

**TWENTY-NINTH DAY - FEBRUARY 16, 2012**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED SECOND LEGISLATURE  
SECOND SESSION**

**TWENTY-NINTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, February 16, 2012

**PRAYER**

The prayer was offered by Senator Carlson.

**ROLL CALL**

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

The roll was called and all members were present except Senators Conrad, Krist, and McGill who was excused; and Senators Campbell, Karpisek, and Lautenbaugh who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the twenty-eighth day was approved.

**COMMITTEE REPORTS**

Enrollment and Review

**LEGISLATIVE BILL 887.** Placed on Select File with amendment.  
ER182

- 1 1. On page 1, line 11, after "construction" insert "of
- 2 statutes"; and in line 16 strike "continuing" and insert "annuity".
- 3 2. On page 7, line 14, strike "shall be", show as
- 4 stricken, and insert "is".
- 5 3. On page 30, line 17, after "(1)" insert "(a)".
- 6 4. On page 31, line 1, strike "(a)" and insert "(b)"; and
- 7 in line 8 strike "(b)" and insert "(c)".
- 8 5. On page 44, line 16, strike "act," show as stricken,
- 9 and insert "Nebraska Life and Health Insurance Guaranty Association
- 10 Act".
- 11 6. On page 66, line 1, strike "or, where" and insert ",
- 12 or if".
- 13 7. On page 69, line 21, strike the comma; and in line 22
- 14 strike "(5)(b)" and insert "(6)(b)".
- 15 8. On page 70, line 4, strike "act," show as stricken,

16 and insert "Nebraska Protection in Annuity Transactions Act.".

17 9. On page 72, lines 5, 7, and 8 and 9, strike "effective  
18 date of this act" and insert "operative date of this section.".

19 10. On page 77, line 18, strike "will" and insert  
20 "shall".

21 11. On page 87, line 21, after "after" insert "the".

**LEGISLATIVE BILL 943.** Placed on Select File.

**LEGISLATIVE BILL 1043.** Placed on Select File.

(Signed) Tyson Larson, Chairperson

### COMMITTEE REPORTS

Urban Affairs

**LEGISLATIVE BILL 864.** Placed on General File with amendment.  
AM1735

- 1 1. On page 3, line 1, strike "and school district" and
- 2 show as stricken.

(Signed) Colby Coash, Vice Chairperson

Transportation and Telecommunications

**LEGISLATIVE BILL 751.** Placed on General File with amendment.  
AM1939 is available in the Bill Room.

(Signed) Deb Fischer, Chairperson

### NOTICE OF COMMITTEE HEARING

Health and Human Services

Room 1510

Friday, February 24, 2012 1:30 p.m.

Jan Moore - Commission for the Deaf and Hard of Hearing

(Signed) Kathy Campbell, Chairperson

### COMMITTEE REPORT

Nebraska Retirement Systems

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

Richard DeFusco - Nebraska Investment Council

Stuart Simpson - Public Employees Retirement Board

Aye: 5 Heidemann, Karpisek, Louden, Mello, Nordquist. Nay: 0 Absent: 1 Lambert. Present and not voting: 0.

(Signed) Jeremy Nordquist, Chairperson

## RESOLUTION

### **LEGISLATIVE RESOLUTION 401.** Introduced by Smith, 14.

WHEREAS, Madison Cunningham, a student at St. Bernadette School in Bellevue, has been named one of the top youth volunteers in Nebraska for 2012 in the 17th annual Prudential Spirit of Community Awards program; and

WHEREAS, as one of more than 26,000 young people across the country who participated in this year's program, Ms. Cunningham has achieved an extraordinary honor in being named a State Honoree in 2012; and

WHEREAS, Ms. Cunningham gave generously of her time and energy to collect nearly eleven thousand dollars for the Alzheimer's Association in honor of her great-grandmother Carrie by organizing book sales, "dollar casual days," and "prayer requests" at her school to raise donations and awareness; and

WHEREAS, the Prudential Spirit of Community Awards were created in 1995 by Prudential Financial in partnership with the National Association of Secondary School Principals to honor young volunteers across the nation who have demonstrated an extraordinary commitment to serving their communities; and

WHEREAS, students such as Madison Cunningham represent the best of our country's youth and are role models to their peers and their communities.

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

1. That the Legislature congratulates Madison Cunningham on being named a 2012 State Honoree in the Prudential Spirit of Community Awards and recognizes her leadership, initiative, and compassion for others.

2. That a copy of this resolution be sent to Madison Cunningham.

Laid over.

## ANNOUNCEMENTS

Senator Seiler designates LB996 as his priority bill.

Senator Lautenbaugh designates LB720 as his priority bill.

Senator Louden designates LB1053 as his priority bill.

Senator Wightman designates LB1102 as his priority bill.

Senator Conrad designates LB1079 as her priority bill.

The Revenue Committee designates LB727 and LB1097 as its priority bills.

Senator Cook designates LB1063 as her priority bill.

The Health and Human Services Committee designates LB821 and LB961 as its priority bills.

