

THIRD DAY - JANUARY 11, 2013**LEGISLATIVE JOURNAL****ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION****THIRD DAY**

Legislative Chamber, Lincoln, Nebraska
Friday, January 11, 2013

PRAYER

The prayer was offered by Senator Wallman.

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 Senators Carlson, Karpisek, Lautenbaugh, and Nelson who were excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the second day was approved.

REPORTS

Agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website at:
<http://www.nebraskalegislature.gov/agencies/view.php>

BILLS ON FIRST READING

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

LEGISLATIVE BILL 115. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to homicide; to amend sections 28-302, 60-6,210, and 83-961, Reissue Revised Statutes of Nebraska, and sections 28-101, 28-111, 28-1351, 28-1354, 29-4003, and 84-205, Revised Statutes Cumulative Supplement, 2012; to adopt, change, and eliminate provisions relating to manslaughter; to eliminate certain jury verdict determinations relating to homicide; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 28-305 and 29-2027, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 116. Introduced by Harms, 48.

A BILL FOR AN ACT relating to the Educational Service Units Act; to amend sections 79-1201 and 79-1201.01, Reissue Revised Statutes of Nebraska; to redefine a term; to provide requirements for dual-enrollment courses; and to repeal the original sections.

LEGISLATIVE BILL 117. Introduced by Harms, 48.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,298, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to permits for overweight vehicles; and to repeal the original section.

LEGISLATIVE BILL 118. Introduced by Harms, 48.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-6,179.01, Revised Statutes Cumulative Supplement, 2012; to change enforcement provisions for using a handheld wireless communication device while operating a motor vehicle; and to repeal the original section.

LEGISLATIVE BILL 119. Introduced by Cook, 13.

A BILL FOR AN ACT relating to appropriations; to state intent relating to health and human services of local public health departments.

LEGISLATIVE BILL 120. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to the Uniform Residential Landlord and Tenant Act; to amend sections 76-1410, 76-1416, and 76-1431, Reissue Revised Statutes of Nebraska; to redefine the term tenant; to change deposit requirements; to provide a penalty; and to repeal the original sections.

LEGISLATIVE BILL 121. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to schools; to amend section 79-801, Reissue Revised Statutes of Nebraska; to provide for waiver of a Nebraska certificate to administer as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 122. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for an environmental study of a hydroelectric dam project.

LEGISLATIVE BILL 123. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to court fees; to amend section 33-156, Reissue Revised Statutes of Nebraska; to return indigent defense fees

collected in a county containing a city of the metropolitan class to such county; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 124. Introduced by Lautenbaugh, 18.

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

LEGISLATIVE BILL 125. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to school boards; to amend sections 32-545, 32-552, 79-4,129, 79-552, and 79-559, Reissue Revised Statutes of Nebraska, and section 32-570, Revised Statutes Cumulative Supplement, 2012; to change membership provisions and provide for salaries for school boards for Class V school districts; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 126. Introduced by McGill, 26.

A BILL FOR AN ACT relating to appropriations; to amend sections 43-3718, 43-3719, and 43-3720, Revised Statutes Cumulative Supplement, 2012; to state intent relating to the Court Appointed Special Advocate Fund; to add and change provisions relating to grants; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 127. Introduced by McGill, 26.

A BILL FOR AN ACT relating to elections; to amend sections 32-301, 32-308, 32-311, 32-311.01, 32-312.05, 32-318.01, 32-320, 32-326, 60-4,130, and 60-4,130.02, Reissue Revised Statutes of Nebraska, and sections 32-101, 32-310, 32-312, 60-484, and 60-4,120, Revised Statutes Cumulative Supplement, 2012; to provide for certain sixteen-year-olds and seventeen-year-olds to preregister to vote; to provide procedures; to change and provide powers and duties; to harmonize provisions; to provide operative dates; and to repeal the original sections.

LEGISLATIVE BILL 128. Introduced by Coash, 27.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Cumulative Supplement, 2012; to create the offense of disarming an officer; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 129. Introduced by K. Haar, 21.

A BILL FOR AN ACT relating to the Board of Educational Lands and Funds; to amend section 72-201, Revised Statutes Cumulative Supplement,

2012; to change provisions relating to compensation of board members; and to repeal the original section.

LEGISLATIVE BILL 130. Introduced by Mello, 5.

