

SECOND DAY - JANUARY 5, 2012**LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE
SECOND SESSION****SECOND DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, January 5, 2012

PRAYER

The prayer was offered by Senator Fischer.

ROLL CALL

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

The roll was called and all members were present except Senator Conrad who was excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the first day was approved.

**2011 INTERIM REPORT
ON THE DISPOSITION OF
INTERIM STUDY RESOLUTIONS**Agriculture

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
274	Study statutory protections for guide dogs			X
276	Examine methods to monitor and enforce fuel dispenser labeling requirements			X
277	Examine fiscal condition of Commercial Dog and Cat Operator Inspection Program		X	
278	Examine implication of emerging federal livestock disease traceability rule		X	
295	Examine tradeoffs of livestock husbandry methods			X

296	Examine alternative models for commodity promotion programs		X	
297	Review LR305 report regarding requirements for implementing a state meat inspection program	X		
322	Study issues relating to Nebraska's tractor permitting law		X	
324	Explore means to increase export of agricultural commodities			X

Appropriations

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
282#	Implementation of the NE Health Care Funding Act	Hearing pending		
317	Fund formulas for federally qualified health centers	Pending		
248#	Accessibility of health care providers for persons on Medicaid			X
285#	Nursing shortages in NE	Hearing pending		
286	Cash funding legislation outside the budget process		X	
206@	Funding streams/adult ed bridge programs		Hearing	
269	Strategic plans and performance benchmarks by state agencies			X
272%	New criminal law impact on counties		X	
311	Philanthropic investing in areas of services by state government		X	
252	Illegal immigration impact on the state budget			X

Joint referencing with Health and Human Services Committee

@ Joint referencing with Education Committee

% Joint referencing with Judiciary Committee

Banking, Commerce and Insurance

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
85	Federal Patient Protection and Affordable Care Act		X	

238	Regulation and business organizations of firms and individuals rendering professional services		X	
138	Exit of insurers from the health insurance marketplace for policies for children			X
235	Uniform Unincorporated Nonprofit Association Act		X	
200	Insurance coverage for an operator of a motor vehicle not owned by the operator			X
240	Examine issues surrounding direct repair programs operated by insurers			X
280	Protect homeowners from home repair contractor fraud regarding insurance claims		X	
219	Insurance coverage of services to treat autism		X	
197	Implementation of an all-payer claims database			X
270	Examine health insurance in NE			X
258	Availability of technology to provide electronic request of prior authorization for medical and pharmacy interventions			X

Business and Labor

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
215	Interim study to examine issues related to defined benefit plans of political subdivisions	X		
216	Interim study to examine public employee contracts entered into pursuant to collective bargaining and benefits for public officials	X		
237	Interim study to examine issues surrounding the potential consolidation of the Dept. of Labor and the Dept. of Economic Development into a newly created Dept. of Economic and Workforce Development			X

266	Interim study to examine the feasibility of creating regional skills alliances, in which employers, government agencies, educational institutions, and labor unions pool resources to train workers for emerging region-wide job opportunities			X
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Education

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
198	Interim study to examine the governance and coordination of postsecondary education in Nebraska		X	
206	Examine funding streams available to adult education programs to better transition adults into postsecondary education through bridge programs		X	
211	Interim study to examine the offering of elementary and secondary courses and high school diplomas through electronic means		X	
239	Interim study to examine public school finance, particularly the Tax Equity and Educational Opportunities Support Act (TEEOA)		X	
265	Interim study to examine the feasibility of implementing a Career Readiness Certificate program		X	
320	Interim study to examine the funding of public elementary and secondary education		X	

General Affairs

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
279	Interim study to examine issues relating to the compensation and benefits of the commissioners of the Liquor Control Commission	X		

299	Interim study to examine issues regarding gaming revenue that leaves Nebraska	X		
300	Interim study to examine issues relating to horseracing		X	
301	Interim study to examine issues relating to alcohol impact zones	X		
302	Interim study to examine issues under the jurisdiction of the General Affairs Committee			X
303	Interim study to examine issues relating to whether Nebraska State Patrol inspectors of violations under the Nebraska Liquor Control Act should be under the Nebraska Liquor Control Commission's jurisdiction	X		
315	Interim study to examine simulcast horseracing in Nebraska		X	

Government, Military and Veterans Affairs

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
245	Interim study to examine how technology may be used in elections to make the process more efficient and user-friendly for voters		X	
230	Interim study to examine issues relating to the development and implementation of a biobased product program for government procurement		X	
224	Interim study to examine issues surrounding the use of energy financing contracts, also known as energy savings performance contracts by state agencies and political subdivisions		X	
267	Interim study to examine issues relating to regulatory flexibility policies		X	
244	Interim study to examine issues within the jurisdiction of the Government, Military and Veterans Affairs Committee		X	

268	Interim study to examine the potential for privatization of the State of Nebraska's property management system		X	
307	Interim study to examine the process of decreasing the number of county commissioners		X	
310	Interim study to examine the intent of LB692, 2011, regarding the reimbursement of expenses by the Department of Administrative Services		X	

