

**TWENTIETH DAY - FEBRUARY 2, 2012**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED SECOND LEGISLATURE  
SECOND SESSION**

**TWENTIETH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, February 2, 2012

**PRAYER**

The prayer was offered by Pastor Bob Lawrence, Auburn Church of Christ, Auburn.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 10:00 a.m., Senator Coash presiding.

The roll was called and all members were present except Senators Conrad, Flood, Heidemann, and Lautenbaugh who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the nineteenth day was approved.

**COMMITTEE REPORTS**

Enrollment and Review

**LEGISLATIVE BILL 507.** Placed on Select File with amendment.  
ER161

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 68-1708, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 68-1708 Sections 68-1708 to 68-1734 and sections 2 to 5
- 6 of this act shall be known and may be cited as the Welfare Reform
- 7 Act.
- 8 Sec. 2. For purposes of creating the self-sufficiency
- 9 contract and meeting the applicant's work activity requirement, an
- 10 applicant who is under twenty years of age and is married or a
- 11 single head of household is deemed to have met the work activity
- 12 requirement in a month if he or she:
- 13 (1) Maintains satisfactory attendance during such month
- 14 at secondary school, a general education development program, or
- 15 the equivalent; or

16 (2) Participates in education directly related to  
 17 employment for an average of at least twenty hours per week during  
 18 such month. Education directly related to employment includes, but  
 19 is not limited to, Adult Basic Education, English as a Second  
 20 Language, and a general education development program.

21 Sec. 3. (1) For purposes of this section, target work  
 22 rate means fifty percent less the caseload reduction credit  
 23 submitted by the Nebraska Department of Health and Human Services  
 1 to the United States Department of Health and Human Services for  
 2 the fiscal year.

3 (2) For purposes of creating the self-sufficiency  
 4 contract and meeting the applicant's work activity requirement,  
 5 an applicant under twenty-four years of age shall be deemed to  
 6 have met the work activity requirement in a month if he or she is  
 7 engaged in education directly related to employment for an average  
 8 of at least twenty hours per week during such month. Education  
 9 directly related to employment includes, but is not limited to,  
 10 Adult Basic Education, English as a Second Language, and a general  
 11 education development program.

12 (3) No state funds shall be used to carry out this  
 13 section unless such state funds meet the definition of qualified  
 14 state expenditures under the federal Temporary Assistance for Needy  
 15 Families Act, 42 U.S.C. 609(a)(7)(B)(i).

16 (4) If Nebraska's work participation rate under the  
 17 federal Temporary Assistance for Needy Families program, 42 U.S.C.  
 18 601 et seq., does not exceed the target work rate by ten percentage  
 19 points in any month, the Department of Health and Human Services  
 20 may suspend the requirements of subsection (2) of this section  
 21 until the work participation rate exceeds the target work rate by  
 22 ten percentage points for three consecutive months.

23 Sec. 4. The Department of Health and Human Services shall  
 24 report annually to the Legislature on October 1 on the following:

25 (1) The number of persons on a quarterly basis  
 26 participating in a self-sufficiency contract who are engaged in one  
 27 of the following activities:

1 (a) An associate degree program;

2 (b) A vocational education program not leading to an  
 3 associate degree;

4 (c) Postsecondary education other than a program  
 5 described in subdivision (1)(a) or (b) of this section;

6 (d) Adult Basic Education;

7 (e) English as a Second Language; or

8 (f) A general education development program; and

9 (2) The number of persons participating in a  
 10 self-sufficiency contract who obtain or maintain employment for  
 11 six months, twelve months, eighteen months, and twenty-four months  
 12 after such persons are no longer eligible for cash assistance due  
 13 to obtaining employment.

14 Sec. 5. It is the intent of the Legislature that the

15 Department of Health and Human Services carry out the requirements  
 16 of sections 2 to 4 of this act within the limits of its annual  
 17 appropriation.

18 Sec. 6. This act terminates December 31, 2015.

19 Sec. 7. Original section 68-1708, Reissue Revised  
 20 Statutes of Nebraska, is repealed.

21 2. On page 1, strike beginning with "change" in line 2  
 22 through "education" in line 3 and insert "provide for satisfaction  
 23 of work activity requirements through education; to restrict use of  
 24 state funds; to provide for reports; to state intent".

