

SIXTH DAY - JANUARY 11, 2012**LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE
SECOND SESSION****SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 11, 2012

PRAYER

The prayer was offered by Senator Wallman.

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 Senator Conrad who was excused; and Senators Cook, Fulton, McCoy, and Wightman who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifth day was approved.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LB879	Banking, Commerce and Insurance
LB880	Government, Military and Veterans Affairs
LB881	Judiciary
LB882	Banking, Commerce and Insurance
LB883	Revenue
LB884	Agriculture
LB885	Government, Military and Veterans Affairs
LB886	Banking, Commerce and Insurance
LB887	Banking, Commerce and Insurance
LB888	Revenue
LB889	Transportation and Telecommunications
LB890	Banking, Commerce and Insurance
LB891	Health and Human Services
LB892	Health and Human Services
LB893	Transportation and Telecommunications

LB894	Transportation and Telecommunications
LB895	Education
LB896	Transportation and Telecommunications
LB897	Revenue
LB898	Transportation and Telecommunications
LB899	Judiciary
LB900	Health and Human Services
LB901	Appropriations
LB902	Revenue
LB903	Revenue
LB904	Health and Human Services
LB905	Agriculture
LB906	Business and Labor
LB907	Revenue
LB908	Judiciary
LB909	Business and Labor
LB910	Transportation and Telecommunications

(Signed) John Wightman, Chairperson
Executive Board

NOTICE OF COMMITTEE HEARINGS
Government, Military and Veterans Affairs

Room 1507

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

LB717
LB720

Room 1507

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

LB775
LB754
LB755
LB758

Room 1507

Friday, January 20, 2012 1:30 p.m.

LB719
LB733
LB860

(Signed) Bill Avery, Chairperson

Judiciary

Room 1113

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

LB908

Room 1113

Friday, January 20, 2012 1:30 p.m.

LB862

LB768

LB843

LB793

(Signed) Brad Ashford, Chairperson

Revenue

Room 1524

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

LB725

LB727

Room 1524

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

LB818

LB822

LB851

Room 1524

Friday, January 20, 2012 1:30 p.m.

LB750

LB762

(Signed) Abbie Cornett, Chairperson

MOTION - Withdraw LB856

Senator Larson renewed his motion, MO66, found on page 198, to withdraw LB856.

The Larson motion to withdraw the bill prevailed with 36 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

MOTION - Withdraw LB744

Senator Schilz renewed his motion, MO67, found on page 198, to withdraw LB744.

The Schilz motion to withdraw the bill prevailed with 34 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 939. Introduced by B. Harr, 8.

A BILL FOR AN ACT relating to conservators; to amend sections 30-2641 and 30-2642, Reissue Revised Statutes of Nebraska; to change notice provisions; and to repeal the original sections.

LEGISLATIVE BILL 940. Introduced by B. Harr, 8.

A BILL FOR AN ACT relating to adoption; to amend sections 43-104.05 and 43-104.18, Reissue Revised Statutes of Nebraska; to provide for and change compensation provisions for guardians ad litem in certain cases; and to repeal the original sections.

LEGISLATIVE BILL 941. Introduced by Smith, 14.

A BILL FOR AN ACT relating to pawnbrokers and junk dealers; to amend section 69-206, Reissue Revised Statutes of Nebraska; to change restrictions on disposition of pawned and secondhand goods; and to repeal the original section.

LEGISLATIVE BILL 942. Introduced by McCoy, 39.

A BILL FOR AN ACT relating to the Nebraska Uniform Limited Liability Company Act; to amend section 21-193, Revised Statutes Cumulative Supplement, 2010; to provisions relating to notice; and to repeal the original section.

LEGISLATIVE BILL 943. Introduced by McCoy, 39.

A BILL FOR AN ACT relating to insurance; to adopt the Insured Homeowners Protection Act; and to provide a duty for the Revisor of Statutes.

LEGISLATIVE BILL 944. Introduced by McCoy, 39.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend section 49-1446.02, Reissue Revised Statutes of Nebraska; to prohibit certain expenditures for personal services performed by holders of elective office; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 945. Introduced by K. Haar, 21.

A BILL FOR AN ACT relating to the Child Care Licensing Act; to amend sections 71-1911 and 71-1911.02, Reissue Revised Statutes of Nebraska; to require licensees to provide proof of radon levels at the child care location as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 946. Introduced by Adams, 24.