Health and Human Services

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
37	Study the effect of the child welfare reform initiative implemented by the Dept. of Health and Human Services	12/15/11		
197	To examine issues relating to the implementation of an all-payer claims database in Nebraska		X	
202	To examine public assistance programs with income-based eligibility criteria and the program rules that contribute or detract from asset building and economic stability for participating families			X
208	To determine the best manner in which to license certified applied behavioral analysts			X
212	To review the operations and usefulness of the Nebraska Regulation of Health Professions Act			X
228	To examine the safety of staff members at the Youth Rehabilitation and Treatment Centers at Geneva and Kearney			X
236	To examine maintenance payments for foster children by the Dept. of Health and Human Services and their subcontracting agencies			X

246	Interim study to review an interagency agreement between the Dept. of Health and Human Services and the Dept. of Revenue for the purpose of examining possible tax form revisions for identification of children eligible for the medical assistance program and Medicaid			X
248	Interim study to examine the accessibility of health care providers for persons on Medicaid			X
253	Interim study to investigate the merits and costs of drug testing recipients and applicants of cash assistance benefits offered under the Welfare Reform Act			X
258	Interim study to examine the availability of technology to provide the electronic request and approval of prior authorization requests for medical and pharmacy interventions			X
270	Interim study to examine the current state of health insurance coverage in the State of Nebraska to meet health insurance needs of Nebraskans			X
275	Interim study to examine Nebraska's behavioral health model concerning transport service of persons who have been placed in emergency protective custody		X	
281	Interim study to conduct research and provide recommendations on how Nebraska is currently providing home and community-based health care services to Nebraska seniors			X
282	Interim study to provide for review, assessment, and recommendations relating to the implementation of the Nebraska Health Care Funding Act		X	
285	Interim study to examine the nursing shortage in Nebraska		X	

288	Interim study to examine issues relating to standing for foster parents in removal proceedings		X	
290	Interim study to examine the procedures of the Dept. of Health and Human Services relating to the evaluation of state wards for fetal alcohol spectrum disorders prior to adoption			X
291	Interim study to evaluate methods of reporting and preventing hospital-acquired infections (HAIs)			X
293	Interim study to continue the work of the select committee appointed pursuant to LR467, 2010, to conduct research regarding the federal Patient Protection and Affordable Care Act			X
298	Interim study to examine the usage of models of collaborative management of multi-agency services provided to children and families in Nebraska and other states			X
305	Interim study to examine the public benefits and supportive services available to older foster youth transitioning or "aging" out of the foster care system			X
306	Interim study to assess the effectiveness of the ACCESS Nebraska system in building partnerships with community-based organizations and serving clients via the new system		X	

Judiciary

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
214	Interim study to examine issues surrounding graffiti, vandalism, the sale of spray paint or markers, destruction of property, and graffiti abatement			X

228	Interim study to examine the safety of staff members at the Youth Rehabilitation and Treatment Centers at Geneva and Kearney			X
229	Interim study to examine the feasibility of requiring all law enforcement personnel to complete continuing education courses on an annual basis			X
243	Interim study to examine the extent of human trafficking in Nebraska in connection with labor and sex trafficking		X	
249	Interim study to examine the impact of recidivism rates if persons convicted of driving under the influence		X	
250	Interim study to examine human trafficking in Nebraska			X
251	Interim study to examine immigration-related marriage fraud			X
254	Interim study to examine the Adam Walsh Child Protection and Safety Act of 2006 and Nebraska's Sex Offender Registration Act		X	
255	Interim study to examine issues within the jurisdiction of the Judiciary Committee			X
275	Interim study to examine Nebraska's behavioral health model concerning transport service of persons who have been placed in emergency protective custody			X
283	Interim study to examine Nebraska's judicial system, specifically issues affecting judicial effectiveness and independence			X
284	Interim study to examine current law with respect to the changing of surnames as a result of marriage			X
288	Interim study to examine issues relating to standing for foster parents in removal proceedings		X	

289	Interim study to address the undocumented immigrant population that have been initiated at both the state and local level around the country since the Judiciary Committee completed its report in December 2008			X
290	Interim study to examine the procedures of the Dept. of Health and Human Services relating to the evaluation of state wards for fetal alcohol spectrum disorders prior to adoption			X
298	Interim study to examine the usage of models of collaborative management of multi-agency services provided to children and families in Nebraska and other states			X
321	Interim study to examine the experiences of child victims and child witnesses with respect to their interaction with the criminal justice system			X

Natural Resources Committee

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
314	Examine all possible sources of revenue that could be used to establish a dedicated funding source for water management activities in Nebraska	X		
332	Determine the fairness of permanent wildlife conservation easements in today's economic and agricultural climates		X	
273	Examine the criteria for developing integrated management plans required under the Nebraska Ground Water Management and Protection Act			X
309	Examine ways to manage water and provide benefits to landowners and other entities for their ability to store and manage water in recharge areas			X

