

**TWENTY-FIRST DAY - FEBRUARY 6, 2014**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED THIRD LEGISLATURE  
SECOND SESSION**

**TWENTY-FIRST DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, February 6, 2014

**PRAYER**

The prayer was offered by Senator Scheer.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Coash presiding.

The roll was called and all members were present except Senator Davis who was excused; and Senators Ashford, Campbell, Christensen, Conrad, Karpisek, Lautenbaugh, Murante, Nordquist, and Schumacher who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the twentieth day was approved.

**COMMITTEE REPORTS**

Banking, Commerce and Insurance

**LEGISLATIVE BILL 749.** Placed on General File.

**LEGISLATIVE BILL 753.** Placed on General File.

**LEGISLATIVE BILL 774.** Placed on General File.

(Signed) Mike Gloor, Chairperson

Transportation and Telecommunications

**LEGISLATIVE BILL 698.** Placed on General File.

**LEGISLATIVE BILL 736.** Placed on General File with amendment.

AM1811

- 1 1. Insert the following new section:
- 2 Sec. 2. Section 76-2330, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 76-2330 The center shall:

- 5 (1) Maintain adequate records documenting compliance with  
 6 the requirements of the One-Call Notification System Act, including  
 7 records of all telephone calls and records of all ~~location-locate~~  
 8 requests for the preceding five years which will be made available  
 9 and printed upon request of an operator or excavator;
- 10 (2) Provide the notification service during normal  
 11 working hours at a minimum; and
- 12 (3) Provide procedures for emergency notification for  
 13 calls received at other than normal working hours.
- 14 2. On page 2, line 5, strike the new matter and insert  
 15 "submitting a locate request using a method provided by the  
 16 center."; and in line 10 after "Original" strike "section 76-2322"  
 17 and insert "sections 76-2322 and 76-2330"; and in line 11 strike  
 18 "is" and insert "are".
- 19 3. Renumber the remaining sections accordingly.

**LEGISLATIVE BILL 982.** Placed on General File with amendment.  
 AM1791

- 1 1. Strike the original sections and insert the following  
 2 new sections:
- 3 Section 1. Section 60-103, Reissue Revised Statutes of  
 4 Nebraska, is amended to read:
- 5 60-103 All-terrain vehicle means any motorized  
 6 off-highway device which (1) is fifty inches or less in width, (2)  
 7 has a dry weight of ~~nine-twelve~~ hundred pounds or less, (3) travels  
 8 on three or more ~~low-pressure-nonhighway~~ tires, and (4) is designed  
 9 for operator use only with no passengers or is specifically  
 10 designed by the original manufacturer for the operator and one  
 11 passenger. ~~(5) has a seat or saddle designed to be straddled by~~  
 12 ~~the operator, and (6) has handlebars or any other steering assembly~~  
 13 ~~for steering control.~~
- 14 Sec. 2. Section 60-135.01, Revised Statutes Supplement,  
 15 2013, is amended to read:
- 16 60-135.01 (1) Utility-type vehicle means any motorized  
 17 off-highway device which (a) is ~~not less than forty-eight inches~~  
 18 ~~nor more than seventy-four inches in width or less~~, (b) is not more  
 19 than one hundred eighty inches, including the bumper, in length,  
 20 (c) has a dry weight of ~~not less than nine hundred pounds nor~~  
 21 ~~more than two thousand pounds or less~~, and (d) travels on four or  
 22 more ~~low-pressure-nonhighway~~ tires, ~~and (e) is equipped with a~~  
 23 ~~steering wheel and bench or bucket type seating designed for at~~  
 1 ~~least two people to sit side by side.~~
- 2 (2) Utility-type vehicle does not include all-terrain  
 3 vehicles, golf car vehicles, or low-speed vehicles.
- 4 Sec. 3. Section 60-305, Reissue Revised Statutes of  
 5 Nebraska, is amended to read:
- 6 60-305 All-terrain vehicle means any motorized  
 7 off-highway vehicle which (1) is fifty inches or less in width,  
 8 (2) has a dry weight of ~~nine-twelve~~ hundred pounds or less,

9 (3) travels on three or more ~~low pressure nonhighway~~ tires, and  
 10 (4) is designed for operator use only with no passengers or is  
 11 specifically designed by the original manufacturer for the operator  
 12 and one passenger. All-terrain vehicles which have been modified or  
 13 retrofitted with after-market parts to include additional equipment  
 14 not required by sections 60-6,357 and 60-6,358 shall not be  
 15 registered under the Motor Vehicle Registration Act, nor shall such  
 16 modified or retrofitted vehicles be eligible for registration in  
 17 any other category of vehicle defined in the act. ~~-(5) has a seat~~  
 18 ~~or saddle designed to be straddled by the operator, and (6) has~~  
 19 ~~handlebars or any other steering assembly for steering control.~~

