

**THIRTY-FIFTH DAY - FEBRUARY 28, 2012****LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE  
SECOND SESSION****THIRTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, February 28, 2012

**PRAYER**

The prayer was offered by Reverend ValJean Warman, Fullerton United Methodist Church and Pierce Chapel United Methodist Church.

**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 Conrad, Cornett, Council, Heidemann, Lautenbaugh, Price, and Schumacher who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirty-fourth day was approved.

**COMMITTEE REPORTS**

Enrollment and Review

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

**LEGISLATIVE BILL 985A.** Placed on Select File with amendment.  
ER189

- 1 1. In the Krist amendment, AM2189, on page 1, line 11,
- 2 strike "Nebraska".
- 3 2. On page 1, line 4, after the semicolon insert "to
- 4 reduce appropriations to the Department of Health and Human
- 5 Services;".

(Signed) Tyson Larson, Chairperson

**COMMITTEE REPORTS**

Enrollment and Review

**LEGISLATIVE BILL 541.** Placed on Final Reading Second.

**LEGISLATIVE BILL 686.** Placed on Final Reading.  
ST63

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

1. On page 1, line 3, "an exception" has been struck and "exceptions" inserted.

**LEGISLATIVE BILL 723.** Placed on Final Reading.

**LEGISLATIVE BILL 773.** Placed on Final Reading.

**LEGISLATIVE BILL 794.** Placed on Final Reading.

**LEGISLATIVE BILL 831.** Placed on Final Reading.

**LEGISLATIVE BILL 849.** Placed on Final Reading.  
ST64

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

1. On page 1, the matter beginning with "the" in line 1 through line 7 and all amendments thereto have been struck and "recreation areas; to authorize the Game and Parks Commission to convey certain real estate; to prescribe conditions relating to the operation and maintenance of the real estate; to provide duties for the Lower Loup Natural Resources District; and to declare an emergency." inserted.

**LEGISLATIVE BILL 871.** Placed on Final Reading.

**LEGISLATIVE BILL 887.** Placed on Final Reading.

**LEGISLATIVE BILL 904.** Placed on Final Reading.

**LEGISLATIVE BILL 943.** Placed on Final Reading.

**LEGISLATIVE BILL 1018.** Placed on Final Reading.  
ST65

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

1. In the McCoy amendment, AM2161, on page 1, line 21, an underscored comma has been inserted after "interests".

**LEGISLATIVE BILL 1064.** Placed on Final Reading.

**LEGISLATIVE BILL 1118.** Placed on Final Reading Second.

**LEGISLATIVE RESOLUTION 40CA.** Placed on Final Reading Second.

(Signed) Tyson Larson, Chairperson

**BILL ON FINAL READING****Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB633 with 38 ayes, 0 nays, 4 present and not voting, and 7 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 633.** With Emergency Clause.

A BILL FOR AN ACT relating to schools; to amend section 79-10,110, Revised Statutes Cumulative Supplement, 2010, and sections 79-1022, 79-1022.02, 79-1023, 79-1027, and 79-1031.01, Revised Statutes Supplement, 2011; to change determination and certification dates under the Tax Equity and Educational Opportunities Support Act; to change tax levy and bonding authority for certain improvement projects; to authorize issuance of refunding bonds; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 42:

Adams	Cook	Harms	Louden	Schilz
Ashford	Dubas	Harr, B.	McCoy	Seiler
Avery	Fischer	Howard	McGill	Smith
Bloomfield	Flood	Karpisek	Mello	Sullivan
Brasch	Fulton	Krist	Nelson	Wallman
Campbell	Gloor	Lambert	Nordquist	Wightman
Carlson	Haar, K.	Langemeier	Pahls	
Christensen	Hadley	Larson	Pirsch	
Coash	Hansen	Lathrop	Price	

Voting in the negative, 0.

Present and not voting, 1:

Janssen

Excused and not voting, 6:

Conrad	Council	Lautenbaugh
Cornett	Heidemann	Schumacher

A constitutional two-thirds majority having voted in the affirmative, the bill

was declared passed with the emergency clause and the title agreed to.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LB633.

**RESOLUTION**

Pursuant to Rule 4, Sec. 5(b), LR401 was adopted.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LR401.

