

TWELFTH DAY - JANUARY 23, 2012**LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE
SECOND SESSION****TWELFTH DAY**

Legislative Chamber, Lincoln, Nebraska
Monday, January 23, 2012

PRAYER

The prayer was offered by Senator Wallman.

ROLL CALL

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

The roll was called and all members were present except Senators Conrad, McGill, and Wightman who were excused; and Senators Cornett, Flood, Heidemann, Langemeier, and Lautenbaugh who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eleventh day was approved.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LB1098	Revenue
LB1099	Judiciary
LB1101	Government, Military and Veterans Affairs
LB1102	Revenue
LB1103	Health and Human Services
LB1104	Education
LB1105	Education
LB1106	Revenue
LB1107	Judiciary
LB1108	Revenue
LB1109	Revenue
LB1110	Appropriations
LB1111	Judiciary
LB1112	Transportation and Telecommunications

LB1113	Judiciary
LB1114	Revenue
LB1115	Urban Affairs
LB1116	Government, Military and Veterans Affairs
LB1117	Revenue
LB1118	Revenue
LB1119	Judiciary
LB1120	Judiciary
LB1121	Urban Affairs
LB1122	Health and Human Services
LB1123	Agriculture
LB1124	Education
LB1125	Natural Resources
LB1126	Urban Affairs
LB1127	Judiciary
LB1128	Revenue
LB1129	Banking, Commerce and Insurance
LB1130	General Affairs
LB1131	Education
LB1132	Urban Affairs
LB1133	Executive Board
LB1134	Judiciary
LB1135	Revenue
LB1136	Health and Human Services
LB1137	Urban Affairs
LB1138	Revenue
LB1139	General Affairs
LB1140	Government, Military and Veterans Affairs
LB1141	Government, Military and Veterans Affairs
LB1142	Health and Human Services
LB1143	Banking, Commerce and Insurance
LB1144	Education
LB1145	Judiciary
LB1146	Appropriations
LB1147	Executive Board
LB1148	Health and Human Services
LB1149	Health and Human Services
LB1150	Health and Human Services
LB1151	Business and Labor
LB1152	Business and Labor
LB1153	Judiciary
LB1154	Business and Labor
LB1155	Transportation and Telecommunications
LB1156	Education
LB1157	Government, Military and Veterans Affairs
LB1158	Health and Human Services
LB1159	Government, Military and Veterans Affairs
LB1160	Health and Human Services
LB1161	Natural Resources

LB1162 Judiciary
 LB1163 Natural Resources
 LB1164 Judiciary
 LB1165 Judiciary
 LB1166 Government, Military and Veterans Affairs
 LB1167 Transportation and Telecommunications
 LB1168 Education
 LB1169 Judiciary
 LB1170 Government, Military and Veterans Affairs
 LB1171 Government, Military and Veterans Affairs
 LB1172 Judiciary

(Signed) John Wightman, Chairperson
 Executive Board

COMMITTEE REPORTS

Banking, Commerce and Insurance

LEGISLATIVE BILL 269. Placed on General File with amendment.
 AM1597

1 1. Strike original sections 3 and 4 and insert the
 2 following new sections:
 3 Sec. 3. Section 45-927, Reissue Revised Statutes of
 4 Nebraska, is amended to read:
 5 45-927 ~~All fees, charges, costs, and fines collected by~~
 6 ~~the director under the Delayed Deposit Services Licensing Act shall~~
 7 ~~be remitted to the State Treasurer. Fees, charges, and costs shall~~
 8 ~~be credited to the Financial Institution Assessment Cash Fund, and~~
 9 ~~fines shall be credited to the permanent school fund.~~
 10 (1) The director shall collect fees, charges, costs, and
 11 fines under the Delayed Deposit Services Licensing Act and remit
 12 them to the State Treasurer. Except as provided in subsection
 13 (2) of this section, the State Treasurer shall credit the fees,
 14 charges, and costs to the Financial Institution Assessment Cash
 15 Fund and distribute the fines in accordance with Article VII,
 16 section 5, of the Constitution of Nebraska.
 17 (2) For fees collected pursuant to section 45-910, the
 18 State Treasurer shall (a) credit one hundred fifty dollars of
 19 each renewal fee for a main office to the Financial Institution
 20 Assessment Cash Fund and three hundred fifty dollars of each
 21 renewal fee for a main office to the Financial Literacy Cash Fund
 22 and (b) credit one hundred dollars of each renewal fee for a branch
 23 office to the Financial Institution Assessment Cash Fund and four
 1 hundred dollars of each renewal fee for a branch office to the
 2 Financial Literacy Cash Fund.
 3 Sec. 4. The Financial Literacy Cash Fund is created.
 4 Amounts credited to the fund shall include that portion of
 5 each renewal fee as provided in section 45-927 and such other
 6 revenue as is incidental to administration of the fund. The fund