Senator Campbell designates LB820 as her priority bill.

Senator Cornett designates LB1050 as her priority bill.

### MESSAGES FROM THE GOVERNOR

February 13, 2012

Mr. President, Speaker Flood and  
Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed as a member of the Nebraska Arts Council:

Timothy Hart, 17315 P Street, Omaha, NE 68135

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

February 13, 2012

Mr. President, Speaker Flood and  
Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed as a member of the Public Employees Retirement Board:

Ron Ecklund, 800 Danville Circle, Lincoln, NE 68510

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

## REPORTS

The following reports were received by the Legislature:

### **Energy Office, Nebraska**

Annual Report for Fiscal Year 2010-2011  
Nebraska Energy Statistics Handbook

## REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of February 15, 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

American Communications Group, Inc.

Nebraska Film Association

Canuteson, Beth

AT&T Inc.

Ebeler, Erin L.

General Contractors - Nebraska Building Chapter, Associated

Mines, Mick

Diageo

Mark Anthony Brands

## ANNOUNCEMENT

The Chair announced February 17 is Senator Harms' birthday.

## SELECT FILE

**LEGISLATIVE BILL 1118.** ER175, found on page 493, was adopted.

Senator Cornett renewed her amendment, AM2052, found on page 552.

The Cornett amendment was adopted with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

Senator Cornett offered the following amendment:

AM1986

1. On page 7, line 5, strike "three" and insert "two".

Senator Cornett withdrew her amendment.

Advanced to Enrollment and Review for Engrossment.

### COMMITTEE REPORTS

#### Enrollment and Review

**LEGISLATIVE BILL 370.** Placed on Final Reading.  
ST55

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

1. On page 1, lines 2 through 10 and all amendments thereto have been struck and "77-1824, 77-1825, 77-1831, 77-1832, 77-1833, 77-1834, 77-1835, and 77-1837, Reissue Revised Statutes of Nebraska; to change provisions relating to collection of delinquent real property taxes by sale of real property; to define a term; to provide for applicability; and to repeal the original sections." inserted.

**LEGISLATIVE BILL 498.** Placed on Final Reading.

**LEGISLATIVE BILL 576.** Placed on Final Reading.

**LEGISLATIVE BILL 677.** Placed on Final Reading.

ST56

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

1. In the Lathrop amendment, AM2022, on page 2, the matter beginning with "while" in line 12 through "clinic" in line 13 has been struck.
2. On page 1, the matter beginning with "section" in line 1 through "28-309" in line 3 has been struck and "sections 28-929, 28-930, and 28-931" inserted.

**LEGISLATIVE BILL 714.** Placed on Final Reading.

**LEGISLATIVE BILL 770.** Placed on Final Reading.

**LEGISLATIVE BILL 771.** Placed on Final Reading.

**LEGISLATIVE BILL 836.** Placed on Final Reading.

**LEGISLATIVE BILL 852.** Placed on Final Reading.

**LEGISLATIVE BILL 853.** Placed on Final Reading.

**LEGISLATIVE BILL 873.** Placed on Final Reading.

(Signed) Tyson Larson, Chairperson

**COMMITTEE REPORT**  
Urban Affairs

**LEGISLATIVE BILL 868.** Placed on General File with amendment.  
AM1734

- 1 1. Strike sections 1 and 8.
- 2 2. On page 4, line 15, after "city" insert "or village";
- 3 and in lines 20 and 21 strike the new matter and insert "or a
- 4 budget by a city of the first or second class or village that
- 5 provides for a biennial period to determine and carry on the city's
- 6 or village's financial and taxing affairs".
- 7 3. Renumber the remaining sections and correct the
- 8 repealer accordingly.

(Signed) Colby Coash, Vice Chairperson

**ANNOUNCEMENTS**

The Government, Military and Veterans Affairs Committee designates LB971 and LB858 as its priority bills.

The Natural Resources Committee designates LB950 as its priority bill.

Senator Bloomfield designates LB907 as his priority bill.

Senator Mello designates LB983 as his priority bill.

Senator Schilz designates LB239 as his priority bill.

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

Ecklund, Ron-Public Employees Retirement Board-Nebraska Retirement  
Systems  
Hart, Timothy-Nebraska Arts Council-General Affairs

(Signed) John Wightman, Chairperson  
Executive Board

**RESOLUTION**

**LEGISLATIVE RESOLUTION 365.** Read. Considered.

LR365 was adopted with 40 ayes, 0 nays, 5 present and not voting, and 4 excused and not voting.

**GENERAL FILE**

**LEGISLATIVE BILL 686.** Senator Louden renewed his amendment, FA34, found on page 548, to the committee amendment.

**PRESIDENT SHEEHY PRESIDING**

Pending.

**COMMITTEE REPORTS**

## Judiciary

**LEGISLATIVE BILL 993.** Placed on General File.

**LEGISLATIVE BILL 1049.** Placed on General File.

(Signed) Brad Ashford, Chairperson

Banking, Commerce and Insurance

**LEGISLATIVE BILL 882.** Placed on General File.

(Signed) Rich Pahls, Chairperson

**ANNOUNCEMENTS**

Senator Janssen designates LB209 as his priority bill.

