

**SECOND DAY - JANUARY 10, 2013****LEGISLATIVE JOURNAL****ONE HUNDRED THIRD LEGISLATURE  
FIRST SESSION****SECOND DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, January 10, 2013

**PRAYER**

The prayer was offered by Senator Carlson.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Sheehy presiding.

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

**CORRECTIONS FOR THE JOURNAL**

The Journal for the first day was approved.

**MOTION - Adopt Temporary Rules**

Senator Adams moved that the rules, as now in our possession, be adopted until such time as the permanent rules are adopted pursuant to Rule 2, Section 1; provided that the temporary rules shall not continue after the tenth legislative day.

The motion prevailed.

**MESSAGES FROM THE GOVERNOR**

April 26, 2012

Mr. President, Speaker Flood and  
Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed

to the Nebraska Power Review Board:

Frank Reida, 1122 Turner Blvd, Omaha, NE 68105

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

April 26, 2012

Mr. President, Speaker Flood and  
Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Board of Emergency Medical Services:

Gary (Randy) Boldt, 1804 South 190th Plaza, Omaha, NE 68130

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

May 8, 2012

Mr. President, Speaker Flood  
and Members of the Legislature  
State Capitol Building  
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individual is being appointed to the Board of Public Roads Classifications and Standards:

John (Jack) Hynes, 12105 S. Holstein Ave., Holstein, NE 68950

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

May 8, 2012

Mr. President, Speaker Flood  
and Members of the Legislature  
State Capitol Building  
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individuals are being appointed to the Crime Victim's Reparations Committee:

Joe Kelly, 575 South 10th Street, Lincoln, NE 68508  
Jeff Davis, 8335 Platteview, Papillion, NE 68046

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

May 15, 2012

Mr. President, Speaker Flood  
and Members of the Legislature  
State Capitol Building  
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individual is being reappointed to the State Racing Commission:

Helen Abbott Feller, P.O. Box 155, Wisner, NE 68791

The aforementioned appointee is respectfully submitted for your

consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

May 15, 2012

Mr. President, Speaker Flood  
and Members of the Legislature  
State Capitol Building  
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individual is being appointed to the Nebraska Oil and Gas Conservation Commission:

Tim Wistrom, 2981 W. Hwy 30, Kimball, NE 69145

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

June 7, 2012

Mr. President, Speaker Flood  
and Members of the Legislature  
State Capitol Building  
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individual is being appointed to the Motor Vehicle Industry Licensing Board:

Angela Quinn, 3405 North 143rd Circle, Omaha, NE 68164

Contingent upon your approval, the following individuals are being reappointed to the Motor Vehicle Industry Licensing Board:

Paul Gerber, 1605 North 136th St., Omaha, NE 68154

Jeff Scherer, 150 Beemer Road, Beemer, NE 68716

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

June 12, 2012

Mr. President, Speaker Flood  
and Members of the Legislature  
State Capitol Building  
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individual is being appointed to the Board of Parole:

Rex Richard, 2811 Fletcher Avenue, Apt. #28, Lincoln, NE 68504

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

June 14, 2012

Mr. President, Speaker Flood  
and Members of the Legislature  
State Capitol Building  
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individual is being appointed to the Coordinating Commission for Postsecondary Education:

Deborah Frison, 11515 Spaulding Street, Omaha, NE 68164

The aforementioned appointee is respectfully submitted for your

consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

June 22, 2012

Mr. President, Speaker Flood  
and Members of the Legislature  
State Capitol Building  
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individual is being appointed to the Nebraska Investment Council:

John Conley, 9300 Underwood Avenue, Suite 100, Omaha, NE 68114

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

July 16, 2012

Mr. President, Speaker Flood  
and Members of the Legislature  
State Capitol Building  
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individual is being appointed as a member of the Nebraska State Fair Board:

Chris Kircher, 15715 California Street, Omaha, NE 68118

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

July 16, 2012

Mr. President, Speaker Flood  
and Members of the Legislature  
State Capitol Building  
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individual is being appointed to the Board of Educational Lands and Funds:

James Vokal, Jr., 119 South 51st Street, Omaha, NE 68132

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

July 16, 2012

Mr. President, Speaker Flood  
and Members of the Legislature  
State Capitol Building  
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individual is being appointed as Director of the Department of Roads:

Randall Peters, 916 Fall Creek Road, Lincoln, NE 68510

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

July 16, 2012

Mr. President, Speaker Flood  
and Members of the Legislature  
State Capitol Building  
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individual is being appointed to the Nebraska Accountability and Disclosure Commission:

Sean Conway, 2308 North 50th Avenue, Omaha, NE 68104

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

July 25, 2012

Mr. President, Speaker Flood and  
Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individual is being reappointed to the Nebraska Ethanol Board:

Charles "Tod" Brodersen, 2405 West 11th Street, Hastings, NE 68901

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures



July 25, 2012

Mr. President, Speaker Flood and  
Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Commission for the Deaf and Hard of Hearing:

Eileen Dakan, 1501 11th Avenue, Kearney, NE 68845

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

July 25, 2012

Mr. President, Speaker Flood and  
Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Motor Vehicle Industry Licensing Board:

Ricky Pearson, 88230 568th Avenue, Hartington, NE 68739

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

July 25, 2012

Mr. President, Speaker Flood and

Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individual is being reappointed to the Crime Victim's Reparations Committee:

Derek Vaughn, 8328 Sheffield St., Omaha, NE 68122

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

August 6, 2012

Mr. President, Speaker Flood and  
Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individuals are being appointed to the Foster Care Advisory Committee:

Michelle Hynes, P.O. Box 733, Dakota City, NE 68731  
Sandra Kruback, 9524 S. Coyote Ln, North Platte, NE 69101  
Craig Timm, 3811 South 200 Circle, Omaha, NE 68130  
Elizabeth Neeley, 1525 North 1st St., Seward, NE 68434  
Sheree Keely, 5111 Dodge Street, Omaha, NE 68132

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

August 13, 2012

Mr. President, Speaker Flood and  
Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the State Board of Health:

Jeromy Warner, 3111 Lake Park Lane, Hastings, NE 68901

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

August 31, 2012

Mr. President, Speaker Flood  
and Members of the Legislature  
State Capitol Building  
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individuals are being appointed to the Nebraska Rural Health Advisory Commission:

Dr. Avery Sides, 724 N. 155th Ave., Omaha, NE 68154  
Dr. Brian Buhlke, 2510 18th Avenue, Central City, NE 68826

Contingent upon your approval, the following individuals are being reappointed to the Nebraska Rural Health Advisory Commission:

Dr. Mark Goodman, 706 Pierce Street, Omaha, NE 68108  
Dr. Rebecca Schroeder, 212 W. 9th Street, Curtis, NE 69025  
Dr. Michael Sitorius, 8115 Jackson St., Omaha, NE 68114  
Roger Wells, 1518 Jay Street, St. Paul, NE 68873

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

August 31, 2012

Mr. President, Speaker Flood  
and Members of the Legislature  
State Capitol Building  
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individual is being appointed as a member of the Board of Public Roads Classifications and Standards:

Mick Syslo, 6721 LaSalle St., Lincoln, NE 68516

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

September 12, 2012

Mr. President, Speaker Flood  
and Members of the Legislature  
State Capitol Building  
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individual is being appointed as a member of the Nebraska Tourism Commission:

Tony Moody, 16622 Capital Plaza, Apt. #3, Omaha, NE 68118

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Dave Heineman

Governor

Enclosures

September 12, 2012

Mr. President, Speaker Flood  
and Members of the Legislature  
State Capitol Building  
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individual is being appointed as a member of the Technical Advisory Committee for Statewide Assessment:

Frank Harwood, 404 Dowding Court, Bellevue, NE 68005

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

September 12, 2012

Mr. President, Speaker Flood  
and Members of the Legislature  
State Capitol Building  
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individuals are being appointed as members of the Nebraska Information Technology Commission:

Donna Hammack, 3817 Firethorn Court, Lincoln, NE 68520  
Brad Moline, 440 West 11th Street, Imperial, NE 69033

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,  
(Signed) Dave Heineman

Governor

Enclosures

September 14, 2012

Mr. President, Speaker Flood  
and Members of the Legislature  
State Capitol Building  
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individual is being  
reappointed as a member of the State Electrical Board:

John Hiller, 15573 Walnut Circle, Omaha, NE 68144

The aforementioned appointee is respectfully submitted for your  
consideration. Copies of the certificate and background information are  
included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

September 25, 2012

Mr. President, Speaker Flood  
and Members of the Legislature  
State Capitol Building  
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individual is being appointed  
as a member of the Nebraska Rural Health Advisory Commission:

Mary Kent, 71565 625th Avenue, Table Rock, NE 68447

The aforementioned appointee is respectfully submitted for your  
consideration. Copies of the certificate and background information are  
included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

September 25, 2012

Mr. President, Speaker Flood  
and Members of the Legislature  
State Capitol Building  
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individual is being appointed as a member of the State Personnel Board:

Wayne Boyd, 300 South Fork Place, South Sioux City, NE 68776

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

September 26, 2012

Mr. President, Speaker Flood  
and Members of the Legislature  
State Capitol Building  
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individuals are being reappointed to the Nebraska Game and Parks Commission:

Lynn Berggren, 514 Westridge Drive, Broken Bow, NE 68822  
Kent Forney, 5001 Totter Circle, Lincoln, NE 68516  
S. Michael "Mick" Jensen, P.O. Box 500, Blair, NE 68008

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

September 26, 2012

Mr. President, Speaker Flood  
and Members of the Legislature  
State Capitol Building  
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individual is being reappointed to the Nebraska Arts Council:

Stephanie Metz O'Keefe, 9838 Harney Parkway North, Omaha, NE 68114

Contingent upon your approval, the following individual is being appointed to the Nebraska Arts Council:

Kathryn LeBaron, 6130 The Knolls, Lincoln, NE 68512

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

September 26, 2012

Mr. President, Speaker Flood  
and Members of the Legislature  
State Capitol Building  
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individuals are being reappointed to the Nebraska Educational Telecommunications Commission:

Kim Dinsdale, 1919 West LaMar Ave., Grand Island, NE 68803  
Clay Smith, 2310 Woodsdale Blvd, Lincoln, NE 68502

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,  
(Signed) Dave Heineman



Governor

Enclosures

October 23, 2012

Mr. President, Speaker Flood and  
Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Nebraska Educational Telecommunications Commission:

Curt Frye, 1111 N Main Street, Wayne, NE 68787

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

October 23, 2012

Mr. President, Speaker Flood and  
Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Nebraska Arts Council:

