

TENTH DAY - JANUARY 19, 2012**LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE
SECOND SESSION****TENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, January 19, 2012

PRAYER

The prayer was offered by Senator Sullivan.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:45 a.m., President Sheehy presiding.

The roll was called and all members were present except Senators Conrad, Cook, Council, K. Haar, Hadley, Karpisek, and Loudon who were excused; and Senator Lautenbaugh who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

Page 270, line 5, strike "JoAnne" and insert "Joann".
The Journal for the ninth day was approved as corrected.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LB924	Urban Affairs
LB996	Education
LB997	Business and Labor
LB998	Health and Human Services
LB999	Government, Military and Veterans Affairs
LB1000	Judiciary
LB1001	Urban Affairs
LB1002	Health and Human Services
LB1003	Banking, Commerce and Insurance
LB1004	Banking, Commerce and Insurance
LB1005	Business and Labor
LB1006	Government, Military and Veterans Affairs
LB1007	Executive Board

LB1008	Business and Labor
LB1009	Judiciary
LB1010	Health and Human Services
LB1011	Revenue
LB1012	Business and Labor
LB1013	Government, Military and Veterans Affairs
LB1014	Government, Military and Veterans Affairs
LB1015	Appropriations
LB1016	Health and Human Services
LB1017	Appropriations
LB1018	Banking, Commerce and Insurance
LB1019	Appropriations
LB1020	Education
LB1021	Judiciary
LB1022	Nebraska Retirement Systems
LB1023	Government, Military and Veterans Affairs
LB1024	Government, Military and Veterans Affairs
LB1025	Government, Military and Veterans Affairs
LB1026	Banking, Commerce and Insurance
LB1027	Health and Human Services
LB1028	Health and Human Services
LB1029	Judiciary
LB1030	Transportation and Telecommunications
LB1031	Banking, Commerce and Insurance
LB1032	Health and Human Services
LB1033	Revenue
LB1034	Education
LB1035	Government, Military and Veterans Affairs
LB1036	Nebraska Retirement Systems
LB1037	Appropriations
LB1038	Education
LB1039	Transportation and Telecommunications
LR375CA	General Affairs
LR376CA	Urban Affairs

(Signed) John Wightman, Chairperson
Executive Board

COMMITTEE REPORTS

Banking, Commerce and Insurance

LEGISLATIVE BILL 714. Placed on General File.

LEGISLATIVE BILL 852. Placed on General File.

LEGISLATIVE BILL 853. Placed on General File.

(Signed) Rich Pahls, Chairperson

NOTICE OF COMMITTEE HEARINGS
Nebraska Retirement Systems

Room 1525

Wednesday, February 15, 2012 12:10 p.m.

Richard DeFusco - Nebraska Investment Council
Stuart Simpson - Public Employees Retirement Board

Room 1525

Thursday, January 26, 2012 12:10 p.m.

LB916
LB1036

(Signed) Jeremy Nordquist, Chairperson

Natural Resources

Room 1525

Thursday, January 26, 2012 1:30 p.m.

LB743

(Signed) Chris Langemeier, Chairperson

MOTION - Escort Chief Justice

Senator Ashford moved that a committee of five be appointed to escort the Chief Justice of the Supreme Court to the Legislative Chamber for the purpose of delivering the State of the Judiciary Address.

The motion prevailed.

The Chair appointed Senators Ashford, Wightman, Coash, McGill, and Lathrop to serve on said committee.

The committee escorted Chief Justice Michael G. Heavican to the rostrum where he delivered the following message:

Mr. President, Mr. Speaker, Members of the Legislature, and fellow Justices of the Nebraska Supreme Court. I would like to thank the members of this body, and specifically thank the Speaker for inviting me to address you again this year.

It is always a great honor for me to report on the Court's past year and discuss the Court's future. But first I will introduce my fellow Justices of the Supreme Court.

To my immediate left is Justice Kenneth Stephan of Lincoln. And to Justice Stephan's left is Justice Lindsey Miller-Lerman of Omaha.

To my immediate right is Justice John Wright of Scottsbluff. Next to Justice Wright is Justice John Gerrard of Norfolk. To the right of Justice Gerrard is Justice Michael McCormack of Omaha. Justice William Connolly of Hastings is unable to be with us this morning.

Today I will speak to you about the elderly and children in our courts, technology and the future of our courts, and the Court's budget, emphasizing our commitments to cooperation, accessibility, affordability, and accountability.

1. The Elderly in the Courts

I will first speak to you about the elderly in our courts. Last year this Legislature responded to a report from a committee which studied the status of adult guardianships and conservatorships in the Nebraska court system. The Committee's recommendations were incorporated into LB 157, sponsored by Senator Colby Coash, which was passed unanimously as the Guardianship Reform Act of 2011. Your actions were both timely and far-sighted.

While the total population of the State is expected to grow 11 percent by 2030, the number of Nebraskans between the ages of 70 and 79 is expected to grow by more than 80 percent during that same time. We expect the number of guardianships and conservatorships to likewise grow dramatically in the next two decades.

The statutory changes in LB 157 went into effect on January 1 of this year. Among other provisions the new law requires background checks for guardians and conservators, and mandates bonds for conservators when the assets of a ward are greater than \$10,000.

The courts have finalized the changes called for by the statute. All of the necessary forms, as well as informational guides and links to statutes and court rules, have been made available on the judicial branch website at www.supremecourt.ne.gov.

In addition, training is being offered for court staff, judges, financial institutions, guardians, and conservators. We are aided in this process by the Nebraska State Bar Association and individual lawyers and volunteers throughout the State.

These efforts have resulted in Nebraska's recognition as a national leader in this area. Other states have contacted us to review our reforms. The National Center for State Courts has established a link on its elder law website for information about the changes in the guardianship and conservatorship procedures here in Nebraska.

None of us is naïve enough to believe that elderly persons will no longer be subject to abuse. But the statutory changes made by this Legislature, which are being implemented by the judicial branch, will provide for better checks and balances. We appreciate the willingness of this body to provide increased protection to the vulnerable elderly of our State.

The Nebraska Supreme Court will continue to make every effort to ensure that these legislatively mandated changes to guardianships and conservatorships will be effectively administered.

2. Children In The Courts

Likewise, the courts have a number of innovative projects concerning children in the courts. Although time does not allow me to speak about all of these projects, I will address several of them.

LR 37 Report

I first note that the Court read with interest the LR 37 report issued by your Health and Human Services Committee, under the leadership of Senator Kathy Campbell. We are humbled by the report's vote of confidence in the courts. We acknowledge with gratitude the Committee's charge to the courts and will use all available resources to continue to explore and implement innovative programs for Nebraska's children.

