

**SIXTH DAY - JANUARY 12, 2011****LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE  
FIRST SESSION****SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, January 12, 2011

**PRAYER**

The prayer was offered by Senator Heidemann.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Sheehy presiding.

The roll was called and all members were present except Senator Council who was excused; and Senators Cornett and Utter who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fifth day was approved.

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LB206	Transportation and Telecommunications
LB207	Natural Resources
LB208	Natural Resources
LB209	Revenue
LB210	Revenue
LB211	Revenue
LB212	Transportation and Telecommunications
LB213	Appropriations
LB214	Government, Military and Veterans Affairs
LB215	Transportation and Telecommunications
LB216	Transportation and Telecommunications
LB217	Transportation and Telecommunications
LB218	Government, Military and Veterans Affairs
LB219	Health and Human Services
LB220	Transportation and Telecommunications

LB221	Health and Human Services
LB222	Health and Human Services
LB223	Banking, Commerce and Insurance
LB224	Government, Military and Veterans Affairs
LB225	Health and Human Services
LB226	Judiciary
LB227	Natural Resources
LB228	Government, Military and Veterans Affairs
LB229	Natural Resources
LB230	Government, Military and Veterans Affairs
LR19CA	Government, Military and Veterans Affairs

(Signed) John Wightman, Chairperson  
Executive Board

**NOTICE OF COMMITTEE HEARINGS**  
Government, Military and Veterans Affairs

Room 1507

Wednesday, January 19, 2011 2:00 p.m.

LB14  
LB89  
LB122

Thursday, January 20, 2011 1:30 p.m.

LB37  
LB62  
LB101  
LB116

Friday, January 21, 2011 1:30 p.m.

LB97  
LB161  
LB117  
LB168

(Signed) Bill Avery, Chairperson

**ANNOUNCEMENT**

The General Affairs Committee elected Senator Krist as Vice Chairperson.

**BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 282.** Introduced by Louden, 49.

A BILL FOR AN ACT relating to the Commission on Indian Affairs; to amend section 81-2514, Revised Statutes Cumulative Supplement, 2010; to appropriate funds to the Designated Collection Fund; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 283.** Introduced by K. Haar, 21.

A BILL FOR AN ACT relating to schools; to amend section 79-10,110, Revised Statutes Cumulative Supplement, 2010; to provide for a tax levy and bond authority relating to energy efficiency projects as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 284.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-1320.02, Reissue Revised Statutes of Nebraska; to change provisions relating to unlawful picketing of a funeral; and to repeal the original section.

**LEGISLATIVE BILL 285.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to veterans; to amend sections 80-317 and 80-401.03, Reissue Revised Statutes of Nebraska; to change application procedures for Nebraska veterans homes; to change eligibility for assistance from the Nebraska Veterans' Aid Fund; and to repeal the original sections.

**LEGISLATIVE BILL 286.** Introduced by Krist, 10; Wallman, 30.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-123.15, Reissue Revised Statutes of Nebraska; to change provisions relating to a shipping license fee; and to repeal the original section.

**MOTION - Adopt Permanent Rules**

Senator Lautenbaugh moved to adopt the permanent rules for the One Hundred Second Legislature, First Session, and any special sessions held during the 2011 calendar year.

The Rules Committee renewed the proposed rules change, Proposed Rules Change 1, found on page 135, to Rule 7, Sec. 3 and Rule 7, Sec. 7.

The Rules Committee's proposed rules change, Proposed Rules Change 1, was adopted with 42 ayes, 0 nays, 4 present and not voting, and 3 excused

and not voting.

The Rules Committee renewed the proposed rules change, Proposed Rules Change 2, found on page 138, to Rule 6, Sec. 7.

The Rules Committee's proposed rules change, Proposed Rules Change 2, was adopted with 45 ayes, 0 nays, 2 present and not voting, and 2 excused and not voting.

The Rules Committee renewed the proposed rules change, Proposed Rules Change 3, found on page 138, to Rule 1, Sec. 17 and Rule 3, Sec. 6.

The Rules Committee's proposed rules change, Proposed Rules Change 3, was adopted with 43 ayes, 0 nays, 4 present and not voting, and 2 excused and not voting.