**GENERAL FILE**

**LEGISLATIVE BILL 821.** Title read. Considered.

Committee AM2138, found on page 644, was considered.

Pending.

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on February 28, 2012, at 9:25 a.m. was the following: LB633e.

(Signed) Jamie Kruse  
Clerk of the Legislature's Office

**AMENDMENT - Print in Journal**

Senator Karpisek filed the following amendment to LB824:  
AM2195

(Amendments to Standing Committee amendments, AM2080)

- 1 1. On page 7, line 14, after the first comma insert "line
- 2 20, after 'distillation' insert ', except that in the case of a
- 3 malt beverage with an alcohol content of more than six percent
- 4 by volume, not more than one and one-half percent of the volume
- 5 of the malt beverage may consist of alcohol derived from flavors,
- 6 flavorings, or other nonbeverage ingredients containing alcohol
- 7 obtained by distillation'; and in".

**RESOLUTION****LEGISLATIVE RESOLUTION 429.** Introduced by Avery, 28.

WHEREAS, the Nebraska National Guard has played a major role in support of Operation Noble Eagle, the protection of the United States; Operation Enduring Freedom in Afghanistan; Operation Iraqi Freedom and Operation New Dawn in Iraq and Kuwait; and Operation Unified Protector in Libya; and

WHEREAS, Nebraska Army National Guard missions have included security, force protection, transportation, logistic support, quick reaction force, forward area support, rear area support, medical support, aviation maintenance, aviation support, medical evacuation, both air and ground, reconnaissance and surveillance, law and order, including police investigation, direct support maintenance, and agricultural development; and

WHEREAS, Nebraska Air National Guard missions have included aerial refueling, aerial medical evacuation, maintenance, engineering, supply mobility support, financial management, and security; and

WHEREAS, Nebraska National Guard personnel have completed over 10,000 individual deployments to more than twenty foreign countries since September 11, 2001; and

WHEREAS, Sergeant Patrick Douglas Hamburger gave his last full measure of devotion, sacrificing his life for our state and nation; and

WHEREAS, the Silver Star, the third highest award exclusively for combat valor, was presented to Second Lieutenant Bradley Duane Larson; and

WHEREAS, the Soldier's Medal, awarded for heroism in noncombat circumstances, was presented to Staff Sergeant Justin Dean McCoy and Staff Sergeant Eric Lee Schnell; and

WHEREAS, the Bronze Star Medal with Valor, awarded for heroic or meritorious achievement or service, was presented to Specialist Eric Ryan Blackburn; and

WHEREAS, the Purple Heart, awarded to members of the United States Armed Forces who were wounded or killed as a direct result of enemy actions, was presented to Second Lieutenant Bradley Duane Larson, Sergeant First Class Daniel Robert Malizzi, Staff Sergeant Seth Daniel Wecker, Staff Sergeant Brian Wayne Anderson, Staff Sergeant Michael George Cordes, Staff Sergeant James Matthew Dubbs, Sergeant Jeffrey Allan Burton, Sergeant Patrick Douglas Hamburger, Sergeant David Jerome Suing, Specialist Eric Ryan Blackburn, and Specialist Alex Benjamin Young; and

WHEREAS, the Army Commendation Medal with Valor, awarded for heroism, meritorious achievement, or meritorious service, was presented to Specialist Alex Benjamin Young and Staff Sergeant Timothy Daniel Hartmann.

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

1. That the Legislature extends its thanks to and honors the honorees named in this resolution for their sacrifice and service to the State of Nebraska and the United States of America.

2. That a copy of this resolution be sent to all the honorees named in this resolution.

Laid over.

### **BILL ON FIRST READING**

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

**LEGISLATIVE BILL 1091A.** Introduced by Fischer, 43.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1091, One Hundred Second Legislature, Second Session, 2012.

### **COMMITTEE REPORT**

Agriculture

**LEGISLATIVE BILL 907.** Placed on General File.

(Signed) Tom Carlson, Chairperson

### **REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board referred the request to approve a gift of materials of \$450,000 of labor and in-kind work offered from the Norfolk Veterans Home Heroes Park Foundation to the Norfolk Veterans Home Heroes Park Project for Phase 1 improvements to Heroes Park to the Government, Military and Veterans Affairs Committee for further consideration.