A BILL FOR AN ACT relating to the Cash Reserve Fund; to amend sections 66-1345 and 84-612, Revised Statutes Cumulative Supplement, 2012; to eliminate transfers as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 131. Introduced by Nordquist, 7; Campbell, 25; Harms, 48; Howard, 9; Kolowski, 31; McGill, 26.

A BILL FOR AN ACT relating to schools; to amend section 79-714, Reissue Revised Statutes of Nebraska; to adopt the Tobacco-Free Schools Act; to change provisions relating to accreditation; and to repeal the original section.

RESOLUTIONS

LEGISLATIVE RESOLUTION 3. Introduced by Larson, 40.

WHEREAS, the Wausa Public School one-act team won the 2012 Class D-1 State Play Production Championship; and

WHEREAS, this victory marks the sixth time that the Wausa Public School one-act team has placed first at the State Play Production Championship; and

WHEREAS, Morgan Kumm was named best actress; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates the Wausa Public School one-act team on winning the 2012 Class D-1 State Play Production Championship.

2. That a copy of this resolution be sent to the Wausa Public School one-act team and their director, Brad Hoelsing.

Laid over.

LEGISLATIVE RESOLUTION 4. Introduced by Larson, 40.

WHEREAS, the Hartington Public School one-act team won the 2012 Class C-2 State Play Production Championship; and

WHEREAS, this victory marks the second time that the Hartington Public School one-act team has placed first at the State Play Production Championship; and

WHEREAS, Michaela Dendinger was named best actress; and

WHEREAS, Alec Fuelberth was named best actor; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates the Hartington Public School one-act team on winning the 2012 Class C-2 State Play Production Championship.

2. That a copy of this resolution be sent to the Hartington Public School one-act team and their directors, Linda Kathol and A. J. Johnson.

Laid over.

LEGISLATIVE RESOLUTION 5. Introduced by Larson, 40.

WHEREAS, Eleanor Wrede Nielsen, born January 26, 1903, will be celebrating her 110th birthday on January 26, 2013; and

WHEREAS, Eleanor Wrede Nielsen is currently the second-oldest living Nebraskan and a longtime resident of Knox County.

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

1. That the Legislature congratulates Eleanor Wrede Nielsen on her 110th birthday.

2. That a copy of this resolution be sent to Eleanor Wrede Nielsen.

Laid over.

LEGISLATIVE RESOLUTION 6. Introduced by Larson, 40.

WHEREAS, the Mean Green girls' softball team of O'Neill won the 2012 Nebraska Amateur Softball Association Fast Pitch 14-Under Class C State Championship by defeating the Spalding Sizzlers by a score of 11-2; and

WHEREAS, the Mean Green girls' softball team finished the season with an undefeated record; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates the Mean Green girls' softball team of O'Neill on winning the 2012 Nebraska Amateur Softball Association Fast Pitch 14-Under Class C State Championship.

2. That a copy of this resolution be sent to the Mean Green girls' softball team and their coaches, Bob Pinkerman, Cris Slack, and Chuck Price.

Laid over.

LEGISLATIVE RESOLUTION 7. Introduced by Larson, 40.

WHEREAS, the Shamrocks girls' softball team of O'Neill won the 2012 Nebraska Amateur Softball Association Fast Pitch 18-Under Class C State Championship by defeating the Flames of Nebraska from the Hastings/Kearney area; and

WHEREAS, the Shamrocks girls' softball team of O'Neill finished the season with a record of 34-8; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates the Shamrocks girls' softball team of O'Neill on winning the 2012 Nebraska Amateur Softball Association Fast Pitch 18-Under Class C State Championship.

2. That a copy of this resolution be sent to the Shamrocks girls' softball team and their coaches, Amy Krotter and Greg Appleby.

Laid over.

LEGISLATIVE RESOLUTION 8. Introduced by Larson, 40.

WHEREAS, Brady and Riley Wakefield of O'Neill took second place in the team roping competition at the 2012 National High School Finals Rodeo; and

WHEREAS, Brady and Riley finished the competition with a final time of 23.7 seconds; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates Brady and Riley Wakefield on taking second place in the team roping competition at the 2012 National High School Finals Rodeo.

2. That a copy of this resolution be sent to Brady and Riley Wakefield.

Laid over.

LEGISLATIVE RESOLUTION 9. Introduced by Janssen, 15.