Sherry McClymont, 1909 Wedgewood Drive, Holdrege, NE 68949

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

October 23, 2012

Mr. President, Speaker Flood and  
Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individual is being reappointed to the Nebraska State Fair Board:

Lowell Minert, P.O. Box 68, Dunning, NE 68833

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

October 26, 2012

Mr. President, Speaker Flood  
and Members of the Legislature  
State Capitol Building  
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individuals are being reappointed to the State Emergency Response Commission:

Steven Danon, 4804 South 160th St., Omaha, NE 68135  
Don Eisenhower, 803 4th Street, Fairbury, NE 68352

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

October 26, 2012

Mr. President, Speaker Flood and  
Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individual is being reappointed to the Board of Trustees of the Nebraska State Colleges:

Robert Engles, 1809 Courthouse Avenue, Auburn, NE 68305

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

November 5, 2012

Mr. President, Speaker Flood and  
Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Public Employees Retirement Board:

Rhonda Lahm, 20216 North Shore Drive, Eagle, NE 68347

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

November 9, 2012

Mr. President, Speaker Flood and

Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Nebraska Arts Council:

Patrick Drickey, 1510 Leavenworth, Omaha, NE 68102

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

December 3, 2012

Mr. President, Speaker Flood and  
Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individual is being reappointed to the Nebraska Power Review Board:

Stephen Lichter, 24434 Mason Street, Waterloo, NE 68069

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

December 12, 2012

Mr. President, Speaker Flood  
and Members of the Legislature  
State Capitol Building  
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individual is being reappointed to the Board of Emergency Medical Services:

Ann Fiala, 132 North Walnut Street, Ainsworth, NE 69210

Contingent upon your approval, the following individuals are being appointed to the Board of Emergency Medical Services:

Dr. John Bonta, 7831 Abigail Circle, Lincoln, NE 68516  
Karen Bowlin, 400 Road West 30, Ogallala, NE 69153  
Michael Miller, 18427 Cinnamon St., Omaha, NE 68135

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

December 21, 2012

Mr. President, Speaker Flood and  
Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Board of Trustees of the Nebraska State Colleges:

John Chaney, 1101 17th Street, Auburn, NE 68305

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

December 21, 2012

Mr. President, Speaker Flood and  
Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Crime Victim's Reparations Committee:

Michelle Schindler, 4630 Sugar Creek Court, Lincoln, NE 68516

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

December 21, 2012

Mr. President, Speaker Flood and  
Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individual is being reappointed to the Public Employees Retirement Board:

Elaine Stuhr, 208 Road 18, Bradshaw, NE 68319

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

## REPORTS

The reports listed below are reports that were filed with the Legislature in 2012 prior to the electronic reporting requirements required by LB782, which took effect July 19, 2012. Reports filed with the Legislature beginning July 19, 2012, can be found at:  
<http://www.nebraskalegislature.gov/agencies/view.php>

### **Auditor of Public Accounts**

Nebraska Public Employees Retirement Systems - School Employees, Judges, and State Patrol Retirement Plans - Pension Trust Funds of the State of Nebraska for the FY ended June 30, 2011

### **Economic Development, Department of**

2011 Annual Report

### **Education, Department of**

Truancy Task Force Report

### **Game and Parks Commission, Nebraska**

Game Law Investigation Cash Fund Twelfth Annual Report

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

ACCESSNebraska (LB374) Report (January - March 2012 Quarter)

Division of Children & Family Services 2011 Caseload Report

Foster Care Rate Reimbursement Committee Report

IV-E Demonstration Committee Report

### **Investment Finance Authority, Nebraska (NIFA)**

2009 Series A, B, C, D, E and F Community Development Loan Notes (City of Lincoln Program - 2009) as of March 31, 2012

Annual Report

Clean Water State Revolving Fund Bonds

Clean Water State Revolving Fund Revenue Bond Series 2011

Homeownership Revenue Bonds Series 2011 A

### **Legislative Fiscal Office**

Monthly Consensus Estimate of General Fund Receipts

### **Natural Resources, Department of**

Republican River Basin Water Sustainability Task Force Final Report

### **Retirement Systems, Public Employees**

County Employees' Retirement System Cash Balance Benefit Fund - Actuarial Valuation Results as of January 1, 2012 for State Fiscal Year Ending June 30, 2014

County Equal Retirement Benefit Fund - Actuarial Valuation Results as of January 1, 2012 for Fiscal Year Ending June 30, 2013

Investment Performance Review as of 12/31/2011

Retirement Plan Review, Review Period: January 1, 2011 to December 31, 2011

State Employees' Retirement System Cash Balance Benefit Fund - Actuarial Valuation Results as of January 1, 2012 for State Fiscal Year Ending June 30, 2014

State Equal Retirement Benefit Fund - Actuarial Valuation Results as of January 1, 2012 for State Fiscal Year Ending June 30, 2013

**Revenue, Nebraska Department of**

2011 Nebraska Tax Incentives Annual Report

**Roads, Department of**

Nebraska State Highway Commission Quarterly Report as of March 31, 2012

**2012 INTERIM REPORT  
ON THE DISPOSITION OF  
INTERIM STUDY RESOLUTIONS**

Agriculture

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
511	Examine incorporation of agricultural literacy into educational curricula		X	
507	Examine potential farm-to-school initiative			X
528	Examine issues associated with division of Knox County by the Brand Area		X	
559	Study potential structural models for commodity promotion programs		X	
557	Examine progress in developing a blender fuel pump infrastructure in Nebraska		X	
558	Examine other state laws regarding disruptions of agricultural operations			X
574	Examine emerging federal disease traceability rules governing interstate movements of livestock			X
575	Examine interests of Department of Agriculture in resolving incidents of livestock animal cruelty/neglect		X	
577	Examine needs and resources related to food insecurity			X

Appropriations

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
546	Impact of implementing the federal Patient Protection and Affordable Care Act	X		



550	Impact of the federal cuts due to the Budget Control Act of 2011		X	
549	Investment returns on the Nebraska Health Care Cash Fund and demands upon the current recipients of the funds over the next ten years	X		
493	Use of the Civic and Community Center Financing Fund	X		
488	State settlement funds			X
596	Enhancing the budgetary coordination between the Revenue Committee and Appropriations Committee			X
540	Examine the concept of a philanthropic entity investing in an area of state government			X

Banking, Commerce and Insurance

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
513	Health benefit policies		X	
476	Business entity statutes		X	
483	Uniform Commerce Code		X	
562	Banking and finance industry			X
563	Delay or denial of insurance		X	
498	Affordable Care Act		X	
547	Health benefits			X
592	Treatment for autism		X	
588	Tourism			X
544	Promote international trade			X
595	Direct investments			X
560	Holds on credit cards			X
462	Ancillary service contracts			X

Business and Labor

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
569	Examine implementation of utilization and treatment guidelines in cases before the Nebraska Workers' Compensation Court		X	

581	Analyze the effectiveness of vocational rehabilitation in workers' compensation cases in Nebraska		X	
601	Determine the workforce training opportunities that renewable energy projects can provide in Nebraska communities and how Nebraska can be more strategic and competitive in its job training approaches		X	

## Education

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
489	Interim study to examine early childhood education programs in Nebraska		X	
492	Interim study to examine the system of financing public education in Nebraska		X	
491	Interim study to examine the effectiveness of the current systems for seeking medicaid reimbursements from the federal government for physical therapy, occupational therapy, speech therapy, and administrative claims		X	
511*	Interim study to examine Nebraska's kindergarten through twelfth grade education standards and curricula to determine whether agriculture is incorporated as an essential component		X	
490	Interim study to examine funding for educational service units		X	
591	Interim study to examine the progress toward the development of a state longitudinal education data system		X	
500	Interim study to examine the purchasing policies and practices of school districts and educational service units		X	

597	Interim study to examine methods to enhance educational and employment opportunities involving science, technology, engineering, and mathematics in Nebraska			X
548	Interim study to examine the Nebraska state 529 educational savings plan and make recommendations on ways to increase plan participation			X
536	Interim study to examine methods used by schools in Nebraska to foster creativity, critical thinking, and innovation in their students			X
510	Interim study to provide that a select committee gather information and provide recommendations for an early childhood learning and development reform agenda			X
590	Interim study to review matters under the jurisdiction of the Education Committee			X

\*Referenced to the Agriculture and Education Committees

General Affairs

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
586	Interim study to examine issues under the jurisdiction of the General Affairs Committee		X	
594	Interim study to examine several policy issues regarding the definition of a flavored malt beverage		X	

Government, Military and Veterans Affairs

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
502	Interim study to examine the issues surrounding governmental transparency		X	

561	Interim study to examine the feasibility of a merger between the Department of Economic Development and the Department of Labor as proposed in LB971		X	
464	Interim study to examine the procurement procedures of governmental units with respect to contracts for publicly funded construction projects		X	
496	Interim study to examine the issues surrounding the adoption and promulgation of rules and regulations		X	
486	Interim study to examine the issues surrounding state procurement policies		X	
512	Interim study to examine issues under the jurisdiction of the Government, Military and Veterans Affairs Committee		X	
503	Interim study to examine issues surrounding project labor agreements		X	

#### Health and Human Services

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
529	Review and Assess entry of children into the child welfare system		X	
578	Assess State of NE compliance with federal Indian Child Welfare Act and NE Indian Child Welfare Act		X	
525	Examine NE system regarding reports of child abuse and neglect and NE rate of out-of-home care		X	
506	Examine issues on moratorium on long term beds under the NE Health Care Certificate of Need Act		X	
551	Assess effectiveness of ACCESS NE		X	
532	Assess mechanisms in school districts to detect health issues during construction		X	

465	Examine pulse oximetry procedure in testing for congenital heart disease in newborns		X	
555	Examine issues within NE Medicaid for Workers with disabilities		X	
517	Examine benefits of adult day services for NE seniors		X	
519	Examine wage subsidy programs		X	
537	Study gaps in services to youth who "age out" of NE foster care system		X	
533	Examine resources in schools to detect and treat mental illness in school-age children		X	
546	Examine implementation of ACA impact on state budget		X	
549	Study investment returns of NE Health Care Funding Act		X	
508	Review the implementation and sustainability of the NE Health Care Funding Act		X	
479	Examine laws regarding radon; and effect of radon gas on children			X
505	Safe injection practices			X
515	Study delivery of health services through Medicaid			X
521	Parent support payments for juveniles in DHHS custody			X
577	Research food insecurity			X

Judiciary

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
478	Interim study to examine the issue of discrimination based on sexual orientation and gender identity in Nebraska		X	
487	Interim study to examine issues surrounding restrictions on registered sex offender participation in state and federal holiday activities that are centered around children			X