7 shall be administered by the University of Nebraska and shall
 8 be used to provide assistance to nonprofit entities that offer
 9 financial literacy programs to students in grades kindergarten
 10 through twelve. Any money in the fund available for investment
 11 shall be invested by the state investment officer pursuant to
 12 the Nebraska Capital Expansion Act and the Nebraska State Funds
 13 Investment Act.

(Signed) Rich Pahls, Chairperson

Health and Human Services

LEGISLATIVE BILL 646. Placed on General File.

LEGISLATIVE BILL 540. Placed on General File with amendment.
 AM1719

- 1 1. On page 7, line 4, strike "2011" and insert "2012";
- 2 and in line 13 after the period insert "No state funds shall be
- 3 utilized to pay for abortion services.".

(Signed) Kathy Campbell, Chairperson

NOTICE OF COMMITTEE HEARINGS

Banking, Commerce and Insurance

Room 1507

Monday, January 30, 2012 1:30 p.m.

LB963
 LB964
 LB965
 LB1004

Room 1507

Tuesday, January 31, 2012 1:30 p.m.

LB1018
 LB1031
 LB811
 LB1064

(Signed) Rich Pahls, Chairperson

Education

Room 1525

Monday, January 30, 2012 1:30 p.m.

LB1144
LB1131
LB996
LB1124

Room 1525

Tuesday, January 31, 2012 1:30 p.m.

LB1090
LB1020
LB1038

(Signed) Greg Adams, Chairperson

Transportation and Telecommunications

Room 1113

Monday, January 30, 2012 1:30 p.m.

LB930
LB746
LB875
LB1039

Room 1113

Tuesday, January 31, 2012 1:30 p.m.

LB898
LB747
LB896
LB889

(Signed) Deb Fischer, Chairperson

MOTION - Withdraw LB1154

Senator Lathrop renewed his motion, MO71, found on page 308, to withdraw LB1154.

The Lathrop motion to withdraw the bill prevailed with 37 ayes, 0 nays, 3

present and not voting, and 9 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 418. Senator Mello renewed his motion, MO72, found on page 309, to reconsider AM1717.

SENATOR FISCHER PRESIDING

PRESIDENT SHEEHY PRESIDING

SPEAKER FLOOD PRESIDING

Senator Nelson offered the following motion:
MO74

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Nelson moved for a call of the house. The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

Senator Nelson requested a roll call vote on the motion to invoke cloture.

Voting in the affirmative, 26:

Adams	Fischer	Harms	Lautenbaugh	Seiler
Bloomfield	Flood	Heidemann	McCoy	Smith
Brasch	Fulton	Janssen	Nelson	
Campbell	Gloor	Krist	Pirsch	
Carlson	Hadley	Lambert	Price	
Christensen	Hansen	Larson	Schilz	

Voting in the negative, 17:

Avery	Dubas	Karpisek	Mello	Sullivan
Coash	Haar, K.	Langemeier	Nordquist	
Cook	Harr, B.	Lathrop	Pahls	
Council	Howard	Louden	Schumacher	

Present and not voting, 1:

Ashford

Excused and not voting, 5:

Conrad	Cornett	McGill	Wallman	Wightman
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The Nelson motion to invoke cloture failed with 26 ayes, 17 nays, 1 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

COMMITTEE REPORT

Natural Resources

LEGISLATIVE BILL 828. Placed on General File with amendment.
AM1729

- 1 1. Insert the following new sections:
- 2 Sec. 17. Section 76-3004, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 76-3004 No interest in any wind or solar resource located
- 5 on a tract of land and associated with the production or potential
- 6 production of ~~wind-generated wind or solar~~ energy on the tract of
- 7 land may be severed from the surface estate.
- 8 Sec. 23. Since an emergency exists, this act takes effect
- 9 when passed and approved according to law.
- 10 2. On page 4, strike beginning with "The" in line 1
- 11 through line 13 and show the old matter as stricken.
- 12 3. On page 5, line 22, after "the" insert "solar
- 13 agreement or".
- 14 4. On page 6, line 5, after "any" insert "wind or solar";
- 15 and in line 7 strike "wind-generated" and insert "wind or solar".
- 16 5. Amend the repealer and renumber the remaining sections
- 17 accordingly.