Senator Nordquist designates LB882 as his priority bill.

Senator Heidemann designates LB1061 as his priority bill.

Senator Harms designates LB842 as his priority bill.

Senator Langemeier designates LB933 as his priority bill.

The Nebraska Retirement Systems Committee designates LB867 as its priority bill.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LR365.

**GENERAL FILE**

**LEGISLATIVE BILL 686.** The Louden amendment, FA34, found on page 548 and considered in this day's Journal, to the committee amendment, was renewed.



The Louden amendment was adopted with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

Senator Dubas renewed her amendment, AM1913, found on page 552, to the committee amendment.

The Dubas amendment was adopted with 32 ayes, 3 nays, 7 present and not voting, and 7 excused and not voting.

Committee AM1774, found on page 394 and considered on pages 536 and 548, as amended, was renewed.

The committee amendment, as amended, was adopted with 38 ayes, 1 nay, 3 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 4 nays, 4 present and not voting, and 7 excused and not voting.

### COMMITTEE REPORTS

#### Enrollment and Review

**LEGISLATIVE BILL 269.** Placed on Final Reading.  
ST58

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

1. On page 1, the matter beginning with "Director" in line 5 through the semicolon in line 6 has been struck and "University of Nebraska; to harmonize provisions;" inserted.

**LEGISLATIVE BILL 470.** Placed on Final Reading.

**LEGISLATIVE BILL 536.** Placed on Final Reading.  
ST57

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

1. In the Wightman amendment, AM2046, on page 5, line 15, "76-204" has been struck and "76-203" inserted.

2. On page 1, line 1, "decedents' estates" has been struck and "real property" inserted; line 2 and all amendments thereto have been struck and "30-2354, 76-201, 76-202, 76-203, 76-214, 76-215, 76-238, 76-246, 76-277, and 76-902, Reissue Revised Statutes of" inserted; and in line 4 after the first semicolon "to provide exemptions from the documentary stamp tax;" has been inserted.

**LEGISLATIVE BILL 646.** Placed on Final Reading.  
ST60

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

1. On page 1, line 3, "to prohibit expansion of a scope of practice;" has been inserted after the last semicolon.

**LEGISLATIVE BILL 725.** Placed on Final Reading.

**LEGISLATIVE BILL 828.** Placed on Final Reading.

**LEGISLATIVE BILL 879.** Placed on Final Reading.

**LEGISLATIVE BILL 886.** Placed on Final Reading.

(Signed) Tyson Larson, Chairperson

## COMMITTEE REPORTS

### Education

**LEGISLATIVE BILL 1020.** Placed on General File with amendment.  
AM2045

- 1 1. Insert the following new section:
- 2 Sec. 7. The Nebraska Coordinated School Health Act
- 3 terminates on June 30, 2014.
- 4 2. On page 2, line 1, strike "This" and insert "Sections
- 5 1 to 7 of this"; in lines 14 and 15 strike "on July 1 of each
- 6 subsequent fiscal year" and insert "July 1, 2013"; in line 16
- 7 strike "two" and insert "one"; strike beginning with "All" in line
- 8 17 through line 20 and insert "Any unspent money from the transfer
- 9 under this subsection remaining in the Nebraska Coordinated School
- 10 Health Fund at the end of FY2013-14 shall revert to the Education
- 11 Innovation Fund."; and after line 20 insert the following new
- 12 subsection:
- 13 "(3) On July 1, 2012, and July 1, 2013, the State
- 14 Treasurer shall transfer one hundred thousand dollars from the
- 15 General Fund to the Nebraska Coordinated School Health Fund.".
- 16 3. On page 10, line 25; and page 11, line 9, strike "two"
- 17 and insert "one".
- 18 4. On page 12, lines 19 through 22, strike the new
- 19 matter.
- 20 5. On page 13, strike the new matter and reinstate the
- 21 stricken matter.
- 22 6. On page 14, lines 1 and 2, strike the new matter.
- 23 7. Renumber the remaining sections accordingly.

**LEGISLATIVE BILL 1079.** Placed on General File with amendment.  
AM2055

- 1 1. Insert the following new sections:
- 2 Sec. 8. Section 9-812, Revised Statutes Supplement, 2011,
- 3 is amended to read:
- 4 9-812 (1) All money received from the operation of
- 5 lottery games conducted pursuant to the State Lottery Act in
- 6 Nebraska shall be credited to the State Lottery Operation Trust
- 7 Fund, which fund is hereby created. All payments of the costs
- 8 of establishing and maintaining the lottery games shall be made

9 from the State Lottery Operation Cash Fund. In accordance with  
10 legislative appropriations, money for payments for expenses of the  
11 division shall be transferred from the State Lottery Operation  
12 Trust Fund to the State Lottery Operation Cash Fund, which fund  
13 is hereby created. All money necessary for the payment of lottery  
14 prizes shall be transferred from the State Lottery Operation Trust  
15 Fund to the State Lottery Prize Trust Fund, which fund is hereby  
16 created. The amount used for the payment of lottery prizes shall  
17 not be less than forty percent of the dollar amount of the lottery  
18 tickets which have been sold.

