

NINTH DAY - JANUARY 18, 2012**LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE
SECOND SESSION****NINTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 18, 2012

PRAYER

The prayer was offered by Senator Carlson.

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 Senator Lautenbaugh who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the eighth day was approved.

NOTICE OF COMMITTEE HEARINGS

Government, Military and Veterans Affairs

Room 1507

Wednesday, January 25, 2012 1:30 p.m.

LB736
LB878
LB759

Room 1507

Thursday, January 26, 2012 1:30 p.m.

LB767
LB779
LB885
LB923

Room 1507

Friday, January 27, 2012 1:30 p.m.

LB735
LB766
LB782

(Signed) Bill Avery, Chairperson

Health and Human Services

Room 1510

Thursday, January 26, 2012 1:30 p.m.

LB874
LB957
LB961

(Signed) Kathy Campbell, Chairperson

OFFICIAL OATH

STATE OF NEBRASKA)
) ss.
County of Adams)

"I, Les Seiler, do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of Nebraska, and will faithfully discharge the duties of Member of the Legislature, District 33 according to the best of my ability, and that at the election at which I was chosen to fill said office, I have not improperly influenced in any way the vote of any elector, and have not accepted, nor will I accept or receive, directly or indirectly, any money or other valuable thing from any corporation, company or person, or any promise of office, for any official act or influence (for any vote may give or withhold on any bill, resolution, or appropriation)."*

(Signed) Les Seiler

Subscribed in my presence and sworn to before me this 14th day of January, 2012.

(SEAL)

(Signed) John A. Gale
Secretary of State

*Constitution of the State of Nebraska, Article XV, Section One. For Executive, Judicial Officers and Members of the Legislature.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1040. Introduced by Schilz, 47.

A BILL FOR AN ACT relating to state highways; to amend section 39-1344, Reissue Revised Statutes of Nebraska, and section 39-1359, Revised Statutes Supplement, 2011; to change provisions relating to snow removal and encroachments and regulation of state rights-of-way; and to repeal the original sections.

LEGISLATIVE BILL 1041. Introduced by Cook, 13.

A BILL FOR AN ACT relating to social services; to adopt the Department of Health and Human Services Delivery Improvement and Efficiency Act.

LEGISLATIVE BILL 1042. Introduced by Campbell, 25.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 38-2301, 38-2315, and 71-605, Reissue Revised Statutes of Nebraska; to authorize nurse practitioners to sign death certificates as prescribed; to provide for disciplinary action; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1043. Introduced by Langemeier, 23.

A BILL FOR AN ACT relating to public power districts; to amend section 70-655, Reissue Revised Statutes of Nebraska; to eliminate provisions relating to contracts or agreements for discounted rates; and to repeal the original section.

LEGISLATIVE BILL 1044. Introduced by K. Haar, 21.

A BILL FOR AN ACT relating to hazardous liquids; to amend section 75-109.01, Reissue Revised Statutes of Nebraska, as amended by section 14, Legislative Bill 1, One Hundred Second Legislature, First Special Session, 2011; to provide powers and duties for the Public Service Commission regarding regulation of transportation and pipeline facilities; to harmonize provisions; and to repeal the original section.

GENERAL FILE

LEGISLATIVE BILL 418. Committee AM643, found on page 801, First Session, 2011, and considered on page 240, was renewed.

Senator Mello offered the following amendment to the committee amendment:

AM1705

(Amendments to Standing Committee amendments, AM643)

1 1. Strike amendments 1 and 2 and insert the following new
2 amendment:

3 1. Strike the original sections and insert the following
4 new sections:

5 Section 1. Section 49-1474.02, Reissue Revised Statutes
6 of Nebraska, is amended to read:

7 ~~49-1474.02 (1) Any person who makes an expenditure~~
8 ~~reportable under the Nebraska Political Accountability and~~
9 ~~Disclosure Act to disseminate by any means of telecommunication a~~
10 ~~prerecorded message or a recorded message relating to a candidate~~
11 ~~or ballot question shall include, immediately preceding the~~
12 ~~message, the name of the person making the expenditure. Such~~
13 ~~messages shall be disseminated only between the hours of 8 a.m. and~~
14 ~~9 p.m. at the location of the person receiving the messages.~~

15 ~~(2)~~(1) Any person who makes an expenditure reportable
16 under the ~~act~~ Nebraska Political Accountability and Disclosure Act
17 to disseminate by any means of telecommunication a message relating
18 to a candidate or ballot question which is not a recorded message
19 or a prerecorded message shall, immediately upon the request of the
20 recipient of the message, disclose the name of the person making
21 the expenditure. If the message is disseminated through an employee
22 or agent of the person making the expenditure, the employee or
1 agent shall, immediately upon the request of the recipient of the
2 message, disclose the name of the person making the expenditure.

