

**THIRD DAY - JANUARY 6, 2012****LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE  
SECOND SESSION****THIRD DAY**

Legislative Chamber, Lincoln, Nebraska  
Friday, January 6, 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 Carlson, Christensen, Conrad, Cornett, Dubas, and Lautenbaugh who were excused.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the second day was approved.

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LB705	General File
LB706	General File
LB707	General File
LB708	General File
LB709	General File
LB710	General File
LB711	Executive Board
LB712	Health and Human Services
LB713	Natural Resources
LB714	Banking, Commerce and Insurance
LB715	Transportation and Telecommunications
LB716	Urban Affairs
LB717	Government, Military and Veterans Affairs
LB718	Transportation and Telecommunications
LB719	Government, Military and Veterans Affairs
LB720	Government, Military and Veterans Affairs

LB721	Judiciary
LB722	Judiciary
LB723	Health and Human Services
LB724	Transportation and Telecommunications
LB725	Revenue
LB726	Transportation and Telecommunications
LB727	Revenue
LB728	Appropriations
LB729	Urban Affairs
LB730	Judiciary
LB731	Revenue
LB732	Natural Resources
LB733	Government, Military and Veterans Affairs
LB734	Judiciary
LB735	Government, Military and Veterans Affairs
LB736	Government, Military and Veterans Affairs
LB737	Judiciary
LB738	Business and Labor
LB739	Natural Resources
LB740	Transportation and Telecommunications
LB741	Natural Resources
LB742	Natural Resources
LB743	Natural Resources
LB744	Judiciary
LB745	Revenue
LB746	Transportation and Telecommunications
LB747	Transportation and Telecommunications
LB748	Transportation and Telecommunications
LB749	Revenue
LB750	Revenue
LB751	Transportation and Telecommunications
LB752	Revenue
LB753	Revenue
LB754	Government, Military and Veterans Affairs
LB755	Government, Military and Veterans Affairs
LB756	Natural Resources
LB757	Government, Military and Veterans Affairs
LB758	Government, Military and Veterans Affairs
LB759	Government, Military and Veterans Affairs
LB760	Natural Resources
LB761	Executive Board
LB762	Revenue
LB763	Education
LB764	Transportation and Telecommunications
LB765	Government, Military and Veterans Affairs
LB766	Government, Military and Veterans Affairs
LB767	Government, Military and Veterans Affairs
LB768	Judiciary
LB769	Transportation and Telecommunications

LB770	Agriculture
LB771	Agriculture
LB772	Government, Military and Veterans Affairs
LB773	Health and Human Services
LB774	Health and Human Services
LB775	Government, Military and Veterans Affairs
LB776	General Affairs
LB777	Appropriations
LB778	Education
LB779	Government, Military and Veterans Affairs
LB780	General Affairs
LB781	General Affairs
LB782	Government, Military and Veterans Affairs
LR358CA	Executive Board

Bishop, Riko- Coordinating Commission for Postsecondary Education-  
Education

Cerny, Joel- Board of Emergency Medical Services- Health and Human  
Services

Davis, Karen- Coordinating Commission for Postsecondary Education-  
Education

Deegan, Thomas- Board of Emergency Medical Services- Health and Human  
Services

DeFusco, Richard- Nebraska Investment Council- Nebraska Retirement  
Systems

Figard, Roger- Board of Public Roads Classifications and Standards-  
Transportation and Telecommunications

Gerrard, LeRoy- Board of Public Roads Classifications and Standards-  
Transportation and Telecommunications

Hansen, Michael- Commission for the Blind and Visually Impaired- Health  
and Human Services

Hinrichs, Jon- Nebraska Arts Council- General Affairs

Jensen, Linda- Board of Emergency Medical Services- Health and Human  
Services

Jirak, James- Commission for the Blind and Visually Impaired- Health and  
Human Services

Johnson, Julie- Commission for the Blind and Visually Impaired- Health and  
Human Services

Lang, Catherine D.- Department of Economic Development- Banking,  
Commerce and Insurance