516	Interim study to examine issues relating to the crime of destruction of property through the use of graffiti and to develop recommendations to prevent, combat, and abate graffiti in communities		X	
521	Interim study to evaluate whether the courts are utilizing the provision which provides that a court may order a parent to pay a reasonable sum to cover support, study, and treatment of a juvenile in the custody of the Dept. of Health and Human Services			X
525	Interim study to examine how Nebraska's system for screening, assessing, and investigating reports of child abuse and neglect contributes to Nebraska's rates of out-of-home care		X	
534	Interim study to determine whether services are available in Nebraska for victims of sex trafficking and labor trafficking			X
535	Interim study to examine the conditions, use, and effectiveness of Nebraska's youth rehabilitation and treatment centers		X	
538	Interim study to examine eminent domain authority and judicial approval and interpretation of the public interest determination			X
571	Interim study to review matters under the jurisdiction of the Judiciary Committee		X	
576	Interim study to conduct a review of the laws governing the powers of a court appointed representative of a deceased individual to take control of or terminate any accounts or message services that are considered digital assets			X
584	Interim study to examine the authority and execution of eminent domain and condemnation proceedings			X

585	Interim study to examine the structure, maintenance, and mission of the parole system and the Board of Parole			X
587	Interim study to determine if there is a need for and what kind of safeguards are needed to protect adults with developmental disabilities, who require a guardian or conservator, from being unduly influenced to make changes for the financial benefit of another person, rather than for the best interests of the adult			X
602	Interim study of the intent of LB919, and the current fees paid to sheriffs for performing their statutory responsibilities and increasing docket fees to cover the actual costs associated with using the court system			X

Natural Resources Committee

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
495	Interim study to examine the flood control needs of Omaha and the greater metropolitan area	X		
556	Interim study to examine the current ground water policy contained in Nebraska's statutes			X
504	Interim study to examine Nebraska's statutes and regulations on hydraulic fracturing, also known as fracking		X	
564	Interim study to examine the constitutionality of creating standing secondary surface water for interbasin transfers to mitigate flood damage which are inferior in right to any future surface water appropriations that may be issued in the basin of origin			X

480	Interim study to examine how Nebraska's public power utilities can partner with private energy efficiency companies to offer "On Bill Pay" a process in which a consumer contracts with an energy service company to audit, finance, and manage energy efficiency			X
539	Interim study to examine ways in which to manage water and provide benefits to landowners and other entities for their ability to store and manager water in recharge areas			X
545	Interim study to examine statutes and regulations that deal with the Nebraska Power Review Board's approval of major investments in electric utility power plants			X
580	Interim study to examine the potential for research, development, and deployment of liquid fluoride thorium reactors in the state of Nebraska			X
543	Interim study to examine the potential adoption of an energy efficiency resource standard in Nebraska			X
482	Interim study to examine the use of eminent domain by political subdivisions for the taking of private land for the use of development or management of recreational trails or corridors			X
509	Interim study to examine the feasibility of a hydroelectric dam in the Platte River near Interstate 80			X

## Nebraska Retirement Systems

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
452	Study Nebraska retirement systems		X	



518	Examine investment of state pension and college savings funds into economic development within Nebraska		X	
628	Study pensions for first class city firefighters		X	

## Revenue

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
481	Study funding sources for 21st Century Community Learning Centers		X	
514	Comprehensive study of tax sale laws		X	
520	Examine issues related to land banking		X	
541	Local sales tax refunds: Should § 77-27,144(2) be changed?		X	
542	Study creating a state infrastructure bank		X	
553	Promote restoring historic business districts		X	
565	Examine tax incentives for affordable housing		X	
566	Funding mechanism for cities' new projects for destination tourism		X	
567	Examine tax burdens and fiscal conditions in Nebraska communities		X	
568	Examine any aspect of state tax structure and tax policy		X	
573	Examine methods of analyzing impact of tax incentives		X	
579	Examine limitations on cities' bonded indebtedness		X	
589	Analyze the Nebraska Advantage Act		X	
593	Examine taxation of malt flavored alcoholic beverages		X	
596	Enhance budget coordination		X	
598	Examine methods to more equitably value ag land for tax purposes		X	
600	Examine the MEF formula and sources of funding for the MEF		X	

644	Study alternative sources of county revenue if the inheritance tax is repealed	X		
-----	--	---	--	--

Transportation and Telecommunications

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
608	Examine the issues surrounding the One Call Notification Act			X
494	Examine uninsured and unlicensed drivers and penalties			X
583	Examine the structure, authority, and mission of the PSC and its administration of transportation by passenger motor carriers			X
542	Examine issues surrounding the creation of state infrastructure bank			X
572	Review matters under the jurisdiction of the T&T Committee			X

Urban Affairs

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
501	Interim study to examine intergovernmental relations between municipal and state governments in Nebraska	X		
520	Interim study to examine issues relating to land banking		X	
552	Interim study to examine economic development in the more rural areas of the state, with a focus on cities of the first and second class and villages		X	
553	Interim study to examine strategies to promote the restoration and revitalization of historic business districts throughout Nebraska		X	
582	Interim study to conduct a comprehensive review of the laws governing powers of a city to enter into a redevelopment project for property within a radius of three miles of the boundaries of the city		X	

387	Interim study to analyze the feasibility, process, and profitability of selling Omaha's Metropolitan Utilities District from the public domain to a private utility			X
-----	---	--	--	---

### COMMUNICATION

Received a copy of House Concurrent Memorial 2007 from the state of Arizona relating to a balanced budget amendment to the United States Constitution.

### COMMUNICATION

Pursuant to 84-104.05 R.R.S. of Nebraska Governor Dave Heineman issued a proclamation declaring January 5, 2013, as George W. Norris Day.

### ATTORNEY GENERAL'S OPINION

#### Opinion 12009

**SUBJECT:** Protected Classes Under The State Civil Rights Statutes; Do Cities And Counties Have Statutory Authority To Create Protected Classes Not Listed In State Statute?

**REQUESTED BY:** Senator Beau McCoy  
Nebraska State Legislature

**WRITTEN BY:** Jon Bruning, Attorney General  
Dale A. Comer, Assistant Attorney General

You introduced LB 912 during the 2012 legislative session. Among other things, that bill would have prohibited political subdivisions, including municipalities, from adopting or enforcing any local laws or ordinances which created protected classifications beyond those contained in the state's civil rights statutes such as the Age Discrimination In Employment Act or the Fair Employment Practices Act. LB 912 did not progress out of committee.

In your opinion request correspondence, you indicate that you are now considering reintroducing LB 912. However, to determine if that step is necessary, you have asked us if, under current Nebraska law, "cities and counties have the authority to create protected classes not listed in state statute." For the reasons set out below, it is our opinion that while political subdivisions may pass ordinances or other laws on the same subject matter which are not inconsistent with the state's civil rights classifications,

political subdivisions are not authorized to expand protected classes beyond the scope of the civil rights provided for in state statute.

As a preliminary matter, it is worth noting that this issue has been considered previously by a Nebraska municipality. In the early 1980s, the people of Lincoln voted to reject a proposal to amend the City Charter to include protections for classes beyond those which are currently defined by state statute. At that time, Lincoln's City Attorney, William F. Austin, a highly respected lawyer whose public career includes nearly thirty years of service to Lincoln, issued an opinion to the City's leaders that the proper mechanism for making such a change would require a vote of the people to amend the City Charter. Following the issuance of that opinion, the question was properly submitted to the people of Lincoln and summarily rejected.

We are aware of no changes with regard to that aspect of municipal corporation law in the intervening years since Mr. Austin's opinion, and he recently reaffirmed his views in a letter published in the Lincoln Journal Star. Notwithstanding what Nebraska cities may or may not do with regard to the expansion of protected classes beyond that provided by statute, and even if one discounts the analysis that follows in this opinion, it remains the case that such an expansion at the city level must be pursuant to an amendment to a city's charter. Such an amendment indisputably requires a vote of the people. Lincoln's government recognized the soundness of Mr. Austin's opinion in 1982, and the foundation of that opinion remains fully applicable today.

Apart from home rule charter revisions, there are two Nebraska statutes which pertain to the authority of certain political subdivisions, including municipalities, to create and enforce legislation pertaining to civil rights – Neb. Rev. Stat. § 18-1724 (2007) and Neb. Rev. Stat. § 20-113 (2007). We will discuss each of those statutes in turn.

In *Midwest Employers Council, Inc. v. Omaha*, 177 Neb. 877, 131 N.W.2d 609 (1964), two Omaha corporations challenged Omaha Ordinance No. 22026, entitled "Fair Employment Practices," which would have prohibited "an employer of three or more persons . . . from discriminating on the basis of race, religious creed, color, national origin, or ancestry." *Id.* at 881, 131 N.W.2d at 612. In striking down the ordinance, the Court stated "the state by its Legislature has extensively entered the field of labor" and "it is obvious that the Department of Labor . . . is vested with the power and responsibility of enforcing employment regulations within the state." *Id.* at 886-87, 131 N.W.2d at 615. The Court held that ordinance No. 22026:

[Is] unconstitutional in its entirety for the reason that the state, through the Legislature, did not delegate to the city of Omaha the power to permit its city council to legislate on fair employment practices and civil rights by passing ordinance No. 22026; and for the further reason that the power relating to labor relations and practices, and civil rights, lies in the state, and such matters are of statewide concern and not of

local concern nor municipal government concern.

Id. at 888. 131 N.W.2d at 616. Clearly the Court was concerned with municipal corporations expanding upon existing state fair employment practices and exercising enforcement in an area in which the state had been vested with power and responsibility.

In an apparent response to the Court's ruling in *Midwest Employers*, the Legislature specifically gave municipal corporations the power to enact civil rights laws by ordinance in 1971. 1971 Neb. Laws LB 161 (codified as amended at Neb. Rev. Stat. § 18-1724 (2007)). Section 18-1724 addressed the situation in *Midwest Employers* by allowing municipal corporations to establish ordinances on the classifications specifically outlined in the bill, and provided for local control and enforcement. However, the power of municipalities under § 18-1724 is limited. That statute currently states:

Notwithstanding any other law or laws heretofore enacted, all cities and villages in this state shall have the power by ordinance to define, regulate, suppress, and prevent discrimination on the basis of race, color, creed, religion, ancestry, sex, marital status, national origin, familial status as defined in section 20-311, handicap as defined in section 20-313, age, or disability in employment, public accommodation, and housing and may provide for the enforcement of such ordinances by providing appropriate penalties for the violation thereof. It shall not be an unlawful employment practice to refuse employment based on a policy of not employing both husband and wife if such policy is equally applied to both sexes.