**LEGISLATIVE BILL 40.** Placed on Select File with amendment.  
 ER160

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

3 Section 1. Section 77-2704.12, Revised Statutes  
 4 Supplement, 2011, is amended to read:

5 77-2704.12 (1) Sales and use taxes shall not be imposed  
 6 on the gross receipts from the sale, lease, or rental of  
 7 and the storage, use, or other consumption in this state of  
 8 purchases by (a) any nonprofit organization created exclusively  
 9 for religious purposes, (b) any nonprofit organization providing  
 10 services exclusively to the blind, (c) any nonprofit private  
 11 educational institution established under sections 79-1601 to  
 12 79-1607, (d) any regionally or nationally accredited, nonprofit,  
 13 privately controlled college or university with its primary campus  
 14 physically located in Nebraska, (e) any nonprofit (i) hospital,  
 15 (ii) health clinic when ~~two~~one or more hospitals or the parent  
 16 corporations of the hospitals own or control the health clinic  
 17 for the purpose of reducing the cost of health services or when  
 18 the health clinic receives federal funds through the United States  
 19 Public Health Service for the purpose of serving populations that  
 20 are medically underserved, (iii) skilled nursing facility, (iv)  
 21 intermediate care facility, (v) assisted-living facility, (vi)  
 22 intermediate care facility for the mentally retarded, (vii) nursing  
 23 facility, (viii) home health agency, (ix) hospice or hospice  
 1 service, or (x) respite care service licensed under the Health Care  
 2 Facility Licensure Act, (f) any nonprofit licensed child-caring  
 3 agency, (g) any nonprofit licensed child placement agency, or (h)  
 4 any nonprofit organization certified by the Department of Health  
 5 and Human Services to provide community-based services for persons  
 6 with developmental disabilities.

7 (2) Any organization listed in subsection (1) of this  
 8 section shall apply for an exemption on forms provided by the  
 9 Tax Commissioner. The application shall be approved and a numbered  
 10 certificate of exemption received by the applicant organization in  
 11 order to be exempt from the sales and use tax.

12 (3) The appointment of purchasing agents shall be  
 13 recognized for the purpose of altering the status of the

14 construction contractor as the ultimate consumer of building  
15 materials which are physically annexed to the structure and  
16 which subsequently belong to the owner of the organization or  
17 institution. The appointment of purchasing agents shall be in  
18 writing and occur prior to having any building materials annexed  
19 to real estate in the construction, improvement, or repair. The  
20 contractor who has been appointed as a purchasing agent may apply  
21 for a refund of or use as a credit against a future use tax  
22 liability the tax paid on inventory items annexed to real estate  
23 in the construction, improvement, or repair of a project for a  
24 licensed not-for-profit institution.

25 (4) Any organization listed in subsection (1) of this  
26 section which enters into a contract of construction, improvement,  
27 or repair upon property annexed to real estate without first  
1 issuing a purchasing agent authorization to a contractor or  
2 repairperson prior to the building materials being annexed to  
3 real estate in the project may apply to the Tax Commissioner for  
4 a refund of any sales and use tax paid by the contractor or  
5 repairperson on the building materials physically annexed to real  
6 estate in the construction, improvement, or repair.

7 (5) Any person purchasing, storing, using, or  
8 otherwise consuming building materials in the performance of any  
9 construction, improvement, or repair by or for any institution  
10 enumerated in subsection (1) of this section which is licensed upon  
11 completion although not licensed at the time of construction or  
12 improvement, which building materials are annexed to real estate  
13 and which subsequently belong to the owner of the institution,  
14 shall pay any applicable sales or use tax thereon. Upon becoming  
15 licensed and receiving a numbered certificate of exemption,  
16 the institution organized not for profit shall be entitled to  
17 a refund of the amount of taxes so paid in the performance  
18 of such construction, improvement, or repair and shall submit  
19 whatever evidence is required by the Tax Commissioner sufficient  
20 to establish the total sales and use tax paid upon the building  
21 materials physically annexed to real estate in the construction,  
22 improvement, or repair.