Marshall, William, III- Nebraska State Fair Board- Agriculture

Price, Pamela- Nebraska Arts Council- General Affairs

Simmons, Joyce- Coordinating Commission for Postsecondary Education-  
Education

Simpson, Stuart- Public Employees Retirement Board- Nebraska Retirement  
Systems

Smith, James- Board of Emergency Medical Services- Health and Human  
Services

Spray, J. L.- Commission of Industrial Relations- Business and Labor

Stave, Ron- Game and Parks Commission- Natural Resources

Tagge, Darold- Board of Public Roads Classifications and Standards-

Transportation and Telecommunications  
 Wacker, David-Board of Public Roads Classifications and Standards-  
 Transportation and Telecommunications  
 Weander, Timothy-Board of Public Roads Classifications and Standards-  
 Transportation and Telecommunications  
 Wiebe, Scott-Board of Emergency Medical Services-Health and Human  
 Services  
 Wootton, Edward-Board of Public Roads Classifications and Standards-  
 Transportation and Telecommunications  
 Zink, Carol-Coordinating Commission for Postsecondary Education-  
 Education

(Signed) John Wightman, Chairperson  
 Executive Board

### REPORTS

The following reports were received by the Legislature:

#### **Commission on Law Enforcement and Criminal Justice, Nebraska**

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

#### **Health and Human Services, Nebraska Department of**

Division of Developmental Disabilities, Beatrice State Developmental  
 Center Baseline Quarterly Report

### COMMUNICATION

Pursuant to 84-104.05 R.R.S. of Nebraska Governor Dave Heineman issued  
 a proclamation declaring January 5, 2012, as George W. Norris Day.

#### **MOTION - Withdraw LB776**

Senator Karpisek renewed his motion, MO63, found on page 137, to  
 withdraw LB776.

The Karpisek motion to withdraw the bill prevailed with 32 ayes, 0 nays, 10  
 present and not voting, and 6 excused and not voting.

### BILLS ON FIRST READING

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

**LEGISLATIVE BILL 839.** Introduced by Council, 11.

A BILL FOR AN ACT relating to the Child Protection Act; to amend  
 section 28-711, Reissue Revised Statutes of Nebraska; to provide  
 requirements for reporting sexual conduct as prescribed; to harmonize

provisions; and to repeal the original section.

**LEGISLATIVE BILL 840.** Introduced by Council, 11.

A BILL FOR AN ACT relating to detention facilities; to provide powers and duties relating to inmate mail; and to provide a penalty.

**LEGISLATIVE BILL 841.** Introduced by Harms, 48.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,298, Revised Statutes Supplement, 2011; to change provisions relating to permits for exceeding size and weight limitations; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 842.** Introduced by Harms, 48.

A BILL FOR AN ACT relating to the Welfare Reform Act; to amend section 68-1721, Reissue Revised Statutes of Nebraska; to change a termination date relating to duties of an applicant family; and to repeal the original section.

**LEGISLATIVE BILL 843.** Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to Internet auctions; to authorize a cause of action relating to no-reserve auctions.

**LEGISLATIVE BILL 844.** Introduced by Hadley, 37.

A BILL FOR AN ACT relating to family law; to amend section 42-364, Revised Statutes Cumulative Supplement, 2010, and section 43-2929, Revised Statutes Supplement, 2011; to change provisions relating to the use of child support and medical support and to parenting time; and to repeal the original section.

**LEGISLATIVE BILL 845.** Introduced by Sullivan, 41.

A BILL FOR AN ACT relating to the Oil Pipeline Reclamation Act; to amend sections 76-3301, 76-3303, and 76-3304, Revised Statutes Supplement, 2011; to state intent; to provide requirements for reclamation; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 846.** Introduced by Sullivan, 41.

A BILL FOR AN ACT relating to labor; to require employers to maintain employee emergency contact information and notify them if the employee is injured.

**LEGISLATIVE BILL 847.** Introduced by Sullivan, 41.

A BILL FOR AN ACT relating to the Enhanced Wireless 911 Services Act; to amend section 86-465, Reissue Revised Statutes of Nebraska; to change powers and duties of the Public Service Commission and the Enhanced Wireless 911 Advisory Board with respect to funding under the act; and to repeal the original section.