3 ~~(3)~~(2) Any person who makes an expenditure reportable
4 under the act to disseminate by any electronic means, including
5 the Internet or email, a message relating to a candidate or ballot
6 question shall include in the message the name of the person making
7 the expenditure.

8 Sec. 2. Section 86-256, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 86-256 (1) Any person using an automatic
11 dialing-announcing device other than for telephone solicitations
12 shall register the device with the commission pursuant to the
13 application process, without a fee, and shall include with the
14 application a detailed explanation of the use planned and the
15 message to be used.

16 (2) All telephone messages transmitted by an automatic
17 dialing-announcing device other than telephone solicitations shall:

18 (a) At the beginning of the message, state clearly the
19 identity of the person on whose behalf the message is being
20 transmitted;

21 (b) During or after the message, state clearly the
22 telephone number, other than that of the device which made the
23 call, or address of the person operating the device; ~~and~~

24 (c) Include, immediately preceding the message, the name
25 of the person making the expenditure if the message is being

26 transmitted for a person making an expenditure reportable under the
 27 Nebraska Political Accountability and Disclosure Act to disseminate
 1 a message relating to a candidate or ballot question; and

2 ~~(e)~~(d) Transmit messages only between the hours of 8
 3 a.m. and 9 p.m. at the location of the person receiving the
 4 message.

5 (3) This section does not apply to (a) a message from
 6 any elementary, secondary, or postsecondary educational institution
 7 to any of its students, parents, or employees, (b) a message to a
 8 person with whom the person placing the call or the person on whose
 9 behalf the message is being transmitted has an established business
 10 or personal relationship, (c) a message from an employer advising
 11 any of its employees of work schedules, or (d) a message from a
 12 political subdivision as defined in section 13-903.

13 (4) A person contracting with a third party to connect
 14 or operate an automatic dialing-announcing device for other
 15 than telephone solicitations shall be jointly and severally
 16 liable with the third party for connecting and operating the
 17 automatic dialing-announcing device in violation of the Automatic
 18 Dialing-Announcing Devices Act or the rules and regulations adopted
 19 and promulgated under the act.

20 (5) A person contracting with a third party to connect
 21 or operate an automatic dialing-announcing device for other
 22 than telephone solicitations shall file with the commission the
 23 message to be used within twenty-four hours after the message is
 24 transmitted.

25 Sec. 3. Original sections 49-1474.02 and 86-256, Reissue
 26 Revised Statutes of Nebraska, are repealed.

Pending.

NOTICE OF COMMITTEE HEARINGS

Judiciary

Room 1113

Wednesday, January 25, 2012 1:30 p.m.

LB802
 LB804
 LB805
 LB839
 LB806

Room 1113

Thursday, January 26, 2012 1:30 p.m.

LB972

LB985
LB920
LB787

Room 1113

Friday, January 27, 2012 1:30 p.m.

LB730
LB840
LB948
LB881

(Signed) Brad Ashford, Chairperson

Appropriations

Room 1003

Wednesday, January 25, 2012 1:30 p.m.

Agency 10 - Auditor of Public Accounts
Agency 24 - Motor Vehicles, Department of
Agency 28 - Veterans' Affairs, Department of
Agency 37 - Workers' Compensation Court
Agency 39 - Brand Committee, Nebraska
Agency 60 - Ethanol Board, Nebraska
Agency 78 - Nebraska Commission on Law Enforcement and Criminal
Justice

Room 1003

Thursday, January 26, 2012 1:30 p.m.

Agency 14 - Public Service Commission
Agency 31 - Military Department
Agency 77 - Industrial Relations, Commission of
Agency 85 - Public Employees Retirement Board, Nebraska

(Signed) Lavon Heidemann, Chairperson

Natural Resources

Room 1525

Wednesday, January 25, 2012 1:30 p.m.