A BILL FOR AN ACT relating to universities and colleges; to amend sections 48-621, 85-1501.01, 85-1520, 85-1521, 85-1539, and 85-1540, Reissue Revised Statutes of Nebraska, section 85-1511, Revised Statutes Cumulative Supplement, 2010, and sections 13-518, 77-3442, 85-1412, 85-1418, 85-1503, 85-1517, 85-1535, and 90-517, Revised Statutes Supplement, 2011; to adopt the Community College Aid Act; to rename and eliminate funds; to rename a committee; to change provisions relating to revenue bonds; to eliminate an act; to harmonize provisions; to repeal the original sections; to outright repeal sections 85-2201, 85-2202, 85-2203, 85-2204, 85-2205, 85-2206, 85-2207, 85-2208, 85-2209, 85-2210, 85-2211, 85-2212, 85-2213, 85-2215, 85-2216, 85-2217, 85-2218, 85-2220, 85-2221, 85-2222, 85-2223, 85-2224, 85-2225, 85-2227, 85-2228, and 85-2229, Reissue Revised Statutes of Nebraska, and section 85-2230, Revised Statutes Cumulative Supplement, 2010; and to declare an emergency.

MOTION - Adopt Permanent Rules

Senator Lautenbaugh moved to adopt the permanent rules for the One Hundred Second Legislature, Second Session, and any special sessions held during the 2012 calendar year.

The Rules Committee renewed the proposed rules change, found on page 199, to Rule 1, Sec. 17.

The Rules Committee's proposed rules change to Rule 1, Sec. 17 was adopted with 37 ayes, 0 nays, 10 present and not voting, and 1 excused and not voting.

The Rules Committee renewed the proposed rules change, found on page 200, to Rule 3, Sec. 11.

Senator Lautenbaugh, Chairperson of the Rules Committee, asked unanimous consent to withdraw the proposed rules change to Rule 3, Sec. 11. No objections. So ordered.

Senator Krist offered the following proposed rules change:

Rule 3, Sec. 8. Chairperson, Vice Chairperson.

(a) The chairperson of each standing and select committee shall be selected by ~~secret ballot~~ recorded vote as outlined in Sec. 8 (a)(1-2) on the floor of the Legislature.

(1) For each candidate for each standing and select committee chairperson-ship, the following question shall be asked of the body: "Shall Senator 'X' serve as chairperson of the 'Y' committee" followed by a recorded vote. The candidate receiving the highest number of votes in the affirmative shall be chairperson of the standing or select committee in question.

(A). For purposes of this section, each member of the body shall be allowed one affirmative vote for any chairperson-ship and will not be permitted to vote affirmative for multiple candidates unless required to under Sec. 8(a)(2).

(2) If there should be more than two candidates for the same chairperson-ship, the question shall be asked as in Sec. 8(a)(1) for each candidate. The two candidates receiving the most affirmative votes shall then be subject to a second recorded vote as outlined in Sec. 8(a)(1).

(b) The chairperson of a special committee shall be selected in the manner provided by the act authorizing the committee, or if not specified, by the Executive Board.

(c) Each committee shall elect from its membership a vice chairperson to serve in the absence of the chairperson.

(d) The chairperson may, at his or her discretion, assume the title of chairman, chairwoman, or chair for legislative purposes.

SENATOR MCGILL PRESIDING

PRESIDENT SHEEHY PRESIDING

Senator Krist withdrew his proposed rules change to Rule 3, Sec. 8.

The Lautenbaugh motion to adopt permanent rules, as amended, prevailed with 36 ayes, 0 nays, 11 present and not voting, and 1 excused and not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 947. Introduced by Hadley, 37; Campbell, 25; Coash, 27; Cook, 13; Cornett, 45; Council, 11; Dubas, 34; Gloor, 35; K. Haar, 21; Harms, 48; B. Harr, 8; Howard, 9; Karpisek, 32; Krist, 10; Lathrop, 12; McGill, 26; Mello, 5; Nordquist, 7; Wallman, 30.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 77-3446, 79-1007.18, 79-1022, 79-1023, 79-1027, and 79-1031.01, Revised Statutes Supplement, 2011; to change provisions relating to an averaging adjustment and a certification date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 948. Introduced by Lambert, 2; McGill, 26.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-1310, Reissue Revised Statutes of Nebraska; to change provisions and a penalty relating to intimidation by telephone call; and to repeal the original section.