Neb. Rev. Stat. § 18-1724 (Reissue 2007) (Emphasis added). Thus, municipal corporations have the power, under § 18-1724, to define, regulate and enforce existing classifications as defined by statute.

Neb. Rev. Stat. § 20-113 (2007) also pertains to civil rights legislation by political subdivisions. Section 20-113 specifically states:

Any incorporated city may enact ordinances and any county may adopt resolutions which are substantially equivalent to the Age Discrimination in Employment Act, the Nebraska Fair Employment Practice Act, the Nebraska Fair Housing Act, and sections 20-126 to 20-143 and 48-1219 to 48-1227 or which are more comprehensive than such acts and sections in the protection of civil rights. No such ordinance or resolution shall place a duty or liability on any person, other than an employer, employment agency, or labor organization, for acts similar to those prohibited by section 48-1115. Such ordinance or resolution may include authority for a local agency to seek an award of damages or other equitable relief on behalf of the complainant by the filing of a petition in the district court in the county with appropriate jurisdiction. The local agency shall have within its authority jurisdiction substantially equivalent to or more comprehensive than the Equal

Opportunity Commission or other enforcement agencies provided under such acts and sections and shall have authority to order backpay and other equitable relief or to enforce such orders or relief in the district court with appropriate jurisdiction. Certified copies of such ordinances or resolutions shall be transmitted to the commission. When the commission determines that any such city or county has enacted an ordinance or adopted a resolution that is substantially equivalent to such acts and sections or is more comprehensive than such acts and sections in the protection of civil rights and has established a local agency to administer such ordinance or resolution, the commission may thereafter refer all complaints arising in such city or county to the appropriate local agency. All complaints arising within a city shall be referred to the appropriate agency in such city when both the city and the county in which the city is located have established agencies pursuant to this section. When the commission refers a complaint to a local agency, it shall take no further action on such complaint if the local agency proceeds promptly to handle such complaint pursuant to the local ordinance or resolution. If the commission determines that a local agency is not handling a complaint with reasonable promptness or that the protection of the rights of the parties or the interests of justice require such action, the commission may regain jurisdiction of the complaint and proceed to handle it in the same manner as other complaints which are not referred to local agencies. In cases of conflict between this section and section 20-332, for complaints subject to the Nebraska Fair Housing Act, section 20-332 shall control.

Any club which has been issued a license by the Nebraska Liquor Control Commission to sell, serve, or dispense alcoholic liquor shall have that license revoked if the club discriminates because of race, color, religion, sex, familial status as defined in section 20-311, handicap as defined in section 20-313, or national origin in the sale, serving, or dispensing of alcoholic liquor to any person who is a guest of a member of such club. The procedure for revocation shall be as prescribed in sections 53-134.04, 53-1,115, and 53-1,116.

Neb. Rev. Stat. § 20-113 (2007) (Emphasis added).

We have considered the parameters of § 20-113 previously in our Op. Att'y Gen. No. 160 (December 14, 1981). In that instance, Sen. Landis asked us whether "the state civil rights' enabling statutes [provide] sufficient legislative authority for a home rule charter city to enact anti-discrimination protections for classifications not specifically mentioned in state law." In response, we first concluded that a determination regarding the scope of the authority set out in § 20-113 required an "interpretation of the language 'more comprehensive than.'" *Id.* at 3. To assist in that interpretation, we considered the legislative history of two amendments to §20-113 contained in 1974 Neb. Laws LB 681, where the language at issue was added to the statute, and 1979 Neb. Laws LB 438, which added intent language to the statute. Ultimately, we opined that "although the 'more comprehensive than'

language could provide incorporated cities and counties with the authority to enact ordinances or resolutions protecting classifications of persons not specifically set out in the state anti-discrimination statutes, a contrary interpretation also is feasible." For that reason, we stated that "[i]n order to eliminate any doubts in this matter, one might wish to introduce clarifying legislation."

While we continue to believe, as we did in 1981, that the legislative history of § 20-113 does not provide an entirely clear answer to your question, it also seems to us that other aspects of the relevant statutes, which we did not discuss in 1981, indicate that the authority of political subdivisions to legislate in the area of civil rights is limited to the civil rights enumerated in state statute, absent changes in a home rule charter. However, before we turn to those additional considerations, we will discuss the portions of the legislative history of § 20-113 which support our conclusion that political subdivisions do not have statutory authority to enlarge the protected classes created by state statute.

The words "or which are more comprehensive than such acts and sections in the protection of civil rights," were added to § 20-113 in 1974 by LB 681. James Faimon, Assistant City Attorney for the City of Lincoln, who participated in the drafting of LB 681 and testified in support of the change, explained the purpose of the bill, in part, as an attempt to facilitate enforcement of civil rights provisions by cities:

The substantially equivalent language [in § 20-113] I think may, in some instances, create problems in reference to technical objections to passage of ordinances that may be otherwise legal, but because of the substantially equivalent requirement if the ordinance is not exactly the same language as the statute, there's always that possibly (sic) that enforcement of that ordinance could be delayed because of litigation to determine whether that ordinance is substantially equivalent to state statutes. So, I would like to change that, so we don't have that possibility arising.

Committee Records on LB 681, 83rd Neb. Leg., 2nd Sess. 11 (February 13, 1974)(Statement of James Faimon). In addition, the introducer of LB 681, Senator Hal Simpson, stated that LB 681 adds language to § 20-113 so "that the locals may, within these sections, be more comprehensive and then so would be able to enforce them at the local level." Committee Records on LB 681, 83rd Neb. Leg., 2nd Sess. 28 (February 13, 1974)(Statement of Senator Hal Simpson) (Emphasis added). Moreover, Senator Simpson asserted to the legislative committee that there was likely no opposition to the bill from the public because:

We're not adding something, that isn't already a fact of law. We're only asking where the enforcement is going to be.

Id. at 27.

Therefore, it appears to us that portions of the legislative history of LB 681 strongly indicate that the purpose of that amendment was not to allow political subdivisions to expand those existing civil rights classifications specifically enumerated in state statute, but only to provide for local enforcement as well as more comprehensive protections within existing state classifications. This is underscored by the fact that the second section of LB 681, relating to the Nebraska Liquor Control Commission, specifically delineates the classifications as they existed in § 18-1724.

Four years after the passage of LB 681, the right of political subdivisions to enforce civil rights protections was addressed again in *Omaha Human Relations Dep't on behalf of Guy v. City Wide Rock & Excavating Co.*, 201 Neb. 405, 268 N.W.2d 98 (1978). That proceeding involved a complaint filed by an employee of City Wide Rock that alleged discrimination because of race, a classification already covered in existing state statute. *Id.* at 406, 268 N.W.2d at 100. The Nebraska Supreme Court cited to *Midwest Employers*, and stated again that in the area of civil rights legislation, municipal corporations require statutory authority from the Legislature.

In 1979, in response to the decision in *City Wide Rock*, the Legislature restated its intent to provide for local enforcement of civil rights remedies as well as more comprehensive protections within existing state classifications by passing LB 438. 1979 Nebraska Laws LB 438. LB 438 amended § 20-113 to provide for additional procedures related to enforcement by municipal corporations. The introducer of LB 438, Senator Newell, indicated that the purpose of the bill was :

. . . to deal with the Supreme Court decision that said the Human Relations Department of the City of Omaha had no authority because it had not been given specific statutory authority by the State of Nebraska. This bill will give it specific statutory authority by the State of Nebraska and it will be able to continue to function.

Floor Debate on LB 438, 86th Neb. Leg., 1st Sess. 2374 (March 29, 1979) (Statement of Senator Dave Newell). The passage of LB 438 supports our conclusion regarding the meaning of the "more comprehensive than" language in § 20-113 because the bill expanded the enumerated sections of state law covered under § 20-113. If "more comprehensive than" in that statute was intended to allow political subdivisions to add new protected classifications for civil rights enforcement, then there was no need for the Legislature to amend new authority into § 20-113.

The passage of LB 438 in 1979 also supports our ultimate conclusion in this instance in another significant way which was not discussed in our previous opinion in 1981. LB 438 created Neb. Rev. Stat. § 20-113.01. That statute provides:

In order to declare the intent of the present Legislature and to effect the



original intent of sections 18-1724 and 20-113, the Legislature finds that civil rights are a local as well as state concern and the Legislature desires to provide for the local enforcement and enactment of civil rights legislation concurrent with the authority of the State of Nebraska.

(Emphasis added). In Nebraska, statutory language is to be given its plain and ordinary meaning in the absence of anything indicating to the contrary. *PSC Credit Services, Inc. v. Rich*, 251 Neb. 474, 558 N.W.2d 295 (1997). In that regard, the term "concurrent" has the following meaning:

Running together, having the same authority; acting in conjunction; agreeing in the same act or opinion; pursuit of the same course; contributing to the same event; contemporaneous.

BLACK'S LAW DICTIONARY 263 (5th ed. 1979). As a result, the precise language of § 20-113.01 indicates that the Legislature intended that political subdivisions in Nebraska, including municipalities, should enforce and enact civil rights legislation under §§ 18-1724 and 20-113 in conjunction with the State, and that those entities have the same authority under those statutes as the State. That language in § 20-113.01 requires us to conclude that the authority of political subdivisions to legislate in the area of civil rights is limited to the civil rights enumerated in state statute.

We would also point out that our conclusion regarding the authority of political subdivisions to enact civil rights legislation is supported by the fact that the Nebraska Fair Employment Practice Act, cited within § 20-113, explicitly does not include "homosexuality, bisexuality, transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender-identity disorders not resulting in physical impairments, [or] other sexual behavior disorders . . ." within the definition of disability. Neb. Rev. Stat. § 48-1102 (Reissue 2010). Further, the purpose of the Nebraska Fair Employment Practice Act is "to foster the employment of all employable persons in the state on the basis of merit regardless of their race, color, religion, sex, disability, or national origin . . ." Neb. Rev. Stat. § 48-1101 (Reissue 2010). A municipal corporation operating with "concurrent" authority to the State should not be allowed to create a new category of employer liability that the Legislature has specifically rejected.