LB739
LB849

(Signed) Chris Langemeier, Chairperson

Revenue

Room 1524

Wednesday, January 25, 2012 1:30 p.m.

LB830
LB745

Room 1524

Thursday, January 26, 2012 1:30 p.m.

LB970

Room 1524

Friday, January 27, 2012 1:30 p.m.

LB850
LB872

(Signed) Abbie Cornett, Chairperson

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1045. Introduced by K. Haar, 21.

A BILL FOR AN ACT relating to schools; to amend section 79-526, Reissue Revised Statutes of Nebraska; to authorize emergency expenditures as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1046. Introduced by B. Harr, 8.

A BILL FOR AN ACT relating to law enforcement; to amend sections 23-1701.01, 81-1401, 81-1406, 81-1412.02, 81-1414, 81-1414.04,

81-1414.05, and 81-1439, Reissue Revised Statutes of Nebraska, and sections 81-1403 and 81-1404, Revised Statutes Supplement, 2011; to change provisions relating to law enforcement certification and continuing education; to provide penalties; to define terms; to provide powers and duties for the director of the Nebraska Law Enforcement Training Center and the Nebraska Police Standards Advisory Council; to eliminate obsolete provisions; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 81-1414.01 and 81-1414.02, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 1047. Introduced by Howard, 9.

A BILL FOR AN ACT relating to health care professionals; to require safe injection practices as prescribed; and to provide duties for the Department of Health and Human Services.

LEGISLATIVE BILL 1048. Introduced by Howard, 9.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2011, LB 374, section 108; to provide for appropriations for nurse visitation services as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1049. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to scrap metal recycling; to amend sections 69-401, 69-404, 69-407, 69-408, and 69-409, Reissue Revised Statutes of Nebraska; to redefine a term; to provide requirements for the purchase of certain regulated metals property; to change provisions relating to a payment for purchase of copper; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1050. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701, Reissue Revised Statutes of Nebraska; to provide a sales and use tax incentive for procurement processing companies as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1051. Introduced by Coash, 27.

A BILL FOR AN ACT relating to abuse and neglect; to amend sections 28-348, 28-350, 28-351, 28-355, 28-367, 28-370, 28-386, 28-387, and 28-713.01, Reissue Revised Statutes of Nebraska, and section 28-376, Revised Statutes Cumulative Supplement, 2010; to define and redefine terms; to change provisions relating to reports of abuse investigated for the Adult Protective Services Central Registry and the central register of child protection cases; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1052. Introduced by Christensen, 44.

A BILL FOR AN ACT relating to counties; to amend section 39-1802, Reissue Revised Statutes of Nebraska; to require notice of certain maintenance actions as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1053. Introduced by Louden, 49; Mello, 5; Wallman, 30.

A BILL FOR AN ACT relating to travel and tourism; to amend sections 81-1201.07, 81-1201.22, 81-1245, 81-1246, 81-1247, 81-1248, 81-1249, 81-1250, 81-1251, 81-1252, 81-1253, 81-1254, 81-1256, 81-1257, 81-1258, 81-1259, 81-1261, 81-1262, and 81-1263, Reissue Revised Statutes of Nebraska, sections 77-2711 and 81-1201.04, Revised Statutes Cumulative Supplement, 2010, and sections 81-1201.13, 81-1255, and 81-1260, Revised Statutes Supplement, 2011; to transfer and change provisions relating to the Nebraska Visitors Development Act; to define and redefine terms; to create and provide duties for a commission; to eliminate a division and an advisory committee; to provide for transition; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1054. Introduced by McCoy, 39.

A BILL FOR AN ACT relating to ancillary product contracts; to define terms; to exempt ancillary product contracts from state insurance laws; and to authorize the sale of ancillary product contracts in conjunction with other contracts as prescribed.

LEGISLATIVE BILL 1055. Introduced by Hadley, 37.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Board of Regents of the University of Nebraska for construction of a Kearney Division facility for the University of Nebraska Medical Center College of Nursing and School of Allied Health Professions; and to declare an emergency.

LEGISLATIVE BILL 1056. Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to protection orders; to amend sections 28-311.09, 42-924, 42-925, and 42-926, Reissue Revised Statutes of Nebraska; to change provisions relating to harassment and domestic abuse protection orders; and to repeal the original sections.