**LEGISLATIVE BILL 848.** Introduced by Sullivan, 41.

A BILL FOR AN ACT relating to the Funeral Directing and Embalming Practice Act; to amend section 38-1425, Reissue Revised Statutes of Nebraska; to change provisions relating to control of remains; and to repeal the original section.

**LEGISLATIVE BILL 849.** Introduced by Sullivan, 41.

A BILL FOR AN ACT relating to the Game and Parks Commission; to amend section 37-354, Revised Statutes Supplement, 2011; to authorize the commission to convey certain real estate; to prescribe conditions relating to the conveyance, operation, and maintenance of the real estate; to provide duties for the commission; to harmonize provisions; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 850.** Introduced by Hadley, 37; Brasch, 16; Larson, 40; Sullivan, 41.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.07, Revised Statutes Supplement, 2011; to create incentive area tax credit program; to provide an income tax credit; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 851.** Introduced by Fischer, 43.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1704, 77-1704.01, 77-1706, 77-1707, and 77-1821, Reissue Revised Statutes of Nebraska; to change provisions relating to tax receipts; and to repeal the original sections.

**LEGISLATIVE BILL 852.** Introduced by McCoy, 39.

A BILL FOR AN ACT relating to corporations; to amend section 21-2202, Reissue Revised Statutes of Nebraska, and section 21-2024, Revised Statutes Supplement, 2011; to change provisions relating to corporate purposes under the Business Corporation Act and to redefine a term under the Nebraska Professional Corporation Act; and to repeal the original sections.

**LEGISLATIVE BILL 853.** Introduced by McCoy, 39.

A BILL FOR AN ACT relating to secured transactions; to amend section 9-530, Uniform Commercial Code, Reissue Revised Statutes of Nebraska; to change provisions relating to filing information; and to repeal the original section.

**LEGISLATIVE BILL 854.** Introduced by McCoy, 39.

A BILL FOR AN ACT relating to business entities; to amend sections 21-323.01, 21-325.01, 21-19,139, 21-19,159, 21-20,160, 21-20,180.01, and 21-2995, Reissue Revised Statutes of Nebraska, and sections 21-152 and 21-2611, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to dissolution and reinstatement; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 855.** Introduced by Fulton, 29.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2703 and 77-2708, Revised Statutes Supplement, 2011; to change the sales and use tax collection fees; and to repeal the original sections.

**RESOLUTION****LEGISLATIVE RESOLUTION 362.** Read. Considered.

LR362 was adopted with 39 ayes, 0 nays, 5 present and not voting, and 4 excused and not voting.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LR362.

**BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 856.** Introduced by Larson, 40; Schilz, 47.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-1017, Revised Statutes Cumulative Supplement, 2010, and section 28-101, Revised Statutes Supplement, 2011; to change provisions relating to the reporting of cruelty to animals; to define a term and change a penalty; to create the offense of obtaining employment at an animal facility with intent to disrupt operations; to provide a penalty; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 857.** Introduced by Larson, 40.

A BILL FOR AN ACT relating to natural resources; to amend section 81-15,167, Reissue Revised Statutes of Nebraska, and sections 61-218 and 81-15,174, Revised Statutes Supplement, 2011; to provide for repayment of certain grants from the Nebraska Environmental Trust Fund as prescribed; to provide for distribution of such repayments; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 858.** Introduced by Avery, 28; Harms, 48.

A BILL FOR AN ACT relating to state contracts for services; to amend sections 71-5666, 71-5667, 71-5668, 73-501, 73-502, 73-503, 73-504, 73-506, 73-508, and 73-509, Reissue Revised Statutes of Nebraska, sections 79-8,137 and 79-8,137.04, Revised Statutes Cumulative Supplement, 2010, and section 73-507, Reissue Revised Statutes of Nebraska, as amended by sections 3 and 5, Legislative Bill 4, One Hundred Second Legislature, First Special Session, 2011; to provide additional requirements for contracts in excess of twenty-five million dollars; to change exception provisions; 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; and to repeal the original sections.