(Signed) John Wightman, Chairperson  
Executive Board

### **GENERAL FILE**

**LEGISLATIVE BILL 821.** Committee AM2138, found on page 644 and considered in this day's Journal, was renewed.

**SPEAKER FLOOD PRESIDING**

**PRESIDENT SHEEHY PRESIDING**

Senator Gloor moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

The committee amendment was adopted with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

## COMMITTEE REPORTS

### Judiciary

**LEGISLATIVE BILL 734.** Placed on General File.

**LEGISLATIVE BILL 737.** Placed on General File.

**LEGISLATIVE BILL 768.** Placed on General File.

**LEGISLATIVE BILL 805.** Placed on General File.

**LEGISLATIVE BILL 817.** Placed on General File.

**LEGISLATIVE BILL 881.** Placed on General File.

**LEGISLATIVE BILL 941.** Placed on General File.

**LEGISLATIVE BILL 920.** Placed on General File with amendment.  
AM2097

- 1 1. Strike the original sections and insert the following
- 2 sections:
- 3 Section 1. Section 28-311.09, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 28-311.09 (1) Any victim who has been harassed as
- 6 defined by section 28-311.02 may file a petition and affidavit
- 7 for a harassment protection order as provided in subsection
- 8 (3) of this section. Upon the filing of such a petition and
- 9 affidavit in support thereof, the judge or court may issue a
- 10 harassment protection order without bond enjoining the respondent
- 11 from (a) imposing any restraint upon the person or liberty of
- 12 the petitioner, (b) harassing, threatening, assaulting, molesting,
- 13 attacking, or otherwise disturbing the peace of the petitioner, or
- 14 (c) telephoning, contacting, or otherwise communicating with the
- 15 petitioner.
- 16 (2) The petition for a harassment protection order shall
- 17 state the events and dates of acts constituting the alleged
- 18 harassment.
- 19 (3) A petition for a harassment protection order shall be
- 20 filed with the clerk of the district court, and the proceeding may
- 21 be heard by the county court or the district court as provided in
- 22 section 25-2740.
- 23 (4) A petition for a harassment protection order filed
- 1 pursuant to subsection (1) of this section may not be withdrawn
- 2 except upon order of the court. An order issued pursuant to
- 3 subsection (1) of this section shall specify that it is effective
- 4 for a period of one year unless otherwise dismissed or modified
- 5 by the court. Any person who knowingly violates an order issued
- 6 pursuant to subsection (1) of this section after service or notice
- 7 as described in subdivision (8)(b) of this section shall be guilty
- 8 of a Class II misdemeanor.

9 (5)(a) Fees to cover costs associated with the filing of  
10 a petition for a harassment protection order or the issuance or  
11 service of a harassment protection order seeking only the relief  
12 provided by this section shall not be charged, except that a court  
13 may assess such fees and costs if the court finds, by clear and  
14 convincing evidence, that the statements contained in the petition  
15 were false and that the harassment protection order was sought in  
16 bad faith.

17 (b) A court may also assess costs associated with the  
18 filing of a petition for a harassment protection order or the  
19 issuance or service of a harassment protection order seeking only  
20 the relief sought in the harassment protection order against the  
21 respondent.

22 (6) The clerk of the district court shall make available  
23 standard application and affidavit forms for a harassment  
24 protection order with instructions for completion to be used by a  
25 petitioner. The clerk and his or her employees shall not provide  
26 assistance in completing the forms. The State Court Administrator  
27 shall adopt and promulgate the standard application and affidavit  
1 forms provided for in this section as well as the standard  
2 temporary and final harassment protection order forms and provide  
3 a copy of such forms to all clerks of the district courts in this  
4 state. These standard temporary and final harassment protection  
5 order forms shall be the only such forms used in this state.