(Signed) Chris Langemeier, Chairperson

NOTICE OF COMMITTEE HEARINGS

Natural Resources

Room 1525

Wednesday, February 1, 2012 1:30 p.m.

LB1043

LB1092

(Signed) Chris Langemeier, Chairperson

Agriculture

Room 1524

Tuesday, February 7, 2012 1:30 p.m.

LB905

LB1057

Room 1524

Tuesday, February 14, 2012 1:30 p.m.

LB927
LB907

(Signed) Tom Carlson, Chairperson

Appropriations

Room 1003

Wednesday, February 1, 2012 1:30 p.m.

Agency 5 - Supreme Court
Agency 16 - Revenue, Department of
Agency 65 - Administrative Services, Department of
Agency 75 - Investment Council, Nebraska
Agency 84 - Environmental Quality, Department of
Agency 72 - Economic Development, Department of
LB955
LB1037

Room 1003

Thursday, February 2, 2012 1:30 p.m.

LB1055
LB1065
LB1066
LB1089

(Signed) Lavon Heidemann, Chairperson

Education

Room 1525

Monday, February 6, 2012 1:30 p.m.

Riko Bishop - Coordinating Commission for Postsecondary Education
Karen Davis - Coordinating Commission for Postsecondary Education
Joyce Simmons - Coordinating Commission for Postsecondary Education
Carol Zink - Coordinating Commission for Postsecondary Education
LB1079
LB1034
LB954
LB1104

Room 1525

Tuesday, February 7, 2012 1:30 p.m.

LB990
LB991
LB1074
LB1105

Room 1525

Monday, February 13, 2012 1:30 p.m.

LB1156
LB947
LB913

Room 1525

Tuesday, February 21, 2012 1:30 p.m.

LB1084
LB1168
LB1045
LB1068

(Signed) Greg Adams, Chairperson

Business and Labor

Room 2102

Monday, January 30, 2012 1:30 p.m.

LB738
LB906
LB909
LB1008
LB1012
LB1151

(Signed) Steve Lathrop, Chairperson

GENERAL FILE

LEGISLATIVE BILL 60. Title read. Considered.

PRESIDENT SHEEHY PRESIDING

Pending.

MOTION - Print in Journal

Senator Ashford filed the following motion to LB1166:
MO75
Withdraw bill.

AMENDMENT - Print in Journal

Senator Howard filed the following amendment to LB418:
AM1731

(Amendments to Standing Committee amendments, AM643)

- 1 1. Insert the following new amendments:
- 2 3. Insert the following new section:
- 3 Sec. 2. Section 86-251, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 86-251 (1) A person shall not use an automatic
- 6 dialing-announcing device to deliver a recorded message to another
- 7 person without the recipient's permission.
- 8 (2) A person shall not connect or operate an automatic
- 9 dialing-announcing device in such a manner as to allow it to dial
- 10 telephone numbers sequentially which means in any manner other
- 11 than a random manner. A detectable, predictable pattern which can
- 12 be used to accurately project the device's number dialing shall
- 13 satisfy a finding that sequential number dialing is taking place in
- 14 violation of this section.
- 15 4. Renumber the remaining sections and correct the
- 16 repealer accordingly.

NOTICE OF COMMITTEE HEARING

General Affairs

Room 1510

Monday, January 30, 2012 1:30 p.m.

LB979
LB1067
LR375CA
LB1139

(Signed) Russ Karpisek, Chairperson

UNANIMOUS CONSENT - Add Cointroducers

Senator Mello asked unanimous consent to add his name as cointroducer to LB1089. No objections. So ordered.

Senators Coash and Fulton asked unanimous consent to add their names as cointroducers to LB804. No objections. So ordered.

VISITORS

Visitors to the Chamber were senior nursing students from Lincoln.

The Doctor of the Day was Dr. Theresa Hatcher from Bellevue.

ADJOURNMENT

At 11:58 a.m., on a motion by Senator Brasch, the Legislature adjourned until 9:00 a.m., Tuesday, January 24, 2012.

Patrick J. O'Donnell
Clerk of the Legislature