LEGISLATIVE BILL 1057. Introduced by Carlson, 38.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-3602, 2-3623, 2-3632, and 2-3633, Reissue Revised Statutes of Nebraska; to change and eliminate provisions of the Nebraska Corn Resources Act; to provide an operative date; to repeal the original sections; and to outright

repeal section 2-3627, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 1058. Introduced by Carlson, 38.

A BILL FOR AN ACT relating to labor; to amend sections 48-630, 48-632, 48-634, 48-636, 48-637, 48-644, 48-652, 48-655, 48-663.01, 48-665, 48-665.01, and 48-2302, Reissue Revised Statutes of Nebraska; to change provisions of the Employment Security Law and the New Hire Reporting Act to conform to federal law; to change and eliminate provisions relating to appeal tribunals; to harmonize provisions; to provide operative dates; to repeal the original sections; and to outright repeal section 48-633, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 1059. Introduced by Avery, 28.

A BILL FOR AN ACT relating to state offices; to amend sections 49-1493 and 49-1499.03, Reissue Revised Statutes of Nebraska; to adopt the State Officers Compensation Act; to require statements of financial interests and conflict of interest; and to repeal the original sections.

LEGISLATIVE BILL 1060. Introduced by Avery, 28.

A BILL FOR AN ACT relating to rules and regulations; to amend sections 84-906.02, 84-906.03, and 84-907.06, Reissue Revised Statutes of Nebraska, and sections 84-907 and 84-907.09, Revised Statutes Supplement, 2011; to change procedures regarding publication of notice; to provide and change powers and duties for the Secretary of State; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1061. Introduced by Heidemann, 1.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-201 and 77-5023, Reissue Revised Statutes of Nebraska, and section 79-1016, Revised Statutes Cumulative Supplement, 2010; to change valuation of agricultural land and horticultural land; to harmonize school aid provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 1062. Introduced by Nordquist, 7; Dubas, 34; Howard, 9.

A BILL FOR AN ACT relating to adoption; to amend sections 43-118 and 43-147, Reissue Revised Statutes of Nebraska; to provide for an adoption assistance agreement and continuation of adoption assistance as prescribed; to harmonize provisions; to repeal the original sections.

LEGISLATIVE BILL 1063. Introduced by Cook, 13.

A BILL FOR AN ACT relating to medical assistance; to amend section 68-912, Reissue Revised Statutes of Nebraska, and section 68-901, Revised

Statutes Supplement, 2011; to adopt the Children's Health and Treatment Act; to harmonize provisions; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 1064. Introduced by Fulton, 29.

A BILL FOR AN ACT relating to the Surplus Lines Insurance Act; to amend section 44-5510, Revised Statutes Supplement, 2011; to permit the procurement of sickness and accident insurance from a nonadmitted insurer; and to repeal the original section.

LEGISLATIVE BILL 1065. Introduced by Fulton, 29.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Board of Regents of the University of Nebraska for construction of a Lincoln Division facility for the University of Nebraska Medical Center College of Nursing; and to declare an emergency.

LEGISLATIVE BILL 1066. Introduced by Hansen, 42.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Board of Regents of the University of Nebraska for planning and architectural design of a veterinary diagnostic laboratory facility; and to declare an emergency.

LEGISLATIVE BILL 1067. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to the Nebraska County and City Lottery Act; to amend section 9-607, Revised Statutes Supplement, 2011; to change restrictions on keno; and to repeal the original section.

LEGISLATIVE BILL 1068. Introduced by Adams, 24.

A BILL FOR AN ACT relating to special education; to create and provide duties for the Medicaid in the Public Schools Task Force; to provide duties; to provide a termination date; and to declare an emergency.

LEGISLATIVE BILL 1069. Introduced by Wightman, 36.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1804, 77-1806, 77-1807, 77-1808, 77-1812, 77-1818, 77-1819, 77-1823, and 77-1824, Reissue Revised Statutes of Nebraska; to change provisions relating to tax sales; to authorize grouping of properties and premiums; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal section 77-1820, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 1070. Introduced by Wightman, 36.

A BILL FOR AN ACT relating to elections; to amend section 32-616, Revised Statutes Supplement, 2011; to change eligibility provisions for petitions for placement on the general election ballot; and to repeal the original section.

LEGISLATIVE BILL 1071. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to the Convention Center Facility Financing Assistance Act; to amend section 13-2612, Revised Statutes Cumulative Supplement, 2010; to extend the deadline for acceptance of applications under the act; and to repeal the original section.