**LEGISLATIVE BILL 859.** Introduced by Avery, 28.

A BILL FOR AN ACT relating to appropriations; to create the Centennial Mall Project fund; and to appropriate funds.

**LEGISLATIVE BILL 860.** Introduced by Hansen, 42.

A BILL FOR AN ACT relating to truth and deception examiners; to amend sections 81-1917 and 81-1918, Reissue Revised Statutes of Nebraska; to change qualification and training requirements regarding voice stress analysis; and to repeal the original sections.

**LEGISLATIVE BILL 861.** Introduced by Cornett, 45.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-179, Reissue Revised Statutes of Nebraska; to change provisions relating to sale hours; and to repeal the original section.

**LEGISLATIVE BILL 862.** Introduced by Coash, 27.

A BILL FOR AN ACT relating to courts; to amend section 24-201.01, Revised Statutes Cumulative Supplement, 2010; to change the salary of Supreme Court Judges; to repeal the original section; and to declare an emergency.



**LEGISLATIVE BILL 863.** Introduced by Coash, 27.

A BILL FOR AN ACT relating to the Local Option Municipal Economic Development Act; to amend section 18-2709, Revised Statutes Supplement, 2011; to redefine qualifying business to include film production; and to repeal the original section.

**LEGISLATIVE BILL 864.** Introduced by McGill, 26.

A BILL FOR AN ACT relating to cities and villages; to amend sections 16-317, 16-318, 17-605, 17-606, and 19-1101, Reissue Revised Statutes of Nebraska; to change bond recording duties of the clerk and treasurer as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 865.** Introduced by McGill, 26.

A BILL FOR AN ACT relating to juror compensation; to amend sections 23-131, 23-1801, and 33-138, Reissue Revised Statutes of Nebraska; to authorize the voluntary waiver of compensation by jurors; and to repeal the original sections.

**LEGISLATIVE BILL 866.** Introduced by K. Haar, 21; Avery, 28; Cook, 13; Council, 11; Dubas, 34; B. Harr, 8; Howard, 9; Krist, 10; McGill, 26; Mello, 5; Nordquist, 7.

A BILL FOR AN ACT relating to labor; to amend section 20-113, Reissue Revised Statutes of Nebraska, and section 13-1102, Revised Statutes Supplement, 2011; to adopt the Nebraska Fair Employment Opportunity Act; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 867.** Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to retirement; to amend section 23-1118, Revised Statutes Supplement, 2011; to change employer contribution provisions under certain county retirement plans; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 868.** Introduced by Urban Affairs Committee: McGill, 26, Chairperson; Cook, 13; Krist, 10; Lambert, 2; Smith, 14.

A BILL FOR AN ACT relating to budgets; to amend sections 13-501, 13-504, 13-505, 13-506, and 13-509.01, Reissue Revised Statutes of Nebraska, and sections 13-503 and 13-508, Revised Statutes Cumulative Supplement, 2010; to authorize a city of the first class to adopt a biennial budget as prescribed; to provide for a special election; to define and redefine terms; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 869.** Introduced by Janssen, 15.

A BILL FOR AN ACT relating to the State Athletic Commissioner; to amend sections 81-8,129, 81-8,130, 81-8,130.01, 81-8,132, 81-8,133, 81-8,133.01, 81-8,134, 81-8,135, 81-8,138, 81-8,139, and 81-8,139.01, Reissue Revised Statutes of Nebraska; to change provisions relating to the jurisdiction of the State Athletic Commissioner; to change provisions relating to licenses and permits; to change membership of the Athletic Advisory Committee; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 870.** Introduced by Adams, 24.

A BILL FOR AN ACT relating to schools; to amend section 79-757, Revised Statutes Supplement, 2011; to provide duties of the State Board of Education; to provide for an accountability system to measure school performance pursuant to the Quality Education Accountability Act; to harmonize provisions; to repeal the original section; and to outright repeal section 79-760, Reissue Revised Statutes of Nebraska, and section 79-760.04, Revised Statutes Supplement, 2011.