19 (2) Beginning October 1, 2003, a portion of the dollar  
20 amount of the lottery tickets which have been sold on an annualized  
21 basis shall be transferred from the State Lottery Operation Trust  
22 Fund to the Education Innovation Fund, the Nebraska Opportunity  
23 Grant Fund, the Nebraska Environmental Trust Fund, the Nebraska  
1 State Fair Board, and the Compulsive Gamblers Assistance Fund. The  
2 dollar amount transferred pursuant to this subsection shall equal  
3 the greater of (a) the dollar amount transferred to the funds  
4 in fiscal year 2002-03 or (b) any amount which constitutes at  
5 least twenty-two percent and no more than twenty-five percent of  
6 the dollar amount of the lottery tickets which have been sold on  
7 an annualized basis. To the extent that funds are available, the  
8 Tax Commissioner and director may authorize a transfer exceeding  
9 twenty-five percent of the dollar amount of the lottery tickets  
10 sold on an annualized basis.

11 (3) Of the money available to be transferred to the  
12 Education Innovation Fund, the Nebraska Opportunity Grant Fund, the  
13 Nebraska Environmental Trust Fund, the Nebraska State Fair Board,  
14 and the Compulsive Gamblers Assistance Fund:

15 (a) The first five hundred thousand dollars shall be  
16 transferred to the Compulsive Gamblers Assistance Fund to be used  
17 as provided in section 71-817;

18 (b) Nineteen and three-fourths percent of the money  
19 remaining after the payment of prizes and operating expenses and  
20 the initial transfer to the Compulsive Gamblers Assistance Fund  
21 shall be transferred to the Education Innovation Fund;

22 (c) Twenty-four and three-fourths percent of the money  
23 remaining after the payment of prizes and operating expenses and  
24 the initial transfer to the Compulsive Gamblers Assistance Fund  
25 shall be transferred to the Nebraska Opportunity Grant Fund;

26 (d) Forty-four and one-half percent of the money  
27 remaining after the payment of prizes and operating expenses and  
1 the initial transfer to the Compulsive Gamblers Assistance Fund  
2 shall be transferred to the Nebraska Environmental Trust Fund to be  
3 used as provided in the Nebraska Environmental Trust Act;

4 (e) Ten percent of the money remaining after the payment  
5 of prizes and operating expenses and the initial transfer to  
6 the Compulsive Gamblers Assistance Fund shall be transferred to  
7 the Nebraska State Fair Board if the most populous city within

8 the county in which the fair is located provides matching funds  
9 equivalent to ten percent of the funds available for transfer. Such  
10 matching funds may be obtained from the city and any other private  
11 or public entity, except that no portion of such matching funds  
12 shall be provided by the state. If the Nebraska State Fair ceases  
13 operations, ten percent of the money remaining after the payment  
14 of prizes and operating expenses and the initial transfer to the  
15 Compulsive Gamblers Assistance Fund shall be transferred to the  
16 General Fund; and

17 (f) One percent of the money remaining after the payment  
18 of prizes and operating expenses and the initial transfer to the  
19 Compulsive Gamblers Assistance Fund shall be transferred to the  
20 Compulsive Gamblers Assistance Fund to be used as provided in  
21 section 71-817.

22 (4)(a) The Education Innovation Fund is created. At least  
23 seventy-five percent of the lottery proceeds allocated to the  
24 Education Innovation Fund shall be available for disbursement.

25 (b) For fiscal year 2010-11, the Education Innovation  
26 Fund shall be allocated as follows: The first one million  
27 dollars shall be transferred to the Excellence in Teaching Cash  
1 Fund to fund the Excellence in Teaching Act, and the amount  
2 remaining in the Education Innovation Fund shall be allocated,  
3 after administrative expenses, for distance education equipment and  
4 incentives pursuant to sections 79-1336 and 79-1337.

5 (c) For fiscal year 2011-12, the Education Innovation  
6 Fund shall be allocated as follows: (i) The first two hundred  
7 twenty-five thousand dollars shall be transferred to the Excellence  
8 in Teaching Cash Fund to fund the Attracting Excellence to Teaching  
9 Program; (ii) the next three million three hundred sixty-five  
10 thousand nine hundred sixty-two dollars shall be distributed  
11 to school districts as grants pursuant to the Early Childhood  
12 Education Grant Program; (iii) the next two million one hundred  
13 seventy-five thousand six hundred seventy-three dollars shall be  
14 distributed to local systems as grants for approved accelerated  
15 or differentiated curriculum programs for students identified as  
16 learners with high ability pursuant to section 79-1108.02; (iv)  
17 the next four hundred ninety-one thousand five hundred forty-one  
18 dollars shall be used by the State Department of Education for  
19 the development of an integrated early childhood, elementary,  
20 secondary, and postsecondary student information system; (v) the  
21 next four hundred fifty thousand dollars shall fund the Center  
22 for Student Leadership and Extended Learning Act; (vi) the next  
23 one hundred fourteen thousand six hundred twenty-nine dollars shall  
24 fund the multicultural education program created under section  
25 79-720; (vii) the next one hundred twenty-three thousand four  
26 hundred sixty-eight dollars shall be used by the department to  
27 employ persons to investigate and prosecute alleged violations as  
1 provided in section 79-868; (viii) up to the next one hundred  
2 sixty thousand dollars shall be used by the department to implement

3 section 79-759; and (ix) the amount remaining shall be allocated,  
4 after administrative expenses, for distance education equipment and  
5 incentives pursuant to sections 79-1336 and 79-1337.