304	Examine legislative intent under the NE Ground Water Management and Protection Act regarding water use on "commingled acres"			X
260	Examine statutes and regulations on in-situ mining and hydraulic fracturing, also known as fracking			X
312	Examine intent of LB392, 2011, including duties provided to the Game & Parks Commission for inspection, impoundment, and decontamination relating to aquatic invasive species			X
205	Examine the potential establishment of a statewide electronics recycling program			X
261	Examine how Nebraska's public power utilities can partner with private energy efficiency companies to offer "On Bill Pay"			X
294	Examine the formation and mission of outdoor outfitters and guides in the State of Nebraska			X
257	Examine the flood control needs of Omaha and the greater Omaha metropolitan area			X
247	Examine development of a comprehensive approach to reducing the environmental and health risks posed by the use or disposal of selected consumer products			X

Nebraska Retirement Systems

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
210	Examine public employee retirement systems administered by the Public Employees Retirement Board		X	
215/216	Examine issues related to political subdivision defined benefit plans	X		
262	Examine earning caps on calculation of final pensionable salary for school employees		X	

Revenue

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
232	Study fiscal impact of tax increment financing on taxpayers and governments in Nebraska	X		
350	Study valuation & equalization procedures for real property	X		
220	Study occupation tax issues	X		
217	Study creation of a regional transportation commission			X
226	Study incentives for individuals to move to rural counties in Nebraska	X		
271	Analyze the Nebraska Advantage Act	X		
323	Study combined sewer overflow projects in municipalities			X
222	Study adjusting income tax brackets upwards for inflation	X		
223	Study Nebraska's special capital gains & extraordinary dividends income tax deductions; codification of the economic substance doctrine; & Internal Revenue Code section 338	X		
221	Examine Nebraska's homestead property tax exemption program		X	
231	Examine any aspect of Nebraska's tax structure and tax policy			X
234	Study infrastructure development for natural gas as a transportation fuel		X	
264	Study ways to encourage recycling and use of recycled materials in manufacturing		X	
313	Examine intent of LR9CA (2011) regarding agricultural and horticultural land valuation	X		
263	Study federal, state, & city programs for creating manufacturing jobs	X		
319	Examine tax exemptions for Nebraska's horseracing industry			X

Transportation and Telecommunications

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
287	Analyze the In Transit system for motor vehicle dealer sales and private transactions		X	
233	Review the scope of the agricultural exemption from the One Call System Act			X
316	Examine the timing issues relating to state and federal processes for transportation projects	X		
308	Examine the intent of LB102, 2011, regarding vehicle loads			X
174	Examine statutory restrictions for national agricultural and business conventions in NE			X
292	Examine cellular phone related safety issues in construction and school zones			X
242	Examine the issues within the jurisdiction of the T&T Comm.			X

Urban Affairs

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
209	Examine all the Building Codes in Nebraska		X	
227	Examine adopting a comprehensive plumbing code applicable to all jurisdictions that could enforce the comprehensive plumbing code		X	
203	Examine issues surrounding vacant residential and commercial properties		X	
207	Examine the formation and governance of sanitary and improvement districts		X	
225	Examine issues surrounding the conversion of municipal street lighting systems to light-emitting diode (LED) light systems			X

263	Examine municipal, state, and federal programs available to assist with job creation in the manufacturing sector	See Revenue Committee report		
338	Examine the boundaries and taxing authority of transit authorities		X	
241	Examine issues surrounding the Nebraska Redevelopment Act		X	

BILLS ON FIRST READING

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

LEGISLATIVE BILL 783. Introduced by Wightman, 36.

A BILL FOR AN ACT relating to decedents' estates; to amend section 30-2472, Reissue Revised Statutes of Nebraska; to change provisions relating to powers of personal representatives; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 784. Introduced by Wightman, 36.

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

LEGISLATIVE BILL 785. Introduced by Christensen, 44.

A BILL FOR AN ACT relating to firearms; to authorize possession of firearms as prescribed.

LEGISLATIVE BILL 786. Introduced by Christensen, 44.

A BILL FOR AN ACT relating to cities; to amend section 19-613, Reissue Revised Statutes of Nebraska; to change provisions relating to forfeiture of office as a member of a city council; and to repeal the original section.

LEGISLATIVE BILL 787. Introduced by McGill, 26.

A BILL FOR AN ACT relating to the Jail Standards Board; to amend sections 83-4,124, 83-4,125, and 83-4,132, Reissue Revised Statutes of Nebraska, section 83-4,133, Revised Statutes Cumulative Supplement, 2010, and sections 43-2,108.05, 71-2453, 83-4,126, and 83-4,131, Revised Statutes Supplement, 2011; to authorize inspection and regulation of staff secure facilities by the board as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 788. Introduced by Campbell, 25.

A BILL FOR AN ACT relating to the Respiratory Care Practice Act; to amend sections 38-3214 and 38-3215, Reissue Revised Statutes of Nebraska; to change requirements for the practice of respiratory care; and repeal the original sections.