23 Sec. 2. This act becomes operative on July 1, 2012.

24 Sec. 3. Original section 77-2704.12, Revised Statutes  
25 Supplement, 2011, is repealed.

26 Sec. 4. Since an emergency exists, this act takes effect  
27 when passed and approved according to law.

1 2. On page 1, strike lines 2 through 5 and insert  
2 "77-2704.12, Revised Statutes Supplement, 2011; to change a sales  
3 tax exemption for health clinics; to provide an operative date; to  
4 repeal the original section; and to declare an emergency."

(Signed) Tyson Larson, Chairperson

**COMMITTEE REPORTS**

## Banking, Commerce and Insurance

**LEGISLATIVE BILL 1018.** Placed on General File with amendment.  
AM1800

- 1 1. On page 11, line 20, strike "approval of the".
- 2 2. On page 14, line 9, after "entity" insert ". The  
3 converting entity shall file a certificate of merger in the office  
4 of the register of deeds for each county in which the converting  
5 entity owns real property. Such certificate of merger shall be  
6 indexed against the real property owned".
- 7 3. On page 17, line 24; page 18, line 3; and page 24,  
8 lines 17 and 21, insert "in the aggregate" after "own".

**LEGISLATIVE BILL 1064.** Placed on General File with amendment.  
AM1790

- 1 1. On page 2, line 11, strike the new matter and  
2 reinstate the stricken matter; and in line 12 before the semicolon  
3 insert ", except that this subdivision shall not prohibit the  
4 procurement of disability insurance that has a benefit limit in  
5 excess of any benefit limit available from an admitted insurer".

(Signed) Rich Pahls, Chairperson

Health and Human Services

**LEGISLATIVE BILL 773.** Placed on General File with amendment.  
AM1714

- 1 1. Strike original section 1 and insert the following new  
2 section:  
3 Section 1. Section 38-155, Reissue Revised Statutes of  
4 Nebraska, is amended to read:  
5 38-155 (1) The department, with the recommendation of the  
6 appropriate board if applicable, or the Water Well Standards and  
7 Contractors' Licensing Board as provided in section 38-151, shall  
8 adopt and promulgate rules and regulations to establish and collect  
9 the fees for the following credentials:  
10 (a) Initial credentials, which include, but are not  
11 limited to:  
12 (i) Licensure, certification, or registration;  
13 (ii) Add-on or specialty credentials;  
14 (iii) Temporary, provisional, or training credentials;  
15 and  
16 (iv) Supervisory or collaborative relationship  
17 credentials;  
18 (b) Applications to renew licenses, certifications, and  
19 registrations;  
20 (c) Approval of continuing education courses and other  
21 methods of continuing competency; and

- 22 (d) Inspections and reinspections.  
 23 (2) When a credential will expire within one hundred  
 1 eighty days after its initial issuance date or its reinstatement  
 2 date and the initial credentialing fee is twenty-five dollars  
 3 or more, the department shall collect twenty-five dollars or  
 4 one-fourth of the initial credentialing or renewal fee, whichever  
 5 is greater, for the initial or reinstated credential. The initial  
 6 or reinstated ~~and the~~ credential shall be valid until the next  
 7 subsequent renewal date.

(Signed) Kathy Campbell, Chairperson

**NOTICE OF COMMITTEE HEARING**  
 Banking, Commerce and Insurance

Room 1507

Monday, February 13, 2012 1:30 p.m.