6 (7) Any order issued under subsection (1) of this section  
7 may be issued ex parte without notice to the respondent if it  
8 reasonably appears from the specific facts shown by affidavit of  
9 the petitioner that irreparable harm, loss, or damage will result  
10 before the matter can be heard on notice. If the specific facts  
11 included in the affidavit (a) do not show that the petitioner will  
12 suffer irreparable harm, loss, or damage or (b) show that, for any  
13 other compelling reason, an ex parte order should not be issued,  
14 the court or judge may forthwith cause notice of the application  
15 to be given to the adverse party stating that he or she may show  
16 cause, not more than fourteen days after service upon him or her,  
17 why such order should not be entered. If such ex parte order is  
18 issued without notice to the respondent, the court shall forthwith  
19 cause notice of the petition and order to be given the respondent  
20 stating that, upon service on the respondent, the order shall  
21 remain in effect for a period of one year unless the respondent  
22 shows cause why the order should not remain in effect for a period  
23 of one year. The court shall also cause to be served upon the  
24 respondent a form with which to request a show-cause hearing. If  
25 the respondent wishes to appear and show cause why the order should  
26 not remain in effect for a period of one year, he or she shall  
27 affix his or her current address, telephone number, and signature  
1 to the form and return it to the clerk of the district court  
2 within five days after service upon him or her. Upon receipt of  
3 the request for a show-cause hearing, the court shall immediately



4 schedule a show-cause hearing to be held within thirty days after  
5 the receipt of the request for a show-cause hearing and shall  
6 notify the petitioner and respondent of the hearing date.

7 ~~(8)~~(8)(a) Upon the issuance of any harassment protection  
8 order under this section, the clerk of the court shall forthwith  
9 provide the petitioner, without charge, with two certified copies  
10 of such order. The clerk of the court shall also forthwith provide  
11 the local police department or local law enforcement agency and  
12 the local sheriff's office, without charge, with one copy each  
13 of such order and one copy each of the sheriff's return thereon.  
14 The clerk of the court shall also forthwith provide a copy of  
15 the harassment protection order to the sheriff's office in the  
16 county where the respondent may be personally served together  
17 with instructions for service. Upon receipt of the order and  
18 instructions for service, such sheriff's office shall forthwith  
19 serve the harassment protection order upon the respondent and file  
20 its return thereon with the clerk of the court which issued the  
21 harassment protection order within fourteen days of the issuance  
22 of the harassment protection order. If any harassment protection  
23 order is dismissed or modified by the court, the clerk of the court  
24 shall forthwith provide the local police department or local law  
25 enforcement agency and the local sheriff's office, without charge,  
26 with one copy each of the order of dismissal or modification.

27 (b) If the respondent is present at a hearing convened  
1 pursuant to this section and the harassment protection order is  
2 not dismissed or modified, such respondent shall be deemed to have  
3 notice by the court at such hearing that the protection order will  
4 be granted and remain in effect and further service of such notice  
5 described in this subsection shall not be required for purposes of  
6 prosecution under this section. If the respondent has been properly  
7 served with the ex parte order and fails to appear at the hearing  
8 required under this section, the temporary order shall be deemed to  
9 be granted and remain in effect and the service of the ex parte  
10 order will serve as notice required under this section.

11 (9) A peace officer may with or without a warrant arrest  
12 a person if (a) the officer has probable cause to believe that  
13 the person has committed a violation of an order issued pursuant  
14 to this section or a violation of a valid foreign harassment  
15 protection order recognized pursuant to section 28-311.10 and (b)  
16 a petitioner under this section provides the peace officer with  
17 a copy of a harassment protection order or the peace officer  
18 determines that such an order exists after communicating with the  
19 local law enforcement agency or a person protected under a valid  
20 foreign harassment protection order recognized pursuant to section  
21 28-311.10 provides the peace officer with a copy of a valid foreign  
22 harassment protection order.

23 (10) A peace officer making an arrest pursuant to  
24 subsection (9) of this section shall take such person into custody  
25 and take such person before a judge of the county court or

26 the court which issued the harassment protection order within  
 27 a reasonable time. At such time the court shall establish the  
 1 conditions of such person's release from custody, including the  
 2 determination of bond or recognizance, as the case may be. The  
 3 court shall issue an order directing that such person shall have no  
 4 contact with the alleged victim of the harassment.