WHEREAS, Hugh LeRoy "Roy" Lemons was born in Pueblo, Colorado, in 1929; and

WHEREAS, Roy graduated from Glenwood High School in 1947 and served in the United States Army in the Pentagon and with the Federal Bureau of Investigation from 1948 to 1952; and

WHEREAS, Roy married JoAnn Rashleigh, the love of his life, in 1953; and

WHEREAS, Roy served on the Fremont City Council for twenty-three years, many of those years as president; and

WHEREAS, Roy was an active community member, serving in numerous capacities at First United Methodist Church in Fremont as well as contributing to many other community philanthropic and service organizations; and

WHEREAS, Roy was a devoted husband and loving father to his children, Tom, Doug, and Bryan, as well as their extended families; and

WHEREAS, Roy passed away on January 5, 2013.

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

1. That the Legislature expresses its thanks to Roy Lemons for his service to his community, his state, and his country.

2. That the Legislature extends its sympathy to the family of Roy Lemons.

3. That a copy of this resolution be sent to the family of Roy Lemons.

Laid over.

LEGISLATIVE RESOLUTION 10. Introduced by Janssen, 15.

WHEREAS, Richard "Dick" Wikert, was born in Esterville, Iowa, on April 20, 1936; and

WHEREAS, Mr. Wikert graduated from Graettinger High School and Morningside College, earning a bachelor's degree in business; and

WHEREAS, Mr. Wikert married Martha Macfarlane on November 7, 1959, in Sioux City, Iowa; and

WHEREAS, Mr. Wikert was a fixture in the Fremont business community, building Taylor & Martin, Inc. from a small regional auction company into the nation's largest transportation equipment auction company; and

WHEREAS, Mr. Wikert later was majority owner and chairman of the board of the American National Bank in Fremont; and

WHEREAS, Mr. Wikert also had business interests in the Nebraska College of Business, Lincoln School of Commerce, Bojens & Wikert John Deere dealership, Liberty Banks of Iowa, Uraseal of Dover, New Hampshire, and the Sioux City Musketeers and had farming operations in Brazil, Iowa, and Nebraska; and

WHEREAS, Mr. Wikert devoted great energy and attention to the Fremont philanthropic community, serving in numerous capacities with Midland University, the Fremont Area Chamber of Commerce, Greater Fremont Development Council, Fremont Area Medical Center Foundation, Love-Larson Opera House, and many other community institutions; and

WHEREAS, Mr. Wikert served his country as a jet fighter pilot in the United States Air Force; and

WHEREAS, Mr. Wikert was a loving husband to his wife of fifty-three years and a devoted father to his children, Susan, Mandy, Elizabeth, and Mary Jane, and their extended families; and

WHEREAS, Mr. Wikert passed away on December 21, 2012.

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

1. That the Legislature expresses its sincere appreciation of Richard "Dick" Wikert for his dedication and service to his community, his state, and his country.
2. That the Legislature expresses its deep sympathy to the family of Richard "Dick" Wikert.
3. That a copy of this resolution be sent to the family of Richard "Dick" Wikert.

Laid over.

LEGISLATIVE RESOLUTION 11. Introduced by Janssen, 15.

WHEREAS, the Fremont Tigers won the 2012 Class A Boys' State Cross Country Championship; and

WHEREAS, the win gave the Tigers their fifth state championship in the last eleven seasons; and

WHEREAS, team members Danny Aldaba, Mason Brown, Arturo Garcia, Seth Nickolaion, Josh Smrcina, Zach Smrcina, and Trevor Wiegert executed their "run for each other" team philosophy to perfection at the championship meet held in Kearney; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates the Fremont Tigers on winning the 2012 Class A Boys' State Cross Country Championship.
2. That a copy of this resolution be sent to the Fremont Tigers and their coaches, Sean McMahon and Jake Smrcina.

Laid over.

COMMITTEE ON COMMITTEES FINAL REPORT

Senator McCoy moved to approve the following final 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 & 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 & 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, & Friday

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

Health and Human Services (7)

Rm. 1510 - Wednesday, Thursday, & Friday

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

Judiciary (8)

Rm. 1113 - Wednesday, Thursday, & Friday

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

Natural Resources (8)

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

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

Transportation and Telecommunications (8)

Rm. 1113 - Monday & 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)

The Committee on Committees report was approved with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 132. Introduced by Nordquist, 7; Avery, 28; Campbell, 25; Howard, 9.