LEGISLATIVE BILL 789. Introduced by K. Haar, 21.

A BILL FOR AN ACT relating to the State Electrical Act; to amend section 81-2124, Reissue Revised Statutes of Nebraska; to change provisions relating to inspections; and to repeal the original section.

LEGISLATIVE BILL 790. Introduced by Coash, 27.

A BILL FOR AN ACT relating to courts; to amend section 24-503, Reissue Revised Statutes of Nebraska; to change the number of judges in certain county judge judicial districts; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 791. Introduced by Mello, 5; Nordquist, 7.

A BILL FOR AN ACT relating to the Employment Security Law; to amend section 48-601, Reissue Revised Statutes of Nebraska; to adopt the Shared Work Unemployment Compensation Program; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 792. Introduced by Mello, 5.

A BILL FOR AN ACT relating to contracts for personal services; to amend sections 73-301 and 73-303, Reissue Revised Statutes of Nebraska; to clarify review and approval duties of the Director of Administrative Services as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 793. Introduced by Lautenbaugh, 18; Cornett, 45.

A BILL FOR AN ACT relating to civil procedure; to limit frivolous civil actions filed by prisoners as prescribed; and to provide a duty for the Revisor of Statutes.

LEGISLATIVE BILL 794. Introduced by Lambert, 2.

A BILL FOR AN ACT relating to the Radiation Control Act; to amend section 71-3503, Reissue Revised Statutes of Nebraska; to redefine a term; and to repeal the original section.

LEGISLATIVE BILL 795. Introduced by Avery, 28.

A BILL FOR AN ACT relating to veterans; to amend section 80-317, Reissue Revised Statutes of Nebraska; to change provisions relating to applying for membership in veterans homes; and to repeal the original section.

LEGISLATIVE BILL 796. Introduced by Avery, 28.

A BILL FOR AN ACT relating to outdoor outfitters and guides; to adopt the Outdoor Outfitters and Guides Registration Act; and to provide penalties.

LEGISLATIVE BILL 797. Introduced by Avery, 28.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-318, Revised Statutes Cumulative Supplement, 2010; to change the definition of sexual contact to include kissing without consent; and to repeal the original section.

LEGISLATIVE BILL 798. Introduced by Urban Affairs Committee: McGill, 26, Chairperson; Ashford, 20; Coash, 27; Krist, 10; Lambert, 2; Smith, 14.

A BILL FOR AN ACT relating to special assessments; to amend sections 2-3254, 10-405, 14-105, 14-363, 14-365.03, 14-392, 14-398, 14-3,102, 14-3,103, 14-3,107, 14-537, 14-1733, 15-211, 15-709, 15-713, 15-718, 15-732, 16-207, 16-250, 16-615, 16-630, 16-631, 16-652, 16-664, 16-669, 16-672, 16-708, 17-149.01, 17-510, 17-511, 17-512, 17-539, 17-555, 17-557.01, 17-913, 17-921, 17-971, 17-972, 18-406, 18-1719, 18-1751, 19-2404, 19-2407, 19-2418, 19-2427, 23-129, 23-316, 23-317, 23-3618, 31-202.03, 31-230, 31-509, 31-740, 31-749, 39-1622, 39-1623, 39-1636.01, and 46-544, Reissue Revised Statutes of Nebraska, and sections 15-268, 16-230, and 17-563, Revised Statutes Cumulative Supplement, 2010; to clarify that certain assessments levied by a natural resources district, sanitary drainage district, sanitary and improvement district, special improvement district, county, city, or village are levied and collected as special assessments; and to repeal the original sections.

LEGISLATIVE BILL 799. Introduced by Cornett, 45; Fulton, 29; Howard, 9; Lautenbaugh, 18; Pahls, 31.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-201 and 28-707, Revised Statutes Cumulative Supplement, 2010; to change penalties for child abuse; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 800. Introduced by Loudon, 49; Schilz, 47.

A BILL FOR AN ACT relating to school lands; to amend section

72-258.03, Revised Statutes Supplement, 2011; to change provisions relating to appraised value of school lands; and to repeal the original section.

LEGISLATIVE BILL 801. Introduced by Fischer, 43; Hadley, 37.