The Rules Committee renewed the proposed rules change, Proposed Rules Change 4, found on page 140, to Rule 3, Sec. 20.

Senator Langemeier offered the following amendment to the Rules Committee's proposed rules change, Proposed Rules Change 4:

**Amend Proposed Rules Change 4**

After the word amendment in line 1 add "other than a committee amendment"

Change "twenty" to "ten"

The Langemeier amendment was adopted with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

The Rules Committee's proposed rules change, Proposed Rules Change 4, as amended, was adopted with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

Senator Pahls offered the following proposed rules change:

**Rule 8, Sec. 2. Appropriations Committee Report.** The Legislature's Appropriations Committee, by majority vote of its members, shall annually prepare a report summarizing the preliminary total General Fund appropriation recommendations for each year of the following biennium. Such report shall include information based upon the committee's initial review of (1) state agency, board, and commission budget requests, (2) the Governor's budget, (3) the estimated revenue receipts for each year of the following biennium, (4) General Fund reserve requirements, (5) express obligations, (6) legislation that would be required to enable recommended appropriations, (7) a list of each statutory sales and use tax exemption for tangible personal property and the annual estimated loss to the General Fund

as a result of each express exemption, and (8) economic conditions affecting the State of Nebraska.

Senator Pahls withdrew his proposed rules change.

The Lautenbaugh motion to adopt permanent rules, as amended, prevailed with 41 ayes, 0 nays, 4 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 287.** Introduced by Adams, 24.

A BILL FOR AN ACT relating to education; to amend section 79-536, Reissue Revised Statutes of Nebraska, and sections 79-1003.01 and 79-1103, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to summer school and early childhood education summer sessions; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 288.** Introduced by Mello, 5.

A BILL FOR AN ACT relating to rules and regulations; to adopt the Small Business Regulatory Flexibility Act.

**LEGISLATIVE BILL 289.** Introduced by Mello, 5.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 39-2215, 39-2215.01, 39-2216, 60-101, 60-119.01, 60-123, 60-137, 60-301, 60-302, 60-306, 60-336.01, 60-339, 60-386, 60-388, 60-393, 60-395, 60-398, 60-3,113, 60-3,166, 60-3,200, 60-471, 60-501, 60-601, 60-605, 60-6,348, and 60-6,349, Reissue Revised Statutes of Nebraska, and section 23-187, Revised Statutes Cumulative Supplement, 2010; to allow operation of low-speed vehicles on highways as prescribed; to define and redefine terms; to require titling and registration for low-speed vehicles; to provide powers for counties; to change and eliminate provisions relating to the use of alternative fuels; to change provisions relating to motor vehicle registration; to change and provide fees relating to the use of alternative fuels; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 66-684, 66-685, 66-686, 66-687, 66-688, 66-691, 66-694, and 66-695, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 290.** Introduced by Pankonin, 2.

A BILL FOR AN ACT relating to health care; to amend section 71-464, Reissue Revised Statutes of Nebraska; to change information required to be given to a patient upon request; and to repeal the original section.

**LEGISLATIVE BILL 291.** Introduced by Nelson, 6; Carlson, 38; Schilz, 47.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-141, Reissue Revised Statutes of Nebraska; to change provisions relating to periodic payment modification; and to repeal the original section.

**LEGISLATIVE BILL 292.** Introduced by Avery, 28.

A BILL FOR AN ACT relating to the Nebraska Accountability and Disclosure Commission; to amend section 49-14,120, Reissue Revised Statutes of Nebraska; to eliminate per diems for members of the commission as prescribed; to provide an operative date; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 293.** Introduced by Avery, 28.

A BILL FOR AN ACT relating to pawnbrokers and junk dealers; to amend section 69-204, Reissue Revised Statutes of Nebraska; to change provisions relating to reclaiming property by an owner; and to repeal the original section.

**LEGISLATIVE BILL 294.** Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-179, Reissue Revised Statutes of Nebraska; to prohibit sales during certain hours to persons who are twenty-one years old; and to repeal the original section.