20 Sec. 4. Section 60-358.01, Revised Statutes Supplement,  
 21 2013, is amended to read:

22 60-358.01 (1) Utility-type vehicle means any motorized  
 23 off-highway vehicle which (a) is ~~not less than forty eight inches~~  
 24 ~~nor more than seventy-four inches in width or less~~, (b) is not more  
 25 than one hundred eighty inches, including the bumper, in length,  
 26 (c) has a dry weight of ~~not less than nine hundred pounds nor more~~  
 27 ~~than two thousand pounds or less~~, and (d) travels on four or more  
 1 low pressure nonhighway tires. Utility-type vehicles which have  
 2 been modified or retrofitted with after-market parts to include  
 3 additional equipment not required by sections 60-6,357 and 60-6,358  
 4 shall not be registered under the Motor Vehicle Registration Act,  
 5 nor shall such modified or retrofitted vehicles be eligible for  
 6 registration in any other category of vehicle defined in the act. ~~;~~  
 7 and (e) is equipped with a steering wheel and bench or bucket type  
 8 seating designed for at least two people to sit side by side.

9 (2) Utility-type vehicle does not include all-terrain  
 10 vehicles, golf car vehicles, or low-speed vehicles.

11 Sec. 5. Section 60-6,355, Revised Statutes Supplement,  
 12 2013, is amended to read:

13 60-6,355 (1) For purposes of sections 60-6,355 to  
 14 60-6,362:

15 (a) All-terrain vehicle means any motorized off-highway  
 16 vehicle which (i) is fifty inches or less in width, (ii) has a  
 17 dry weight of ~~nine twelve~~ hundred pounds or less, (iii) travels on  
 18 three or more ~~low pressure nonhighway~~ tires, and (iv) is designed  
 19 for operator use only with no passengers or is specifically  
 20 designed by the original manufacturer for the operator and one  
 21 passenger. ~~-(v) has a seat or saddle designed to be straddled~~  
 22 ~~by the operator, and (vi) has handlebars or any other steering~~  
 23 ~~assembly for steering control; and~~

24 (b)(i) Utility-type vehicle means any motorized  
 25 off-highway vehicle which (A) is ~~not less than forty eight inches~~  
 26 ~~nor more than seventy-four inches in width or less~~, (B) is not  
 27 more than one hundred eighty inches, including the bumper, in  
 1 length, (C) has a dry weight of ~~not less than nine hundred pounds~~  
 2 ~~nor more than two thousand pounds or less~~, (D) travels on four  
 3 or more ~~low pressure nonhighway~~ tires, ~~and (E) is equipped with~~

4 ~~a steering wheel and bench or bucket type seating designed for at~~  
 5 ~~least two people to sit side by side.~~

6 (ii) Utility-type vehicle does not include all-terrain  
 7 vehicles, golf car vehicles, or low-speed vehicles.

8 (2) All-terrain vehicles and utility-type vehicles which  
 9 have been modified or retrofitted with after-market parts to  
 10 include additional equipment not required by sections 60-6,357 and  
 11 60-6,358 shall not be ~~required to be~~ registered under the Motor  
 12 Vehicle Registration Act nor shall such modified or retrofitted  
 13 vehicles be eligible for registration in any other category of  
 14 vehicle defined in the act.

15 Sec. 6. Original sections 60-103 and 60-305, Reissue  
 16 Revised Statutes of Nebraska, and sections 60-135.01, 60-358.01,  
 17 and 60-6,355, Revised Statutes Supplement, 2013, are repealed.

(Signed) Annette Dubas, Chairperson

### ANNOUNCEMENT

The Nebraska Retirement Systems Committee designates LB759 and LB1042 as its priority bills.

### NOTICE OF COMMITTEE HEARINGS

Appropriations

Room 1003

Thursday, February 13, 2014 1:30 p.m.

LB666  
 LB738  
 LB891  
 LB904  
 LB1004

Room 1524

Tuesday, February 18, 2014 1:30 p.m.

LB1091  
 LB1094  
 LB1086  
 LB669  
 LB940  
 LB1046

Room 1003

Wednesday, February 19, 2014 8:30 a.m.