5 Sec. 2. Section 42-924, Reissue Revised Statutes of  
 6 Nebraska, is amended to read:

7 42-924 (1) Any victim of domestic abuse may file a  
 8 petition and affidavit for a protection order as provided in  
 9 subsection (2) of this section. Upon the filing of such a petition  
 10 and affidavit in support thereof, the judge or court may issue a  
 11 protection order without bond granting the following relief:

12 (a) Enjoining the respondent from imposing any restraint  
 13 upon the petitioner or upon the liberty of the petitioner;

14 (b) Enjoining the respondent from threatening,  
 15 assaulting, molesting, attacking, or otherwise disturbing the peace  
 16 of the petitioner;

17 (c) Enjoining the respondent from telephoning,  
 18 contacting, or otherwise communicating with the petitioner;

19 (d) Removing and excluding the respondent from the  
 20 residence of the petitioner, regardless of the ownership of the  
 21 residence;

22 (e) Ordering the respondent to stay away from any place  
 23 specified by the court;

24 (f) Awarding the petitioner temporary custody of any  
 25 minor children not to exceed ninety days; ~~or~~

26 (g) Enjoining the respondent from possessing or  
 27 purchasing a firearm as defined in section 28-1201; or

1 ~~(g)-(h)~~ Ordering such other relief deemed necessary to  
 2 provide for the safety and welfare of the petitioner and any  
 3 designated family or household member.

4 (2) Petitions for protection orders shall be filed with  
 5 the clerk of the district court, and the proceeding may be heard  
 6 by the county court or the district court as provided in section  
 7 25-2740.

8 (3) A petition filed pursuant to subsection (1) of this  
 9 section may not be withdrawn except upon order of the court. An  
 10 order issued pursuant to subsection (1) of this section shall  
 11 specify that it is effective for a period of one year and, if  
 12 the order grants temporary custody, the number of days of custody  
 13 granted to the petitioner unless otherwise modified by the court.

14 (4) Any person who knowingly violates ~~an a protection~~  
 15 order issued pursuant to subsection (1) of this section or section  
 16 42-931 after service or notice as described in subsection (2)  
 17 of section 42-926 shall be guilty of a Class II misdemeanor,  
 18 except that (a) any person convicted of violating such order who  
 19 has a prior conviction for violating a protection order shall be  
 20 guilty of a Class I misdemeanor and (b) any person convicted of

21 violating such order who has a prior conviction for violating the  
22 same protection order or a protection order granted to the same  
23 petitioner shall be guilty of a Class IV felony.

24 ~~(4)~~(5) If there is any conflict between sections 42-924  
25 to 42-926 and any other provision of law, sections 42-924 to 42-926  
26 shall govern.

27 Sec. 3. Section 42-925, Reissue Revised Statutes of  
1 Nebraska, is amended to read:

2 42-925 (1) An order issued under subsection (1) of  
3 section 42-924 may be issued ex parte to the respondent if  
4 it reasonably appears from the specific facts included in the  
5 affidavit that the petitioner will be in immediate danger of abuse  
6 before the matter can be heard on notice. If an order is issued  
7 ex parte, such order is a temporary order and the court shall  
8 immediately schedule an evidentiary hearing to be held within  
9 thirty days after service of such order, and the court shall  
10 cause notice of the hearing to be given to the petitioner and the  
11 respondent—forthwith cause notice of the petition and order to  
12 be given to the respondent. The court shall also cause a form to  
13 request a show-cause hearing to be served upon the respondent. If  
14 the respondent wishes to appear and show cause why the order should  
15 not remain in effect, he or she shall affix his or her current  
16 address, telephone number, and signature to the form and return it  
17 to the clerk of the district court within five days after service  
18 upon him or her. Upon receipt of the request for a show-cause  
19 hearing, the request of the petitioner, or upon the court's own  
20 motion, the court shall immediately schedule a show-cause hearing  
21 to be held within thirty days after the receipt of the request for  
22 a show-cause hearing and shall notify the petitioner and respondent  
23 of the hearing date. If the respondent appears at the hearing and  
24 shows cause why such order should not remain in effect, the court  
25 shall rescind the temporary order. If the respondent does not so  
26 appear and show cause, the temporary order shall be affirmed and  
27 shall be deemed the final protection order. If the respondent has  
1 been properly served with the ex parte order and fails to appear  
2 at the hearing required under this subsection, the temporary order  
3 shall be affirmed and the service of the ex parte order shall be  
4 notice of the final protection order for purposes of prosecution  
5 under subsection (4) of section 42-924.

