

FIFTH DAY - JANUARY 10, 2012**LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE
SECOND SESSION****FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 10, 2012

PRAYER

The prayer was offered by Senator Carlson.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Speaker Flood presiding.

The roll was called and all members were present except Senator Conrad who was excused; and Senator McCoy who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

Page 141, after line 15, insert "Bishop, Riko-Coordinating Commission for Postsecondary Education-Education".

The Journal for the third day was approved as corrected.

The Journal for the fourth day was approved.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LB839	Judiciary
LB840	Judiciary
LB841	Transportation and Telecommunications
LB842	Health and Human Services
LB843	Judiciary
LB844	Judiciary
LB845	Natural Resources
LB846	Business and Labor
LB847	Transportation and Telecommunications
LB848	Health and Human Services
LB849	Natural Resources
LB850	Revenue

LB851	Revenue
LB852	Banking, Commerce and Insurance
LB853	Banking, Commerce and Insurance
LB854	Banking, Commerce and Insurance
LB855	Revenue
LB856	Judiciary
LB857	Natural Resources
LB858	Government, Military and Veterans Affairs
LB859	Appropriations
LB860	Government, Military and Veterans Affairs
LB861	General Affairs
LB862	Judiciary
LB863	Urban Affairs
LB864	Urban Affairs
LB865	Judiciary
LB866	Business and Labor
LB867	Nebraska Retirement Systems
LB868	Urban Affairs
LB869	Government, Military and Veterans Affairs
LB870	Education
LB871	Health and Human Services
LB872	Revenue
LB873	Natural Resources
LB874	Health and Human Services
LB875	Transportation and Telecommunications
LB876	Banking, Commerce and Insurance
LB877	Natural Resources
LB878	Government, Military and Veterans Affairs

(Signed) John Wightman, Chairperson
Executive Board

NOTICE OF COMMITTEE HEARINGS

Agriculture

Room 2102

Tuesday, January 17, 2012 1:30 p.m.

LB771
LB770

(Signed) Tom Carlson, Chairperson

Transportation and Telecommunications

Room 1113

Tuesday, January 17, 2012 1:30 p.m.

LB726
LB748
LB751
LB769
LB801

(Signed) Deb Fischer, Chairperson

Education

Room 1525

Tuesday, January 17, 2012 1:30 p.m.

LB870
LB763
LB800

(Signed) Greg Adams, Chairperson

Judiciary

Room 1113

Wednesday, January 18, 2012 1:30 p.m.

LB734
LB783
LB790
LB865

Room 1113

Thursday, January 19, 2012 1:30 p.m.

LB814
LB815
LB799
LB721
LB807

(Signed) Brad Ashford, Chairperson

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Section 8, LR365 was referred to the Reference Committee.

MOTION - Withdraw LB778

Senator Coash renewed his motion, MO64, found on page 185, to withdraw LB778.

The Coash motion to withdraw the bill prevailed with 38 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

MOTION - Withdraw LB797

Senator Avery renewed his motion, MO65, found on page 185, to withdraw LB797.

The Avery motion to withdraw the bill prevailed with 37 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 705. Title read. Considered.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 706. Title read. Considered.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 707. Title read. Considered.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 708. Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 11 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 709. Title read. Considered.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 710. Title read. Considered.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 911. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to labor; to amend section 48-622.02, Reissue Revised Statutes of Nebraska; to clarify a use of the Nebraska Training and Support Trust Fund; and to repeal the original section.

LEGISLATIVE BILL 912. Introduced by McCoy, 39.

A BILL FOR AN ACT relating to civil rights; to amend sections 20-113 and 20-113.01, Reissue Revised Statutes of Nebraska; to provide requirements for local laws regulating discrimination; to harmonize provisions; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 913. Introduced by Adams, 24.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 77-3446, 79-1015.01, 79-1022, 79-1022.02, 79-1023, 79-1027, and 79-1031.01, Revised Statutes Supplement, 2011; to redefine a term; to change provisions relating to local effort rate; to change determination and certification dates as prescribed; to void a certification of aid for school fiscal year 2012-13; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 914. Introduced by McGill, 26.