LB1023  
 LB1047  
 LB1114  
 LB1019

(Signed) Heath Mello, Chairperson

**MOTION - Approve Appointments**

Senator Carlson moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 422:

Nebraska Ethanol Board  
 Galen Frenzen  
 Paul Kenney

Voting in the affirmative, 28:

Adams	Crawford	Harr, B.	Lathrop	Seiler
Avery	Dubas	Howard	McGill	Smith
Bloomfield	Gloor	Janssen	Mello	Sullivan
Brasch	Haar, K.	Johnson	Nelson	Wallman
Carlson	Hansen	Kintner	Pirsch	
Coash	Harms	Kolowski	Schilz	

Voting in the negative, 0.

Present and not voting, 11:

Bolz	Garrett	Larson	Watermeier
Chambers	Hadley	McCoy	Wightman
Cook	Krist	Scheer	

Excused and not voting, 10:

Ashford	Christensen	Davis	Lautenbaugh	Nordquist
Campbell	Conrad	Karpisek	Murante	Schumacher

The appointments were confirmed with 28 ayes, 0 nays, 11 present and not voting, and 10 excused and not voting.

**ANNOUNCEMENT**

The Chair announced today is Senator Adams' and Senator Wallman's birthdays.

**MOTION - Withdraw LB1075**

Senator B. Harr offered his motion, MO135, found on page 455, to withdraw LB1075.

Senator B. Harr withdrew his motion to withdraw the bill.

**ANNOUNCEMENT**

Senator Harms designates LB807 as his priority bill.

**COMMITTEE REPORTS**

Judiciary

**LEGISLATIVE BILL 674.** Placed on General File.

**LEGISLATIVE BILL 752.** Placed on General File.

**LEGISLATIVE BILL 920.** Placed on General File with amendment. AM1781 is available in the Bill Room.

(Signed) Brad Ashford, Chairperson

**RESOLUTIONS**

**LEGISLATIVE RESOLUTION 434.** Introduced by Christensen, 44.

WHEREAS, Alexander Thuernagle of Aurora, Nebraska, 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, Alexander 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; and

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

WHEREAS, Alexander, 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, SECOND SESSION:

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

Laid over.

**LEGISLATIVE RESOLUTION 435.** Introduced by Christensen, 44.

WHEREAS, Korey Krutsinger of Imperial, Nebraska, 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, Korey 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; and

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

WHEREAS, Korey, 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, SECOND SESSION:

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

Laid over.

**AMENDMENT - Print in Journal**

Senator Larson filed the following amendment to LB56:  
AM1835

(Amendments to Final Reading copy)

- 1 1. Insert the following new section:
- 2 Sec. 5. Since an emergency exists, this act takes effect
- 3 when passed and approved according to law.
- 4 2. On page 1, line 6, strike "and"; and in line 7 after
- 5 "sections" insert "; and to declare an emergency".

**GENERAL FILE**

**LEGISLATIVE BILL 725A.** Title read. Considered.

**SENATOR KRIST PRESIDING**

Senator Sullivan offered her amendment, AM1800, found on page 457.

The Sullivan amendment was adopted with 25 ayes, 1 nay, 19 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 393.** Title read. Considered.

Committee AM640, found on page 810, First Session, 2013, was offered.

Senator Avery requested a division of the question on the committee amendment.

The Chair sustained the division of the question.

The first committee amendment is as follows:

AM1838

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 60-6,279, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 60-6,279 ~~A-(1)~~ A person shall not operate a motorcycle or
- 6 moped on any highway in this state unless such person is wearing
- 7 eye protection.
- 8 (2) Except as otherwise provided in subsection (3) of
- 9 this section, a person shall not operate or be a passenger on a
- 10 motorcycle or moped on any highway in this state unless such person
- 11 is wearing a protective helmet of the type and design manufactured
- 12 for use by operators of such vehicles and unless such helmet is
- 13 secured properly on his or her head with a chin strap while the
- 14 vehicle is in motion. All such protective helmets shall be designed
- 15 to reduce injuries to the user resulting from head impacts and
- 16 shall be designed to protect the user by remaining on the user's
- 17 head, deflecting blows, resisting penetration, and spreading the
- 18 force of impact. Each such helmet shall consist of lining, padding,
- 19 and chin strap and shall meet or exceed the standards established
- 20 in the United States Department of Transportation's Federal Motor
- 21 Vehicle Safety Standard No. 218, 49 C.F.R. 571.218, for motorcycle
- 22 helmets.
- 23 (3) A person who is at least twenty-one years of age is
- 1 exempt from subsection (2) of this section.