LEGISLATIVE BILL 1072. Introduced by Business and Labor Committee: Lathrop, 12, Chairperson; Ashford, 20; Cook, 13; B. Harr, 8; Wallman, 30.

A BILL FOR AN ACT relating to claims against the state; to appropriate funds for the payment of certain claims; to provide for payment of the claims; to authorize agencies to write off certain claims as prescribed; and to declare an emergency.

LEGISLATIVE BILL 1073. Introduced by Business and Labor Committee: Lathrop, 12, Chairperson; Ashford, 20; Cook, 13; B. Harr, 8; Wallman, 30.

A BILL FOR AN ACT relating to claims against the state; to disapprove certain claims.

LEGISLATIVE BILL 1074. Introduced by Schilz, 47.

A BILL FOR AN ACT relating to education; to amend section 79-2,104, Revised Statutes Cumulative Supplement, 2010; to provide duties for the State Department of Education relating to the federal Family Educational Rights and Privacy Act of 1974; and to repeal the original section.

LEGISLATIVE BILL 1075. Introduced by Cornett, 45; Dubas, 34.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1333, Reissue Revised Statutes of Nebraska; to provide for assessment of rent-restricted housing projects by the Property Tax Administrator; and to repeal the original section.

LEGISLATIVE BILL 1076. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to public records and meetings; to amend sections 84-712 and 84-1412, Reissue Revised Statutes of Nebraska, and section 84-1411, Revised Statutes Cumulative Supplement, 2010; to change

provisions relating to copies of records and speaking at meetings; and to repeal the original sections.

LEGISLATIVE BILL 1077. Introduced by Howard, 9; B. Harr, 8; Lathrop, 12; McGill, 26; Mello, 5; Nordquist, 7; Sullivan, 41; Wallman, 30.

A BILL FOR AN ACT relating to the Health Care Facility Licensure Act; to amend section 71-401, Revised Statutes Supplement, 2011; to require certain facilities to offer vaccinations as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1078. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-103.18, Reissue Revised Statutes of Nebraska; to redefine a term; and to repeal the original section.

LEGISLATIVE BILL 1079. Introduced by Mello, 5; Council, 11; Harms, 48.

A BILL FOR AN ACT relating to education; to state findings; to define terms; to provide for grants for bridge programs as prescribed; and to provide duties for the State Department of Education and the Department of Health and Human Services.

LEGISLATIVE BILL 1080. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701 and 77-2701.04, Reissue Revised Statutes of Nebraska, and section 77-202, Revised Statutes Supplement, 2011; to provide a property tax exemption and a sales and use tax exemption relating to data centers; to define a term; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 1081. Introduced by Christensen, 44; Hansen, 42; Lautenbaugh, 18.

A BILL FOR AN ACT relating to deer permits; to amend section 37-448, Revised Statutes Cumulative Supplement, 2010; to provide for free permits for farmers to hunt antlerless deer as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1082. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to retirement; to amend sections 16-1001, 16-1002, 16-1003, 16-1004, 16-1005, 16-1006, 16-1007, 16-1009, 16-1010, 16-1012, 16-1013, 16-1014, 16-1015, 16-1016, 16-1019, and 18-1221, Reissue Revised Statutes of Nebraska, sections 13-520 and 18-1723, Revised Statutes Cumulative Supplement, 2010, and sections 16-1017 and

77-3442, Revised Statutes Supplement, 2011; to name the Police Officers Retirement Act and to change provisions relating to participation, vesting, employee and employer contributions, and tax levies; to eliminate obsolete provisions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1083. Introduced by Bloomfield, 17.

A BILL FOR AN ACT relating to the Nurse Practice Act; to amend section 38-2218, Reissue Revised Statutes of Nebraska; to clarify permitted practices; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1084. Introduced by Christensen, 44.

A BILL FOR AN ACT relating to the Board of Educational Lands and Funds; to amend sections 72-204 and 72-232, Reissue Revised Statutes of Nebraska; to require that all land owned and leased by the board be open to the public for hunting, fur harvesting, and fishing as prescribed; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 1085. Introduced by B. Harr, 8; Ashford, 20.

A BILL FOR AN ACT relating to tourism; to adopt the Tourism Development Act; and to provide an operative date.