A BILL FOR AN ACT relating to the Sex Offender Registration Act; to amend section 29-4005, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to reductions in registration periods; and to repeal the original section.

LEGISLATIVE BILL 915. Introduced by Larson, 40; Lautenbaugh, 18; Schilz, 47.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 54-908, Reissue Revised Statutes of Nebraska, 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 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 916. Introduced by Nebraska Retirement Systems Committee: Nordquist, 7, Chairperson; Heidemann, 1; Karpisek, 32; Lambert, 2; Loudon, 49; Mello, 5.

A BILL FOR AN ACT relating to retirement; to amend sections 23-2323.02, 24-707, 24-710.05, 79-933.01, 79-956, 79-980, 79-998, 79-9,106, 81-2014, 81-2031.03, and 84-1312, Reissue Revised Statutes of Nebraska, sections 23-2309.01, 23-2310.05, 23-2321, 84-1310.01, 84-1311.03, and 84-1323, Revised Statutes Cumulative Supplement, 2010, and sections 23-2301, 24-701, 79-902, 81-2026, 81-2041, 84-1301, and 84-1503, Revised Statutes Supplement, 2011; to exempt per diems from the definition of compensation; to require an employer to provide certain termination of employment information to the Public Employees Retirement Board; to require repayment of retirement benefits as prescribed; to clarify provisions relating to tax-qualification requirements; to change provisions relating to rollover distributions and death benefits; to exempt any person under the age of eighteen years from the definition of school employee; to redefine termination of employment; to provide duties for the Public Employees Retirement Board relating to the determination of de minimus amounts and tax-qualification requirements; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 917. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to schools; to amend section 79-527, Revised Statutes Cumulative Supplement, 2010, and section 79-209, Revised Statutes Supplement, 2011; to change provisions relating to excessive absenteeism policies as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 918. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to the Community Development Law; to amend sections 18-2103 and 18-2113, Reissue Revised Statutes of Nebraska; to change provisions relating to limitations and analysis of redevelopment projects; and to repeal the original sections.

LEGISLATIVE BILL 919. Introduced by Schilz, 47.

A BILL FOR AN ACT relating to fees; to amend sections 60-158, 69-2404, and 83-424, Reissue Revised Statutes of Nebraska, and sections 24-703 and 33-117, Revised Statutes Cumulative Supplement, 2010; to change court fees, sheriff's fees, identification inspection fees, and handgun certificate fees; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 920. Introduced by McGill, 26.

A BILL FOR AN ACT relating to court procedure; to amend sections 28-311.09, 42-924, and 42-925, Reissue Revised Statutes of Nebraska; to change provisions relating to harassment protection orders and domestic abuse protection orders; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 921. Introduced by B. Harr, 8.

A BILL FOR AN ACT relating to metropolitan utilities districts; to amend sections 14-2109, 14-2110, 14-2121, 14-2126, 14-2138, and 14-2139, Reissue Revised Statutes of Nebraska; to change provisions relating to the board of directors, employees, bids, hydrants, and retail sale of natural gas; and to repeal the original sections.

LEGISLATIVE BILL 922. Introduced by Mello, 5.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,304, Reissue Revised Statutes of Nebraska; to change provisions relating to load contents and spillage; to provide a penalty; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 923. Introduced by Mello, 5; Brasch, 16; K. Haar, 21; Howard, 9; McGill, 26; Nordquist, 7.

A BILL FOR AN ACT relating to state government; to adopt the Nebraska Buy American Act.

LEGISLATIVE BILL 924. Introduced by Mello, 5.

A BILL FOR AN ACT relating to the Nebraska Redevelopment Act; to amend sections 58-501, 58-503, 58-504, 58-505, 58-507, 58-508, 58-509, 58-510, and 58-533, Reissue Revised Statutes of Nebraska; to change the membership of the board created under the act; to change provisions relating to the area and project applications; to change provisions relating to the division and treatment of property tax; to provide duties for the county assessor, city or joint entity, and Property Tax Administrator; to extend the deadline for the filing of applications under the act; to redefine terms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 925. Introduced by Fischer, 43.