Inter-branch Agreement

Consistent with LR 37, the courts have participated in inter-branch cooperation on several levels. On a statewide level, with the help of the Casey Family Programs Foundation, a working group has been convened comprised of representatives from all three branches of state government. The purpose of this group is to identify solutions to the ongoing issues relating to children in the state foster care system.

Nebraska Court of Appeals Chief Judge Everett Inbody, State Court Administrator Janice Walker, and I are regularly joined by Senators Kathy Campbell and Brad Ashford in meetings with Department of Education Commissioner Roger Breed and others, including Department of Health and Human Services Chief Executive Officer Kerry Winterer. This group continues to search for practical ways to improve service delivery in child welfare cases in our juvenile and county courts.

On the local level, we work to improve the court system for abused and neglected children across the State. This is being accomplished by utilizing the Court's "Through the Eyes of the Child Initiative."

Every judicial district has teams headed by local county or juvenile court judges, which work to find better, speedier ways to deal with families and children in our juvenile courts. Our Through the Eyes of the Child teams are available as local forums to the Department of Health and Human Services for discussion as the Department strives to meet its obligations to children in foster care across the State.

I want to cite in particular several local teams. First, I would like to recognize the Dawson County Through the Eyes of the Child team, led by Judge Carlton Clark. The Dawson County team has conscientiously worked to move its child welfare cases forward, continually outperforming the rest of the State.

Today I also acknowledge the efforts and leadership of the Douglas County Separate Juvenile Court Judges who are working with the Douglas County Attorney, the Douglas County Public Defender, the Department of Health and Human Services, guardians-ad-litem, court-appointed special advocates, and others to expedite permanence for children in that court.

I challenge all involved in that difficult process to find answers to the question: "How can we best serve the families and children in Omaha, Nebraska?"

Truancy

No timely discussion of children in the courts would be complete without addressing truancy. Last year I stated that "truancy is a major contributing factor to underperformance and underachievement of our State's young people." With the passage of Senator Ashford's LB 800 during last year's legislative session, truancy was brought to the forefront and much progress has been made in addressing the issue.

I would like to thank Nebraska's county attorneys, school administrators, and others who instituted changes on a local level by addressing truancy issues prior to formal court involvement. By focusing our efforts on prevention and on diversion of truants before they enter the court system, all parties benefit. The courts' resources should be reserved for the most difficult truancy cases. Programs in Douglas, Hall, Saunders, Lancaster, and other counties have been effective in doing just that.

Juvenile Service Delivery Project

I have also previously spoken to you about a project developed and operated by the Court's Office of Probation Administration, led by Probation Administrator Ellen Brokofsky. The Nebraska Juvenile Service Delivery Project is run in conjunction with the Department of Health and Human Services. This project allows children, found to have violated the law, to receive necessary rehabilitative services without those children being made wards of the State.

The pilot project, currently operating in Douglas County, has shown great promise. While under probation supervision, 635 juveniles were able to access rehabilitative services without becoming State wards. And 83 percent of the juveniles participating in the project were served while remaining in their own homes.

We think this program is both efficient and effective. We hope the program will be fully funded and expanded to at least one county in rural Nebraska. In particular, we thank Senator Bob Krist for his ongoing support in seeking full funding for this program.

3. Community-Based Services/Probation

The Court's probation officers not only provide programs for children, they also provide Nebraska's only comprehensive system of community-based corrections for adults.

The Community Corrections Council was statutorily abolished during the last legislative session. However, the commitment to continue to provide meaningful sentencing alternatives through community supervision initiatives remains strong under the Court's Office of Probation Administration.

Significant strides have been made over the past six years to offer specialized probation programs and to offer participation in problem-solving courts as viable alternatives to imprisonment. These community-based programs are both effective and far less costly than incarceration.

As an example, Probation's nationally recognized Specialized Substance Abuse Supervision Program is intended for individuals charged with a drug offense and assessed to be at high risk to reoffend. Each participant has a story to tell about the personal impact of the program. It is not unusual for successful participants to say this program has saved their families and saved their lives.

Likewise, Nebraska's 25 problem-solving courts perform a similar service. They have just undergone an extensive evaluation by the University of Nebraska Public Policy Center. Preliminary results indicate that these courts can also make dramatic changes in the lives of drug-addicted non-violent offenders by providing challenging rehabilitative programs rather than costly incarceration.

4. Technology in the Courts

I turn now to technology in the courts. As I spoke to you last year, the court system was looking forward to integrating both the Douglas County District Court and the Douglas County Separate Juvenile Court into the Court's statewide case management computer system. That mission has been accomplished.

We are now one of only a few court systems in the nation that have a statewide comprehensive case management system. This system allows for electronic filing of cases, electronic payment of fines, and electronic viewing of court records 24 hours a day, as well as improved collection of statistical data.

We are making great progress in the area of electronic filing of cases. An example of the efficiency and cost savings that eFiling brings to the Court system is shown by last December's new county court civil filings: In December 2011, 63 percent of the total civil filings in the State's county courts were done electronically, saving several thousand hours of staff time.

Our ever-increasing use of technology in the courts has also helped to improve overall productivity in the area of payment collections. In 2011, our electronic payment system for traffic fines collected over \$6.3 million -- an increase of over 25 percent from the previous year.

Through our partnership with Nebraska.gov, our courts also allow online payments of other court fines and costs, including civil judgments, criminal fees and fines, restitution, and probation fees. All combined, collections through the Court's ePayment systems totaled nearly \$9.5 million in 2011.

5. The Future of the Courts

The Judicial Branch continues to look to the future and plan for greater efficiencies. I am pleased to report to you that the Nebraska Supreme Court's Re-engineering Committee has now established an ongoing relationship with the National Center for State Courts.

The National Center will assist our Judicial Branch with the establishment of pilot projects pertaining to centralized fine collection,

remote review of guardianship/conservatorship accountings, technology enhancement, and the sharing of court services across county lines. These projects, designed to enhance efficiency and better utilize staff resources statewide, will begin in 2012.

For example, court employees in Colfax County will be able to process electronic filings for court employees in Douglas County, or a court employee in Knox County will be able to review a guardian's annual accounting filed in Adams County. Our probation staff in one county can transcribe pre-sentence investigation reports for our staff in another county.

Additionally, Judge Anne Paine of McCook will conduct a pilot project in the 17 counties that comprise the 11th judicial district. One employee will oversee collection of fines and costs for all county courts in the district.