A BILL FOR AN ACT relating to tanning facilities; to adopt the Skin Cancer Prevention Act.

LEGISLATIVE BILL 133. Introduced by Hadley, 37.

A BILL FOR AN ACT relating to the Motor Vehicle Industry Regulation Act; to amend section 60-1401, Revised Statutes Cumulative Supplement, 2012; to establish priority of motor vehicle insurance policies for certain loaned motor vehicles; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 134. Introduced by Avery, 28.

A BILL FOR AN ACT relating to decedents' estates; to amend section 30-2308, Reissue Revised Statutes of Nebraska; to provide for inheritance by certain issue conceived after decedent's death; and to repeal the original section.

LEGISLATIVE BILL 135. Introduced by Avery, 28.

A BILL FOR AN ACT relating to community colleges; to amend section 85-1506, Reissue Revised Statutes of Nebraska; to change provisions relating to membership on a Community College Board of Governors; and to repeal the original section.

LEGISLATIVE BILL 136. Introduced by Avery, 28.

A BILL FOR AN ACT relating to the use of administrative fines and costs and forfeited property; to amend sections 2-10,103.02, 8-169, 8-1,134, 8-223, 8-332, 8-1108.01, 8-1120, 8-1726, 9-832, 21-20,169, 44-322, 44-3,127, 44-5814, 44-5815, 45-191.09, 45-347, 45-921, 45-1014, 45-1017, 45-1019, 54-415, 54-2606, 58-703, 58-711, 59-1725.01, 60-6,345, 69-2116, 69-2117, 69-2118, 71-449, 71-1920, 71-8006, 75-309.01, 81-5,162, and 81-3537, Reissue Revised Statutes of Nebraska, and sections 45-351 and 45-1002, Revised Statutes Cumulative Supplement, 2012; to provide for distribution of administrative fines in accordance with Article VII, section 5, of the Constitution of Nebraska and forfeited property in accordance with Article VII, section 7, of the Constitution of Nebraska; to provide for disposition of certain costs; to delete obsolete or repetitive provisions; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 137. Introduced by Avery, 28.

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

LEGISLATIVE BILL 138. Introduced by Krist, 10.

A BILL FOR AN ACT relating to the University of Nebraska; to amend sections 85-128 and 85-129, Reissue Revised Statutes of Nebraska, and section 85-122, Revised Statutes Cumulative Supplement, 2012; to create the Group Health Trust Fund; to provide for investment of the fund by the state investment officer; to change provisions relating to the State Treasurer's authority for university funds; and to repeal the original sections.

LEGISLATIVE BILL 139. Introduced by Krist, 10.

A BILL FOR AN ACT relating to vital statistics; to amend section 71-615, Revised Statutes Cumulative Supplement, 2012; to change annulment and

dissolution of marriage reporting requirements; and to repeal the original section.

LEGISLATIVE BILL 140. Introduced by Krist, 10.

A BILL FOR AN ACT relating to the Airport Zoning Act; to amend sections 3-301, 3-302, 3-303, 3-304, 3-306, 3-307, 3-308, 3-309, 3-310, 3-311, 3-312, 3-313, 3-314, 3-319, 3-320, 3-324, 3-329, 3-330, 3-331, and 3-333, Reissue Revised Statutes of Nebraska; to provide airport hazard area dimensions; to change provisions relating to airport hazard area zoning regulations, the board of adjustment, and judicial review; to define and redefine terms; to change a penalty; to eliminate provisions relating to appeal of zoning regulations, the board of adjustment, and judicial review; to repeal the original sections; and to outright repeal sections 3-315, 3-316, 3-317, 3-318, 3-321, 3-322, 3-325, 3-326, and 3-327, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 141. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-162.03, Reissue Revised Statutes of Nebraska, and section 48-182, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to bill of exceptions and motions; and to repeal the original sections.

LEGISLATIVE BILL 142. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-2263, Reissue Revised Statutes of Nebraska, and section 84-712.05, Revised Statutes Cumulative Supplement, 2012; to declare probation records not subject to disclosure as provided; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 143. Introduced by Bloomfield, 17.

A BILL FOR AN ACT relating to child sexual abuse; to authorize schools to adopt a child sexual abuse policy as prescribed.