A BILL FOR AN ACT relating to appropriations; to provide duties for the Department of Health and Human Services relating to contracts with providers of Health Aid programs; and to declare an emergency.

LEGISLATIVE BILL 926. Introduced by Dubas, 34; Campbell, 25; Gloor, 35; Howard, 9; Lambert, 2; McGill, 26.

A BILL FOR AN ACT relating to foster care; to state intent; to provide for compensation; and to declare an emergency.

SENATOR COASH PRESIDING

LEGISLATIVE BILL 927. Introduced by Louden, 49; Carlson, 38; Dubas, 34; Harms, 48; Schilz, 47; Wallman, 30.

A BILL FOR AN ACT relating to agriculture; to amend section 54-784.01, Reissue Revised Statutes of Nebraska; to provide that cattle brands are official identification for export or import as prescribed; and to repeal the original section.

LEGISLATIVE BILL 928. Introduced by Louden, 49; Dubas, 34; Fulton, 29; Harms, 48; Lautenbaugh, 18; Schilz, 47; Wallman, 30.

A BILL FOR AN ACT relating to mountain lions; to amend section 37-452, Reissue Revised Statutes of Nebraska, and section 37-201, Revised Statutes Cumulative Supplement, 2010; to provide for permits for hunting mountain lions; to provide for fees; to provide age requirements; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 929. Introduced by McGill, 26.

A BILL FOR AN ACT relating to health and human services; to amend section 43-1302, Revised Statutes Cumulative Supplement, 2010; to provide a membership requirement for State Foster Care Review Board members; to eliminate obsolete provisions; and to repeal the original section.

LEGISLATIVE BILL 930. Introduced by Brasch, 16; Christensen, 44; Larson, 40; Louden, 49; Nelson, 6; Schilz, 47; Wallman, 30.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-102, Reissue Revised Statutes of Nebraska, and sections 23-187, 60-101, 60-123, 60-301, 60-302, 60-339, 60-471, 60-501, 60-520, 60-547, 60-601, 60-605, 60-6,348, and 60-6,349, Revised Statutes Supplement, 2011; to allow operation of golf car vehicles on highways as prescribed; to provide powers for counties, cities, and villages; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 931. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to natural resources districts; to amend section 2-3226.11, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to flood protection and water quality enhancement bonds; and to repeal the original section.

LEGISLATIVE BILL 932. Introduced by Krist, 10.

A BILL FOR AN ACT relating to elections; to amend section 31-735.05, Reissue Revised Statutes of Nebraska; to provide for voting rights for registered voters of sanitary and improvement districts as prescribed; and to repeal the original section.

LEGISLATIVE BILL 933. Introduced by Ashford, 20.

A BILL FOR AN ACT relating to schools; to amend section 79-209, Revised Statutes Supplement, 2011; to change provisions relating to compulsory attendance; and to repeal the original section.

LEGISLATIVE BILL 934. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to election commissioners; to amend sections 32-207, 32-209, 32-213, and 32-214, Reissue Revised Statutes of Nebraska; to provide for appointment by the county board in certain counties; to eliminate powers and duties of the Governor regarding such appointments; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 935. Introduced by Smith, 14.

A BILL FOR AN ACT relating to domestic relations matters; to amend sections 25-2740, 43-1801, 43-1802, and 43-1803, Reissue Revised Statutes of Nebraska; to change grandparent visitation provisions to person with a legitimate interest; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 936. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to counties under township organization; to amend section 23-2,100, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to termination of the township board; and to repeal the original section.

LEGISLATIVE BILL 937. Introduced by Smith, 14; Ashford, 20; Krist, 10; Nordquist, 7.

A BILL FOR AN ACT relating to personal property; to regulate dealers in the business of purchasing and reselling precious items; to provide a penalty; and to harmonize provisions.

