent to add his name as cointroducer to
 LB329. No objections. So ordered.

Senator Pirsch asked unanimous consent to add his name as cointroducer to
 LB100. No objections. So ordered.

Senator Langemeier asked unanimous consent to add his name as
 cointroducer to LB315. No objections. So ordered.

VISITORS

Visitors to the Chamber were Paul Ries from Lincoln; Scott Dugan from
 Grand Island; 16 fourth-grade students and teacher from Faith Lutheran
 School, Lincoln; 14 fourth-grade students and teacher from Emmanuel-Faith
 Lutheran School, York; 9 students and teacher from York College, York; 38
 fifth-grade students and sponsors from Milliken Park Elementary, Fremont;
 and a group representing Heartland Family Service Family Works from

Omaha.

ADJOURNMENT

At 12:02 p.m., on a motion by Senator Lathrop, the Legislature adjourned until 9:00 a.m., Wednesday, March 16, 2011.

Patrick J. O'Donnell
Clerk of the Legislature