It is hoped that these projects can serve as models for rural courts and allow us to preserve jobs in communities with fewer needs, while easing the burden of courts which have greater demands on staff time.

I also wish to note that the Nebraska Association of County Officials has included working with the Court's Reengineering Committee in its recommendations for county government in the future. I am pleased by NACO's recommendation that its 2020 Committee cooperate with the Court's Re-engineering Committee to develop procedures and technology that are efficient and economical. We are indebted to county governments across the state who partner with us in all 93 counties and provide facilities and operating expenses for the trial courts and probation.

6. The Court's Budget

The Court's personnel expenses, however, are paid from the State's budget. I appreciate the Legislature's recognition of the unique role of the judicial branch and the assistance we received during the last two budget cycles.

Although our budget was reduced several times, through cost-saving measures and the efforts of our court and probation staff, we have been able to maintain access to justice for all Nebraskans. With your help, we have not had to close courts or jeopardize court and probation services -- actions which many other state courts were forced to take in order to survive budget reductions.

I am very proud of the sacrifices our court and probation employees have made by stepping up to the challenge of doing more with less. These employees are continually learning new skills and adapting to new methods to meet our constitutional responsibilities.

7. Anniversaries

As the judicial branch looks ahead to its role in providing services to Nebraska's citizens, we also wish to look back at two important anniversaries that took place in 2011.

First, we celebrated the 20th anniversary of the Nebraska Court of Appeals, which has greatly improved the delivery of justice in Nebraska.

Prior to the establishment of the Court of Appeals, some cases languished for years before being decided. The appellate docket is now current and the Court of Appeals, as well as the Supreme Court, continues to innovate and find ways to expeditiously handle our appellate cases.

Last year also marked the 20th anniversary of the Dispute Resolution Act, which formally established the use of mediation in Nebraska courts. The Office of Dispute Resolution of the Nebraska Supreme Court partners with Nebraska's nonprofit mediation centers in Fremont, Kearney, Scottsbluff, Beatrice, Lincoln, and Omaha to provide mediation and dispute resolution to Nebraska's courts and citizens. Mediation is a major component in the Parenting Act passed by this Legislature in 2007.

Neither of these anniversaries would have been possible without the foresight of former Supreme Court Chief Justice William C. Hastings, who passed away in 2010. Chief Justice Hastings was the driving force behind the creation of these two entities, and the Supreme Court honored him in a memorial service held this past December.

Conclusion

I would like to end by noting, as I have in the past, that our courts perform the constitutionally mandated role of providing access to justice for all Nebraska citizens. And I want to reiterate that the judicial branch is committed to efficiently fulfilling that critical role.

We continue to be committed to cooperation, to making the judicial branch and its services accessible and affordable, and to being held accountable.

Thank you for this opportunity to speak with you today. And thank you for the good work you do for the courts and for the citizens of Nebraska.

The committee escorted the Chief Justice from the Chamber.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1098. Introduced by Council, 11.

A BILL FOR AN ACT relating to roads; to amend section 77-27,132, Revised Statutes Supplement, 2011; to repeal the Build Nebraska Act and eliminate a fund; to change distribution of sales and use tax revenue; to repeal the original sections; and to outright repeal sections 39-2701, 39-2702, 39-2703, 39-2704, and 39-2705, Revised Statutes Supplement, 2011.

LEGISLATIVE BILL 1099. Introduced by Council, 11; Cook, 13; Mello, 5.

A BILL FOR AN ACT relating to the Nebraska Juvenile Code; to amend sections 43-272, 43-273, 43-284, 43-290, 43-292.01, and 43-2,101, Reissue Revised Statutes of Nebraska, section 43-272.01, Revised Statutes Cumulative Supplement, 2010, and section 43-286, Revised Statutes Supplement, 2011; to change provisions relating payment of juvenile support, transportation, and counsel expenses; to provide an operative date; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1100. Introduced by Wightman, 36.

A BILL FOR AN ACT relating to the Legislature; to state findings; to provide for an advisory committee; and to require a report.

LEGISLATIVE BILL 1101. Introduced by Wightman, 36.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1340, Reissue Revised Statutes of Nebraska; to change a provision relating to county assessors; to provide operative dates; to repeal the original section; to outright repeal section 77-1340, Reissue Revised Statutes of Nebraska, as amended by this legislative bill; and to declare an emergency.

LEGISLATIVE BILL 1102. Introduced by Wightman, 36.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2004, 77-2005, and 77-2006, Reissue Revised Statutes of Nebraska; to change inheritance tax rates and exemption amounts; and to repeal the original sections.

LEGISLATIVE BILL 1103. Introduced by Wightman, 36.

A BILL FOR AN ACT relating to medical records; to amend sections 71-8402, 71-8406, 71-8407, and 83-178, Reissue Revised Statutes of Nebraska, and section 71-8403, Revised Statutes Cumulative Supplement, 2010; to provide for access to a deceased family member's medical records as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1104. Introduced by Adams, 24.

A BILL FOR AN ACT relating to the Postsecondary Institution Act; to amend sections 85-2403, 85-2405, 85-2406, 85-2408, 85-2412, 85-2413, 85-2414, 85-2415, 85-2416, and 85-2417, Revised Statutes Supplement, 2011; to provide for recurrent authorization to operate; to harmonize provisions; to eliminate expired provisions; to repeal the original sections; and to outright repeal sections 85-2410 and 85-2411, Revised Statutes Supplement, 2011.

LEGISLATIVE BILL 1105. Introduced by Adams, 24.

A BILL FOR AN ACT relating to education; to amend sections 79-241, 79-1104.02, 79-1118.01, and 79-1336, Reissue Revised Statutes of Nebraska, sections 79-234, 79-237, 79-1007.20, 79-1204, and 79-2118, Revised Statutes Cumulative Supplement, 2010, and sections 79-1003, 79-1028.01, and 79-2104.02, Revised Statutes Supplement, 2011; to change and eliminate provisions relating to the enrollment option program, the Tax Equity and Educational Opportunities Support Act, the Educational Service Units Act, and distance education equipment reimbursement; to redefine a term pursuant to the Special Education Act; to eliminate a fund; to harmonize provisions; to repeal the original sections; to outright repeal section 79-756, Reissue Revised Statutes of Nebraska; and to declare an emergency.

LEGISLATIVE BILL 1106. Introduced by Schilz, 47.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1374, Reissue Revised Statutes of Nebraska; to change provisions relating to the assessment of improvements on leased public lands; and to repeal the original section.