6 (2) If an order under subsection (1) of section 42-924  
7 is not issued ex parte, the court shall immediately schedule an  
8 evidentiary hearing to be held within fourteen days after the  
9 filing of the petition, and the court shall cause notice of the  
10 hearing to be given to the petitioner and the respondent. If the  
11 respondent does not appear at the hearing and show cause why such  
12 order should not be issued, the court shall issue ~~such a final~~  
13 protection order.

14 (3) The court may by rule or order refer or assign all  
 15 matters regarding orders issued under subsection (1) of section  
 16 42-924 to a referee for findings and recommendations.

17 (4) An order issued under subsection (1) of section  
 18 42-924 shall remain in effect for a period of one year from the  
 19 date of issuance, unless ~~vacated~~ dismissed or modified by the court  
 20 prior to such date. If the order grants temporary custody, such  
 21 custody shall not exceed the number of days specified by the court  
 22 unless the respondent shows cause why the order should not remain  
 23 in effect.

24 (5) The court shall also cause the notice created under  
 25 section 29-2291 to be served upon the respondent notifying the  
 26 respondent that it may be unlawful under federal law for a person  
 27 who is subject to a protection order to possess or receive any  
 1 firearm or ammunition.

2 Sec. 4. Section 42-926, Reissue Revised Statutes of  
 3 Nebraska, is amended to read:

4 42-926 (1) Upon the issuance of any a temporary or final  
 5 protection order under section 42-925, the clerk of the court  
 6 shall forthwith provide the petitioner, without charge, with two  
 7 certified copies of such order. The clerk of the court shall  
 8 also forthwith provide the local police department or local law  
 9 enforcement agency and the local sheriff's office, without charge,  
 10 with one copy each of such order and one copy each of the sheriff's  
 11 return thereon. The clerk of the court shall also forthwith provide  
 12 a copy of the protection order to the sheriff's office in the  
 13 county where the respondent may be personally served together  
 14 with instructions for service. Upon receipt of the order and  
 15 instructions for service, such sheriff's office shall forthwith  
 16 serve the protection order upon the respondent and file its return  
 17 thereon with the clerk of the court which issued the protection  
 18 order within fourteen days of the issuance of the protection  
 19 order. If any protection order is dismissed or modified by the  
 20 court, the clerk of the court shall forthwith provide the local  
 21 police department or local law enforcement agency and the local  
 22 sheriff's office, without charge, with one copy each of the order  
 23 of dismissal or modification.

24 (2) If the respondent was present at a hearing convened  
 25 pursuant to section 42-925 and the protection order was not  
 26 dismissed or modified, the respondent shall be deemed to have  
 27 notice by the court at such hearing that the protection order  
 1 will be granted and remain in effect and further service of notice  
 2 described in subsection (1) of this section is not required for  
 3 purposes of prosecution under subsection (4) of section 42-924.

4 Sec. 5. Original sections 28-311.09, 42-924, 42-925, and  
 5 42-926, Reissue Revised Statutes of Nebraska, are repealed.

(Signed) Brad Ashford, Chairperson

## Natural Resources

**LEGISLATIVE BILL 845.** Placed on General File with amendment.  
AM2146

- 1 1. On page 4, strike beginning with "A" in line 5 through
- 2 "(4)" in line 8.

(Signed) Chris Langemeier, Chairperson

**AMENDMENTS - Print in Journal**

Senator Fischer filed the following amendment to LB751:  
AM2190

(Amendments to Standing Committee amendments, AM1939)

- 1 1. Insert the following new section:
- 2 Sec. 5. Section 60-105, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 60-105 Body means that portion of a vehicle which
- 5 determines its shape and appearance and is attached to the frame.
- 6 Body does not include the box or bed of a truck.
- 7 2. Correct the operative date and repealer sections so
- 8 that the sections added by this amendment become operative three
- 9 calendar months after the adjournment of this legislative session.
- 10 3. Renumber the remaining sections and correct internal
- 11 references accordingly.

Senator Fischer filed the following amendment to LB751:  
AM2090

(Amendments to Standing Committee amendments, AM1939)

- 1 1. On page 82, line 18; and page 83, line 22, after
- 2 "hundred" insert "thirty".

**CONFLICT OF INTEREST STATEMENT**

Pursuant to Rule 1, Sec. 19, Senator Schumacher 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.