6 (d) For fiscal year 2012-13, the Education Innovation  
7 Fund shall be allocated as follows: (i) The first forty-five  
8 thousand dollars shall be transferred to the Excellence in Teaching  
9 Cash Fund to fund the Attracting Excellence to Teaching Program;  
10 (ii) the next three million three hundred sixty-five thousand  
11 nine hundred sixty-two dollars shall be distributed to school  
12 districts as grants pursuant to the Early Childhood Education  
13 Grant Program; (iii) the next two million one hundred seventy-five  
14 thousand six hundred seventy-three dollars shall be distributed to  
15 local systems as grants for approved accelerated or differentiated  
16 curriculum programs for students identified as learners with  
17 high ability pursuant to section 79-1108.02; (iv) the next one  
18 hundred eight thousand one hundred thirty-six dollars shall be  
19 used by the department for the development of an integrated  
20 early childhood, elementary, secondary, and postsecondary student  
21 information system; (v) the next four hundred fifty thousand  
22 dollars shall fund the Center for Student Leadership and Extended  
23 Learning Act; (vi) the next one hundred fourteen thousand six  
24 hundred twenty-nine dollars shall be used by the department to fund  
25 the multicultural education program created under section 79-720;  
26 (vii) the next one hundred twenty-three thousand four hundred  
27 sixty-eight dollars shall be used by the department to employ  
1 persons to investigate and prosecute alleged violations as provided  
2 in section 79-868; (viii) up to the next one hundred sixty thousand  
3 dollars shall be used by the department to implement section  
4 79-759; (ix) the next twenty-seven thousand two hundred dollars  
5 shall be used to fund the Interstate Compact on Educational  
6 Opportunity for Military Children; (x) the next two hundred  
7 thousand dollars shall be used to provide grants to establish  
8 bridge programs pursuant to sections 1 to 7 of this act; and ~~(x)~~  
9 (xi) the amount remaining shall be allocated, after administrative  
10 expenses, for distance education equipment and incentives pursuant  
11 to sections 79-1336 and 79-1337.

12 (e) For fiscal year 2013-14, the Education Innovation  
13 Fund shall be allocated as follows: (i) The first one million  
14 dollars shall be transferred to the Excellence in Teaching Cash  
15 Fund to fund the Excellence in Teaching Act; (ii) the next  
16 allocation shall be distributed to local systems as grants for  
17 approved accelerated or differentiated curriculum programs for  
18 students identified as learners with high ability pursuant to  
19 section 79-1108.02 in an aggregated amount up to the amount  
20 distributed in the prior fiscal year for such purposes increased  
21 by the basic allowable growth rate pursuant to section 79-1025;  
22 (iii) the next allocation shall be used by the State Department  
23 of Education for the integrated early childhood, elementary,  
24 secondary, and postsecondary student information system in an

25 aggregated amount up to the amount used in the prior fiscal year  
26 for such purposes increased by the basic allowable growth rate  
27 pursuant to section 79-1025; (iv) the next allocation shall fund  
1 the Center for Student Leadership and Extended Learning Act in  
2 an aggregated amount up to the amount used in the prior fiscal  
3 year for such purposes increased by the basic allowable growth  
4 rate pursuant to section 79-1025; (v) the next allocation shall be  
5 used by the department to fund the multicultural education program  
6 created under section 79-720 in an aggregated amount up to the  
7 amount used in the prior fiscal year for such purposes increased  
8 by the basic allowable growth rate pursuant to section 79-1025;  
9 (vi) the next allocation shall be used by the department to employ  
10 persons to investigate and prosecute alleged violations as provided  
11 in section 79-868 in an aggregated amount up to the amount used  
12 in the prior fiscal year for such purposes increased by the basic  
13 allowable growth rate pursuant to section 79-1025; (vii) up to  
14 the next one hundred sixty thousand dollars shall be used by the  
15 department to implement section 79-759; (viii) the next two hundred  
16 thousand dollars shall be used to provide grants to establish  
17 bridge programs pursuant to sections 1 to 7 of this act; and (viii)  
18 (ix) the amount remaining shall be allocated, after administrative  
19 expenses, for distance education equipment and incentives pursuant  
20 to sections 79-1336 and 79-1337.