**LEGISLATIVE BILL 295.** Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-2408 and 60-2410, Reissue Revised Statutes of Nebraska; to change provisions relating to towing and storage; to provide powers and duties for the Public Service Commission; and to repeal the original sections.

**LEGISLATIVE BILL 296.** Introduced by Coash, 27.

A BILL FOR AN ACT relating to criminal procedure; to amend sections 29-404 and 29-1603, Reissue Revised Statutes of Nebraska; to eliminate the oath requirements for filing of a criminal complaint and for verifying of informations; and to repeal the original sections.

**LEGISLATIVE BILL 297.** Introduced by Dubas, 34; Heidemann, 1.

A BILL FOR AN ACT relating to the Local, Civic, Cultural, and Convention Center Act; to amend sections 13-2701, 13-2702, 13-2703, 13-2707, and 13-2710, Reissue Revised Statutes of Nebraska, and sections

13-2610, 13-2704, 13-3108, and 77-5601, Revised Statutes Cumulative Supplement, 2010; to rename the act; to define and redefine terms; to provide funding for community centers; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 298.** Introduced by Christensen, 44.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-1409, 28-1410, 28-1411, and 28-1416, Reissue Revised Statutes of Nebraska; to change provisions relating to self-protection; and to repeal the original sections.

**LEGISLATIVE BILL 299.** Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to horseracing; to amend sections 2-1205, 2-1226, and 2-1228, Reissue Revised Statutes of Nebraska; to authorize contracts for live race meetings as prescribed; to change requirements for a license to conduct horseracing or to simulcast horseracing; and to repeal the original sections.

**LEGISLATIVE BILL 300.** Introduced by Ashford, 20.

A BILL FOR AN ACT relating to victims of tragedies; to amend sections 81-8,239.01 and 84-1410, Reissue Revised Statutes of Nebraska, and sections 81-1801, 81-1801.02, 81-1818, and 81-1822, Revised Statutes Cumulative Supplement, 2010; to change and eliminate provisions relating to the Community Trust; to state intent; to change provisions relating to closed sessions of public bodies; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 301.** Introduced by Ashford, 20.

A BILL FOR AN ACT relating to the Nebraska Juvenile Code; to amend sections 43-412 and 43-416, Reissue Revised Statutes of Nebraska, and sections 43-2,108.03, 43-2,108.04, and 43-2,108.05, Revised Statutes Cumulative Supplement, 2010; to change and provide provisions for sealing of records; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 302.** Introduced by Ashford, 20.

A BILL FOR AN ACT relating to courts; to provide for an analysis and restructuring plan for the court system by the Supreme Court.

**LEGISLATIVE BILL 303.** Introduced by McCoy, 39.

A BILL FOR AN ACT relating to investment of state funds; to eliminate the restriction on investments in certain corporations doing business in Northern Ireland; and to outright repeal sections 72-1246.06, 72-1246.07, and 72-1246.08, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 304.** Introduced by McGill, 26.

A BILL FOR AN ACT relating to public health; to amend section 71-503.01, Reissue Revised Statutes of Nebraska; to provide for treatment relating to sexually transmitted disease as prescribed; to provide for immunity; to provide for rules and regulations; to provide for confidentiality and exemptions as prescribed; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 305.** Introduced by Larson, 40; Avery, 28; Brasch, 16; Carlson, 38; Christensen, 44; Dubas, 34; Hansen, 42; Louden, 49; Schilz, 47; Schumacher, 22; Wallman, 30.

A BILL FOR AN ACT relating to agriculture; to amend sections 54-857 and 54-1901, Reissue Revised Statutes of Nebraska; to state intent to implement a state meat and poultry inspection program under federal law; to provide powers and duties to the Department of Agriculture; to create a fund and transfer funds; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 306.** Introduced by Larson, 40.

A BILL FOR AN ACT relating to animals; to amend section 54-901, Reissue Revised Statutes of Nebraska; to require certain entities to provide care and shelter to equine animals; to provide a penalty; and to repeal the original section.

**LEGISLATIVE BILL 307.** Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to the Nebraska State Patrol Retirement Act; to amend section 81-2041, Reissue Revised Statutes of Nebraska; to require a member participating in DROP to continue making required contributions; and to repeal the original section.