A BILL FOR AN ACT relating to county officials; to amend sections 37-1214, 37-1215, 37-1216, 37-1217, 37-1218, 37-1219, 37-1223, 37-1226, 37-1227, 37-1278, 37-1280, 37-1284, 37-1285, 37-1286, 37-1289, 37-1291, 37-1293, 37-1296, 60-142.03, 60-146, 60-147, 60-148, 60-149, 60-150, 60-152, 60-162, 60-163, 60-164, 60-166, 60-168, 60-168.01, 60-169, 60-170, 60-173, 60-175, 60-178, 60-180, 60-181, 60-184, 60-189, 60-371, 60-372, 60-382, 60-384, 60-385, 60-388, 60-391, 60-396, 60-397, 60-398, 60-3,104.01, 60-3,109, 60-3,111, 60-3,112, 60-3,114, 60-3,115, 60-3,116, 60-3,119, 60-3,120, 60-3,121, 60-3,122.02, 60-3,128, 60-3,140, 60-3,141, 60-3,142, 60-3,144, 60-3,147, 60-3,148, 60-3,156, 60-3,157, 60-3,158, 60-3,159, 60-3,163, 60-3,166, 60-3,186, 60-3,189, 60-3,202, 60-3,209, 60-3,217, 60-1803, 60-1807, 77-1501, and 77-3445, Reissue Revised Statutes of Nebraska, sections 37-1279, 37-1282, and 37-1283, Revised Statutes Cumulative Supplement, 2010, and sections 18-1214, 18-1738, 18-1738.01, 18-1738.02, 18-1739, 37-1287, 60-144, 60-153, 60-161, 60-386, 60-395, 60-3,190, 77-2703, and 77-2708, Revised Statutes Supplement, 2011; to eliminate obsolete references to designated county officials; to harmonize provisions; to repeal the original sections; and to outright repeal sections 60-111, 60-162.01, and 60-320, Reissue Revised Statutes of Nebraska, section 37-1280.01, Revised Statutes Cumulative Supplement, 2010, and section 23-186, Revised Statutes Supplement, 2011.

LEGISLATIVE BILL 802. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to the Concealed Handgun Permit Act; to amend section 69-2441, Reissue Revised Statutes of Nebraska; to authorize the carrying of a concealed handgun by certain authorities within the scope of their employment as prescribed; and to repeal the original section.

LEGISLATIVE BILL 803. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-601, Revised Statutes Supplement, 2011; to require presentment of an operator's license and proof of financial responsibility to a peace officer by a driver involved in an accident; to provide for impoundment of a vehicle as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 804. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-1406, 28-1407, 28-1412, 28-1413, 28-1414, 28-1415, 28-1416, and 29-439, Reissue Revised Statutes of Nebraska; to change provisions relating to justification for use of force; to harmonize provisions; and to repeal the

original sections.

LEGISLATIVE BILL 805. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to the State Fire Marshal; to amend sections 28-1239.01 and 28-1246, Revised Statutes Cumulative Supplement, 2010; to remove the social security number requirement from certain fireworks permit and license applications; and to repeal the original sections.

LEGISLATIVE BILL 806. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to horseracing; to amend sections 2-1203.01 and 2-1215, Reissue Revised Statutes of Nebraska; to authorize the State Racing Commission to license and regulate wagering on historic horseraces; to provide for a tax on wagers; to create a fund; to provide a penalty; and to repeal the original sections.

LEGISLATIVE BILL 807. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to the Concealed Handgun Permit Act; to amend section 69-2433, Revised Statutes Supplement, 2011; to change application requirements as prescribed; and to repeal the original section.

LEGISLATIVE BILL 808. 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 809. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to schools; to amend sections 79-828 and 79-829, Reissue Revised Statutes of Nebraska; to change provisions relating to evaluation of certificated employees; and to repeal the original sections.

LEGISLATIVE BILL 810. Introduced by Gloor, 35; Lautenbaugh, 18.

A BILL FOR AN ACT relating to insurance; to prohibit certain policy provisions relating to fees for dental services.

LEGISLATIVE BILL 811. Introduced by B. Harr, 8.

A BILL FOR AN ACT relating to finance; to amend section 8-1401, Reissue Revised Statutes of Nebraska; to change provisions relating to disclosure of confidential information; and to repeal the original section.

LEGISLATIVE BILL 812. Introduced by B. Harr, 8.

A BILL FOR AN ACT relating to civil procedure; to amend sections 25-1010, 25-1026, 25-1027, 25-1028, 25-1030.02, and 25-1056, Reissue

Revised Statutes of Nebraska; to change provisions relating to garnishment; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 813. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to political subdivisions; to amend sections 15-203, 15-208, 15-215, 15-217, 16-205, 16-233, 16-237, 17-120, 17-132, 17-133, 17-134, 17-207, 17-505, 17-525, 23-808, and 23-813, Reissue Revised Statutes of Nebraska, sections 14-102, 15-220, 16-206, 16-226, and 17-526, Revised Statutes Cumulative Supplement, 2010, and section 14-109, Revised Statutes Supplement, 2011; to prohibit credentialing of professions and occupations as prescribed; to provide exceptions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 814. Introduced by Schilz, 47; Ashford, 20; Harms, 48; B. Harr, 8; Karpisek, 32; Lautenbaugh, 18; McCoy, 39; Mello, 5; Nordquist, 7; Pirsch, 4.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-405, Revised Statutes Supplement, 2011; to include additional substances in the schedule of controlled substances under the Uniform Controlled Substances Act; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 815. Introduced by Fulton, 29; Brasch, 16.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-1302, Reissue Revised Statutes of Nebraska, and section 29-110, Revised Statutes Cumulative Supplement, 2010; to change the penalty for concealing the death of another person and the statute of limitations for such offense; and to repeal the original sections.