21 (f) For fiscal ~~years 2014-15 and 2015-16,~~ year 2014-15,  
22 the Education Innovation Fund shall be allocated as follows:

23 (i) The first one million dollars shall be transferred to the  
24 Excellence in Teaching Cash Fund to fund the Excellence in  
25 Teaching Act; (ii) the next allocation shall be distributed to  
26 local systems as grants for approved accelerated or differentiated  
27 curriculum programs for students identified as learners with high  
1 ability pursuant to section 79-1108.02 in an aggregated amount  
2 up to the amount distributed in the prior fiscal year for such  
3 purposes increased by the basic allowable growth rate pursuant to  
4 section 79-1025; (iii) the next allocation shall be used by the  
5 State Department of Education for the integrated early childhood,  
6 elementary, secondary, and postsecondary student information system  
7 in an aggregated amount up to the amount used in the prior fiscal  
8 year for such purposes increased by the basic allowable growth  
9 rate pursuant to section 79-1025; (iv) the next allocation shall  
10 fund the Center for Student Leadership and Extended Learning Act  
11 in an aggregated amount up to the amount used in the prior fiscal  
12 year for such purposes increased by the basic allowable growth  
13 rate pursuant to section 79-1025; (v) the next allocation shall be  
14 used by the department to fund the multicultural education program  
15 created under section 79-720 in an aggregated amount up to the  
16 amount used in the prior fiscal year for such purposes increased  
17 by the basic allowable growth rate pursuant to section 79-1025;  
18 (vi) the next allocation shall be used by the department to employ  
19 persons to investigate and prosecute alleged violations as provided

20 in section 79-868 in an aggregated amount up to the amount used  
21 in the prior fiscal year for such purposes increased by the basic  
22 allowable growth rate pursuant to section 79-1025; (vii) the next  
23 two hundred thousand dollars shall be used to provide grants to  
24 establish bridge programs pursuant to sections 1 to 7 of this  
25 act; and ~~(vii)~~(viii) the amount remaining shall be allocated,  
26 after administrative expenses, for distance education equipment and  
27 incentives pursuant to sections 79-1336 and 79-1337.

1 (g) For fiscal year 2015-16, the Education Innovation  
2 Fund shall be allocated as follows: (i) The first one million  
3 dollars shall be transferred to the Excellence in Teaching Cash  
4 Fund to fund the Excellence in Teaching Act; (ii) the next  
5 allocation shall be distributed to local systems as grants for  
6 approved accelerated or differentiated curriculum programs for  
7 students identified as learners with high ability pursuant to  
8 section 79-1108.02 in an aggregated amount up to the amount  
9 distributed in the prior fiscal year for such purposes increased  
10 by the basic allowable growth rate pursuant to section 79-1025;  
11 (iii) the next allocation shall be used by the State Department  
12 of Education for the integrated early childhood, elementary,  
13 secondary, and postsecondary student information system in an  
14 aggregated amount up to the amount used in the prior fiscal year  
15 for such purposes increased by the basic allowable growth rate  
16 pursuant to section 79-1025; (iv) the next allocation shall fund  
17 the Center for Student Leadership and Extended Learning Act in  
18 an aggregated amount up to the amount used in the prior fiscal  
19 year for such purposes increased by the basic allowable growth  
20 rate pursuant to section 79-1025; (v) the next allocation shall  
21 be used by the department to fund the multicultural education  
22 program created under section 79-720 in an aggregated amount up  
23 to the amount used in the prior fiscal year for such purposes  
24 increased by the basic allowable growth rate pursuant to section  
25 79-1025; (vi) the next allocation shall be used by the department  
26 to employ persons to investigate and prosecute alleged violations  
27 as provided in section 79-868 in an aggregated amount up to the  
1 amount used in the prior fiscal year for such purposes increased  
2 by the basic allowable growth rate pursuant to section 79-1025; and  
3 (vii) the amount remaining shall be allocated, after administrative  
4 expenses, for distance education equipment and incentives pursuant  
5 to sections 79-1336 and 79-1337.

6 (h) For fiscal year 2016-17 and each fiscal year  
7 thereafter, the Education Innovation Fund shall be allocated,  
8 after administrative expenses, for education purposes as provided  
9 by the Legislature.

10 (5) Any money in the State Lottery Operation Trust  
11 Fund, the State Lottery Operation Cash Fund, the State Lottery  
12 Prize Trust Fund, or the Education Innovation Fund available  
13 for investment shall be invested by the state investment officer

14 pursuant to the Nebraska Capital Expansion Act and the Nebraska  
15 State Funds Investment Act.

16 (6) Unclaimed prize money on a winning lottery ticket  
17 shall be retained for a period of time prescribed by rules and  
18 regulations. If no claim is made within such period, the prize  
19 money shall be used at the discretion of the Tax Commissioner for  
20 any of the purposes prescribed in this section.