LEGISLATIVE BILL 1086. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to grandparent visitation; to amend section 43-1802, Reissue Revised Statutes of Nebraska; to provide an additional ground for seeking visitation; and to repeal the original section.

GENERAL FILE

LEGISLATIVE BILL 418. The Mello amendment, AM1705, found in this day's Journal, to the committee amendment, was renewed.

Senator Mello moved for a call of the house. The motion prevailed with 30 ayes, 1 nay, and 18 not voting.

Senator Mello requested a roll call vote, in reverse order, on his amendment.

Voting in the affirmative, 16:

Ashford	Council	Howard	Nordquist
Avery	Dubas	Karpisek	Schumacher
Coash	Haar, K.	Lathrop	Sullivan
Cook	Harr, B.	McGill	Wallman

Voting in the negative, 25:

Adams	Christensen	Harms	Larson	Price
Bloomfield	Fischer	Janssen	Lautenbaugh	Schilz
Brasch	Flood	Krist	Louden	Seiler
Campbell	Gloor	Lambert	McCoy	Smith
Carlson	Hadley	Langemeier	Nelson	Wightman

Present and not voting, 4:

Cornett	Mello	Pahls	Pirsch
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Excused and not voting, 4:

Conrad	Fulton	Hansen	Heidemann
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The Mello amendment lost with 16 ayes, 25 nays, 4 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Mello offered the following motion:

MO69

Reconsider the vote taken on AM1705.

Pending.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1087. Introduced by Nordquist, 7; Mello, 5.

A BILL FOR AN ACT relating to compressed natural gas; to amend sections 66-1810 and 66-1825, Reissue Revised Statutes of Nebraska; to adopt the Compressed Natural Gas Innovation Act; to change provisions relating to jurisdictional utilities and natural gas public utilities; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1088. Introduced by Ashford, 20.

A BILL FOR AN ACT relating to the Nebraska Juvenile Code; to amend sections 43-262, 43-263, 43-264, 43-265, and 43-270, Reissue Revised Statutes of Nebraska; to change notice, summons, and warrant provisions; to require notice to both parents when possible; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1089. Introduced by Nelson, 6; Campbell, 25; Cook, 13; Cornett, 45; Council, 11; Hadley, 37; Harms, 48; B. Harr, 8; Howard, 9; Krist, 10; Lambert, 2; Lathrop, 12; McGill, 26; Nordquist, 7;

Wallman, 30.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Board of Regents of the University of Nebraska for construction of a cancer research facility at the Eugene C. Eppley Institute for Research in Cancer and Allied Diseases of the University of Nebraska Medical Center; and to declare an emergency.

LEGISLATIVE BILL 1090. Introduced by Wallman, 30.

A BILL FOR AN ACT relating to the State Department of Education; to define terms; to provide for grants and the distribution of information relating to the Summer Food Service Program; to provide powers and duties for the State Department of Education.

LEGISLATIVE BILL 1091. Introduced by Fischer, 43.

A BILL FOR AN ACT relating to telecommunications; to amend sections 86-450.03 and 86-457, Reissue Revised Statutes of Nebraska, and section 86-313, Revised Statutes Cumulative Supplement, 2010; to adopt the Prepaid Wireless Surcharge Act; to eliminate certain charges relating to prepaid wireless service; to harmonize provisions; to provide an operative date; to provide severability; to repeal the original sections; and to outright repeal section 86-450.02, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 1092. Introduced by Fulton, 29.

A BILL FOR AN ACT relating to environmental protection; to amend section 81-1504, Reissue Revised Statutes of Nebraska; to provide duties for the Department of Environmental Quality regarding disposal of mercury-containing light bulbs; and to repeal the original section.

LEGISLATIVE BILL 1093. Introduced by Hadley, 37.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1912, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to foreclosure proceedings for delinquent real estate taxes; and to repeal the original section.

LEGISLATIVE BILL 1094. Introduced by Harms, 48.

A BILL FOR AN ACT relating to elections; to amend section 32-960, Revised Statutes Cumulative Supplement, 2010; to provide for an election in certain counties to authorize county clerks to conduct elections by mail; and to repeal the original section.