LEGISLATIVE BILL 816. Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to probation; to amend section 29-2264, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to set aside convictions as prescribed; and to repeal the original section.

LEGISLATIVE BILL 817. Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to criminal justice; to amend sections 47-624 and 47-627, Revised Statutes Supplement, 2011; to change and provide duties for the Community Corrections Division of the Nebraska Commission on Law Enforcement and Criminal Justice; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 818. Introduced by B. Harr, 8; Council, 11; Lautenbaugh, 18; Nelson, 6; Pirsch, 4.

A BILL FOR AN ACT relating to the documentary stamp tax; to amend section 76-902, Reissue Revised Statutes of Nebraska; to exempt certain deeds from taxation; and to repeal the original section.

LEGISLATIVE BILL 819. Introduced by Price, 3.

A BILL FOR AN ACT relating to the Uniform Disposition of Unclaimed Property Act; to amend sections 69-1301, 69-1302, and 69-1329, Reissue Revised Statutes of Nebraska; to provide for the treatment of military medals; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 820. Introduced by Health and Human Services Committee: Campbell, 25, Chairperson; Bloomfield, 17; Cook, 13; Gloor, 35; Howard, 9; Krist, 10; Lambert, 2; McGill, 26; Nordquist, 7.

A BILL FOR AN ACT relating to child welfare services; to provide for application for a demonstration project and waiver of federal requirements as prescribed; and to declare an emergency.

LEGISLATIVE BILL 821. Introduced by Health and Human Services Committee: Campbell, 25, Chairperson; Bloomfield, 17; Cook, 13; Gloor, 35; Howard, 9; Krist, 10; Lambert, 2; McGill, 26; Nordquist, 7.

A BILL FOR AN ACT relating to health and human services; to state intent; to provide duties for the department and a committee of the Legislature; to provide for legislation to create a state agency to oversee all programs providing services to children and families; to create and provide duties for a commission; to provide for appropriations; and to declare an emergency.

LEGISLATIVE BILL 822. Introduced by Adams, 24.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1315, Revised Statutes Supplement, 2011; to change notice provisions relating to changes in valuations; and to repeal the original section.

LEGISLATIVE BILL 823. Introduced by Adams, 24.

A BILL FOR AN ACT relating to counties; to amend sections 16-731 and 23-1601, Reissue Revised Statutes of Nebraska; to change duties of county treasurers; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 824. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-103 and 53-103.03, Reissue Revised Statutes of

Nebraska, and section 53-101, Revised Statutes Supplement, 2011; to define and redefine terms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 825. Introduced by Dubas, 34; Cook, 13; Gloor, 35; Krist, 10; Lathrop, 12; McGill, 26; Nordquist, 7.

A BILL FOR AN ACT relating to social services; to establish local offices for access to public benefit programs; to provide duties for the Department of Health and Human Services; and to require high-quality services for clients.

LEGISLATIVE BILL 826. Introduced by Dubas, 34; Campbell, 25; Cook, 13; Krist, 10; Lathrop, 12; McGill, 26; Mello, 5; Nordquist, 7.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-912, Reissue Revised Statutes of Nebraska; to provide duties for the Department of Health and Human Services relating to rules and regulations as prescribed; and to repeal the original section.

LEGISLATIVE BILL 827. Introduced by Dubas, 34.

A BILL FOR AN ACT relating to county officers; to amend section 23-1111, Revised Statutes Supplement, 2011; to require mediation for budget disputes between a county board and a county officer; and to repeal the original section.

LEGISLATIVE BILL 828. Introduced by Dubas, 34.

A BILL FOR AN ACT relating to energy; to amend sections 66-901, 66-902, 66-909, 66-910, 66-911.01, and 66-912, Reissue Revised Statutes of Nebraska, sections 72-270, 72-271, 72-272, 72-273, 72-274, 77-2704.57, 79-309.01, and 79-1035, Revised Statutes Cumulative Supplement, 2010, and section 76-3001, Revised Statutes Supplement, 2011; to define, redefine, and eliminate terms; to change and eliminate provisions relating to easements; to provide for duration of solar and wind agreements as prescribed; to prohibit severance of certain ownership interests as prescribed; to harmonize provisions; to repeal the original sections; and to outright repeal sections 66-907, 66-909.03, and 66-911, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 829. Introduced by Loudon, 49; Cook, 13; Council, 11; Harms, 48; Krist, 10; Wallman, 30.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-103, Reissue Revised Statutes of Nebraska, and section 53-101, Revised Statutes Supplement, 2011; to define a term; to provide for alcohol impact zones; to provide duties for the commission; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 830. Introduced by Hadley, 37; Avery, 28; Cornett, 45; K. Haar, 21; Hansen, 42.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701 and 77-2701.04, Reissue Revised Statutes of Nebraska; to provide a sales and use tax exemption for biochips as prescribed; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 831. Introduced by Howard, 9.

A BILL FOR AN ACT relating to the Uniform Credentialing Act; to amend section 38-186, Reissue Revised Statutes of Nebraska, and sections 38-101 and 38-121, Revised Statutes Cumulative Supplement, 2010; to adopt the Genetic Counseling Practice Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 832. Introduced by Howard, 9; Krist, 10.