LEGISLATIVE BILL 1107. Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-696, Reissue Revised Statutes of Nebraska; to change provisions relating to the movement of vehicles and other property after an accident; to provide immunity as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1108. Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704.22, Reissue Revised Statutes of Nebraska; to change provisions relating to a sales and use tax exemption for manufacturing machinery and equipment; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 1109. Introduced by Brasch, 16.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1363, Revised Statutes Cumulative Supplement, 2010; to create the classification of inundated agricultural land; to provide an application procedure; and to repeal the original section.

LEGISLATIVE BILL 1110. Introduced by Brasch, 16.

A BILL FOR AN ACT relating to housing; to amend sections 58-701, 58-704, 58-705, 58-707, 58-709, 68-1601, 68-1602, 68-1603, 68-1604, 68-1605, 68-1606, 68-1607, and 68-1608, Reissue Revised Statutes of

Nebraska, and sections 58-702, 58-703, 58-706, 58-708, 58-711, 76-903, and 81-1213, Revised Statutes Supplement, 2011; to provide for assistance for temporary and permanent housing as a result of a natural disaster; to change provisions of the Nebraska Affordable Housing Act and the Homeless Shelter Assistance Trust Fund Act; to transfer funds; to harmonize provisions, and to repeal the original sections.

LEGISLATIVE BILL 1111. Introduced by Flood, 19.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-476.01, 60-496, 60-497, 60-497.03, 60-498, 60-4,120.02, 60-4,125, 60-694.01, 60-696, 60-6,216, 60-6,217, 60-6,218, and 83-1,127.02, Reissue Revised Statutes of Nebraska, and sections 28-306, 28-394, 60-698, 60-6,197.02, 60-6,197.03, 60-6,197.05, 60-6,198, and 60-6,211.05, Revised Statutes Supplement, 2011; to change provisions relating to penalties involving operator's license revocation; to provide powers and duties for the Director of Motor Vehicles and the Department of Motor Vehicles; to change penalties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1112. Introduced by Flood, 19.

A BILL FOR AN ACT relating to state highways; to amend section 39-1365.01, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to state highway system plans; and to repeal the original section.

LEGISLATIVE BILL 1113. Introduced by Flood, 19.

A BILL FOR AN ACT relating to power of attorney; to amend section 30-3408, Reissue Revised Statutes of Nebraska, and section 30-2201, Revised Statutes Supplement, 2011; to adopt the Nebraska Uniform Power of Attorney Act; to repeal the Uniform Durable Power of Attorney Act and the Nebraska Short Form Act; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 30-2665, 30-2666, 30-2667, 30-2668, 30-2669, 30-2670, 30-2671, 30-2672, 49-1501, 49-1502, 49-1503, 49-1504, 49-1505, 49-1506, 49-1507, 49-1508, 49-1509, 49-1510, 49-1511, 49-1512, 49-1513, 49-1514, 49-1515, 49-1516, 49-1517, 49-1518, 49-1519, 49-1520, 49-1521, 49-1522, 49-1523, 49-1524, 49-1525, 49-1526, 49-1527, 49-1528, 49-1529, 49-1530, 49-1531, 49-1532, 49-1533, 49-1534, 49-1535, 49-1536, 49-1537, 49-1538, 49-1539, 49-1540, 49-1541, 49-1542, 49-1543, 49-1544, 49-1545, 49-1546, 49-1547, 49-1548, 49-1549, 49-1550, 49-1551, 49-1552, 49-1553, 49-1554, 49-1555, 49-1556, 49-1557, 49-1558, 49-1559, 49-1560, 49-1561, and 49-1562, Reissue Revised Statutes of Nebraska, and sections 30-2664 and 30-2665.01, Revised Statutes Cumulative Supplement, 2010.

LEGISLATIVE BILL 1114. Introduced by Flood, 19.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-27,139.01, 77-27,139.04, and 77-27,144, Reissue Revised Statutes of Nebraska, and sections 13-2814, 77-27,139.02, and 77-27,139.03, Revised Statutes Supplement, 2011; to change distribution of the Municipal Equalization Fund and aid to municipalities; to eliminate collection fees; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1115. Introduced by Flood, 19.

A BILL FOR AN ACT relating to jurisdictional utilities; to amend sections 66-1801, 66-1808, and 66-1831, Reissue Revised Statutes of Nebraska; to authorize construction and operation of natural gas pipeline facilities as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1116. Introduced by Flood, 19.

A BILL FOR AN ACT relating to the Nebraska Capitol Commission; to amend section 81-1108.32, Reissue Revised Statutes of Nebraska; to change membership provisions; and to repeal the original section.

LEGISLATIVE BILL 1117. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2715 and 77-2724, Reissue Revised Statutes of Nebraska, and section 77-2717, Revised Statutes Supplement, 2011; to change income tax calculations relating to the federal alternative minimum tax; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1118. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to the Nebraska Advantage Act; to amend sections 77-5701, 77-5703, and 77-5727, Reissue Revised Statutes of Nebraska, and sections 77-5715, 77-5725, 77-5726, and 77-5735, Revised Statutes Cumulative Supplement, 2010; to provide tax incentives for large data center projects; to define a term; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1119. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Supplement, 2011; to prohibit flying lanterns; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1120. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to civil procedure; to limit liability for

bucking bull activities as prescribed; to define terms; and to require warning signs.

LEGISLATIVE BILL 1121. Introduced by Lambert, 2.

A BILL FOR AN ACT relating to sanitary and improvement districts; to amend sections 31-787 and 31-789, Reissue Revised Statutes of Nebraska; to change provisions relating to signatures on recall petitions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1122. Introduced by Bloomfield, 17.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-912, Reissue Revised Statutes of Nebraska; to change a power of the Department of Health and Human Services relating to the limitation of certain services as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1123. Introduced by Council, 11.

A BILL FOR AN ACT relating to community development; to amend section 81-3603, Reissue Revised Statutes of Nebraska; to adopt the Nebraska Healthy Food Financing Initiative Act; to create a fund; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1124. Introduced by Council, 11; Ashford, 20; B. Harr, 8; Mello, 5; Nordquist, 7.

A BILL FOR AN ACT relating to schools; to amend section 79-1201, Reissue Revised Statutes of Nebraska, section 79-1248, Revised Statutes Cumulative Supplement, 2010, and section 79-757, Revised Statutes Supplement, 2011; to provide for designation of priority schools; to provide duties for the State Department of Education, the Commissioner of Education, the Educational Service Unit Coordinating Council, and educational service units; to provide for a kindergarten readiness advisory group and assessment standard; to provide for priority school intervention teams; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1125. Introduced by Christensen, 44.