LEGISLATIVE BILL 144. Introduced by Brasch, 16.

A BILL FOR AN ACT relating to elections; to amend section 32-605, Reissue Revised Statutes of Nebraska, and section 32-615, Revised Statutes Cumulative Supplement, 2012; to provide for certain defeated candidates to be eligible for write-in candidacy; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 145. Introduced by Brasch, 16; 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 146. Introduced by Gloor, 35.

A BILL FOR AN ACT relating to the Uniform Commercial Code; to amend section 4A-108, Uniform Commercial Code, Reissue Revised Statutes of Nebraska; to change provisions relating to funds transfers; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 147. Introduced by Gloor, 35.

A BILL FOR AN ACT relating to insurance; to adopt the Health Carrier External Review Act; to eliminate certain grievance review provisions; and to outright repeal section 44-7309, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 148. Introduced by Ashford, 20.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-1212 and 69-2422, Reissue Revised Statutes of Nebraska, and sections 28-1204.01, 28-1206, and 28-1354, Revised Statutes Cumulative Supplement, 2012; to include ammunition in certain offenses involving firearms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 149. Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to the Legislature; to provide for a biennial review of state agency programs and services by legislative committees.

LEGISLATIVE BILL 150. Introduced by Nordquist, 7; Mello, 5.

A BILL FOR AN ACT relating to natural gas; to amend sections 14-2138, 14-2139, and 77-2704.13, Reissue Revised Statutes of Nebraska; to change provisions relating to the retail sale of natural gas by metropolitan utilities districts; to exempt sales and purchases of energy or fuel used in the compression of natural gas from sales and use taxes as prescribed; to eliminate obsolete provisions; to provide operative dates; and to repeal the original sections.

LEGISLATIVE BILL 151. Introduced by Seiler, 33.

A BILL FOR AN ACT relating to the Nebraska Evidence Rules; to amend section 27-803, Reissue Revised Statutes of Nebraska; to provide a hearsay exception for certain documents and data kept in the regular course of business; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 152. Introduced by Dubas, 34.

A BILL FOR AN ACT relating to eminent domain; to restrict negotiations of a condemner as prescribed; and to provide a duty for the Revisor of Statutes.

LEGISLATIVE BILL 153. Introduced by Dubas, 34; Harms, 48.

A BILL FOR AN ACT relating to the Civic and Community Center Financing Act; to amend sections 13-2702, 13-2703, 13-2704, 13-2705, 13-2707, and 13-2709, Reissue Revised Statutes of Nebraska; to change provisions relating to the use of a fund, the evaluation of grants, and reports; to define a term; to eliminate obsolete provisions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 154. Introduced by Dubas, 34; Howard, 9.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,378, Reissue Revised Statutes of Nebraska; to redefine a term relating to drivers' duties regarding road assistance vehicles; and to repeal the original section.

LEGISLATIVE BILL 155. Introduced by Gloor, 35.

A BILL FOR AN ACT relating to the Public Funds Deposit Security Act; to amend sections 77-2387 and 77-2398, Revised Statutes Cumulative Supplement, 2012; to redefine a term; to change provisions relating to deposits in excess of insured or guaranteed amounts; and to repeal the original sections.

RESOLUTIONS

LEGISLATIVE RESOLUTION 12CA. Introduced by Harms, 48.

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 IX, section 4:

IX-4 The Legislature shall provide by law for the election of such county and township officers as may be necessary and for the consolidation of county offices for two or more counties. Each ; ~~Provided, that each~~ of the counties affected may disapprove such consolidation by a majority vote in each of such counties. The Legislature may provide by law for a county manager form of county government in which county officers may be appointed, but such form shall be optional for each county and shall occur in a county only upon adoption by a majority vote.

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 allow the Legislature to provide for a county to adopt by majority vote a county manager form of government.

For

Against.

LEGISLATIVE RESOLUTION 13. Introduced by Brasch, 16; Bolz, 29; Campbell, 25; Carlson, 38; Gloor, 35; Howard, 9; Johnson, 23; Kintner, 2; Lathrop, 12; McGill, 26; Price, 3; Scheer, 19; Schilz, 47; Schumacher, 22; Seiler, 33; Sullivan, 41; Watermeier, 1; Wightman, 36.

