

TWENTY-FIRST DAY - FEBRUARY 3, 2012**LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE
SECOND SESSION****TWENTY-FIRST DAY**

Legislative Chamber, Lincoln, Nebraska
Friday, February 3, 2012

PRAYER

The prayer was offered by Pastor Penny Schulz, Dunbar Presbyterian Church, Dunbar.

ROLL CALL

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

The roll was called and all members were present except Senators Bloomfield and Christensen who were excused; and Senators Council, Lautenbaugh, and McGill who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twentieth day was approved.

COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 946. Placed on Final Reading.
ST50

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Adams amendment, AM1828, on page 9, lines 3 and 4 have been struck and "strike lines 5 through 7 and show the old matter as stricken; and in line 8 strike '(iv)', show as stricken, and insert '(iii)'." inserted; in line 9 a comma has been inserted after "Act"; and in line 10 an underscored comma has been inserted after "1978".

2. On page 1, line 3, "section" has been struck and "sections 85-1402 and" inserted; and in line 5 "81-1201.21," has been inserted after the second comma.

3. On page 56, line 14, "section" has been struck and "sections 85-1402 and" inserted; and in line 15 "81-1201.21," has been inserted after the second comma.

(Signed) Tyson Larson, Chairperson

NOTICE OF COMMITTEE HEARINGS

Agriculture

Room 1524

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

LB1123

(Signed) Tom Carlson, Chairperson

Government, Military and Veterans Affairs

Room 1507

Friday, February 3, 2012 1:30 p.m.

LB765 (cancel)

LB1159 (cancel)

LB792 (cancel)

LB858 (cancel)

Room 1507

Monday, February 13, 2012 9:30 a.m.

LB765 (reschedule)

LB1159 (reschedule)

LB792 (reschedule)

LB858 (reschedule)

(Signed) Bill Avery, Chairperson

Health and Human Services

Room 1510

Friday, February 3, 2012 1:30 p.m.

LB1077 (cancel)

LB1047 (cancel)

LB1042 (cancel)

LB995 (cancel)

Room 1510

Monday February 13, 2012 9:30 a.m.

LB1077 (reschedule)
LB1047 (reschedule)
LB1042 (reschedule)
LB995 (reschedule)

(Signed) Kathy Campbell, Chairperson

Judiciary

Room 1113

Friday, February 3, 2012 1:30 p.m.

LB993 (cancel)
LB917 (cancel)
LB933 (cancel)
LB1165 (cancel)

Room 1113

Monday, February 13, 2012 9:30 a.m.

LB993 (reschedule)
LB917 (reschedule)
LB933 (reschedule)
LB1165 (reschedule)

(Signed) Brad Ashford, Chairperson

Transportation and Telecommunications

Room 1113

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

LB715
LB833
LB847
LB1091

Room 1113

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

David Wacker - Board of Public Roads Classifications and Standards

Roger Figard - Board of Public Roads Classifications and Standards
 Edward Wootton - Board of Public Roads Classifications and Standards
 Darold Tagge - Board of Public Roads Classifications and Standards
 Timothy Weander - Board of Public Roads Classifications and Standards
 LeRoy Gerrard - Board of Public Roads Classifications and Standards
 LB1167

(Signed) Deb Fischer, Chairperson

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of February 2, 2012, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
 Clerk of the Legislature

Davis, Jeffrey N.
 BNSF Railway Company
 Edwards, Corrie L.
 TFI Family Services, Inc.
 McCullough, Jacqueline K.
 County Attorneys Association, Nebraska
 Pappas, James E.
 League of Human Dignity
 UNO Chapter of the AAUP
 Radcliffe, Walter H. of Radcliffe & Associates
 Medical Center, Nebraska
 Seglin, Steven G.
 Levy Premium Foodservice Limited Partnership
 Swanson, Heather
 Nurse-Midwives, Nebraska Affiliate of the American College of,

REPORTS

The following reports were received by the Legislature:

Administrative Services, Department of

Division of Risk Management-Indemnification Claims Payments
 Division of Risk Management-Miscellaneous Claims Payments
 Division of Risk Management-State Self-Insurance Fund Claims
 Payments
 Division of Risk Management-Tort Claims Payments
 Division of Risk Management-Workers Compensation Payments

Agriculture, Department of

Total Number of Applicants for Public Benefits and the Number of
 Applicants Rejected Pursuant to Such Sections

Children's Behavioral Health Oversight Committee

2011 Annual Report

Coordinating Commission for Postsecondary Education, Nebraska

Total Number of Applicants for Public Benefits and the Number of Applicants Rejected Pursuant to Such Sections