A BILL FOR AN ACT relating to natural resources districts; to amend section 2-3226.05, Revised Statutes Cumulative Supplement, 2010; to change a provision relating to occupation tax; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1126. Introduced by Christensen, 44.

A BILL FOR AN ACT relating to cities and villages; to amend sections 13-327, 13-328, and 17-1002, Reissue Revised Statutes of Nebraska; to

provide and change extraterritorial jurisdiction of a village as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1127. Introduced by Christensen, 44.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-611 and 28-611.01, Revised Statutes Cumulative Supplement, 2010; to change provisions and penalties relating to issuing or passing a bad check or issuing a no-account check; and to repeal the original sections.

LEGISLATIVE BILL 1128. Introduced by Schumacher, 22; Mello, 5.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2734.03 and 77-3806, Reissue Revised Statutes of Nebraska, section 77-908, Revised Statutes Cumulative Supplement, 2010, and sections 49-801.01, 77-2715.07, and 77-2717, Revised Statutes Supplement, 2011; to adopt the New Markets Job Growth Investment Act; to provide tax credits; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 1129. Introduced by Coash, 27.

A BILL FOR AN ACT relating to insurance; to provide requirements for coverage of autism spectrum disorders; to define terms; and to provide duties for the Director of Insurance.

LEGISLATIVE BILL 1130. Introduced by Coash, 27.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-123, 53-123.04, 53-123.14, and 53-123.16, Reissue Revised Statutes of Nebraska, and sections 53-101 and 53-134, Revised Statutes Supplement, 2011; to define terms; to provide for an entertainment district license; to provide for a fee; to harmonize provisions; and to repeal the original sections.

SELECT FILE

LEGISLATIVE BILL 705. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 706. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 707. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 708. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 709. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 710. Advanced to Enrollment and Review for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 418. Senator Mello renewed his motion, MO69, found on page 265, to reconsider the vote taken on AM1705.

Senator Mello moved for a call of the house. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Senator Mello requested a roll call vote on his motion to reconsider.

Voting in the affirmative, 14:

Avery	Harr, B.	Lathrop	Nordquist	Sullivan
Dubas	Howard	McGill	Pahls	Wallman
Fulton	Krist	Mello	Pirsch	

Voting in the negative, 27:

Adams	Christensen	Hansen	Lautenbaugh	Seiler
Ashford	Coash	Harms	McCoy	Smith
Bloomfield	Cornett	Heidemann	Nelson	Wightman
Brasch	Fischer	Janssen	Price	
Campbell	Flood	Lambert	Schilz	
Carlson	Gloor	Langemeier	Schumacher	

Excused and not voting, 8:

Conrad	Council	Hadley	Larson
Cook	Haar, K.	Karpisek	Louden

The Mello motion to reconsider failed with 14 ayes, 27 nays, and 8 excused and not voting.

The Chair declared the call raised.

Pending.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1131. Introduced by McGill, 26.

A BILL FOR AN ACT relating to public schools; to adopt the Innovation, Discovery, and Entrepreneurial Act.

LEGISLATIVE BILL 1132. Introduced by McGill, 26; Schilz, 47.

A BILL FOR AN ACT relating to the Community Development Law; to amend section 18-2123, Reissue Revised Statutes of Nebraska, and section 18-2147, Revised Statutes Supplement, 2011; to provide an effective date for the division of ad valorem taxes for real property located outside the corporate boundaries of a city; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1133. Introduced by Avery, 28.

A BILL FOR AN ACT relating to redistricting; to amend sections 49-1493 and 49-1499.03, Reissue Revised Statutes of Nebraska; to adopt the Redistricting Act; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 1134. Introduced by Avery, 28.

A BILL FOR AN ACT relating to eminent domain; to amend sections 25-2501, 25-2502, 25-2503, 25-2504, 25-2505, 25-2506, and 76-704, Reissue Revised Statutes of Nebraska, and section 2-3234.07, Revised Statutes Cumulative Supplement, 2010; to provide and change provisions relating to agency condemnation of property for a public purpose; to define and redefine terms; to provide a penalty; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 1135. Introduced by K. Haar, 21; Mello, 5.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701 and 77-2734.03, Reissue Revised Statutes of Nebraska, and sections 77-2715.07 and 77-2717, Revised Statutes Supplement, 2011; to provide an income tax credit relating to purchases of energy star certified materials and equipment; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1136. Introduced by Mello, 5; Nordquist, 7.

A BILL FOR AN ACT relating to employment; to state findings; to create and provide for a wage subsidy program; to provide duties for the Department of Health and Human Services; to provide for termination of the program; to state intent relating to appropriations; to provide an operative

date; and to declare an emergency.

LEGISLATIVE BILL 1137. Introduced by Mello, 5; McGill, 26; Nordquist, 7.

A BILL FOR AN ACT relating to land banks; to adopt the Nebraska Municipal Land Bank Act; and to provide a duty for the Revisor of Statutes.

LEGISLATIVE BILL 1138. Introduced by Mello, 5.

A BILL FOR AN ACT relating to the Community Development Assistance Act; to amend sections 13-202, 13-203, 13-204, and 13-207, Reissue Revised Statutes of Nebraska, and section 13-206, Revised Statutes Cumulative Supplement, 2010; to define and redefine terms; to change provisions relating to legislative findings, community betterment organizations, and tax credits; and to repeal the original sections.

LEGISLATIVE BILL 1139. Introduced by Mello, 5.

A BILL FOR AN ACT relating to horseracing; to amend section 2-1215, Reissue Revised Statutes of Nebraska; to prohibit receiving certain types of wagers as prescribed; to provide a penalty; and to repeal the original section.

LEGISLATIVE BILL 1140. Introduced by Mello, 5.

A BILL FOR AN ACT relating to the Professional Landscape Architects Act; to amend sections 81-8,184, 81-8,185, 81-8,186, 81-8,189, 81-8,190, 81-8,191.01, 81-8,192, 81-8,193, 81-8,195, 81-8,196, 81-8,197, 81-8,198, 81-8,199, 81-8,200, 81-8,200.01, 81-8,200.02, 81-8,201, 81-8,202, 81-8,203, 81-8,204, 81-8,205, 81-8,206, and 81-8,208, Reissue Revised Statutes of Nebraska, and section 81-8,194, Revised Statutes Cumulative Supplement, 2010; to eliminate registration of professional landscape architects; to license professional landscape architects; to change provisions relating to licensure requirements and examinations; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1141. Introduced by McGill, 26.

A BILL FOR AN ACT relating to government; to amend sections 55-157 and 81-1170.01, Reissue Revised Statutes of Nebraska; to change provisions relating to reimbursement of travel expenses for Nebraska National Guard members as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1142. Introduced by Nordquist, 7; Campbell, 25.