**LEGISLATIVE BILL 871.** Introduced by Gloor, 35.

A BILL FOR AN ACT relating to the Nebraska Behavioral Health Services Act; to amend sections 71-806, 71-809, and 83-368, Reissue Revised Statutes of Nebraska; to provide for policies relating to fees and copays; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 872.** Introduced by Hadley, 37; Cornett, 45; Mello, 5.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2734.04 and 77-2734.14, Reissue Revised Statutes of Nebraska; to change provisions relating to apportionment of income between states; to define terms; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 873.** Introduced by Schilz, 47.

A BILL FOR AN ACT relating to petroleum release remedial action; to amend sections 66-1523, 66-1525, and 66-1529.02, Reissue Revised Statutes of Nebraska, and section 66-1519, Revised Statutes Supplement, 2011; to extend use of the fund until June 30, 2016; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 874.** Introduced by Howard, 9; Pirsch, 4.

A BILL FOR AN ACT relating to foster care; to amend section 71-1902,

Revised Statutes Supplement, 2011; to change provisions relating to licensure; to provide an operative date; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 875.** Introduced by Howard, 9.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-4,120.01, 60-4,123, 60-4,124, and 60-6,179.01, Reissue Revised Statutes of Nebraska, and sections 60-4,182 and 60-601, Revised Statutes Supplement, 2011; to prohibit use of handheld wireless communication devices and interactive wireless communication devices in school crossing zones and maintenance, repair, or construction zones; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 876.** Introduced by Wallman, 30; Avery, 28; Bloomfield, 17; Brasch, 16; Campbell, 25; Christensen, 44; Coash, 27; Cook, 13; Cornett, 45; Council, 11; Dubas, 34; K. Haar, 21; Hadley, 37; Harms, 48; Howard, 9; Karpisek, 32; Krist, 10; Lambert, 2; Lathrop, 12; Loudon, 49; McGill, 26; Mello, 5; Nordquist, 7; Pahls, 31; Sullivan, 41; Wightman, 36.

A BILL FOR AN ACT relating to insurance; to amend section 44-785, Reissue Revised Statutes of Nebraska; to require the provision of breast density information to a mammography patient as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 877.** Introduced by Wallman, 30; K. Haar, 21.

A BILL FOR AN ACT relating to oil and gas; to amend section 57-905, Reissue Revised Statutes of Nebraska; to provide for disclosure of information relating to hydraulic fracturing treatments as prescribed; to provide duties for the Nebraska Oil and Gas Conservation Commission; to harmonize provisions; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 878.** Introduced by Wallman, 30.

A BILL FOR AN ACT relating to elections; to amend sections 32-206, 32-568, and 32-809, Reissue Revised Statutes of Nebraska, section 32-570, Revised Statutes Cumulative Supplement, 2010, and section 32-811, Revised Statutes Supplement, 2011; to change provisions relating to publication of the official election calendar, filling vacancies, automatic nomination of candidates for reclamation districts, and placement of names on ballots; to eliminate provisions relating to custodians and training for vote counting devices; to harmonize provisions; to repeal the original sections; and to outright repeal sections 32-1044 and 32-1045, Reissue Revised Statutes of Nebraska.

**RESOLUTION**

**LEGISLATIVE RESOLUTION 364.** Introduced by McCoy, 39.

WHEREAS, the Elkhorn Antlers won the 2011 Class B State Football Championship; and

WHEREAS, the Antlers defeated Crete High School by a score of 26-17 in the championship game; and

WHEREAS, the Antlers finished their outstanding season with a record of 12-1; 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 Antlers on winning the 2011 Class B State Football Championship.

2. That a copy of this resolution be sent to the Antlers and their coaches.

Laid over.

**VISITOR**

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

**ADJOURNMENT**

At 10:44 a.m., on a motion by Senator Campbell, the Legislature adjourned until 10:00 a.m., Monday, January 9, 2012.

Patrick J. O'Donnell  
Clerk of the Legislature