LEGISLATIVE BILL 938. Introduced by Nelson, 6; Gloor, 35; Howard, 9; Nordquist, 7; Schumacher, 22.

A BILL FOR AN ACT relating to adult day services; to amend section 68-1206, Reissue Revised Statutes of Nebraska, sections 68-908 and 81-2270, Revised Statutes Cumulative Supplement, 2010, and section

68-1204, Revised Statutes Supplement, 2011; to require a uniform rate for reimbursement; to harmonize provisions; and to repeal the original sections.

RESOLUTIONS

LEGISLATIVE RESOLUTION 371. Introduced by McCoy, 39.

WHEREAS, Article V of the Constitution of the United States provides authority for a Convention to be called by the Congress of the United States for the purpose of proposing amendments to the Constitution upon application of two-thirds of the legislatures of the several states ("amendments convention"); and

WHEREAS, the Legislature of the State of Nebraska favors the proposal and ratification of an amendment to said Constitution which shall provide that an increase in the federal debt requires approval from a majority of the legislatures of the separate states.

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

1. That, as provided for in Article V of the Constitution of the United States, the Legislature of the State of Nebraska herewith respectfully applies for an amendments convention to be called for the purpose of proposing an amendment which shall provide that an increase in the federal debt requires approval from a majority of the legislatures of the separate states.

2. That the amendments convention contemplated by this application shall be entirely focused upon and exclusively limited to the subject matter of proposing for ratification an amendment to the Constitution of the United States providing that an increase in the federal debt requires approval from a majority of the legislatures of the separate states.

3. That this application constitutes a continuing application in accordance with Article V of the Constitution of the United States until at least two-thirds of the legislatures of the several states have made application for an equivalently limited amendments convention.

4. That a copy of this application be sent by the Clerk of the Legislature to the President of the United States Senate, to the Speaker of the United States House of Representatives, to each member of Nebraska's delegation to the United States Congress, and to the presiding officers of each house of the several state legislatures, requesting their cooperation in applying for the amendments convention limited to the subject matter contemplated by this application.

LEGISLATIVE RESOLUTION 372CA. Introduced by Fulton, 29.

THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the primary election in May 2012 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 12:

III-12 (1) No person shall be eligible to serve as a member of the Legislature for four years next after the expiration of two consecutive terms regardless of the district represented.

(2) Service prior to January 1, 2001, as a member of the Legislature shall not be counted for the purpose of calculating consecutive terms in subsection (1) of this section.

(3) For the purpose of this section, service in office for more than one-half of a term shall be deemed service for a term.

(4) For purposes of this section, if a member of the Legislature serves for a period beginning on the first Wednesday after the first Monday in January of an odd-numbered year through the first Wednesday after the first Monday in January of the following odd-numbered year, the member is deemed to have served for one-half of a term.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to clarify that service for a specific period is one-half of a term for purposes of term limits for members of the Legislature.

For

Against.

LEGISLATIVE RESOLUTION 373CA. Introduced by Lautenbaugh, 18.

THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 2012 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 7.

III-7 At the general election to be held in November 1964, one-half the members of the Legislature, or as nearly thereto as may be practicable, shall be elected for a term of four years and the remainder for a term of two years, and thereafter all members shall be elected for a term of four years, with the manner of such election to be determined by the Legislature. When the Legislature is redistricted, the members elected prior to the redistricting shall continue in office, and the law providing for such redistricting shall where necessary specify the newly established district which they shall represent for the balance of their term. Each member shall be nominated and elected in a nonpartisan manner and without any indication on the ballot that he or she is affiliated with or endorsed by any political party or organization. ~~Each~~ Until January 9, 2013, each member of the Legislature shall receive a salary of not to exceed one thousand dollars per month during the term of his or her office. Beginning January 9, 2013, each member of the Legislature shall receive an annual salary during his or her term of office equal to thirty-two thousand dollars. In addition to his or her salary, each member shall receive an amount equal to his or her actual expenses in traveling by the most usual route once to and returning from each regular or special session of the Legislature. Members of the Legislature shall receive

no pay nor perquisites other than his or her salary and expenses, and employees of the Legislature shall receive no compensation other than their salary or per diem.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to change the salary of members of the Legislature to thirty-two thousand dollars.