**LEGISLATIVE BILL 308.** Introduced by Urban Affairs Committee: McGill, 26, Chairperson; Coash, 27; Cook, 13; Krist, 10; Schumacher, 22; Smith, 14.

A BILL FOR AN ACT relating to municipalities; to amend sections 17-107 and 17-208, Revised Statutes Cumulative Supplement, 2010; to provide for terms of office for certain officers; and to repeal the original sections.

**LEGISLATIVE BILL 309.** Introduced by Urban Affairs Committee: McGill, 26, Chairperson; Coash, 27; Cook, 13; Krist, 10; Schumacher, 22; Smith, 14.

A BILL FOR AN ACT relating to municipalities; to provide for reapportionment of special assessments as prescribed.



**LEGISLATIVE BILL 310.** Introduced by McGill, 26.

A BILL FOR AN ACT relating to domestic violence; to amend sections 28-311.09, 42-903, 42-924, and 42-924.01, Reissue Revised Statutes of Nebraska; to change provisions relating to protection order petitions, definitions, and penalties; to provide for appointment of counsel for certain protection order hearings; and to repeal the original sections.

**LEGISLATIVE BILL 311.** Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-1,104, Reissue Revised Statutes of Nebraska; to change penalties for violations by licensees domiciled outside the state as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 312.** Introduced by Coash, 27; Avery, 28; Fulton, 29; Karpisek, 32; McCoy, 39; Pankonin, 2.

A BILL FOR AN ACT relating to veterans; to adopt the Brain Injury Act.

**LEGISLATIVE BILL 313.** Introduced by Nordquist, 7; Campbell, 25; Harms, 48; Howard, 9; 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.

**LEGISLATIVE BILL 314.** Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-183, Reissue Revised Statutes of Nebraska; to provide an exception for wine relating to certain sales practices; and to repeal the original section.

**LEGISLATIVE BILL 315.** Introduced by Pahls, 31.

A BILL FOR AN ACT relating to the Nebraska Real Estate License Act; to amend section 81-885.11, Reissue Revised Statutes of Nebraska, and section 81-885.01, Revised Statutes Cumulative Supplement, 2010; to permit licensure of real estate salespersons as individuals, corporations, partnerships, and limited liability companies; and to repeal the original sections.

**LEGISLATIVE BILL 316.** Introduced by Heidemann, 1; Wallman, 30.

A BILL FOR AN ACT relating to the Optometry Practice Act; to amend sections 38-2604, 38-2607, 38-2608, and 38-2614, Reissue Revised Statutes of Nebraska, and sections 38-2605 and 38-2617, Revised Statutes

Cumulative Supplement, 2010; to redefine terms; to change provisions relating to the practice of optometry; to change provisions relating to certification; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 317.** Introduced by Conrad, 46.

A BILL FOR AN ACT relating to unincorporated nonprofit associations; to adopt the Nebraska Revised Uniform Unincorporated Nonprofit Association Act; and to provide an operative date.

**LEGISLATIVE BILL 318.** Introduced by Cornett, 45; Adams, 24; Hadley, 37; Louden, 49; Utter, 33.

A BILL FOR AN ACT relating to homestead exemptions; to amend section 77-3505, Reissue Revised Statutes of Nebraska; to redefine qualified claimant; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 319.** Introduced by Cornett, 45; Adams, 24; Hadley, 37; Louden, 49; Utter, 33.

A BILL FOR AN ACT relating to homestead exemptions; to amend section 77-3523, Reissue Revised Statutes of Nebraska; to change reimbursement amounts to taxing agencies; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 320.** Introduced by Cornett, 45; Adams, 24; Hadley, 37; Louden, 49; Utter, 33.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-3507, 77-3508, and 77-3509, Reissue Revised Statutes of Nebraska; to change homestead exemption income limitations; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 321.** Introduced by Cornett, 45; Adams, 24; Hadley, 37; Louden, 49; Utter, 33.

A BILL FOR AN ACT relating to homestead exemptions; to amend sections 77-3501.01 and 77-3505.02, Reissue Revised Statutes of Nebraska; to change definitions and calculations; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 322.** Introduced by Cornett, 45.