WHEREAS, Dick Lindberg, the former publisher of the West Point News, has been inducted into the Nebraska Journalism Hall of Fame; and

WHEREAS, this distinction is given to individuals who have made significant contributions to the newspaper industry, their communities, and their state and nation; and

WHEREAS, Dick Lindberg and his wife, Gwen, bought the West Point Republican and later combined it with the Cuming County Democrat in 1973 to create the West Point News. Later, they bought the Oakland, Lyons, and Scribner-Hooper newspapers; and

WHEREAS, Dick Lindberg has served on numerous boards during his career and has also served as president of the Central District Press Association, the Northeast District Press Association, and the Nebraska Press Association; and

WHEREAS, Dick Lindberg was named by the Nebraska Press Association as its Master Editor-Publisher in 2004.

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

1. That the Legislature congratulates Dick Lindberg on being inducted into the Nebraska Journalism Hall of Fame.

2. That a copy of this resolution be sent to Dick Lindberg.

Laid over.

LEGISLATIVE RESOLUTION 14. Introduced by Brasch, 16.

WHEREAS, Daniel Barber, son of Doug and Patricia Barber, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Daniel

has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 12 of which are in required areas, and complete a community service project approved by the troop and the scout council. For his Eagle Scout community service project, Daniel remodeled storage spaces and built shelves for the Blair Public Library; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Daniel, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, such as astronauts, political and industry leaders, artists, scientists, and athletes.

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

1. That the Legislature congratulates Daniel Barber on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Daniel Barber.

Laid over.

LEGISLATIVE RESOLUTION 15. Introduced by Brasch, 16.

WHEREAS, Jacob Jones, son of JoAnne Jones, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Jacob has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 12 of which are in required areas, and complete a community service project approved by the troop and the scout council. For his Eagle Scout community service project, Jacob refurbished the outdoor basketball court at Arbor Park Intermediate School in Blair, Nebraska; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Jacob, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, such as astronauts, political and industry leaders, artists, scientists, and athletes.

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

1. That the Legislature congratulates Jacob Jones on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Jacob Jones.

Laid over.

LEGISLATIVE RESOLUTION 16. Introduced by Brasch, 16.

WHEREAS, Colton Stoner, son of Matt and Melinda Stoner, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Colton has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 12 of which are in required areas, and complete a community service project approved by the troop and the scout council. For his Eagle Scout community service project, Colton designed and built seven new picnic tables for Camp Fontanelle in Fontanelle, Nebraska; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Colton, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, such as astronauts, political and industry leaders, artists, scientists, and athletes.

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

1. That the Legislature congratulates Colton Stoner on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Colton Stoner.

Laid over.

LEGISLATIVE RESOLUTION 17. Introduced by Brasch, 16.

WHEREAS, the Arlington Eagles won the 2012 Class C State Softball Championship; and

WHEREAS, the Eagles finished their outstanding season with a record of 26-7; and

WHEREAS, the Eagles displayed great determination, teamwork, perseverance, and sportsmanship throughout the season; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates the Arlington Eagles on winning the 2012 Class C State Softball Championship.

2. That a copy of this resolution be sent to the Arlington Eagles and their coach, Janelle Lorsch.

Laid over.

LEGISLATIVE RESOLUTION 18. Introduced by Brasch, 16.

WHEREAS, Luke Ashton, son of Chris and Julie Ashton, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Luke has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 12 of which are in required areas, and complete a community service project approved by the troop and the scout council. For his Eagle Scout community service project, Luke developed and produced an audio walking tour for Fort Atkinson State Historical Park; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Luke, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, such as astronauts, political and industry leaders, artists, scientists, and athletes.

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

1. That the Legislature congratulates Luke Ashton on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Luke Ashton.

Laid over.

LEGISLATIVE RESOLUTION 19. Introduced by Brasch, 16.

WHEREAS, Dalton Van Stratten, son of Dale and Lisa Van Stratten, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Dalton has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 12 of which are in required areas, and complete a community service project approved by the troop and the scout council. For his Eagle Scout community service project, Dalton erected a monument to the deceased and landscaped around the cemetery at Fort Atkinson State Historical Park; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Dalton, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, such as astronauts, political and industry leaders, artists, scientists, and athletes.

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

1. That the Legislature congratulates Dalton Van Stratten on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Dalton Van Stratten.

Laid over.

LEGISLATIVE RESOLUTION 20. Introduced by Lathrop, 12.