21 Sec. 9. This act terminates on June 30, 2015.

22 Sec. 10. Original section 9-812, Revised Statutes  
23 Supplement, 2011, is repealed.

24 Sec. 11. Since an emergency exists, this act takes effect  
25 when passed and approved according to law.

26 2. On page 2, line 14, strike "community college" and  
27 insert "a provider of basic skills education and training"; in line  
1 18 strike "\$XXX" and insert "\$200,000 each fiscal year for three  
2 consecutive fiscal years beginning with FY2012-13"; in lines 19 and  
3 20 strike "to community colleges"; in line 24 strike "among" and  
4 insert "between"; and in line 25 strike the comma and insert "and".

5 3. On page 3, lines 1 and 2, strike beginning with  
6 the underscored comma through "Nebraska"; in line 19 strike "an  
7 application" and insert "a competitive"; and in line 23 strike  
8 "Community college applicants" and insert "Applicants".

**LEGISLATIVE BILL 1090.** Placed on General File with amendment.  
AM1823

1 1. On page 3, line 12, after "preference" insert "in the  
2 following order of priority"; strike beginning with "Service" in  
3 line 13 through "(b)" in line 15; in line 15 strike the first "in"  
4 and insert "located within the boundaries of"; in line 17 strike  
5 "; and" and insert "or located within the boundaries of a census  
6 tract in which fifty percent or more of the children fall under  
7 the poverty threshold as defined by the United States Department of  
8 Agriculture"; in line 18 strike "(c)" and insert "(b)" and strike  
9 "in school districts"; in line 19 strike the underscored period  
10 and insert "; and"; and after line 19 insert the following new  
11 subdivision:

12 "(c) Service institutions that currently participate in  
13 the Summer Food Service Program.".

(Signed) Greg Adams, Chairperson

Judiciary

**LEGISLATIVE BILL 398.** Placed on General File with amendment.  
AM1789

1 1. On page 3, strike lines 13 through 15 and insert the  
2 following new subsection:

3 "(8) No person shall be appointed a notary public unless  
4 he or she resides in the State of Nebraska, except that the



5 Secretary of State may appoint and commission a person as a  
 6 notary public who resides in a state that borders the State of  
 7 Nebraska if such person is employed in or has a regular place  
 8 of work or business in this state and the Secretary of State has  
 9 obtained evidence of an address of the physical location of such  
 10 employment or place of work or business prior to such appointment  
 11 and commission.".

**LEGISLATIVE BILL 793.** Placed on General File with amendment.  
 AM2056

1 1. On page 2, line 19, strike "declared" and insert  
 2 "found"; in line 22 strike "may" and insert "shall"; and in line 23  
 3 strike "imminent".

**LEGISLATIVE BILL 933.** Placed on General File with amendment.  
 AM2001

1 1. On page 4, strike beginning with "If" in line 9  
 2 through the period in line 18 and show the old matter as  
 3 stricken; and in line 24 after the stricken period insert "If  
 4 the child is absent more than twenty days per year or the hourly  
 5 equivalent, the attendance officer shall file a report with the  
 6 county attorney of the county in which the person resides on a  
 7 form which includes the following three statements, at least one of  
 8 which must be designated by the school representative signing the  
 9 report: (a) The absences are due to documented illness that makes  
 10 attendance impossible or impracticable or are otherwise excused  
 11 by school authorities; (b) the school representative requests  
 12 additional time to work with the student prior to intervention by  
 13 the county attorney; and (c) the school representative believes  
 14 that the school has used all reasonable efforts to resolve the  
 15 student's excessive absenteeism without success and recommends  
 16 county attorney intervention. If further action is necessary to  
 17 address the child's attendance, the initial meeting between the  
 18 parent or guardian of the child, the school, and the county  
 19 attorney or his or her designee shall be at a location determined  
 20 by the school.".

(Signed) Brad Ashford, Chairperson

### **AMENDMENT - Print in Journal**

Senator Fischer filed the following amendment to LB751:  
 AM2032

(Amendments to Standing Committee amendments, AM1939)

1 1. Insert the following new section:  
 2 Sec. 16. Section 60-479.01, Revised Statutes Supplement,  
 3 2011, is amended to read:  
 4 60-479.01 (1) All persons handling source documents or  
 5 engaged in the issuance of new, renewed, or reissued operators'

6 licenses or state identification cards shall have periodic  
7 fraudulent document recognition training.

8 (2) This subsection applies beginning on an  
9 implementation date designated by the director on or before  
10 January 1, 2014. All persons and agents of the department involved  
11 in the recording of verified application information or verified  
12 operator's license and state identification card information,  
13 involved in the manufacture or production of licenses or cards,  
14 or who have the ability to affect information on such licenses or  
15 cards shall be subject to a criminal history record information  
16 check, including a check of prior employment references, and a  
17 lawful status check as required by 6 C.F.R. part 37, as such part  
18 existed on January 1, 2012. Such persons and agents shall provide  
19 fingerprints which shall be submitted to the Federal Bureau of  
20 Investigation. The bureau shall use its records for the criminal  
21 history background check.