A BILL FOR AN ACT relating to the Department of Health and Human Services; to amend section 81-3114, Reissue Revised Statutes of Nebraska; to change provisions relating to appointment of the chief executive officer; and to repeal the original section.

LEGISLATIVE BILL 833. Introduced by Krist, 10.

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

LEGISLATIVE BILL 834. Introduced by Gloor, 35; Campbell, 25; Cook, 13; Howard, 9; Krist, 10; Lambert, 2.

A BILL FOR AN ACT relating to the Nebraska Regulation of Health Professions Act; to amend sections 38-151, 71-6201, 71-6202, 71-6203, 71-6204, 71-6206, 71-6208, 71-6210, 71-6211, 71-6213, 71-6216, 71-6217, 71-6218, 71-6221, 71-6223, 71-6223.01, 71-6224, 71-6225, and 71-6226, Reissue Revised Statutes of Nebraska, and section 38-157, Revised Statutes Cumulative Supplement, 2010; to restate intent; to define and redefine terms; to change provisions relating to the regulation of health professions and changes in scope of practice; to change membership and duties of technical committees; to eliminate a fund; to harmonize provisions; to repeal the original sections; and to outright repeal section 71-6228, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 835. Introduced by Nordquist, 7; Ashford, 20; Campbell, 25; Cook, 13; Dubas, 34; Gloor, 35; Hadley, 37; B. Harr, 8; Howard, 9; Mello, 5.

A BILL FOR AN ACT relating to insurance; to amend section 77-912, Revised Statutes Cumulative Supplement, 2010, and section 81-1316, Revised Statutes Supplement, 2011; to adopt the Nebraska Health Benefit Exchange Act; to change distribution of insurance premium tax revenue; to provide an exception from the State Personnel System; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 836. Introduced by Pahls, 31.

A BILL FOR AN ACT relating to deposit and investment of public funds; to amend section 77-2365.02, Reissue Revised Statutes of Nebraska; to change provisions relating to investment in certificates of deposit and time deposits; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 837. Introduced by Howard, 9; Campbell, 25; Dubas, 34; Gloor, 35; K. Haar, 21; Krist, 10; Mello, 5; Nordquist, 7; Pirsch, 4; Sullivan, 41; Wallman, 30.

A BILL FOR AN ACT relating to public health and welfare; to create a task force; to provide for a review and recommendations regarding the use of certain drugs by wards of the state; and to provide for reports.

LEGISLATIVE BILL 838. Introduced by Pahls, 31.

A BILL FOR AN ACT relating to insurance; to adopt the Nebraska Health Benefit Exchange Act.

RESOLUTIONS

LEGISLATIVE RESOLUTION 359. Introduced by Wightman, 36.

WHEREAS, Bill Kloeping has had a tremendous impact on the young people of his community through his seventy years of service to 4-H clubs in Dawson County, Nebraska; and

WHEREAS, Bill Kloeping has worked with more than two thousand young people through the 4-H clubs he has led over the years; and

WHEREAS, Bill Kloeping has led his 4-H clubs and the youth who were involved to state and national awards; and

WHEREAS, in 1963, Bill Kloeping helped organize the 4-H Heritage Tours, a two-week tour to visit sites such as Niagara Falls and Washington, D.C.; and

WHEREAS, in 2006, Bill Kloeping was recognized with the 4-H award of the Star Sapphire Clover for his sixty-five years of service; and

WHEREAS, Bill Kloeping's service in 4-H throughout the years has helped teach young people leadership, citizenship, and life skills that will serve them for the rest of their lives.

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

1. That the Legislature recognizes Bill Kloeping for his seventy years of service to 4-H clubs in Dawson County, Nebraska, and congratulates him on his many accomplishments.

2. That a copy of this resolution be sent to Bill Kloeping.

Laid over.

LEGISLATIVE RESOLUTION 360. Introduced by Wightman, 36.

WHEREAS, the Sargent Bulldogs won the 2011 Class D-2 State Football Championship; and

WHEREAS, the undefeated Bulldogs defeated the previously undefeated Howells Bobcats 21-18, ending Howells' 34-game winning streak; and

WHEREAS, the Howells Bobcats and the Sargent Bulldogs entered the championship ranked first and second, respectively; and

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

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

1. That the Legislature congratulates the Sargent Bulldogs on winning the 2011 Class D-2 State Football Championship.

2. That a copy of this resolution be sent to the Sargent Bulldogs and their coach, Mike Kozeal.

Laid over.

LEGISLATIVE RESOLUTION 361. Introduced by Larson, 40.

WHEREAS, the Hartington one-act play production team won the 2011 Class C-2 State Play Production Championship; and

WHEREAS, Hartington's victory marks the first win for the Hartington one-act play production team at the State Play Production Championship; and

WHEREAS, nine members of the Hartington one-act play production team received outstanding performer recognition; and

WHEREAS, Alec Fuelberth was named Class C-2 One-Act Play Outstanding Male Performer; 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 SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates the Hartington one-act play production team on winning the 2011 Class C-2 State Play Production Championship.