LEGISLATIVE BILL 949. Introduced by Legislative Performance Audit Committee: Harms, 48, Chairperson; Dubas, 34; Flood, 19; Heidemann, 1; Krist, 10; Mello, 5; Wightman, 36; Campbell, 25; Wallman, 30.

A BILL FOR AN ACT relating to agency budgeting; to amend sections 81-132 and 81-1113, Reissue Revised Statutes of Nebraska; to provide duties for the Department of Health and Human Services and the budget division of the Department of Administrative Services; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 950. Introduced by Christensen, 44; Carlson, 38; Langemeier, 23.

A BILL FOR AN ACT relating to natural resources districts; to amend section 2-3226.09, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to crediting of repayments as prescribed; and to repeal the original section.

LEGISLATIVE BILL 951. Introduced by B. Harr, 8.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-934, Revised Statutes Supplement, 2011; to provide for assault with a bodily fluid against a first responder and to define a term; and to repeal the original section.

LEGISLATIVE BILL 952. Introduced by Nordquist, 7; Avery, 28; Campbell, 25; Cook, 13; Council, 11; Dubas, 34; Gloor, 35; Howard, 9; Krist, 10; McGill, 26; Mello, 5.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2011, LB 374, section 102; to change provisions relating to the medical assistance program; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 953. Introduced by Fulton, 29.

A BILL FOR AN ACT relating to state government; to establish state fleet card programs and create a fund.

LEGISLATIVE BILL 954. Introduced by Fulton, 29.

A BILL FOR AN ACT relating to the educational savings plan; to amend sections 85-1806, 85-1809, 85-1810, 85-1812, and 85-1814, Reissue Revised Statutes of Nebraska, and sections 85-1801, 85-1802, 85-1804, 85-1807, and 85-1808, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to the plan; to redefine terms; to change provisions relating to participants and participation agreements; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 955. Introduced by Nordquist, 7; Ashford, 20; Cook, 13; Cornett, 45; Council, 11; B. Harr, 8; Howard, 9; Krist, 10; Lathrop, 12; McGill, 26; Pirsch, 4.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Economic Development; and to declare an emergency.

LEGISLATIVE BILL 956. Introduced by Ashford, 20; Cornett, 45; Schumacher, 22.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-27,142, 77-27,142.01, and 77-27,142.02, Reissue Revised Statutes of Nebraska; to authorize an increase in local option sales tax for municipalities; to change an election requirement; to eliminate obsolete provisions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 957. Introduced by Health and Human Services Committee: Campbell, 25, Chairperson; Bloomfield, 17; Cook, 13; Gloor, 35; Howard, 9; Krist, 10; Lambert, 2.

A BILL FOR AN ACT relating to child welfare; to amend sections 73-401, 81-8,240, 81-8,241, 81-8,244, and 81-8,245, Reissue Revised Statutes of Nebraska; to adopt the Office of Inspector General of Nebraska Child Welfare Act; to provide penalties; to change provisions relating to contracts; to change and provide powers and duties for the office of Public Counsel; and to repeal the original sections.

LEGISLATIVE BILL 958. Introduced by Howard, 9; Nordquist, 7.

A BILL FOR AN ACT relating to appropriations; to amend section 71-17,112, Reissue Revised Statutes of Nebraska, and section 38-157, Revised Statutes Cumulative Supplement, 2010; to provide for appropriations to the Nursing Faculty Student Loan Act; to harmonize provisions; to eliminate obsolete provisions; to repeal the original sections; to outright repeal section 71-17,113, Reissue Revised Statutes of Nebraska; and to declare an emergency.

LEGISLATIVE BILL 959. Introduced by Janssen, 15.

A BILL FOR AN ACT relating to labor; to provide immunity to employers for job references.

LEGISLATIVE BILL 960. Introduced by Heidemann, 1.

A BILL FOR AN ACT relating to appropriations; to amend sections 68-965, 71-7611, and 71-8805, Reissue Revised Statutes of Nebraska; to state intent relating to transfers; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

NOTICE OF COMMITTEE HEARINGS

Natural Resources

Room 1525

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

LB713

LB873

LB877

Room 1525

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

Ron Stave - Game and Parks Commission
LB741
LB742
LB828

(Signed) Chris Langemeier, Chairperson

GENERAL FILE**LEGISLATIVE BILL 66.** Title read. Considered.

Committee AM241, found on page 517, First Session, 2011, was considered.

Senator Cornett renewed her amendment, AM386, found on page 598, First Session, 2011, to the committee amendment.