22 (3) Upon receipt of a request pursuant to subsection  
1 (2) of this section, the Nebraska State Patrol shall undertake a  
2 search for criminal history record information relating to such  
3 applicant, including transmittal of the applicant's fingerprints to  
4 the Federal Bureau of Investigation for a national criminal history  
5 record information check. The criminal history record information  
6 check shall include information concerning the applicant from  
7 federal repositories of such information and repositories of such  
8 information in other states, if authorized by federal law. The  
9 Nebraska State Patrol shall issue a report to the employing public  
10 agency that shall include the criminal history record information  
11 concerning the applicant. The cost of any background check shall be  
12 borne by the employer of the person or agent.

13 (4) Any person convicted of any disqualifying offense as  
14 provided in 6 C.F.R. part 37, as such part existed on January 1,  
15 ~~2011, 2012~~, shall not be involved in the recording of verified  
16 application information or verified operator's license and state  
17 identification card information, involved in the manufacture or  
18 production of licenses or cards, or involved in any capacity in  
19 which such person would have the ability to affect information on  
20 such licenses or cards. Any employee or prospective employee of the  
21 department shall be provided notice that he or she will undergo  
22 such criminal history record information check prior to employment  
23 or prior to any involvement with the issuance of operators'  
24 licenses or state identification cards.

25 2. Correct the operative date and repealer sections so  
26 that the section added by this amendment becomes operative on its  
27 effective date.

1 3. Renumber the remaining sections accordingly.

**NOTICE OF COMMITTEE HEARING**

Agriculture

Room 2102

Tuesday, February 28, 2012 1:00 p.m.

William, Marshall, III - Nebraska State Fair Board

(Signed) Tom Carlson, Chairperson

**ANNOUNCEMENTS**

Senator Council designates LB1128 as her priority bill.

Senator Flood designates LB1114 as his priority bill.

Senator Fulton designates LB804 as his priority bill.

Senator Coash designates LB959 as his priority bill.

Senator Pirsch designates LB461 as his priority bill.

Senator Howard designates LB993 as her priority bill.

The Executive Board designates LR373CA and LB711 as its priority resolution and bill.

Senator Nelson designates LB872 as his priority bill.

Senator Lathrop designates LB1071 as his priority bill.

Senator Hansen designates LB799 as his priority bill.

Senator Schumacher designates LB735 as his priority bill.

Senator Pahls designates LB962 as his priority bill.

The Banking, Commerce and Insurance Committee designates LB963 and LB965 as its priority bills.

**CONFLICT OF INTEREST STATEMENT**

Pursuant to Rule 1, Sec. 19, Senator Flood has filed a Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act. The statement is on file in the Clerk of the Legislature's Office.

**GENERAL FILE**

**LEGISLATIVE BILL 849.** Title read. Considered.

Committee AM1777, found on page 365, was considered.

Senator Langemeier renewed his amendment, AM1873, found on page 474, to the committee amendment.

The Langemeier amendment was adopted with 30 ayes, 0 nays, 11 present and not voting, and 8 excused and not voting.

The committee amendment, as amended, was adopted with 30 ayes, 0 nays, 11 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 9 present and not voting, and 8 excused and not voting.

**LEGISLATIVE BILL 1018.** Title read. Considered.

Committee AM1800, found on page 409, was adopted with 31 ayes, 0 nays, 10 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 7 present and not voting, and 8 excused and not voting.

**LEGISLATIVE BILL 1064.** Title read. Considered.

Committee AM1790, found on page 409, was adopted with 31 ayes, 0 nays, 10 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 9 present and not voting, and 8 excused and not voting.

**LEGISLATIVE BILL 773.** Title read. Considered.

Committee AM1714, found on page 409, was adopted with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 12 present and not voting, and 8 excused and not voting.

**LEGISLATIVE BILL 904.** Title read. Considered.

Committee AM1722, found on page 418, was adopted with 32 ayes, 0 nays, 9 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 9 present and not voting, and 8 excused and not voting.

**COMMITTEE REPORTS**

## Enrollment and Review

**LEGISLATIVE BILL 800.** Placed on Final Reading.

**LEGISLATIVE BILL 854.** Placed on Final Reading.

**LEGISLATIVE BILL 890.** Placed on Final Reading.

**LEGISLATIVE BILL 911.** Placed on Final Reading.

**LEGISLATIVE BILL 942.** Placed on Final Reading.

ST59

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

1. On page 1, line 3, "change" has been inserted after the first "to".

(Signed) Tyson Larson, Chairperson

**ANNOUNCEMENTS**

The Agriculture Committee designates LB1057 and LB905 as its priority bills.

The Business and Labor Committee designates LB1058 and LB1151 as its priority bills.

**UNANIMOUS CONSENT - Add Cointroducer**

Senator Smith asked unanimous consent to add his name as cointroducer to LB1080. No objections. So ordered.

**VISITORS**

Visitors to the Chamber were participants in the Nebraska Cattlemen Young Cattlemen's Conference from across the state.

The Doctor of the Day was Dr. Kyle Haeefele from Lincoln.

**ADJOURNMENT**

At 11:58 a.m., on a motion by Speaker Flood, the Legislature adjourned until 10:00 a.m., Tuesday, February 21, 2012.

Patrick J. O'Donnell  
Clerk of the Legislature