**VISITORS**

Visitors to the Chamber were 48 fourth-grade students and teachers from St. Wenceslaus, Wahoo; FBLA State Officers: Amy Chin of Columbus Lakeview, Pat Cook of Bellevue East, Shyanne Thompson of Minden High, Sally Moore of Fillmore Central, and Trevor Sorensen of Minden High; and 41 fourth-grade students and teachers from Bryan Elementary, Lexington.

**RECESS**

At 11:47 a.m., on a motion by Speaker Flood, the Legislature recessed until 1:30 p.m.

**AFTER RECESS**

The Legislature reconvened at 1:30 p.m., Senator Langemeier presiding.

**ROLL CALL**

The roll was called and all members were present except Senator Cornett who was excused; and Senators Christensen, Conrad, and Lautenbaugh who were excused until they arrive.

**COMMITTEE REPORT**

Enrollment and Review

**LEGISLATIVE BILL 993.** Placed on Select File with amendment.  
ER190

1. On page 5, line 2, after "to" insert "alleged".

(Signed) Tyson Larson, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 1160.** Title read. Considered.

Committee AM2003, found on page 645, was considered.

**PRESIDENT SHEEHY PRESIDING**

The committee amendment was adopted with 28 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

**RESOLUTION**

**LEGISLATIVE RESOLUTION 430.** Introduced by Hansen, 42.

WHEREAS, Zack Denney, a senior at North Platte High School, won the 2012 Class A State Wrestling Championship in the 145-pound division; and

WHEREAS, Zack defeated Jordan Hammond of Omaha Burke 2-0 to win the state title, the first such title for North Platte since 1982; and

WHEREAS, Zack's hard work and determination led him to finish the season with a 49-1 record; and

WHEREAS, Zack's win was instrumental to North Platte's third-place finish in the team championship; and

WHEREAS, the winning of a championship title is an effort requiring the support of friends, family, coaches, and sponsors; 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 Zack Denney on winning the 2012 Class A State Wrestling Championship in the 145-pound division and for his exemplary season record.

2. That a copy of this resolution be sent to Zack Denney and his coach, Dale Hall.

Laid over.

### COMMITTEE REPORT

Judiciary

**LEGISLATIVE BILL 799.** Placed on General File with amendment. AM2208

1 1. On page 4, line 17, strike "III" and insert "IIIA";  
2 and in line 20 strike "II" and insert "III".

3 2. On page 5, after line 2, insert the following new  
4 subsection:

5 "(9) For purposes of this section, negligently refers to  
6 criminal negligence and means that a person knew or should have  
7 known of the danger involved and acted recklessly, as defined in  
8 section 28-109, with respect to the safety or health of the minor  
9 child.".

(Signed) Brad Ashford, Chairperson

### MESSAGE FROM THE GOVERNOR

February 28, 2012

Patrick J. O'Donnell  
Clerk of the Legislature  
State Capitol, Room 2018  
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bill 633e was received, signed, and delivered to the Secretary of State earlier today.

Sincerely,

(Signed) Dave Heineman  
Governor

### **GENERAL FILE**

**LEGISLATIVE BILL 949.** Title read. Considered.

Senator Harms renewed his amendment, AM1995, found on page 659.

The Harms amendment was adopted with 34 ayes, 0 nays, 7 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 7 present and not voting, and 7 excused and not voting.

**LEGISLATIVE BILL 820.** Title read. Considered.

Committee AM2165, found on page 639, was considered.

### **SENATOR COASH PRESIDING**

The committee amendment was adopted with 33 ayes, 0 nays, 6 present and not voting, and 10 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 7 present and not voting, and 10 excused and not voting.

**LEGISLATIVE BILL 961.** Title read. Considered.

Committee AM2159, found on page 644, was considered.

### **SENATOR CARLSON PRESIDING**

Pending.

### **VISITORS**

Visitor to the Chamber was Chuck Cone from Burwell.

The Doctor of the Day was Dr. Ronald Craig from Lincoln.

### **ADJOURNMENT**

At 4:57 p.m., on a motion by Speaker Flood, the Legislature adjourned until 9:00 a.m., Wednesday, February 29, 2012.

Patrick J. O'Donnell  
Clerk of the Legislature