A BILL FOR AN ACT relating to insurance; to provide requirements for insurers for prescription drug coverage; to state findings and intent; and to provide a duty for the Revisor of Statutes.

**LEGISLATIVE BILL 323.** Introduced by Cornett, 45; Schilz, 47.

A BILL FOR AN ACT relating to the Nebraska Advantage Act; to amend section 77-5723, Reissue Revised Statutes of Nebraska, and sections 77-5725, 77-5726, and 77-5735, Revised Statutes Cumulative Supplement, 2010; to change application procedures and local option sales and use tax refunds; to provide for applicability; and to repeal the original sections.

**LEGISLATIVE BILL 324.** Introduced by Howard, 9.

A BILL FOR AN ACT relating to adoption; to amend sections 43-107, 43-109, 43-146.01, 43-146.02, 43-146.05, 43-146.06, and 43-146.07, Reissue Revised Statutes of Nebraska; to require a fetal alcohol spectrum disorders evaluation or statement prior to adoption of a child who is a ward of the state as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 325.** Introduced by Howard, 9.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for behavioral health care as prescribed.

**LEGISLATIVE BILL 326.** Introduced by Janssen, 15.

A BILL FOR AN ACT relating to government; to eliminate the Legislative Committee on Intergovernmental Cooperation and the Governor's Committee on Intergovernmental Cooperation; and to outright repeal sections 81-816, 81-817, and 81-819, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 327.** Introduced by Campbell, 25.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-3,190, Reissue Revised Statutes of Nebraska; to change the motor vehicle fee as prescribed; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 328.** Introduced by Fischer, 43; Langemeier, 23.

A BILL FOR AN ACT relating to water resources; to amend section 46-233, Reissue Revised Statutes of Nebraska; to provide for amendment of instream hydropower appropriations to recognize certain other purposes as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 329.** Introduced by Cook, 13.

A BILL FOR AN ACT relating to the State Energy Office; to amend sections 72-804, 72-805, 72-806, 81-1608, 81-1609, 81-1611, 81-1614, 81-1615, 81-1616, 81-1618, and 81-1620, Reissue Revised Statutes of Nebraska; to update references to the International Energy Conservation Code; to change provisions relating to the Nebraska Energy Code; and to repeal the original sections.

**LEGISLATIVE BILL 330.** Introduced by Cook, 13; Karpisek, 32.

A BILL FOR AN ACT relating to the Dentistry Practice Act; to amend section 38-1130, Reissue Revised Statutes of Nebraska; to change functions authorized and authorization requirements for licensed dental hygienists; and to repeal the original section.

**LEGISLATIVE BILL 331.** Introduced by Education Committee: Adams, 24, Chairperson; Avery, 28; Cornett, 45; K. Haar, 21; Howard, 9; Sullivan, 41.

A BILL FOR AN ACT relating to educational telecommunications; to amend section 79-1316, Reissue Revised Statutes of Nebraska; to change powers and duties relating to a network; and to repeal the original section.

**LEGISLATIVE BILL 332.** Introduced by Education Committee: Adams, 24, Chairperson; Avery, 28; Cornett, 45; K. Haar, 21; Howard, 9; Sullivan, 41.

A BILL FOR AN ACT relating to the Board of Educational Lands and Funds; to amend section 72-201, Reissue Revised Statutes of Nebraska; to change provisions relating to compensation; and to repeal the original section.

**LEGISLATIVE BILL 333.** Introduced by Education Committee: Adams, 24, Chairperson; Avery, 28; Cornett, 45; K. Haar, 21; Howard, 9; Sullivan, 41.

A BILL FOR AN ACT relating to schools; to amend sections 79-703, 79-760.04, 79-760.05, 79-1108, and 79-1108.02, Reissue Revised Statutes of Nebraska, and sections 9-812, 79-810, 79-8,133, 79-8,137.01, 79-8,137.05, 79-8,139, 79-1012, and 79-2104.02, Revised Statutes Cumulative Supplement, 2010; to change and eliminate allocation provisions relating to the Education Innovation Fund; to change provisions relating to a certification fund and fees, the Attracting Excellence to Teaching Program, the Enhancing Excellence in Teaching Program, and allocation and transfer of certain funds as prescribed; to eliminate provisions relating to multicultural education and a student achievement coordinator; to harmonize provisions; to repeal the original sections; to outright repeal sections 79-719, 79-720, 79-721, 79-722, 79-723, and 79-11,150, Reissue Revised Statutes of Nebraska; and to declare an emergency.