It is also clear that should a political subdivision try to enforce an ordinance beyond the scope of its authority in such a way as to implicate the federal constitutional rights of those subject to enforcement, that action may expose public officers and the political subdivision to liability under 42 U.S.C. § 1983. In *Monroe v. Pape*, the Supreme Court held that a police officer was acting "under color of state law" even though his actions were in violation of state law. 365 U.S. 167 (1961). This was the first case in which the Supreme Court allowed liability to attach where a government official acted outside the scope of the authority granted to him by state law. Although the Court in *Monroe v. Pape* originally held that municipal corporations were excluded from such liability, the Court later reversed its

decision and determined in *Monell v. Department of Social Service*, that municipal corporations were within the ambit of § 1983. 436 U.S. 658 (1978). (Local governing bodies can be sued directly under § 1983 for monetary, declaratory, or injunctive relief where the action that is alleged to be unconstitutional implements or executes a policy statement, ordinance, regulation, or decision officially adopted and promulgated by that body's officers.) Therefore, any enforcement action by a political subdivision outside of the authority granted to it under state law which implicates federal constitutional rights could subject the subdivision and its officers to liability. Additionally, a plaintiff need only succeed on "any significant issue" in the § 1983 litigation and achieve "some of the benefit" sought in bringing the suit to be deemed a "prevailing party" under 42 U.S.C. § 1988 and be entitled to an award of attorney's fees. See *Texas State Teachers Assoc. v. Garland Indep. Sch. Dist.*, 489 U.S. 782, 791-92 (1989).

In conclusion, Nebraska law, like federal law, recognizes and protects certain classifications of people from discrimination. And, Nebraska's anti-discrimination provisions may be enforced by both the State and certain local political subdivisions. However, while the pertinent Nebraska statutes authorize local legislation on the same subject matter which is not inconsistent with the state's civil rights classifications, they do not authorize political subdivisions in Nebraska, including municipalities, to expand protected classifications beyond the scope of the civil rights classifications created in state statute.

Sincerely,  
 JON BRUNING  
 Attorney General

(Signed) Dale A. Comer  
 Assistant Attorney General

cc. Patrick J. O'Donnell  
 Clerk of the Nebraska Legislature

### **COMMITTEE ON COMMITTEES PRELIMINARY REPORT**

Senator McCoy offered the following Committee on Committees report:

#### Agriculture (8)

Rm. 2102 - Tuesday

Schilz (C), Bloomfield, Chambers, Hansen, Harr, B., Johnson, Lathrop, Wallman

#### Appropriations (9)

Rm. 1524 - Monday & Tuesday

Rm. 1003 - Wednesday, Thursday, & Friday

Mello (C), Bolz, Conrad, Harms, Kintner, Larson, Nelson, Nordquist, Wightman

Banking, Commerce and Insurance (8)

Rm. 1507 - Monday &amp; Tuesday

Gloor (C), Campbell, Carlson, Christensen, Crawford, Howard, Pirsch, Schumacher

Business and Labor (7)

Rm. 2102 - Monday

Lathrop (C), Ashford, Chambers, Hansen, Harr, B., McGill, Wallman

Education (8)

Rm. 1525 - Monday &amp; Tuesday

Sullivan (C), Avery, Cook, Davis, Haar, K., Kolowski, Scheer, Seiler

General Affairs (8)

Rm. 1510 - Monday

Karpisek (C), Bloomfield, Coash, Johnson, Krist, Lautenbaugh, Murante, Schilz

Government, Military and Veterans Affairs (8)

Rm. 1507 - Wednesday, Thursday, &amp; Friday

Avery (C), Bloomfield, Karpisek, Lautenbaugh, Murante, Price, Scheer, Wallman

Health and Human Services (7)

Rm. 1510 - Wednesday, Thursday, &amp; Friday

Campbell (C), Cook, Crawford, Gloor, Howard, Krist, Watermeier

Judiciary (8)

Rm. 1113 - Wednesday, Thursday, &amp; Friday

Ashford (C), Chambers, Christensen, Coash, Davis, Lathrop, McGill, Seiler

Natural Resources (8)

Rm. 1525 - Wednesday, Thursday, &amp; Friday

Carlson (C), Brasch, Dubas, Haar, K., Johnson, Kolowski, Schilz, Smith

Nebraska Retirement Systems (6)

Rm. 1525 - At call of Chair

Nordquist (C), Conrad, Davis, Karpisek, Kolowski, Mello

Revenue (8)

Rm. 1524 - Wednesday, Thursday, &amp; Friday

Hadley (C), Hansen, Harr, B., Janssen, McCoy, Pirsch, Schumacher, Sullivan

Transportation and Telecommunications (8)

Rm. 1113 - Monday &amp; Tuesday

Dubas (C), Brasch, Hadley, Janssen, McCoy, Price, Smith, Watermeier

Urban Affairs (7)

Rm. 1510 - Tuesday

McGill (C), Ashford, Coash, Karpisek, Krist, Lautenbaugh, Murante

Committee on Committees (13)

McCoy (C)

District 1:

Adams

Campbell

Coash (VC)

Conrad

District 2:

Ashford

Krist

Lathrop

Mello

District 3:

Carlson

Davis

Hadley

Sullivan

Enrollment and Review (1)

Murante (C)

Reference (9)

Wightman (C), Krist (VC), Adams, Avery, Campbell, Chambers, Christensen, Karpisek, Lathrop, Mello (nonvoting ex officio)

Rules (6)

Lautenbaugh (C), Brasch, Dubas, Lathrop, Schumacher, Adams (ex officio)

Executive Board of the Legislative Council (9)

Wightman (C), Krist (VC), Adams, Avery, Campbell, Chambers, Christensen, Karpisek, Lathrop, Mello (nonvoting ex officio)

**ANNOUNCEMENT**

The Committee on Committees elected Senator Coash as Vice Chairperson.

**BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 1.** Introduced by Executive Board: Wightman, 36, Chairperson.

A BILL FOR AN ACT relating to human trafficking; to amend section 28-830, Reissue Revised Statutes of Nebraska; to repeal reporting requirements that are no longer needed; to harmonize provisions; to repeal the original section; and to outright repeal section 28-832, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 2.** Introduced by Executive Board: Wightman, 36, Chairperson.

A BILL FOR AN ACT relating to appropriations; to repeal provisions that are obsolete; and to outright repeal sections 90-526, 90-531, 90-532, 90-533, and 90-534, Reissue Revised Statutes of Nebraska, and sections 90-501, 90-502, 90-503, 90-504, 90-506, 90-507, 90-508, 90-509, 90-510, 90-511, 90-512, 90-513, 90-514, 90-515, 90-516, 90-518, 90-519, and 90-520, Revised Statutes Cumulative Supplement, 2012.

**LEGISLATIVE BILL 3.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to real property; to change filing provisions relating to nonconsensual liens.

**LEGISLATIVE BILL 4.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to the Nebraska Health Care Cash Fund; to amend section 71-7611, Revised Statutes Cumulative Supplement, 2012; to change provisions governing transfers; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 5.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Cumulative Supplement, 2012; to exempt social security benefits and military retirement benefits from state income taxation; and to repeal the original section.

**LEGISLATIVE BILL 6.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to gambling; to amend sections 9-1,101, 9-831, 71-804, and 71-817, Reissue Revised Statutes of Nebraska; to create a commission and a program; to change provisions relating to a fund; to provide powers and duties as prescribed; to harmonize provisions; to eliminate a committee; to repeal the original sections; and to outright repeal section 71-816, Revised Statutes Cumulative Supplement, 2012.

**LEGISLATIVE BILL 7.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to the Engineers and Architects Regulation Act; to amend sections 81-3436, 81-3437, 81-3450, and 81-3454, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to signatures and seals; and to repeal the original sections.

**LEGISLATIVE BILL 8.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to children; to amend section 68-911, Reissue Revised Statutes of Nebraska, and sections 68-908 and 68-1202,

Revised Statutes Cumulative Supplement, 2012; to include children's day health services in assistance provided under the Medical Assistance Act and the social services program; to require rules and regulations; and to repeal the original sections.

**LEGISLATIVE BILL 9.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to schools; to amend sections 79-611 and 79-2120, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to free transportation for students in learning communities; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 10.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend sections 60-6,265 and 60-6,270, Reissue Revised Statutes of Nebraska, and sections 60-6,267 and 60-6,268, Revised Statutes Cumulative Supplement, 2012; to change and eliminate provisions relating to occupant protection systems; to repeal the original sections; and to outright repeal section 60-6,271, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 11.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to telecommunications; to amend section 86-435, Reissue Revised Statutes of Nebraska, and sections 86-457 and 86-903, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to surcharges for 911 service; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 12.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to civil procedure; to amend section 25-224, Reissue Revised Statutes of Nebraska; to change provisions relating to product liability actions; to eliminate obsolete provisions; and to repeal the original section.

**LEGISLATIVE BILL 13.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to real property; to amend sections 71-3501, 71-3507, 71-3508.03, and 71-3519, Reissue Revised Statutes of Nebraska, and section 71-3503, Revised Statutes Cumulative Supplement, 2012; to state findings; to define terms; to provide powers and duties; to require radon resistant construction as prescribed; to create a task force; to require radon mitigation statements for sales of residential real property as prescribed; to provide for a cause of action; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 14.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 49-801.01, 77-2715.07, 77-2717, and 77-2734.03, Revised Statutes Cumulative Supplement, 2012; to adopt the Elementary and Secondary Educational Opportunity Act; to harmonize provisions; to provide an operative date; to provide severability; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 15.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to the Pesticide Act; to amend sections 2-2624, 2-2645, 2-2648, 2-2650, 2-2652, 2-2655, and 2-2658, Reissue Revised Statutes of Nebraska; to change provisions relating to aerial pesticide spraying; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 16.** Introduced by Christensen, 44.

A BILL FOR AN ACT relating to the Game and Parks Commission; to amend section 90-278, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to transfer of certain property as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 17.** Introduced by Nordquist, 7; Ashford, 20; Bolz, 29; Cook, 13; Crawford, 45; Lathrop, 12; McGill, 26; Mello, 5.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Cumulative Supplement, 2012; to exempt social security benefits from state income taxation as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 18.** Introduced by Nordquist, 7; Lathrop, 12.

A BILL FOR AN ACT relating to state government; to amend section 84-1604, Reissue Revised Statutes of Nebraska; to prohibit members of the Legislature and certain constitutional offices from participating in the Nebraska State Insurance Program; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 19.** Introduced by Nordquist, 7.

A BILL FOR AN ACT relating to the Conveyance Safety Act; to amend sections 48-2501, 48-2502, 48-2503, 48-2504, 48-2506, 48-2507, 48-2508, 48-2511, 48-2512, 48-2512.01, 48-2514, 48-2516, 48-2518, 48-2520, 48-2521, 48-2522, 48-2525, 48-2526, 48-2527, 48-2528, 48-2529, 48-2530, and 81-405, Reissue Revised Statutes of Nebraska; to change administration of the act from the Commissioner of Labor to the State Fire Marshal; to rename a committee; to create a fund; to eliminate obsolete provisions; to

harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal section 48-2509, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 20.** Introduced by Nordquist, 7; Gloor, 35.