For

Against.

MOTIONS - Print in Journal

Senator Larson filed the following motion to LB856:

MO66

Withdraw bill.

Senator Schilz filed the following motion to LB744:

MO67

Withdraw bill.

NOTICE OF COMMITTEE HEARINGS

Urban Affairs

Room 1510

Tuesday, January 17, 2012 1:30 p.m.

LB729

LB786

LB864

LB868

(Signed) Amanda McGill, Chairperson

Banking, Commerce and Insurance

Room 1507

Tuesday, January 17, 2012 1:30 p.m.

LB714

LB852

LB853

LB854

LB836

(Signed) Rich Pahls, Chairperson

Health and Human Services

Room 1510

Wednesday, January 18, 2012 1:30 p.m.

LB723
LB774
LB794
LB832

Room 1510

Thursday, January 19, 2012 1:30 p.m.

LB773
LB834
LB831
LB788

(Signed) Kathy Campbell, Chairperson

PROPOSED RULES CHANGES

The Rules Committee offered the following proposed rules changes:

Rule 1, Sec. 17. Speaker's Major Proposals. The Speaker shall be authorized to: (a) Designate up to five bills, or resolutions proposing to amend the Constitution, as major proposals during each legislative session. Determinations made by the Speaker pursuant to this subsection shall be limited to bills or resolutions previously designated as a committee priority, senator priority, or a general appropriation bill and approved by a vote of two-thirds of the Executive Board. ~~During the 2011 Session, the Speaker may designate any of the redistricting bills as major proposals with the approval of two thirds of the Executive Board. Provided, the Speaker shall be allowed to designate one additional major proposal which shall be limited to the bill dealing with the redistricting of legislative districts subject to the approval of two thirds of the Executive Board.~~

(b) Require each committee to which a major proposal has been referred to:

(1) hold a public hearing by a date certain as agreed to by the Speaker and committee chairperson.

(2) take action, including voting to advance the measure with or without amendments to the full Legislature, voting to indefinitely postpone the measure, or taking a vote on the measure that does not result in the measure's advancement or indefinite postponement. Committee action as defined above must be taken by a date certain as determined by the Speaker and committee chairperson.

(c) Determine the scheduling of the proposal and the order of amendments and motions to be considered.

Rule 3, Sec. 11. Conduct During Committee Hearings.

(a) The use of any mobile, portable, or wireless communication device, other than those authorized by the Legislative Council or used by licensed medical persons on duty, is prohibited in legislative hearing rooms during a meeting of a legislative committee.

(b). Electronic Submission of Documents.

(1) Copies of any additional testimony and/or exhibits being presented must be done electronically to the committee clerk for access by members choosing to use electronic media.

(2) These document submissions may occur via electronic mail, disk, or portable drive and shall be placed in an electronic file by the committee clerk.

(3) Senators shall be permitted to use a laptop computer, tablet, or other such device in committee.

UNANIMOUS CONSENT - Add Cointroducers

Senator Brasch asked unanimous consent to add her name as cointroducer to LB781. No objections. So ordered.

Senator Hadley asked unanimous consent to add his name as cointroducer to LB896. No objections. So ordered.

Senator Lambert asked unanimous consent to add his name as cointroducer to LB762 and LB750. No objections. So ordered.

Senator Cornett asked unanimous consent to add her name as cointroducer to LB721. No objections. So ordered.

VISITOR

The Doctor of the Day was Dr. Carol Lacroix from Omaha.

ADJOURNMENT

At 11:02 a.m., on a motion by Senator Lambert, the Legislature adjourned until 9:00 a.m., Wednesday, January 11, 2012.

Patrick J. O'Donnell
Clerk of the Legislature