2     (4) For purposes of this section, eye protection means  
 3     glasses that cover the orbital region of a person's face, a  
 4     protective face shield attached to a protective helmet, goggles,  
 5     or a windshield on the motorcycle or moped that protects the  
 6     operator's and passenger's horizontal line of vision in all  
 7     operating positions.

8     Sec. 2. Original section 60-6,279, Reissue Revised  
 9     Statutes of Nebraska, is repealed.

The second committee amendment is as follows:

AM1839

1     1. Strike the original sections and insert the following  
 2     new sections:

3     Section 1. Section 60-6,307, Reissue Revised Statutes of  
 4     Nebraska, is amended to read:

5     60-6,307 (1) Any person who operates a motorcycle shall  
 6     ride only upon a permanent and regular seat attached to the  
 7     motorcycle. A person operating a motorcycle shall not carry any  
 8     other person nor shall any other person ride on a motorcycle unless  
 9     such motorcycle is designed to carry more than one person, in which  
 10    event a passenger may ride upon the permanent and regular seat, if  
 11    designed for two persons, or upon another seat firmly attached to  
 12    the motorcycle to the rear or side of the operator. No person shall  
 13    operate a motorcycle on a highway in this state with a passenger  
 14    who is less than forty-eight inches tall unless the passenger is  
 15    sixteen years of age or older.

16    (2) A person shall ride upon a motorcycle only while  
 17    sitting astride the seat, facing forward.

18    (3) No person shall operate a motorcycle while carrying  
 19    any package, bundle, or other article which prevents him or her  
 20    from keeping both hands on the handlebars.

21    (4) No operator shall carry any person, nor shall any  
 22    person ride, in a position that interferes with the operation or  
 23    control of the motorcycle or the view of the operator.

1     (5) Any motorcycle which carries a passenger, other than  
 2     in a sidecar or enclosed cab, shall be equipped with footrests for  
 3     such passenger.

4     (6) No person shall operate any motorcycle with  
 5     handlebars more than fifteen inches above the mounting point of the  
 6     handlebars.

7     Sec. 2. Original section 60-6,307, Reissue Revised  
 8     Statutes of Nebraska, is repealed.

The first committee amendment, AM1838, found in this day's Journal, was offered.

Senator Lathrop offered his amendment, AM1813, found on page 457, to the first committee amendment.

**SENATOR COASH PRESIDING**

Pending.

**BILL ON FIRST READING**

The following bill was read for the first time by title:

**LEGISLATIVE BILL 371A.** Introduced by Mello, 5.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 371, One Hundred Third Legislature, Second Session, 2014; and to declare an emergency.

**COMMITTEE REPORTS**

Urban Affairs

**LEGISLATIVE BILL 702.** Placed on General File with amendment.

AM1738

- 1 1. On page 5, line 15, strike "city of the second class"
- 2 and insert "village".

**LEGISLATIVE BILL 801.** Placed on General File with amendment.

AM1842

- 1 1. On page 2, line 19; and page 4, line 8, after "five"
- 2 insert "business".

(Signed) Amanda McGill, Chairperson

**ANNOUNCEMENT**

Senator Scheer designates LB682 as his priority bill.

**AMENDMENT - Print in Journal**

Senator Lathrop filed the following amendment to LB393:

FA195

Amend AM1838

1. On page 1, line 5, strike "(1)"; in lines 8 and 9 strike the new matter and insert "A"; and strike line 23.
2. On page 2, strike lines 1 through 7.

**UNANIMOUS CONSENT - Add Cointroducers**

Senators Ashford, Chambers, Conrad, Cook, Nordquist, and Schumacher asked unanimous consent to add their names as cointroducers to LB1075. No objections. So ordered.

Senators Bolz, Dubas, Howard, Karpisek, Lathrop, and McGill asked unanimous consent to add their names as cointroducers to LB1075. No objections. So ordered.

Senator Watermeier asked unanimous consent to add his name as cointroducer to LB785. No objections. So ordered.

Senator Coash asked unanimous consent to add his name as cointroducer to LB551. No objections. So ordered.

### **VISITORS**

Visitors to the Chamber were Senator Hadley's wife, Marilyn, his sister and brother-in-law, Jane and Tom Gwin, and Terri and Jerry Rubin, from Denver, CO; and 27 fourth-grade students and teachers from Jackson Elementary, Omaha.

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

### **ADJOURNMENT**

At 12:00 p.m., on a motion by Senator Schumacher, the Legislature adjourned until 9:00 a.m., Friday, February 7, 2014.

Patrick J. O'Donnell  
Clerk of the Legislature