A BILL FOR AN ACT relating to appropriations; to state intent relating to the rural health provider incentive program.

**LEGISLATIVE BILL 21.** Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to eliminate a sunset provision; to provide an operative date; and to outright repeal section 48-1,111, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 22.** Introduced by Hadley, 37.

A BILL FOR AN ACT relating to child custody; to amend section 43-2921, Reissue Revised Statutes of Nebraska, and section 43-2929, Revised Statutes Cumulative Supplement, 2012; to change provisions of the Parenting Act relating to findings and parenting plans; and to repeal the original sections.

**LEGISLATIVE BILL 23.** Introduced by Hadley, 37.

A BILL FOR AN ACT relating to the ICF/MR Reimbursement Protection Act; to amend section 68-1802, Reissue Revised Statutes of Nebraska, and section 68-1804, Revised Statutes Cumulative Supplement, 2012; to redefine a term; to change allocations of the ICF/MR Reimbursement Protection Fund; to delete obsolete provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 24.** Introduced by Hadley, 37.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 49-801.01, Revised Statutes Cumulative Supplement, 2012; to update references to the Internal Revenue Code; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 25.** Introduced by Hadley, 37.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 18-2604, 77-4014, and 86-527, Reissue Revised Statutes of Nebraska, and sections 77-2602 and 77-2602.03, Revised Statutes Cumulative Supplement, 2012; to change the manner and timing for reporting and paying the cigarette tax and the tobacco products tax; to eliminate obsolete provisions; to harmonize provisions; to provide an operative date; and to repeal the original sections.



**LEGISLATIVE BILL 26.** Introduced by Hadley, 37.

A BILL FOR AN ACT relating to cigarette tax; to amend section 77-2608, Revised Statutes Cumulative Supplement, 2012; to change the commission allowed to stamping agents; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 27.** Introduced by Hadley, 37.

A BILL FOR AN ACT relating to the Public Accountancy Act; to amend section 1-136.02, Reissue Revised Statutes of Nebraska; to change experience requirements; and to repeal the original section.

**LEGISLATIVE BILL 28.** Introduced by Hadley, 37.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1233.04, Reissue Revised Statutes of Nebraska; to change provisions relating to personal property tax returns; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 29.** Introduced by Hadley, 37.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1616 and 77-1710, Reissue Revised Statutes of Nebraska; to provide a duty for county treasurers relating to recording tax assessments and collections; to eliminate provisions relating to tax lists and a controlling account; to harmonize provisions; to repeal the original sections; and to outright repeal section 77-1615, Revised Statutes Cumulative Supplement, 2012.

**LEGISLATIVE BILL 30.** Introduced by Hadley, 37.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-155 and 60-156, Reissue Revised Statutes of Nebraska; to change the distribution of fees; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 31.** Introduced by Hadley, 37.

A BILL FOR AN ACT relating to handicapped parking; to amend sections 60-3,113.02 and 60-3,113.05, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to permits for temporarily handicapped or disabled persons; and to repeal the original sections.

**LEGISLATIVE BILL 32.** Introduced by Hadley, 37.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-3,130.04, Reissue Revised Statutes of Nebraska; to change provisions relating to historical vehicle license plates; and to repeal the original section.

**LEGISLATIVE BILL 33.** Introduced by Hadley, 37.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 32-1610, 77-3904, 77-3905, and 77-4022, Reissue Revised Statutes of Nebraska, and section 77-3906, Revised Statutes Cumulative Supplement, 2012; to provide for agreements relating to collections; to provide for a penalty for delinquent taxes; to eliminate a provision relating to campaign fund contributions; to harmonize provisions; to repeal the original sections; and to outright repeal section 77-27,119.04, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 34.** Introduced by Hadley, 37.

A BILL FOR AN ACT relating to the Nebraska Advantage Act; to amend sections 77-5707.01, 77-5709, 77-5712, 77-5720, and 77-5728, Reissue Revised Statutes of Nebraska, and sections 77-5719, 77-5723, 77-5726, 77-5731, and 77-5735, Revised Statutes Cumulative Supplement, 2012; to redefine terms; to change provisions relating to applications, credits, and transfers of incentives; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 35.** Introduced by Hadley, 37.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-3,113.04, 60-3,193.01, 60-462.01, 60-479.01, 60-4,147.02, 75-363, 75-364, 75-366, and 75-393, Revised Statutes Cumulative Supplement, 2012; to adopt and update references to certain federal provisions relating to handicapped or disabled parking permits, persons handling source documents, the International Registration Plan, operators' licenses; hazardous materials, motor carrier regulations and their enforcement, and the unified carrier registration plan; and to repeal the original sections.

**LEGISLATIVE BILL 36.** Introduced by Wightman, 36.

A BILL FOR AN ACT relating to the documentary stamp tax; to amend section 76-902, Revised Statutes Cumulative Supplement, 2012; to change an exemption relating to death certificates; and to repeal the original section.

**LEGISLATIVE BILL 37.** Introduced by Wightman, 36.

A BILL FOR AN ACT relating to decedents' estates; to amend section 30-2476, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to powers of personal representatives with respect to a decedent's Internet sites; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 38.** Introduced by Wightman, 36.

A BILL FOR AN ACT relating to the Nebraska Uniform Trust Code; to amend sections 30-3823 and 30-3855, Reissue Revised Statutes of Nebraska; to change provisions relating to testamentary powers and other powers, rights, and duties; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 39.** Introduced by Harms, 48.

A BILL FOR AN ACT relating to the Legislature; to amend sections 50-1202, 50-1203, 50-1204, 50-1208, 50-1209, 50-1213, and 50-1214, Reissue Revised Statutes of Nebraska, and sections 43-4302, 50-1205, 50-1210, 50-1211, 77-2711, and 77-27,119, Revised Statutes Cumulative Supplement, 2012; to eliminate and replace references to the Legislative Performance Audit Section; and to repeal the original sections.

**LEGISLATIVE BILL 40.** Introduced by Harms, 48.

A BILL FOR AN ACT relating to auditing standards; to amend sections 50-1204 and 50-1205.01, Reissue Revised Statutes of Nebraska, and section 84-304, Revised Statutes Cumulative Supplement, 2012; to change references to auditing standards; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 41.** Introduced by Cook, 13.

A BILL FOR AN ACT relating to elections; to amend sections 32-910, 32-916, 32-938, 32-943, 32-949, 32-950, 32-951, and 32-1027, Reissue Revised Statutes of Nebraska, and sections 32-101, 32-808, 32-941, 32-942, and 32-1002, Revised Statutes Cumulative Supplement, 2012; to provide for a permanent early voting request list; to provide powers and duties; to change provisions relating to early voting; to permit return of ballots for early voting to polling places as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 42.** Introduced by Cook, 13.

A BILL FOR AN ACT relating to the Nursing Home Administrator Practice Act; to amend sections 38-2401, 38-2418, 38-2419, and 38-2420, Reissue Revised Statutes of Nebraska; to provide and eliminate requirements for a credential as an administrator of a facility for persons with head injuries and associated disorders; to provide requirements for such facilities; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 43.** Introduced by Cook, 13.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-202, Revised Statutes Cumulative Supplement, 2012; to change

provisions relating to a property tax exemption; and to repeal the original section.

**LEGISLATIVE BILL 44.** Introduced by Ashford, 20.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Cumulative Supplement, 2012; to change penalty provisions with respect to Class IA felonies committed by persons under the age of eighteen years; and to repeal the original section.

**LEGISLATIVE BILL 45.** Introduced by Ashford, 20.

A BILL FOR AN ACT relating to courts; to amend sections 24-1101 and 24-1102, Reissue Revised Statutes of Nebraska; to change Court of Appeals judges eligibility requirements; to eliminate obsolete provisions; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 46.** Introduced by Ashford, 20.

A BILL FOR AN ACT relating to crime laboratories; to provide for consolidation and coordination of services in certain counties.

**LEGISLATIVE BILL 47.** Introduced by Ashford, 20; McGill, 26.

A BILL FOR AN ACT relating to education; to amend section 85-932.01, Reissue Revised Statutes of Nebraska, and sections 79-777 and 85-1540, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to career academies; to create a fund; to provide for and change provisions relating to grants as prescribed; to redefine a term; and to repeal the original sections.

**LEGISLATIVE BILL 48.** Introduced by Ashford, 20.

A BILL FOR AN ACT relating to housing agencies; to amend sections 71-1594, 71-1598, 71-15,101, 71-15,102, 71-15,103, and 71-15,140, Reissue Revised Statutes of Nebraska; to change provisions relating to the board of commissioners and disposal of personal property; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 49.** Introduced by Ashford, 20.

A BILL FOR AN ACT relating to housing agencies; to amend sections 71-1576, 71-1577, 71-1581, 71-1582, and 71-1586, Reissue Revised Statutes of Nebraska; to change provisions relating to housing agencies; to require establishment of regional housing agencies as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 50.** Introduced by Ashford, 20.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Cumulative Supplement, 2012; to prohibit unreasonable placement of a firearm where a minor may unlawfully possess it; to provide for civil liability; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 51.** Introduced by Ashford, 20.

A BILL FOR AN ACT relating to courts; to amend sections 24-107, 24-209, 24-212, 85-176, and 85-177, Reissue Revised Statutes of Nebraska; to change provisions relating to format and distribution of court opinions; and to repeal the original sections.

**LEGISLATIVE BILL 52.** Introduced by Christensen, 44.

A BILL FOR AN ACT relating to the Nebraska Treatment and Corrections Act; to amend section 83-183, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to the employment of persons committed to the Department of Correctional Services; and to repeal the original section.

**LEGISLATIVE BILL 53.** Introduced by Hadley, 37.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2707, Reissue Revised Statutes of Nebraska; to change provisions relating to sales and use tax with respect to the sale of a business or stock of goods; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 54.** Introduced by Wightman, 36.

A BILL FOR AN ACT relating to the Uniform Credentialing Act; to amend sections 38-105 and 38-124, Reissue Revised Statutes of Nebraska, and section 38-101, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to display of credentials and advertisement; to provide for disciplinary action; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 55.** Introduced by Wightman, 36; Bloomfield, 17; Janssen, 15; Schilz, 47.