**LEGISLATIVE BILL 334.** Introduced by Education Committee: Adams, 24, Chairperson; Avery, 28; Cornett, 45; K. Haar, 21; Howard, 9; Sullivan, 41.

A BILL FOR AN ACT relating to universities and colleges; to amend sections 2-3815, 2-5003, 38-2620, 38-2622, 81-1273, 81-1275, 85-214,

85-215, and 85-1005, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to a poultry pathologist, an aquaculturist, the Nebraska Optometry Education Assistance Contract Program, the Nebraska Business Development Center, the agricultural laboratory in Box Butte County, and the Nebraska Safety Center; to harmonize provisions; to repeal the original sections; and to outright repeal sections 85-1,104.01, 85-209, 85-210, 85-211, and 85-212, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 335.** Introduced by McGill, 26.

A BILL FOR AN ACT relating to cities and villages; to amend sections 16-321.01 and 17-568.02, Reissue Revised Statutes of Nebraska; to provide for the waiver of bidding procedures as prescribed; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

**LEGISLATIVE BILL 336.** Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Commission; to amend section 53-110, Reissue Revised Statutes of Nebraska; to authorize employment by staff of the commission as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 337.** Introduced by Fulton, 29; Avery, 28.

A BILL FOR AN ACT relating to the Auditor of Public Accounts; to amend sections 23-362, 23-2301, 39-2204, 60-1409, 66-738, 72-1255, 77-2608, and 84-1301, Reissue Revised Statutes of Nebraska; to change timeframes for certain audits; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 338.** Introduced by Howard, 9; Conrad, 46; Cook, 13; Dubas, 34; K. Haar, 21; Lathrop, 12; Mello, 5; Nordquist, 7; Wallman, 30.

A BILL FOR AN ACT relating to the Department of Administrative Services; to amend sections 16-321.01, 17-568.02, 60-3,100, 73-301, 73-304, 73-306, 81-145, 81-146, 81-153, 81-154, 81-159, 81-1108.16, and 81-1118.03, Reissue Revised Statutes of Nebraska; to provide preference requirements for services and personal property contracts as prescribed; to provide powers and duties for the Director of Administrative Services and the materiel division; to define a term; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 339.** Introduced by Ashford, 20.

A BILL FOR AN ACT relating to the Nebraska Juvenile Code; to amend section 43-258, Revised Statutes Cumulative Supplement, 2010; to change predisposition evaluation provisions; and to repeal the original section.

**LEGISLATIVE BILL 340.** Introduced by Dubas, 34; Fischer, 43; Fulton, 29; K. Haar, 21; Sullivan, 41.

A BILL FOR AN ACT relating to pipelines; to amend sections 57-1101, 57-1102, 57-1103, 57-1104, 57-1105, and 57-1106, Reissue Revised Statutes of Nebraska; to adopt the Hazardous Liquid Pipeline Notification Act; to change provisions relating to eminent domain for pipelines; to provide severability; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 341.** Introduced by Smith, 14.

A BILL FOR AN ACT relating to workers' compensation benefits; to amend sections 43-1709, 48-149, and 48-161, Reissue Revised Statutes of Nebraska; to include workers' compensation benefits as income for support payments; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 342.** Introduced by Brasch, 16.

A BILL FOR AN ACT relating to drainage districts; to amend section 31-409, Reissue Revised Statutes of Nebraska; to change the hours of annual elections as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 343.** Introduced by Brasch, 16.

A BILL FOR AN ACT relating to land surveying; to amend sections 81-8,109, 81-8,110.02, 81-8,110.12, 81-8,110.13, 81-8,117, 81-8,121, 81-8,122, and 81-8,122.02, Reissue Revised Statutes of Nebraska; to redefine a term; to change land surveyor registration requirements; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 344.** Introduced by Ashford, 20.