A BILL FOR AN ACT relating to health care; to adopt the Health Care Transparency Act; and to create an advisory committee.

LEGISLATIVE BILL 1143. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to insurance; to amend sections 44-6410 and 44-6411, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to stacking of coverage; and to repeal the original sections.

LEGISLATIVE BILL 1144. Introduced by Ashford, 20; Nordquist, 7; Pahls, 31.

A BILL FOR AN ACT relating to schools; to amend sections 79-1001, 79-1003, 79-1007.11, and 85-1412, Revised Statutes Supplement, 2011; to provide for career academy schools; to provide for a career academy school allowance under the Tax Equity and Educational Opportunities Support Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1145. Introduced by McGill, 26; Christensen, 44; Mello, 5.

A BILL FOR AN ACT relating to criminal law; to amend sections 28-802 and 28-830, Reissue Revised Statutes of Nebraska, and section 28-101, Revised Statutes Supplement, 2011; to provide for the forfeiture of assets involved in human trafficking; to change the penalty for pandering; to require the posting of signs, the establishment of a commission, and the training of certain officials regarding human trafficking; to provide for the vacating of certain convictions of victims of human trafficking; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1146. Introduced by McGill, 26.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the Nebraska Prostitution Intervention and Treatment Act; to state intent; and to declare an emergency.

LEGISLATIVE BILL 1147. Introduced by Dubas, 34; Avery, 28; B. Harr, 8; Karpisek, 32; Langemeier, 23; Larson, 40; Lathrop, 12; Lautenbaugh, 18; McGill, 26; Nordquist, 7; Schilz, 47; Schumacher, 22.

A BILL FOR AN ACT relating to the State Capitol; to amend section 81-1120.27, Revised Statutes Cumulative Supplement, 2010; to provide for public wireless Internet access; to provide for use by employees and officials; and to repeal the original section.

LEGISLATIVE BILL 1148. Introduced by Gloor, 35.

A BILL FOR AN ACT relating to marriage and family therapists; to amend section 38-2133, Reissue Revised Statutes of Nebraska; to change provisions relating to qualified supervisors and supervision requirements for certification; and to repeal the original section.

LEGISLATIVE BILL 1149. Introduced by McGill, 26.

A BILL FOR AN ACT relating to children; to amend sections 68-1207 and 68-1207.01, Reissue Revised Statutes of Nebraska, and sections 43-285 and 43-905, Revised Statutes Supplement, 2011; to provide for guardianship by a designee of the Department of Health and Human Services; to change provisions relating to caseloads; to create and provide duties for the Child Welfare Caseload Estimating Committee; and to repeal the original sections.

LEGISLATIVE BILL 1150. Introduced by McGill, 26.

A BILL FOR AN ACT relating to foster care; to amend sections 43-285 and 43-905, Revised Statutes Supplement, 2011; to adopt the Young Adult Voluntary Foster Care Services Act; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 1151. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to eliminate a sunset provision; and to outright repeal section 48-1,111, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 1152. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to the Employment Security Law; to amend sections 48-622.02 and 48-622.03, Reissue Revised Statutes of Nebraska; to provide for job training programs for recipients of unemployment insurance benefits; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1153. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to juveniles; to amend section 43-2,129, Revised Statutes Supplement, 2011; to require certain juvenile court-ordered treatment or services to be provided in a timely manner; to harmonize provisions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1154. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to the Employment Security Law; to amend sections 48-622.02 and 48-622.03, Reissue Revised Statutes of Nebraska; to provide for job training programs for recipients of unemployment insurance benefits; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1155. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend sections 60-4,108 and 60-4,110, Reissue Revised Statutes of Nebraska; to change penalties relating to operating a motor vehicle while

under orders not to operate a motor vehicle; and to repeal the original sections.

LEGISLATIVE BILL 1156. Introduced by Carlson, 38.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend section 79-1024, Revised Statutes Cumulative Supplement, 2010, and sections 79-1001, 79-1023, 79-1027, and 79-1028.01, Revised Statutes Supplement, 2011; to exempt certain schools from expenditure limits as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1157. Introduced by Larson, 40.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend section 49-1463.01, Reissue Revised Statutes of Nebraska; to change provisions relating to late filing fees; and to repeal the original section.

LEGISLATIVE BILL 1158. Introduced by Krist, 10.

A BILL FOR AN ACT relating to medical assistance; to amend section 71-801, Reissue Revised Statutes of Nebraska; to provide requirements for behavioral health managed care contracts; to provide duties for the Department of Health and Human Services; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1159. Introduced by Krist, 10.

A BILL FOR AN ACT relating to state contracts for services; to amend sections 71-5666, 71-5667, 71-5668, 73-501, 73-502, 73-504, 73-505, 73-506, 73-509, and 81-154.01, Reissue Revised Statutes of Nebraska, sections 79-8,137 and 79-8,137.04, Revised Statutes Cumulative Supplement, 2010, section 73-507, Reissue Revised Statutes of Nebraska, as amended by section 5, Legislative Bill 4, One Hundred Second Legislature, First Special Session, 2011, and section 3, Legislative Bill 4, One Hundred Second Legislature, First Special Session, 2011; to provide additional requirements for contracts valued at twenty-five million dollars or more; to provide duties for state agencies and the materiel division of the Department of Administrative Services; to define and redefine terms; to eliminate obsolete provisions; to harmonize provisions; to repeal the original sections; and to outright repeal sections 73-301, 73-302, 73-303, 73-304, 73-305, and 73-306, Reissue Revised Statutes of Nebraska, and section 73-307, Reissue Revised Statutes of Nebraska, as amended by section 4, Legislative Bill 4, One Hundred Second Legislature, First Special Session, 2011.

LEGISLATIVE BILL 1160. Introduced by Health and Human Services Committee: Campbell, 25, Chairperson; Bloomfield, 17; Gloor, 35; Howard, 9; Krist, 10; Lambert, 2.

A BILL FOR AN ACT relating to health and human services; to define terms; to state intent; to require development of an information system as prescribed; to require reports; to provide for an evaluation and a report; and to declare an emergency.

LEGISLATIVE BILL 1161. Introduced by Smith, 14.

A BILL FOR AN ACT relating to oil pipelines; to amend section 3, Legislative Bill 4, One Hundred Second Legislature, First Special Session, 2011; to provide for study and evaluation of routes for proposed oil pipelines; to provide powers and duties; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1162. Introduced by Nelson, 6.