A BILL FOR AN ACT relating to county assessment duties; to amend section 77-1340.04, Reissue Revised Statutes of Nebraska; to change a provision relating to assumption of contractual requirements; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 56.** Introduced by Larson, 40.

A BILL FOR AN ACT relating to county officers; to amend section 32-815, Reissue Revised Statutes of Nebraska, and section 32-811, Revised Statutes Cumulative Supplement, 2012; to provide for automatic nomination of certain county officers; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 57.** Introduced by Larson, 40.

A BILL FOR AN ACT relating to the Nebraska Environmental Trust Act; to amend section 81-15,175, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to allocations; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 58.** Introduced by Larson, 40.

A BILL FOR AN ACT relating to labor and employment; to adopt the Workplace Privacy Act.

**LEGISLATIVE BILL 59.** Introduced by Larson, 40; Carlson, 38.

A BILL FOR AN ACT relating to insurance; to amend section 44-361.01, Reissue Revised Statutes of Nebraska; to change provisions relating to presumptions regarding the circumvention of rebates by a licensed agent; and to repeal the original section.

**LEGISLATIVE BILL 60.** Introduced by Larson, 40; Carlson, 38; Schilz, 47.

A BILL FOR AN ACT relating to livestock; to amend section 54-1,109, Reissue Revised Statutes of Nebraska; to exclude Knox County from the brand inspection area; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 61.** Introduced by Murante, 49.

A BILL FOR AN ACT relating to finance; to amend sections 87-803 and 87-804, Reissue Revised Statutes of Nebraska; to change provisions relating to the Financial Data Protection and Consumer Notification of Data Security Breach Act of 2006; to provide powers to and duties for the Attorney General; and to repeal the original sections.

**LEGISLATIVE BILL 62.** Introduced by Schilz, 47.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 13-2809, 35-508, 35-509, 35-514.02, 35-517, 77-3443, and 77-3444, Reissue Revised Statutes of Nebraska, and section 77-3442, Revised Statutes Cumulative Supplement, 2012; to change levy provisions for rural

and suburban fire protection districts; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 63.** Introduced by Schilz, 47.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-27,132, Revised Statutes Cumulative Supplement, 2012; to change the distribution of sales and use tax revenue; and to repeal the original section.

**LEGISLATIVE BILL 64.** Introduced by Schilz, 47.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-27,144, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to deductions of refunds from municipal sales and use tax receipts; and to repeal the original section.

**LEGISLATIVE BILL 65.** Introduced by Schilz, 47.

A BILL FOR AN ACT relating to sheriff's fees and commissions; to amend section 33-117, Revised Statutes Cumulative Supplement, 2012; to authorize counties to set such fees and commissions; and to repeal the original section.

**LEGISLATIVE BILL 66.** Introduced by Schilz, 47.

A BILL FOR AN ACT relating to cities of the first class; to amend sections 16-117, 16-120, and 16-130, Reissue Revised Statutes of Nebraska; to authorize annexation of certain noncontiguous property as prescribed; to change provisions relating to the extension of city services; and to repeal the original sections.

**LEGISLATIVE BILL 67.** Introduced by Schilz, 47.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-3965, 2-3966, 2-3971, 2-3975, 2-3976, 2-3977, 2-3981, 2-3982, 2-3986, 2-3988, and 2-3989, Reissue Revised Statutes of Nebraska; to update and change provisions of the Nebraska Milk Act; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 68.** Introduced by Schilz, 47.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-1072, 2-1074, 2-1083, 2-1091, 2-1091.01, 2-1095, 2-10,102, 2-10,103, 2-10,103.01, 2-10,103.02, 2-10,103.04, 2-10,104, 2-10,105, 2-10,106, and 2-10,115, Reissue Revised Statutes of Nebraska; to change and eliminate provisions of the Plant Protection and Plant Pest Act; to harmonize provisions; to repeal the original sections; and to outright repeal sections 2-1075.01, 2-1077, 2-1080, 2-1092, 2-1093, 2-1094, 2-1096, 2-1097, 2-1098, 2-1099, 2-10,100, 2-10,100.01, 2-10,100.02, 2-10,101, and

2-10,116.01, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 69.** Introduced by Schilz, 47.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-2624, 2-2626, 2-2629, 2-2634, 2-2635, 2-2636, 2-2638, 2-2639, 2-2641, 2-2642, 2-2646, 2-2646.01, and 2-2656, Reissue Revised Statutes of Nebraska; to change provisions relating to the Pesticide Act; to provide an operative date; and to repeal the original sections.

### ANNOUNCEMENTS

The Chair announced January 9 was Senator Bloomfield's birthday.

The Chair announced that today is Senator Crawford's birthday.

### BILLS ON FIRST READING

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

**LEGISLATIVE BILL 70.** Introduced by Schilz, 47.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-3951, 2-3951.01, 2-3951.02, 2-3951.03, and 2-3951.04, Reissue Revised Statutes of Nebraska; to change provisions relating to membership of the Nebraska Dairy Industry Development Board; and to repeal the original sections.

**LEGISLATIVE BILL 71.** Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to insurance; to require coverage for cochlear implants as prescribed.

**LEGISLATIVE BILL 72.** Introduced by McCoy, 39.

A BILL FOR AN ACT relating to the Nebraska Real Estate License Act; to amend section 81-885.21, Revised Statutes Cumulative Supplement, 2012; to change the sunset date for allowing interest-bearing trust accounts; and to repeal the original section.

**LEGISLATIVE BILL 73.** Introduced by McCoy, 39.

A BILL FOR AN ACT relating to horseracing; to amend section 2-1228, Reissue Revised Statutes of Nebraska; to change provisions relating to interstate simulcast facility licenses; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 74.** Introduced by Janssen, 15.

A BILL FOR AN ACT relating to revenue and taxation; to amend section



77-2716, Revised Statutes Cumulative Supplement, 2012; to exempt social security benefits from state income taxation; and to repeal the original section.

**LEGISLATIVE BILL 75.** Introduced by Janssen, 15.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Cumulative Supplement, 2012; to exclude military retirement benefits from state income taxation; and to repeal the original section.

**LEGISLATIVE BILL 76.** Introduced by Nordquist, 7; Campbell, 25.

A BILL FOR AN ACT relating to health care; to adopt the Health Care Transparency Act; to create an advisory committee; and to declare an emergency.

**LEGISLATIVE BILL 77.** Introduced by Avery, 28.

A BILL FOR AN ACT relating to state investments; to adopt the Nebraska Iran Divestment Act.

**LEGISLATIVE BILL 78.** Introduced by Avery, 28.

A BILL FOR AN ACT relating to government; to amend sections 2-945.01, 2-958.02, 54-1158, 54-1161, 54-1162, 54-1163, 54-1165, 54-1168, 54-1169, 54-1170, 54-1172, 81-1361, 81-1368, 81-3607, and 81-3609, Reissue Revised Statutes of Nebraska, and section 85-1643, Revised Statutes Cumulative Supplement, 2012; to eliminate the Riparian Vegetation Management Task Force, the Nebraska State Airline Authority, the Livestock Auction Market Board, the Athletic Advisory Committee, the Affirmative Action Committee, the Rural Development Commission, and the advisory council for the Private Postsecondary Career School Act; to change and provide powers and duties; to harmonize provisions; to repeal the original sections; and to outright repeal sections 2-967, 2-968, 3-801, 3-802, 3-803, 3-804, 3-805, 54-1160, 81-1363, 81-1364, 81-1365, 81-1366, 81-3601, 81-3603, 81-3604, and 85-1607, Reissue Revised Statutes of Nebraska and sections 81-8,139.01, 81-3602, and 81-3605, Revised Statutes Cumulative Supplement, 2012.

**LEGISLATIVE BILL 79.** Introduced by Avery, 28.

A BILL FOR AN ACT relating to political accountability and disclosure; to amend sections 28-915.01, 49-1413, 49-1415, 49-1433.01, 49-1445, 49-1446, 49-1446.04, 49-1447, 49-1455, 49-1456, 49-1457, 49-1458, 49-1459, 49-1461.01, 49-1463, 49-1463.01, 49-1464, 49-1467, 49-1469, 49-1469.05, 49-1469.06, 49-1469.07, 49-1469.08, 49-1477, 49-1478.01, 49-1479.02, 49-1488.01, 49-14,122, 49-14,123, 49-14,124, 49-14,124.01, 49-14,124.02, 49-14,125, 49-14,129, 49-14,132, 49-14,133, and 49-14,141,

Reissue Revised Statutes of Nebraska, and sections 49-14,126 and 49-14,140, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to filing campaign statements and reports; to repeal the Campaign Finance Limitation Act; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal sections 32-1601, 32-1602, 32-1603, 32-1604, 32-1604.01, 32-1605, 32-1606, 32-1606.01, 32-1607, 32-1608.01, 32-1608.02, 32-1608.03, 32-1609, 32-1610, 32-1611, 32-1612, 32-1613, and 77-27,119.04, Reissue Revised Statutes of Nebraska, and section 32-1608, Revised Statutes Cumulative Supplement, 2012; and to declare an emergency.

**LEGISLATIVE BILL 80.** Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 44-6408, 60-310, 60-346, 60-509, 60-534, and 60-549, Reissue Revised Statutes of Nebraska, and section 60-501, Revised Statutes Cumulative Supplement, 2012; to change liability insurance and financial responsibility requirements; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 81.** Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Cumulative Supplement, 2012; to provide for deduction of dividend payments from corporate income; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 82.** Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 39-2703, Revised Statutes Supplement, 2012; to adopt the Taxpayer Investment Program; to harmonize provisions; to provide severability; and to repeal the original section.

**LEGISLATIVE BILL 83.** Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,161, Reissue Revised Statutes of Nebraska; to change provisions relating to turn signals; and to repeal the original section.

**LEGISLATIVE BILL 84.** Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,356, Reissue Revised Statutes of Nebraska; to change provisions relating to the operation of utility-type vehicles; and to repeal the original section.

**LEGISLATIVE BILL 85.** Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,123, Reissue Revised Statutes of Nebraska; to authorize vehicular traffic weighing less than one thousand pounds to proceed through a traffic light after stopping as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 86.** Introduced by McGill, 26.

A BILL FOR AN ACT relating to juvenile confinement; to amend sections 83-4,124, 83-4,125, and 83-4,132, Reissue Revised Statutes of Nebraska, and sections 43-2,108.05, 71-2453, 83-4,126, 83-4,131, and 83-4,133, Revised Statutes Cumulative Supplement, 2012; to authorize inspection and regulation of staff secure juvenile facilities by the board as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 87.** Introduced by McGill, 26.