LEGISLATIVE BILL 1095. Introduced by Larson, 40.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-3,104 and 60-3,130.04, Reissue Revised Statutes of Nebraska, and section 60-301, Revised Statutes Supplement, 2011; to provide for Beef State license plates; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1096. Introduced by Ashford, 20; Council, 11.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Supplement, 2011; to prohibit entry into a motor vehicle without permission of the owner or for the purpose of committing a crime; to provide a penalty; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1097. Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704.12, Revised Statutes Supplement, 2011; to provide a sales and use tax exemption for purchases of nonprofit mental health centers; to provide an operative date; and to repeal the original section.

RESOLUTION**LEGISLATIVE RESOLUTION 377CA.** Introduced by Avery, 28.

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, sections 7 and 19:

III-7 (1) 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.

(2) 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.

(3) 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.

(4) This subsection terminates on the first Wednesday after the first Monday in January 2015. 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. 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.

III-19 (1) The Legislature shall never grant any extra compensation to any public officer, agent, or servant after the services have been rendered nor to any contractor after the contract has been entered into, except that retirement benefits of retired public officers and employees may be adjusted to reflect changes in the cost of living and wage levels that have occurred subsequent to the date of retirement.

(2) The compensation of any public officer, including any officer whose compensation is fixed by the Legislature, shall not be increased or diminished during his or her term of office, except that when there are members elected or appointed to the Legislature or the judiciary, or officers elected or appointed to a board or commission having more than one member, and the terms of such members commence and end at different times, the compensation of all members of the Legislature, of the judiciary, or of such board or commission may be increased or diminished at the beginning of the full term of any member thereof.

(3) Nothing in this section shall prevent local governing bodies from reviewing and adjusting vested pension benefits periodically as prescribed by ordinance.

(4) The surviving spouse of any retired public officer, agent, or servant, who has retired under a pension plan or system, shall be considered as having pensionable status and shall be entitled to the same benefits which may, at any time, be provided for or available to spouses of other public officers, agents, or servants who have retired under such pension plan or system at a later date, and such benefits shall not be prohibited by the restrictions of this section or of Article XIII, section 3 of the Constitution of Nebraska.

(5) For purposes of establishing salary, travel expense, and benefit provisions for state constitutional officers named in Article IV, section 1, of this Constitution and for members of the Legislature, the Legislature shall establish a compensation commission composed of members selected by the Legislature. The commission shall establish the salary, travel expense, and benefit provisions, and the Legislature shall appropriate funds for such purposes.

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 terminate constitutional provisions regarding compensation of members and employees of the Legislature and to provide for a compensation commission for state constitutional officers and members of the Legislature.

For

Against.

CONFLICT OF INTEREST STATEMENTS

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

COMMITTEE ON COMMITTEES REPORT

January 18, 2012

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

Dear Patrick:

I am writing to inform you that the Committee on Committees met and voted to place Senator Schilz on Banking, Commerce and Insurance Committee and Rules Committee; Senator Brasch on Revenue Committee; and Senator Seiler to Education Committee and Government Committee.

Sincerely,
(Signed) Tom Hansen, Chairperson
Committee on Committees

COMMITTEE REPORT

Banking, Commerce and Insurance

LEGISLATIVE BILL 836. Placed on General File with amendment.
AM1700

- 1 1. On page 2, line 8, strike "shall", show as stricken,
- 2 and insert "may"; and in line 11 after "conditions" insert "as an
- 3 alternative to the furnishing of securities or the providing of a
- 4 deposit guaranty bond pursuant to the Public Funds Deposit Security
- 5 Act".

(Signed) Rich Pahls, Chairperson

MOTION - Print in Journal

Senator Mello filed the following motion to LB418:
MO70
Bracket until April 12, 2012.

VISITORS

Visitors to the Chamber were Senator Carlson's wife and son, Margo and Nathan Carlson, from Holdrege; Richard and Dianne Stovall from Gypsum, CO; 29 twelfth-grade students from Syracuse; Senator Seiler's wife, JoAnne, from Hastings; Becky Williams, Marilyn Ide, and Lori Engler from Holdrege; Kelsey Bousquet from South South City; Senator Christensen's wife, Kathy, from Imperial, his daughter, Erica Fish, from Omaha; and Betty Lou Harris, Jackie Brown, and Lindsey Foote from Imperial.

The Doctor of the Day was Dr. Mark Ptacek from O'Neill.

ADJOURNMENT

At 11:51 a.m., on a motion by Senator Karpisek, the Legislature adjourned until 9:45 a.m., Thursday, January 19, 2012.

Patrick J. O'Donnell
Clerk of the Legislature