A BILL FOR AN ACT relating to municipal counties; to amend sections 13-2801 and 13-2810, Reissue Revised Statutes of Nebraska; to change creation provisions; to provide for development of a plan to merge governmental services; to change voting requirements to establish a municipal county; and to repeal the original sections.

**LEGISLATIVE BILL 345.** Introduced by Conrad, 46.

A BILL FOR AN ACT relating to economic development; to amend section 13-208, Reissue Revised Statutes of Nebraska; to adopt the Economic Gardening Technical Assistance Act; to provide funding and a termination date; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 346.** Introduced by Conrad, 46.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation

Court; to amend section 48-152, Reissue Revised Statutes of Nebraska; to authorize contempt and other sanctions; and to repeal the original section.

**LEGISLATIVE BILL 347.** Introduced by McCoy, 39.

A BILL FOR AN ACT relating to the Nebraska Real Estate License Act; to amend section 81-885.21, Reissue Revised Statutes of Nebraska, and section 81-885.24, Revised Statutes Cumulative Supplement, 2010; to authorize interest-bearing trust accounts as prescribed; to harmonize provisions; and to repeal the original sections.

## RESOLUTION

**LEGISLATIVE RESOLUTION 21.** Introduced by Janssen, 15.

WHEREAS, the United States Congress passed and the President signed into law the federal Patient Protection and Affordable Care Act, Public Law 111-148, on March 23, 2010; and

WHEREAS, the Patient Protection and Affordable Care Act, as amended by the Health Care and Education Reconciliation Act of 2010, Public Law 111-152, comprises America's comprehensive federal health care reform, which is commonly referred to as the Affordable Care Act; and

WHEREAS, the result of the Affordable Care Act will be to create a government takeover of the health care industry that will increase health care costs, raise taxes, hurt senior citizens, destroy jobs, reduce the quality of care that Americans will receive, restrict consumer choice, limit individuals' access to private health insurance, and reduce the ability of American companies to compete; and

WHEREAS, the Affordable Care Act will constrain the freedom of individuals to choose their own doctor and will interfere with individuals' ability to make personal health care decisions; and

WHEREAS, the Affordable Care Act will cause spending for health care to escalate and policymakers to ration care as a cost-containment measure; and

WHEREAS, according to the Congressional Budget Office, the Affordable Care Act could cause millions of Americans who receive health insurance through their employer to lose their health insurance coverage. In addition, the Congressional Budget Office reports that premiums in the individual and small group markets may substantially increase; and

WHEREAS, the United States Department of Health and Human Services will dictate what benefits insurers must offer and how much they may charge; and

WHEREAS, in view of the fact that physicians lose money servicing government patients on medicare and medicaid, the Affordable Care Act will increase this problem by further reducing medicare and medicaid fees to doctors and hospitals and will discourage persons from entering the health care field; and

WHEREAS, the Affordable Care Act will increase taxes on employers who do not offer adequate insurance and will increase taxes on investment

income, which in turn will reduce capital available for job expansion, reduce economic growth, and result in fewer jobs for Americans; and

WHEREAS, the Affordable Care Act will harm seniors by making cuts from the medicare budget, causing seniors to lose the health insurance coverage they currently possess; and

WHEREAS, the Affordable Care Act will add to the national debt; and

WHEREAS, the provisions of the Affordable Care Act aimed at reducing health care spending address the symptoms of the cost of health care rather than the root causes of growth in health care spending.

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

1. That the Legislature rejects the Affordable Care Act and calls for the repeal of the Affordable Care Act by the Congress of the United States.

2. That it is the opinion of the Legislature that all individuals should have the right to make decisions about their health care, and no law should be in effect that restricts a person's freedom of choice of private health care systems or private plans of any type.

3. That it is the opinion of the Legislature that no law should interfere with a person's or entity's right to pay directly for lawful medical services, nor should any law impose a penalty or fine of any type for choosing to obtain or decline health care coverage or for participation in any particular health care system or plan.

4. That the Clerk of the Legislature transmit copies of this Legislative Resolution to the Speaker of the United States House of Representatives, the Majority Leader of the United States Senate, and the Nebraska Congressional Delegation.