WHEREAS, the One Hundredth Legislature, Second Session, 2008, adopted Legislative Resolution 283 to establish the Developmental Disabilities Special Investigative Committee of the Legislature. The committee was then reauthorized by the One Hundred First Legislature, First Session, 2009, in Legislative Resolution 11, by the One Hundred Second Legislature, First Session, 2011, in Legislative Resolution 47, and by the One Hundred Second Legislature, Second Session, 2012, in Legislative Resolution 365. The committee was authorized to study the quality of care and related staffing issues at the Beatrice State Developmental Center, investigate the placement and quality of care statewide for the developmentally disabled in Nebraska, and determine how and why such services to the developmentally disabled were permitted to decline to the level documented in the United States Department of Justice report; and

WHEREAS, the committee issued a report of its findings and recommendations on December 15, 2008. Among other findings, the committee concluded that the state was likely to lose its federal medicaid funding for the Beatrice State Developmental Center, that various improvements needed to be made to the community-based programs, and that the developmental disability waiting list included 1,865 families who, absent some change in direction by the State of Nebraska, would remain on the waiting list indefinitely. The committee also made various recommendations for improvement of services to the developmentally disabled in the State of Nebraska. Those recommendations related not only to improvements at the Beatrice State Developmental Center but also to community-based programs as well as the provision of services to the developmentally disabled individuals who would otherwise sit indefinitely

on the state's waiting lists. To ensure that the recommendations of the committee would be implemented, the committee recommended that the Legislature continue oversight of these issues: "The LR 283 Committee should be reauthorized at the beginning of the next legislative session. This investigative committee should work with the Health and Human Services Committee to ensure that the terms of the DOJ Consent Decree as well as the recommendations herein are implemented in a timely fashion."

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

1. That the Legislature hereby calls for the Executive Board of the Legislative Council to meet forthwith and reappoint the special committee of the Legislature known as the Developmental Disabilities Special Investigative Committee of the Legislature. The committee shall consist of seven members of the Legislature appointed by the executive board. The executive board shall appoint the chairperson and vice-chairperson of the committee with consideration being given to reappointing the current chairperson and vice-chairperson. The executive board is hereby authorized to provide the committee with a legal counsel, committee clerk, and other staff as required by the committee from existing legislative staff. The executive board is also authorized to hire outside legal counsel, consultants, and investigators as required by the committee. The committee shall be an investigative committee and is hereby authorized to hold hearings and issue subpoenas as is deemed necessary by the committee.

2. The Developmental Disabilities Special Investigative Committee of the Legislature is hereby authorized to continue to study the quality of care and related staffing issues at the Beatrice State Developmental Center. The committee shall also continue to investigate the placement and quality of care statewide for the developmentally disabled in Nebraska, including the determination of whether adequate funding and capacity exists for persons to be served in the community, options for service provisions for current residents of the Beatrice State Developmental Center at other twenty-four-hour care facilities in the state, and the staffing practices at twenty-four-hour care facilities and the relationship of those practices to the quality of care provided to the developmentally disabled. The committee shall also review the processes of how the Division of Developmental Disabilities of the Department of Health and Human Services determines eligibility for services for individuals who are in need of services, as well as the processes utilized by the division to determine when individuals who have received services by the division are no longer eligible for such services. The committee shall also provide oversight to ensure that the terms of the United States Department of Justice Consent Decree and the recommendations from the Report of the Developmental Disabilities Special Investigative Committee dated December 15, 2008, are implemented in a timely fashion.

3. The Developmental Disabilities Special Investigative Committee of the Legislature shall issue a report with its findings as the circumstances warrant.

4. The Developmental Disabilities Special Investigative Committee of the Legislature is hereby authorized to continue its work until the beginning of the One Hundred Fourth Legislature, First Session.

Laid over.

UNANIMOUS CONSENT - Add Cointroducer

Senator Janssen asked unanimous consent to add his name as cointroducer to LB93. No objections. So ordered.

VISITORS

Visitors to the Chamber were members of Nebraska Water Leaders Academy from across the state.

The Doctor of the Day was Dr. Rob Rhodes from Lincoln.

ADJOURNMENT

At 10:59 a.m., on a motion by Senator Brasch, the Legislature adjourned until 10:00 a.m., Monday, January 14, 2013.

Patrick J. O'Donnell
Clerk of the Legislature