A BILL FOR AN ACT relating to notaries public; to amend sections 64-101 and 64-112, Reissue Revised Statutes of Nebraska; to provide for appointment of nonresidents as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1163. Introduced by Fulton, 29.

A BILL FOR AN ACT relating to deer; to amend sections 37-201 and 37-448, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to special deer depredation seasons; to provide for donation of deer; to create a fund; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1164. Introduced by Fulton, 29.

A BILL FOR AN ACT relating to the Attorney General; to amend section 84-205, Reissue Revised Statutes of Nebraska; to prohibit the Attorney General from bringing an action pursuant to a certain federal statute; and to repeal the original section.

LEGISLATIVE BILL 1165. Introduced by Fulton, 29.

A BILL FOR AN ACT relating to schools; to amend section 79-527, Revised Statutes Cumulative Supplement, 2010, and sections 79-209 and 79-2121, Revised Statutes Supplement, 2011; to change provisions relating to truancy; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1166. Introduced by Ashford, 20.

A BILL FOR AN ACT relating to county government; to eliminate elective offices when approved by registered voters; to provide for appointment of certain county officials; and to declare an emergency.

LEGISLATIVE BILL 1167. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to public contracts; to amend sections 39-8,105, 39-1302, and 60-6,188, Reissue Revised Statutes of Nebraska; to require certain provisions in highway and bridge construction and maintenance contracts; to require identifying signage as prescribed; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

LEGISLATIVE BILL 1168. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to schools; to adopt the School District Purchasing Act.

LEGISLATIVE BILL 1169. Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Supplement, 2011; to require reporting of the disappearance or death of a child as prescribed; to provide a penalty; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1170. Introduced by Christensen, 44.

A BILL FOR AN ACT relating to political accountability and disclosure; to amend section 49-1469.06, Reissue Revised Statutes of Nebraska; to change provisions relating to separate segregated political funds of businesses and associations; and to repeal the original section.

LEGISLATIVE BILL 1171. Introduced by Christensen, 44.

A BILL FOR AN ACT relating to government; to adopt the Nebraska Balance of Powers Act.

GENERAL FILE

LEGISLATIVE BILL 418. Senator Mello renewed his motion, MO70, found on page 269, to bracket until April 12, 2012.

Pending.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1172. Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to children; to amend section 43-292.02, Reissue Revised Statutes of Nebraska; to provide an additional ground for termination of parental rights; and to repeal the original section.

NOTICE OF COMMITTEE HEARING

Health and Human Services

Room 1510

Friday, January 27, 2012 1:30 p.m.

LB929

LB998

LB988

(Signed) Kathy Campbell, Chairperson

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 190. Placed on Select File with amendment. ER144

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 14-2102, Revised Statutes Cumulative
- 4 Supplement, 2010, is amended to read:
- 5 14-2102 In each metropolitan utilities district service
- 6 area, there shall be a board of directors consisting of seven
- 7 members. The members shall be elected as provided in section
- 8 32-540.
- 9 Registered voters within the boundaries of the district
- 10 shall be registered voters of such district. A registered voter of
- 11 the district ~~and~~ shall be eligible for the office of director from
- 12 the election district in which he or she resides, subject to the
- 13 special qualification of residence for the outside member.
- 14 The outside member specified in subsection (1) of section
- 15 32-540 shall be a registered voter residing within the district but
- 16 outside the corporate limits of the city of the metropolitan class
- 17 for which the district was created. In the event of the annexation
- 18 of the area within which the outside member resides, he or she may
- 19 continue to serve as the outside member until the expiration of
- 20 the term of office for which such member was elected and until a
- 21 successor is elected and qualified.

22 Sec. 2. Section 32-540, Reissue Revised Statutes of
23 Nebraska, is amended to read:

1 32-540 (1) Until the first election held after January
2 1, 2012, in ~~In~~ each metropolitan utilities district service area,
3 two of the members of the board of directors shall be chosen at
4 large by the registered voters within the district at the time
5 of the statewide primary and statewide general elections held in
6 the even-numbered years, except that at the primary and general
7 elections held in 1978 and every six years thereafter and before
8 January 1, 2012, three members, one of whom shall be known as the
9 outside member, shall be elected at large by the registered voters
10 within the district.

11 (2) On or before January 1, 2012, for each election held
12 after such date, the election commissioner in the most populous
13 county in each metropolitan utilities district service area shall
14 divide the service area into seven election districts of compact
15 and contiguous territory and of approximately equal population as
16 determined pursuant to the most recent federal decennial census.
17 Such election districts shall be numbered consecutively from one
18 to seven. One member of the metropolitan utilities district board
19 of directors shall be elected from each district by the registered
20 voters of the metropolitan utilities district. At the general
21 election in November 2012, the members representing election
22 districts 1 and 5 shall be elected for initial terms of two
23 years and until their successors are elected and qualified. At
24 the general election in November 2014, the members representing
25 election districts 2, 4, and 6 shall be elected for initial terms
26 of four years and until their successors are elected and qualified.
27 At the general election in November 2016, the members representing
1 election districts 3 and 7 shall be elected for initial terms of
2 six years and until their successors are elected and qualified.
3 Thereafter, all members shall be elected for terms of six years and
4 until their successors are elected and qualified. Any member of the
5 board elected before the effective date of this act shall remain on
6 the board until the expiration of the term to which he or she was
7 elected unless removed for cause other than failure to reside in
8 his or her assigned election district.

9 (3) Nomination and election of all directors shall be by
10 nonpartisan ballot. ~~Members~~ Except as provided in subsection (2)
11 of this section, members of the board shall hold office for a
12 period of six years from the first Tuesday after the first Monday
13 in January following their election or until their successors are
14 elected and qualified. The directors shall meet the qualifications
15 found in sections 14-2102 and 14-2103.

16 Sec. 3. Original section 32-540, Reissue Revised Statutes
17 of Nebraska, and section 14-2102, Revised Statutes Cumulative
18 Supplement, 2010, are repealed.

19 2. On page 1, strike beginning with "public" in line
20 1 through "70-619" in line 2 and insert "metropolitan utilities

21 districts; to amend section 32-540".

LEGISLATIVE BILL 66A. Placed on Select File.

(Signed) Tyson Larson, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 378. Introduced by Schilz, 47.

WHEREAS, the Ogallala High School one-act play won the 2011 Class B state championship; and

WHEREAS, Nate Baldwin was named the Class B Outstanding Male Performer; and

WHEREAS, Kate Diaz, the director for the Ogallala High School one-act play, did an outstanding job of guiding the students to the state championship; 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, SECOND SESSION:

1. That the Legislature congratulates the members of the Ogallala High School one-act play on winning the 2011 Class B state championship.