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

Laid over.

LEGISLATIVE RESOLUTION 362. Introduced by Avery, 28; Flood, 19.

WHEREAS, Nebraska law designates January 5 of each year as George W. Norris Day and provides that such day shall be set apart for holding suitable exercises in the schools of the state in recognition of the many great benefits bestowed upon the people of the State of Nebraska and the United States as a whole due in large part to the influence of George W. Norris. Such benefits include: (1) Establishment of a nonpartisan unicameral legislative body for the State of Nebraska; (2) establishment of the Tennessee Valley Authority; (3) the development of electricity in the rural areas of the nation; (4) passage of the twentieth amendment to the United States Constitution, commonly known as the lame duck amendment; and (5) the Norris-La Guardia Act which outlawed yellow-dog contracts and was a great boon to working men and women across the nation; and

WHEREAS, Nebraska law directs the Governor of the State of Nebraska to issue a proclamation calling upon the officials of state government and subdivisions thereof to display the flags of the United States and Nebraska on all public buildings on January 5 of each year and inviting the people of the State of Nebraska to observe the day in schools and other suitable places with appropriate ceremonies in commemoration of the life's work and contributions of George W. Norris; and

WHEREAS, George William Norris was born on July 11, 1861, in Sandusky, Ohio, and died on September 2, 1944, in McCook, Nebraska; and

WHEREAS, George William Norris served Nebraska for five terms in the United States House of Representatives from 1903 until 1913, and five terms in the United States Senate from 1913 until 1943; and

WHEREAS, George William Norris led the effort to create two federal programs that have had far-reaching effects on America's rural population; and

WHEREAS, George William Norris sponsored and the United States Senate passed the Tennessee Valley Authority Act of 1933, culminating a twelve-year effort to build dams on the Tennessee River and its tributaries to control flooding and to generate low-cost electricity; and

WHEREAS, George William Norris also sponsored the Rural Electrification Act, which brought electricity to rural areas throughout the country ensuring that power generation and delivery systems would be owned by the public for the common good; and

WHEREAS, George William Norris said in a 1943 speech entitled The Model Legislature: "To get good government and to retain it, it is necessary that a liberty-loving, educated, intelligent people should be ever watchful, to carefully guard and protect their rights and liberties"; and

WHEREAS, George William Norris promoted the concept of the nonpartisan, one-house legislature, the "Nebraska Experiment," in the belief that a one-house system would curb the abuse of conference committees and promote transparency in government proceedings; and

WHEREAS, Nebraska voters endorsed the one-house system, and in 1937, Nebraska became the first and only state to have a unicameral legislature, and Nebraska continues to be the only state to retain a unicameral legislature; and

WHEREAS, on January 5, 1937, Senator George William Norris missed the opening of the United States Congress in order to give the first members of the Unicameral an inspirational address on the opportunity they had to expand the horizons of representative government through the innovative device of unicameralism; and

WHEREAS, on February 16, 1984, the Legislature officially recognized George William Norris' contributions and the fiftieth anniversary of the Unicameral by memorializing the legislative chamber as "The George W. Norris Legislative Chamber" in honor of the contributions of the late Senator; and

WHEREAS, Thursday, January 5, 2012, shall be the celebration of the seventy-fifth anniversary of the Nebraska Unicameral Legislature.

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

1. That the Legislature honors the lifetime achievements of George William Norris.

2. That a copy of this resolution be sent to the Nebraska State Historical Society's Senator George Norris State Historic Site.

Laid over.

LEGISLATIVE RESOLUTION 363. Introduced by Flood, 19.

WHEREAS, the Norfolk Catholic Knights won the 2011 Class C-1 State Football Championship, the school's second consecutive state championship; and

WHEREAS, the win over the Platteview Trojans gave the Knights their twenty-sixth win in a row; 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 SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates the Norfolk Catholic Knights on winning the 2011 Class C-1 State Football Championship.

2. That a copy of this resolution be sent to the Knights and their coach, Jeff Bellar.

Laid over.

MOTION - Print in Journal

Senator Karpisek filed the following motion to LB776:

MO63

Withdraw bill.

UNANIMOUS CONSENT - Add Cointroducer

Senator Lautenbaugh asked unanimous consent to add his name as cointroducer to LB745. No objections. So ordered.

AMENDMENT - Print in Journal

Senator B. Harr filed the following amendment to LB239:

AM1637

(Amendments to Standing Committee amendments, AM727)

- 1 1. Strike section 10.
- 2 2. On page 16, line 25, strike "32-938,".
- 3 3. Renumber the remaining sections accordingly.

VISITOR

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

ADJOURNMENT

At 11:03 a.m., on a motion by Senator Schumacher, the Legislature adjourned until 10:00 a.m., Friday, January 6, 2012.

Patrick J. O'Donnell
Clerk of the Legislature