Economic Development, Department of

Total Number of Applicants for Public Benefits and the Number of Applicants Rejected Pursuant to Such Sections

Environmental Quality, Department of

Total Number of Applicants for Public Benefits and the Number of Applicants Rejected Pursuant to Such Sections

Health and Human Services, Nebraska Department of

ACCESSNebraska (LB374) Report

Investment Finance Authority, Nebraska (NIFA)

2009 Series A, B, C, D, E and F Community Development Loan Notes (City of Lincoln Program-2009) as of December 31, 2012

Homeownership Revenue Bonds Series 2011 A

Public Service Commission, Nebraska

Total Number of Applicants for Public Benefits and the Number of Applicants Rejected Pursuant to Such Sections

Revenue, Department of

Total Number of Applicants for Public Benefits and the Number of Applicants Rejected Pursuant to Such Sections

State College System, Nebraska

Total Number of Applicants for Public Benefits and the Number of Applicants Rejected Pursuant to Such Sections

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Manning, Steven-Commission for the Deaf and Hard of Hearing-Health and Human Services

Moore, Jan-Commission for the Deaf and Hard of Hearing-Health and Human Services

Muelleman, Diane-Commission for the Deaf and Hard of Hearing-Health and Human Services

Rennerfeldt, Carl-Board of Emergency Medical Services-Health and Human Services

(Signed) John Wightman, Chairperson
Executive Board

GENERAL FILE

LEGISLATIVE BILL 536. Committee AM1668, found on page 310 and considered on page 420, was renewed.

The committee amendment was adopted with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 6 present and not voting, and 7 excused and not voting.

BILL ON FIRST READING

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

LEGISLATIVE BILL 862A. Introduced by Ashford, 20.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 862, One Hundred Second Legislature, Second Session, 2012; to provide an operative date; and to declare an emergency.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 677. Placed on Select File with amendment. ER168

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 28-308, Revised Statutes Cumulative
- 4 Supplement, 2010, is amended to read:
- 5 28-308 (1) A person commits the offense of assault in the
- 6 first degree if he or she intentionally or knowingly causes serious
- 7 bodily injury to another person.
- 8 (2) Assault in the first degree shall be a Class II
- 9 felony. A person who commits assault in the first degree on a
- 10 health care professional while the health care professional is
- 11 engaged in the performance of his or her official duties at a
- 12 hospital or a health clinic shall upon conviction be sentenced to
- 13 not less than two years' imprisonment.
- 14 Sec. 2. Section 28-309, Revised Statutes Cumulative
- 15 Supplement, 2010, is amended to read:
- 16 28-309 (1) A person commits the offense of assault in the
- 17 second degree if he or she:
- 18 (a) Intentionally or knowingly causes bodily injury to
- 19 another person with a dangerous instrument;
- 20 (b) Recklessly causes serious bodily injury to another
- 21 person with a dangerous instrument; or

22 (c) Unlawfully strikes or wounds another (i) while
23 legally confined in a jail or an adult correctional or penal
1 institution, (ii) while otherwise in legal custody of the
2 Department of Correctional Services, or (iii) while committed as a
3 dangerous sex offender under the Sex Offender Commitment Act.

4 (2) Assault in the second degree shall be a Class III
5 felony. A person who commits assault in the second degree on a
6 health care professional while the health care professional is
7 engaged in the performance of his or her official duties at a
8 hospital or a health clinic shall upon conviction be sentenced to
9 not less than one year's imprisonment.

10 Sec. 3. Section 28-310, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 28-310 (1) A person commits the offense of assault in the
13 third degree if he:

14 (a) Intentionally, knowingly, or recklessly causes bodily
15 injury to another person; or

16 (b) Threatens another in a menacing manner.

17 (2) Assault in the third degree shall be a Class I
18 misdemeanor unless committed in a fight or scuffle entered into by
19 mutual consent, in which case it shall be a Class II misdemeanor.

20 (3) A person who commits assault in the third degree on
21 a health care professional while the health care professional is
22 engaged in the performance of his or her official duties at a
23 hospital or a health clinic shall upon conviction be sentenced to
24 not less than six months' imprisonment.

25 Sec. 4. For purposes of sections 28-308, 28-309, and
26 28-310 and section 5 of this act:

27 (1) Health care professional means a physician or other
1 health care practitioner who is licensed, certified, or registered
2 to perform specified health services consistent with state law who
3 practices at a hospital or a health clinic;

4 (2) Health clinic has the definition found in section
5 71-416; and

6 (3) Hospital has the definition found in section 71-419.