A BILL FOR AN ACT relating to the Cities Airport Authorities Act; to amend section 3-502, Reissue Revised Statutes of Nebraska; to change provisions for filling vacancies on the board; and to repeal the original section.

**LEGISLATIVE BILL 88.** Introduced by McGill, 26.

A BILL FOR AN ACT relating to cities of the primary class; to amend section 15-905, Reissue Revised Statutes of Nebraska; to remove a zoning exception related to farmsteads; and to repeal the original section.

**LEGISLATIVE BILL 89.** Introduced by K. Haar, 21.

A BILL FOR AN ACT relating to weather emergencies; to amend section 81-829.66, Reissue Revised Statutes of Nebraska; to provide immunity from liability for providing shelter as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 90.** Introduced by K. Haar, 21.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701.16, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to sales and use taxes on the furnishing of electricity service; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 91.** Introduced by K. Haar, 21.

A BILL FOR AN ACT relating to geologists; to amend sections 81-3520, 81-3527, 81-3529, 81-3531, 81-3537, 81-3539, and 81-3540, Reissue Revised Statutes of Nebraska; to change provisions relating to membership on the Board of Geologists, requirements for seals, distribution of civil

penalties, eligibility for geology examinations, and licensure; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 92.** Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to insurance; to prohibit the use of credit information and discriminatory practices as prescribed; to define terms; to eliminate the Model Act Regarding Use of Credit Information in Personal Insurance; to provide an operative date; and to outright repeal sections 44-7701, 44-7702, 44-7703, 44-7704, 44-7705, 44-7706, 44-7707, 44-7708, 44-7709, 44-7710, 44-7711, and 44-7712, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 93.** Introduced by Dubas, 34.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend sections 60-462, 60-479, 60-484, and 60-4,117, Revised Statutes Cumulative Supplement, 2012; to provide for the notation of a person's status as a veteran on operators' licenses and state identification cards; to change application provisions; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 94.** Introduced by Dubas, 34.

A BILL FOR AN ACT relating to hunting permits; to amend section 37-447, 37-450, and 37-455, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to eligibility for certain permits; to provide powers for the Game and Parks Commission; and to repeal the original sections.

**LEGISLATIVE BILL 95.** Introduced by Dubas, 34.

A BILL FOR AN ACT relating to labor and employment; to adopt the Employee Credit Privacy Act.

**LEGISLATIVE BILL 96.** Introduced by Dubas, 34; Bloomfield, 17; Brasch, 16; Carlson, 38; Christensen, 44; Karpisek, 32; Larson, 40; Lathrop, 12; Schilz, 47; Seiler, 33; Wallman, 30.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2708.01, Reissue Revised Statutes of Nebraska, and sections 77-2701 and 77-2701.04, Revised Statutes Cumulative Supplement, 2012; to exempt repair or replacement parts for commercial agricultural machinery and equipment from sales and use tax; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 97.** Introduced by Mello, 5; Ashford, 20; McGill, 26; Nordquist, 7.

A BILL FOR AN ACT relating to land banks; to amend sections 77-1759, 77-1807, 77-1809, 77-1810, 77-3211, and 77-3213, Reissue Revised Statutes of Nebraska, and sections 77-1736.06, 77-1915, and 77-1916, Revised Statutes Cumulative Supplement, 2012; to adopt the Nebraska Municipal Land Bank Act; to change provisions relating to property tax refunds, payment of taxes, and collection of delinquent real property taxes; to provide for transfers of real property from land reutilization authorities; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 98.** Introduced by Mello, 5; Nordquist, 7.

A BILL FOR AN ACT relating to administrative rules; to amend sections 84-908 and 84-911, Reissue Revised Statutes of Nebraska, and section 81-8,245, Revised Statutes Cumulative Supplement, 2012; to provide duties for the Public Counsel; to prohibit application of administrative rules as prescribed; to provide for award of attorney's fees and court costs as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 99.** Introduced by Mello, 5.

A BILL FOR AN ACT relating to civil rights; to amend section 20-504, Reissue Revised Statutes of Nebraska; to change provisions relating to racial profiling information reviews performed by the Nebraska Commission on Law Enforcement and Criminal Justice; and to repeal the original section.

**LEGISLATIVE BILL 100.** Introduced by Watermeier, 1.

A BILL FOR AN ACT relating to banks and banking; to amend section 8-157.01, Reissue Revised Statutes of Nebraska; to eliminate a notice requirement with respect to automatic teller machines; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 101.** Introduced by Watermeier, 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, 2012; 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 102.** Introduced by Watermeier, 1.

A BILL FOR AN ACT relating to water law; to amend sections 46-297 and 46-637, Reissue Revised Statutes of Nebraska; to remove the social security number requirement from certain water applications; and to repeal the original sections.

**LEGISLATIVE BILL 103.** Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to courts; to amend section 24-734, Reissue Revised Statutes of Nebraska, and section 43-278, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to judges' powers at chambers; to provide for oral examination of incarcerated persons as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 104.** Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to the Nebraska Advantage Act; to amend section 77-5708, Reissue Revised Statutes of Nebraska, and sections 77-5715, 77-5723, 77-5725, and 77-5727, Revised Statutes Cumulative Supplement, 2012; to provide tax incentives for renewable energy projects as prescribed; to define and redefine terms; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 105.** Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to the Child Care Licensing Act; to amend section 71-1908, Reissue Revised Statutes of Nebraska; to require liability insurance as prescribed; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 106.** Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to unsworn declarations; to amend sections 28-915 and 28-915.01, Reissue Revised Statutes of Nebraska; to adopt the Uniform Unsworn Foreign Declarations Act; to change provisions relating to perjury; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 107.** Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to the Parenting Act; to amend section 43-2935, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to waiver of hearing; and to repeal the original section.

**LEGISLATIVE BILL 108.** Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to political subdivisions; to amend sections 14-102, 14-109, 15-203, 15-208, 15-215, 15-217, 15-220, 16-205, 16-206, 16-226, 16-233, 16-237, 17-120, 17-132, 17-133, 17-134, 17-207, 17-505, 17-525, 17-526, 23-808, and 23-813, Reissue Revised Statutes of Nebraska; to prohibit credentialing of professions and occupations as prescribed; to provide exceptions; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 109.** Introduced by McGill, 26.

A BILL FOR AN ACT relating to precious metals dealers; to amend sections 69-201, 69-204, 69-205, 69-208, and 69-210, Reissue Revised Statutes of Nebraska, and section 69-206, Revised Statutes Cumulative Supplement, 2012; to define a term; to provide requirements for dealers; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 110.** Introduced by McGill, 26.

A BILL FOR AN ACT relating to homestead exemptions; to amend sections 77-3502, 77-3509.01, 77-3509.02, 77-3514, 77-3516, and 77-3526, Reissue Revised Statutes of Nebraska; to change the eligibility date for homestead exemption determination; to harmonize provisions; and to repeal the original sections.

### **MOTION - Escort Committees**

Senator Wightman moved that a series of committees be appointed to escort the various state and constitutional officers for the purpose of administering their oaths of office.

The motion prevailed.

### **BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 111.** Introduced by McGill, 26; Ashford, 20; Karpisek, 32; Krist, 10.

A BILL FOR AN ACT relating to budgets; to amend sections 13-503, 13-504, 13-505, 13-506, 13-508, and 13-509.01, Reissue Revised Statutes of Nebraska; to authorize a city of the first class, a city of the second class, or a village to adopt a biennial budget as prescribed; to redefine terms; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 112.** Introduced by McGill, 26; Ashford, 20; Karpisek, 32; Krist, 10.

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

**LEGISLATIVE BILL 113.** Introduced by McGill, 26; Ashford, 20; Karpisek, 32; Krist, 10.

A BILL FOR AN ACT relating to cities of the second class; to amend

sections 17-110 and 17-614, Reissue Revised Statutes of Nebraska; to provide and change powers of the mayor; and to repeal the original sections.

**LEGISLATIVE BILL 114.** Introduced by B. Harr, 8.

A BILL FOR AN ACT relating to appropriations; to state intent relating to an appropriation to the University of Nebraska at Omaha.

### RESOLUTIONS

**LEGISLATIVE RESOLUTION 1CA.** Introduced by Larson, 40; Mello, 5; Nordquist, 7.

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

Section 1. At the general election in November 2014 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 8:

III-8 No person shall be eligible to the office of member of the Legislature unless on the date of the general election at which ~~he such person is~~ elected, or on the date of his or her appointment, such person ~~he~~ is a registered voter, has attained the federal voting age, ~~of twenty one years~~ and has resided within the district from which he or she is elected or appointed for the term of one year next before his or her election, or appointment unless ~~he shall have such person~~ has been absent on the public business of the United States or of this State. ~~And no~~ No person elected ~~as aforesaid or appointed to the office of member of the Legislature shall hold his such office after he shall have or she has~~ removed from such district.

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 eligibility requirements for membership in the Legislature.

For

Against.

**LEGISLATIVE RESOLUTION 2CA.** Introduced by Pirsch, 4.

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

Section 1. At the general election in November 2014 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 13:

III-13 The style of all bills shall be, Be it enacted by the people of the State of Nebraska, and no law shall be enacted except by bill. No bill shall be passed by the Legislature unless by the assent of a majority of all members elected to the Legislature and the yeas and nays on the question of



final passage of any bill shall be entered upon the journal, except that any bill that imposes a tax or increases the rate of a tax shall require the assent of a majority of all the members elected to the Legislature plus four.

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 require that any bill that imposes or increases a tax be approved by a majority of the members of the Legislature plus four.

For

Against.

### **VISITOR**

Visitor to the Chamber was Mark Hunter from Omaha.

### **RECESS**

At 11:10 a.m., on a motion by Speaker Adams, the Legislature recessed until 1:30 p.m.

### **AFTER RECESS**

The Legislature reconvened at 1:30 p.m., President Sheehy presiding.

### **ROLL CALL**

The roll was called and all members were present except Senators Chambers, Conrad, Cook, and Lautenbaugh who were excused.

### **PRESENTATION OF COLORS**

Presentation of Colors by the Nebraska Army and Air National Guard.

### **INAUGURAL CEREMONIES**

Chief Justice Michael G. Heavican, administered the Oath of Office to the newly elected state officials.

The Chief Justice and the newly elected state officials were escorted from the Chamber.

**VISITOR**

The Doctor of the Day was Dr. Dale Michels from Lincoln.

**ADJOURNMENT**

At 2:15 p.m., on a motion by Senator Mello, the Legislature adjourned until 10:00 a.m., Friday, January 11, 2013.

Patrick J. O'Donnell  
Clerk of the Legislature