2. That a copy of this resolution be sent to the members of the Ogallala High School one-act play and their director, Kate Diaz.

Laid over.

LEGISLATIVE RESOLUTION 379. Introduced by McCoy, 39.

WHEREAS, the Elkhorn South Storm won the 2011 Class B Girls' State Golf Championship; and

WHEREAS, the Storm finished the championship tournament with a team score of 673, defeating runner-up McCook High School by eight strokes; and

WHEREAS, the victory gave the Storm their first state championship in girls' golf; 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, SECOND SESSION:

1. That the Legislature congratulates the Elkhorn South Storm on winning the 2011 Class B Girls' State Golf Championship.

2. That a copy of this resolution be sent to the Elkhorn South Storm and their coach, Mimi Ramsbottom.

Laid over.

LEGISLATIVE RESOLUTION 380. Introduced by McCoy, 39.

WHEREAS, the Elkhorn South Storm won the 2011 Class B Boys' State Tennis Championship; and

WHEREAS, the Storm defeated runner-up Lincoln Pius X by a score of 44 to 42.5 to win the team title; 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, SECOND SESSION:

1. That the Legislature congratulates the Elkhorn South Storm on winning the 2011 Class B Boys' State Tennis Championship.

2. That a copy of this resolution be sent to the Elkhorn South Storm and their coach, Steve Bischof.

Laid over.

LEGISLATIVE RESOLUTION 381. Introduced by Fulton, 29.

WHEREAS, Colonel Harry Francis Cunningham was a partner in the architectural firm of Bertram Grosvenor Goodhue at the time of Goodhue's death in 1924; and

WHEREAS, Colonel Harry Francis Cunningham succeeded Goodhue as lead architect for the State Capitol; and

WHEREAS, Colonel Cunningham is responsible for the final design of the State Capitol's majestic and renowned tower, the interior design of the Memorial Chamber at the tower's pinnacle, and the design of the original George W. Norris Legislative Chamber doors; and

WHEREAS, Colonel Cunningham's architectural leadership and skill improved upon the original design by Bertram Grosvenor Goodhue so as to make Nebraska's State Capitol the "fourth architectural wonder of the world"; and

WHEREAS, Colonel Cunningham's architectural legacy in Nebraska extended beyond the completion of the State Capitol with his founding of the first school of architecture at the University of Nebraska at Lincoln, where the Harry F. Cunningham Gold Medal for Architectural Excellence in the State of Nebraska is the highest honor bestowed by the American Institute of Architects Nebraska to this day; and

WHEREAS, it was deemed appropriate to honor the achievements of Bertram Grosvenor Goodhue by renaming 15th Street in Lincoln Goodhue Boulevard in 2007 upon the seventy-fifth anniversary of the State Capitol's completion; and

WHEREAS, three of the four avenues which lead to the respective entries to the State Capitol have been assigned honorary names; and

WHEREAS, Colonel Cunningham's achievements have had a lasting impact on the physical and cultural landscape of Lincoln and the State of Nebraska.

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

1. That the Legislature deems it fitting and appropriate that the achievements and legacy of Colonel Harry Francis Cunningham be solemnly recognized on the eightieth anniversary of the completion of the State Capitol and hereby requests that the Lincoln City Council resolve to rename a portion of "J" Street adjacent to the Capitol's east entry in honor of Colonel Cunningham.

2. That a copy of this resolution be sent to each member of the Lincoln City Council, the mayor of the City of Lincoln, the Office of the Nebraska Capitol Commission, and to a descendant of Colonel Cunningham who resides in Lincoln.

Laid over.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Section 8, LB381 was referred to the Reference Committee.

ANNOUNCEMENT

The Revenue Committee elected Senator Louden as Vice Chairperson.

UNANIMOUS CONSENT - Add Cointroducers

Senator Schumacher asked unanimous consent to add his name as cointroducer to LB1115. No objections. So ordered.

Senator Nordquist asked unanimous consent to add his name as cointroducer to LB1068. No objections. So ordered.

AMENDMENT - Print in Journal

Senator Nelson filed the following amendment to LB418:
AM1717

(Amendments to Standing Committee amendments, AM643)

- 1 1. Insert the following new amendments:
- 2 3. Insert the following new section:
- 3 Section 1. Section 49-1474.02, Reissue Revised Statutes
- 4 of Nebraska, is amended to read:
- 5 49-1474.02 (1) Any person who makes an expenditure
- 6 reportable under the Nebraska Political Accountability and
- 7 Disclosure Act to disseminate by any means of telecommunication a
- 8 prerecorded message or a recorded message relating to a candidate
- 9 or ballot question shall
- 10 (a) Prior to dissemination of such message, file a
- 11 statement to register the use of such a message with the

12 commission. The statement shall be on a form prescribed by the
13 commission and shall include the name and address of the person
14 paying for the message and a detailed description of the planned
15 use. The commission shall not charge a fee for such registration
16 and shall maintain the statement on file; and

17 ~~(b) Immediately include, immediately~~ preceding the
18 message, state the name of the person making the expenditure.

19 Such messages shall be disseminated only between the
20 hours of 8 a.m. and 9 p.m. at the location of the person receiving
21 the messages.

22 (2) Any person who makes an expenditure reportable under
1 the act to disseminate by any means of telecommunication a message
2 relating to a candidate or ballot question which is not a recorded
3 message or a prerecorded message shall, immediately upon the
4 request of the recipient of the message, disclose the name of
5 the person making the expenditure. If the message is disseminated
6 through an employee or agent of the person making the expenditure,
7 the employee or agent shall, immediately upon the request of the
8 recipient of the message, disclose the name of the person making
9 the expenditure.

10 (3) Any person who makes an expenditure reportable under
11 the act to disseminate by any electronic means, including the
12 Internet or email, a message relating to a candidate or ballot
13 question shall include in the message the name of the person making
14 the expenditure.

15 4. Renumber the remaining sections and correct the
16 repealer accordingly.

VISITORS

Visitors to the Chamber were Warren Whitted, Marsha Fangmeyer, Liz Neeley, and Sam Clinch from the Nebraska State Bar Association; and former Senator Jerry Schmitt and wife, Lavonne, from Ord.

The Doctor of the Day was Dr. George Voigtlander from Pawnee City.

ADJOURNMENT

At 11:45 a.m., on a motion by Speaker Flood, the Legislature adjourned until 9:00 a.m., Friday, January 20, 2012.

Patrick J. O'Donnell
Clerk of the Legislature