7 Sec. 5. Every hospital and health clinic shall display at
8 all times in a prominent place a printed sign with a minimum height
9 of twenty inches and a minimum width of fourteen inches, with each
10 letter to be a minimum of one-fourth inch in height, which shall
11 read as follows:

12 WARNING: ASSAULTING OR THREATENING IN A MENACING MANNER A
13 HEALTH CARE PROFESSIONAL WHO IS ENGAGED IN THE PERFORMANCE OF HIS
14 OR HER OFFICIAL DUTIES WILL RESULT IN MANDATORY IMPRISONMENT.

15 Sec. 6. Original section 28-310, Reissue Revised Statutes
16 of Nebraska, and sections 28-308 and 28-309, Revised Statutes
17 Cumulative Supplement, 2010, are repealed.

- 18 2. On page 1, line 5, strike "provider" and insert
 19 "professional" and strike "a term" and insert "terms".

LEGISLATIVE BILL 873. Placed on Select File with amendment.
 ER167

- 1 1. On page 1, line 5, strike "fund" and insert "Petroleum
 2 Release Remedial Action Cash Fund".

LEGISLATIVE BILL 770. Placed on Select File with amendment.
 ER169

- 1 1. On page 1, line 3, strike "change provisions of" and
 2 insert "redefine a term; to adopt updated labeling requirements
 3 under".

LEGISLATIVE BILL 771. Placed on Select File with amendment.
 ER170

- 1 1. On page 11, line 10, strike "operative" and insert
 2 "effective".

(Signed) Tyson Larson, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 389. Introduced by Janssen, 15.

WHEREAS, Robert "Skip" Niederdeppe was a distinguished member of the Fremont, Nebraska, community; and

WHEREAS, Skip Niederdeppe served his country as a member of the United States Army Reserve; and

WHEREAS, Skip Niederdeppe was a dedicated employee of Hormel Foods in Fremont for years; and

WHEREAS, Skip Niederdeppe was involved in master agreement negotiations, grievance handling, and arbitrations with the Amalgamated Meat Cutters and Butcher Workmen of North America in Chicago, Illinois; and

WHEREAS, Skip Niederdeppe returned to Fremont to lead the United Food and Commercial Workers Union - Local 22 for many years, ensuring Hormel Foods' long-term commitment to Fremont; and

WHEREAS, Skip Niederdeppe was inducted into the Nebraska State AFL-CIO Labor Leaders Hall of Fame in 2005; and

WHEREAS, Skip Niederdeppe was an active member of First Congregational Church, United Church of Christ, in Fremont; and

WHEREAS, Skip Niederdeppe volunteered his time for the John C. Fremont Days celebration and Antique Trucks Historical Society events; and

WHEREAS, Skip Niederdeppe was a devoted husband, father, and grandfather; and

WHEREAS, Skip Niederdeppe passed away on January 29, 2012, at the age of seventy-four.

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

1. That the Legislature honors the memory of Skip Niederdeppe for his service to his community and his country.

2. That the Legislature expresses and extends its sympathy and condolences to the family of Skip Niederdeppe.

3. That a copy of this resolution be sent to the family of Skip Niederdeppe and to the United Food and Commercial Workers Union - Local 22.

Laid over.

NOTICE OF COMMITTEE HEARINGS

Natural Resources

Room 1525

Friday, February 3, 2012 1:30 p.m.

LB1087 (cancel)

Room 1525

Monday, February 13, 2012 9:30 a.m.

LB1087 (reschedule)

(Signed) Chris Langemeier, Chairperson

Revenue

Room 1524

Friday, February 3, 2012 1:30 p.m.

LB1128 (cancel)

LB752 (cancel)

LB962 (cancel)

Room 1524

Monday, February 13, 2012 9:30 a.m.

LB1128 (reschedule)

LB752 (reschedule)

LB962 (reschedule)

(Signed) Abbie Cornett, Chairperson

ANNOUNCEMENT

Senator Ashford designates LB357 as his priority bill.

GENERAL FILE

LEGISLATIVE BILL 269. Title read. Considered.

SENATOR LANGEMEIER PRESIDING

Committee AM1597, found on page 321, was considered.

PRESIDENT SHEEHY PRESIDING

The committee amendment was adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 828. Title read. Considered.

Committee AM1729, found on page 325, was adopted with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 725. Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 470. Title read. Considered.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 879. Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

UNANIMOUS CONSENT - Add Cointroducers

Senator Council asked unanimous consent to add her name as cointroducer to LB976. No objections. So ordered.

Senator Coash asked unanimous consent to add his name as coinroducer to LB959. No objections. So ordered.

ADJOURNMENT

At 10:55 a.m., on a motion by Senator Conrad, the Legislature adjourned until 10:00 a.m., Monday, February 6, 2012.

Patrick J. O'Donnell
Clerk of the Legislature