Laid over.

### **SPEAKER'S ANNOUNCEMENT**

Pursuant to Rule 4, Section 8, LR21 was referred to the Reference Committee.

### **RESOLUTION**

**LEGISLATIVE RESOLUTION 22.** Introduced by Fulton, 29.

WHEREAS, Article I of the United States Constitution begins "All legislative powers herein granted shall be vested in a Congress"; and

WHEREAS, the Congress has exceeded the legislative powers granted in the Constitution thereby encroaching on the powers that are "reserved to the states respectively, or to the people" as the Tenth Amendment affirms and the rights "retained by the people" to which the Ninth Amendment refers; and

WHEREAS, this encroachment includes the accumulation of federal debt, which combined with interest represents a future tax, and is of such great proportion that responsibility for its payment will be passed to future,



unborn generations of Americans to assume without their consent, thereby disparaging their rights; and

WHEREAS, this encroachment also includes compelling state and local governments to comply with federal laws and regulations without accompanying funding for such mandates; and

WHEREAS, in Federalist No. 85, Alexander Hamilton wrote in reference to Article V of the Constitution and the calling of a convention for the purpose of proposing amendments that, "We may safely rely on the disposition of the State legislatures to erect barriers against the encroachments of the national authority"; and

WHEREAS, the Constitution should be amended in order to halt federal encroachment and restore a proper balance between the powers of Congress and those of the several states and to prevent the denial or disparagement of the rights retained by the people.

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

1. That the Legislature hereby applies to the Congress of the United States to call an amendment convention pursuant to Article V of the United States Constitution for the purpose of proposing a constitutional amendment that permits the repeal of any federal law or regulation by vote of two-thirds of the state legislatures.

2. That the Nebraska Delegation to such convention, when called, shall propose the following amendment:

"Any provision of law or regulation of the United States may be repealed by the several states, and such repeal shall be effective when the legislatures of two-thirds of the several states approve resolutions for this purpose that particularly describe the same provision or provisions of law or regulation to be repealed."

3. That a copy of this resolution be sent to the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Nebraska congressional delegation so that they may be apprised of the sense of the Legislature in this matter.

## **NOTICE OF COMMITTEE HEARINGS**

Revenue

Room 1524

Wednesday, January 19, 2011 1:30 p.m.

LB134

LB210

LB211

Thursday, January 20, 2011 1:30 p.m.

LB96  
LB118  
LB119

Friday, January 21, 2011 1:30 p.m.

LB81

(Signed) Abbie Cornett, Chairperson

Natural Resources

Room 1525

Wednesday, January 19, 2011 2:00 p.m.

LB229

(Signed) Chris Langemeier, Chairperson

Nebraska Retirement Systems

Room 1525

Monday, January 24, 2011 9:00 a.m.

Randall Rehmeier - Public Employees Retirement Board  
Richard Wassinger - Public Employees Retirement Board  
John Maginn - Nebraska Investment Council

(Signed) Jeremy Nordquist, Chairperson

Judiciary

Room 1113

Friday, January 21, 2011 1:30 p.m.

LB12  
LB13  
LB61  
LB88  
LB100

(Signed) Brad Ashford, Chairperson

**UNANIMOUS CONSENT - Add Cointroducers**

Senator Conrad asked unanimous consent to add her name as cointroducer to LB200. No objections. So ordered.

Senator Conrad asked unanimous consent to add her name as cointroducer to LB145. No objections. So ordered.

Senator Heidemann asked unanimous consent to add his name as cointroducer to LB230. No objections. So ordered.

Senator Pankonin asked unanimous consent to add his name as cointroducer to LB84. No objections. So ordered.

Senator Nordquist asked unanimous consent to add his name as cointroducer to LB123. No objections. So ordered.

Senator Karpisek asked unanimous consent to add his name as cointroducer to LB286. No objections. So ordered.

**VISITOR**

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

**ADJOURNMENT**

At 10:59 a.m., on a motion by Senator Heidemann, the Legislature adjourned until 9:30 a.m., Thursday, January 13, 2011.

Patrick J. O'Donnell  
Clerk of the Legislature