The Cornett amendment was adopted with 34 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

The committee amendment, as amended, was adopted with 35 ayes, 0 nays, 11 present and not voting, and 2 excused and not voting.

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

LEGISLATIVE BILL 343. Title read. Considered.

Pending.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 961. Introduced by Health and Human Services Committee: Campbell, 25, Chairperson; Bloomfield, 17; Cook, 13; Gloor, 35; Howard, 9; Krist, 10; Lambert, 2.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 68-1207 and 81-3116, Reissue Revised Statutes of Nebraska; to state intent; to change provisions relating to case management of child welfare services and designation of service areas; to provide limits on contracts and extensions as prescribed; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 962. Introduced by Pahls, 31.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-382 and 77-2715.01, Reissue Revised Statutes of Nebraska; to change provisions relating to tax expenditure reporting; to name the Tax Rate Review Committee and provide for a report; and to repeal the original sections.

LEGISLATIVE BILL 963. Introduced by Pahls, 31.

A BILL FOR AN ACT relating to banking and finance; to amend sections 8-141, 8-183.05, 8-212, 8-213, 8-214, 8-215, 8-230, 8-1901, 8-2101, 8-2103, 8-2104, 8-2107, 8-2108, and 8-2403, Reissue Revised Statutes of Nebraska, sections 8-157, 8-209, 8-2102, and 8-2106, Revised Statutes Cumulative Supplement, 2010, and sections 8-1,140, 8-355, 8-602, and 21-17,115, Revised Statutes Supplement, 2011; to change provisions relating to loan limits and restrictions; to change provisions relating to branch banking, the pledging of securities by trust companies, and fees charged by the Department of Banking and Finance; to revise powers of state-chartered banks, building and loan associations, and credit unions; to change provisions relating to names of financial institutions; to rename the Interstate Branching By Merger Act of 1997; to change and eliminate provisions relating to interstate branch banking and mergers; to harmonize provisions; to repeal the original sections; to outright repeal section 8-2105, Reissue Revised Statutes of Nebraska; and to declare an emergency.

LEGISLATIVE BILL 964. Introduced by Pahls, 31.

A BILL FOR AN ACT relating to finance; to amend section 8-602, Revised Statutes Supplement, 2011; to adopt the Nebraska Money Transmitters Act; to provide penalties; to eliminate the Nebraska Sale of Checks and Funds Transmission Act; to harmonize provisions; to provide an operative date; to repeal the original section; and to outright repeal sections 8-1002, 8-1003, 8-1004, 8-1005, 8-1006, 8-1007, 8-1008, 8-1009, 8-1010, 8-1011, 8-1012, 8-1012.01, 8-1013, 8-1014, 8-1016, and 8-1017, Reissue Revised Statutes of Nebraska, and sections 8-1001, 8-1001.01, 8-1018, and 8-1019, Revised Statutes Cumulative Supplement, 2010.

LEGISLATIVE BILL 965. Introduced by Pahls, 31.

A BILL FOR AN ACT relating to finance; to amend sections 45-334, 45-345, 45-346, 45-346.01, 45-348, 45-351, 45-701, 45-702, 45-703, 45-706, 45-729, 45-731, 45-734, and 45-736, Reissue Revised Statutes of Nebraska, and sections 45-335, 45-742, and 45-1002, Revised Statutes Supplement, 2011; to change provisions relating to the Nebraska Installment Sales Act, the Residential Mortgage Licensing Act, and the Nebraska Installment Loan Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 966. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to elections; to amend section 32-1031, Reissue Revised Statutes of Nebraska; to change provisions relating to the canvass of votes; and to repeal the original section.

LEGISLATIVE BILL 967. Introduced by Schumacher, 22; Cornett, 45; Fischer, 43.

A BILL FOR AN ACT relating to interest; to amend section 45-104.01, Reissue Revised Statutes of Nebraska; to change an interest rate relating to delinquent taxes and special assessments; and to repeal the original section.

UNANIMOUS CONSENT - Add Cointroducer

Senator Mello asked unanimous consent to add his name as cointroducer to LB888 and LB937. No objections. So ordered.

WITHDRAW - Cointroducer

Senator Gloor withdrew his name as cointroducer to LB825.

VISITOR

The Doctor of the Day was Dr. Roger Meyer from Utica.

ADJOURNMENT

At 11:53 a.m., on a motion by Speaker Flood, the Legislature adjourned until 9:45 a.m., Thursday, January 12, 2012.

Patrick J. O'Donnell
Clerk of the Legislature