LB982  
 LB1026  
 LB1054

(Signed) Rich Pahls, Chairperson

**MESSAGES FROM THE GOVERNOR**

January 31, 2012

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

Dear Mr. President, Speaker Flood and Senators:

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

Carl Rennerfeldt, 601 North 24th Street, Blair, NE 68008

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

Sincerely,  
 (Signed) Dave Heineman  
 Governor

Enclosures

January 31, 2012

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

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individuals are being reappointed to the Commission for the Deaf and Hard of Hearing:

Steven Manning, 17039 Orchard Ave., Omaha, NE 68135  
Jan Moore, 6116 Avenue M, Kearney, NE 68847  
Diane Muelleman, 6469 Cuming Street, Omaha, NE 68132

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

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

### SELECT FILE

**LEGISLATIVE BILL 946.** ER156, found on page 387, was adopted.

Senator Adams offered the following amendment:

AM1828

- 1 1. Strike sections 5 and 21 and insert the following new
- 2 sections:
- 3 Sec. 11. Section 81-1201.21, Revised Statutes Supplement,
- 4 2011, is amended to read:
- 5 81-1201.21 (1) There is hereby created the Job Training
- 6 Cash Fund. The fund shall be under the direction of the Department
- 7 of Economic Development. Money may be transferred to the fund
- 8 pursuant to subdivision ~~(1)(b)(iv)~~ (1)(b)(iii) of section 48-621
- 9 and from the Cash Reserve Fund at the direction of the Legislature.
- 10 The department shall establish a subaccount for all money
- 11 transferred from the Cash Reserve Fund to the Job Training Cash
- 12 Fund on or after July 1, 2005.
- 13 (2) The department shall use the Job Training Cash Fund
- 14 or the subaccount established in subsection (1) of this section (a)
- 15 to provide reimbursements for job training activities, including
- 16 employee assessment, preemployment training, on-the-job training,
- 17 training equipment costs, and other reasonable costs related to
- 18 helping industry and business locate or expand in Nebraska, (b)

19 to provide upgrade skills training of the existing labor force  
 20 necessary to adapt to new technology or the introduction of new  
 21 product lines, or (c) to provide job training grants pursuant to  
 22 section 81-1210.02.

23 (3) The department shall establish a subaccount within  
 1 the fund to provide training grants for training employees and  
 2 potential employees of businesses that (a) employ twenty-five or  
 3 fewer employees on the application date, (b) employ, or train for  
 4 potential employment, residents of rural areas of Nebraska, or  
 5 (c) are located in or employ, or train for potential employment,  
 6 residents of high-poverty areas as defined in section 81-1203.  
 7 The department shall calculate the amount of prior year investment  
 8 income earnings accruing to the fund and allocate such amount  
 9 to the subaccount for training grants under this subsection. The  
 10 subaccount shall also be used as provided in the Teleworker Job  
 11 Creation Act.

12 (4) Any money in the fund available for investment  
 13 shall be invested by the state investment officer pursuant to  
 14 the Nebraska Capital Expansion Act and the Nebraska State Funds  
 15 Investment Act.

16 Sec. 12. Section 85-1402, Revised Statutes Cumulative  
 17 Supplement, 2010, is amended to read:

18 85-1402 For purposes of the Coordinating Commission for  
 19 Postsecondary Education Act:

20 (1)(a) Capital construction project shall mean a project  
 21 which utilizes tax funds designated by the Legislature and shall  
 22 be: Any proposed new capital structure; any proposed addition  
 23 to, renovation of, or remodeling of a capital structure; any  
 24 proposed acquisition of a capital structure by gift, purchase,  
 25 lease-purchase, or other means of construction or acquisition that  
 26 (i) will be directly financed in whole or in part with tax funds  
 27 designated by the Legislature totaling at least the minimum capital  
 1 expenditure for purposes of this subdivision or (ii) is likely,  
 2 as determined by the institution, to result in an incremental  
 3 increase in appropriation or expenditure of tax funds designated  
 4 by the Legislature of at least the minimum capital expenditure for  
 5 the facility's operations and maintenance costs in any one fiscal  
 6 year within a period of ten years from the date of substantial  
 7 completion or acquisition of the project. No tax funds designated  
 8 by the Legislature shall be appropriated or expended for any  
 9 incremental increase of more than the minimum capital expenditure  
 10 for the costs of the operations and utilities of any facility  
 11 which is not included in the definition of capital construction  
 12 project and thus is not subject to commission approval pursuant  
 13 to the Coordinating Commission for Postsecondary Education Act. No  
 14 institution shall include a request for funding such an increase  
 15 in its budget request for tax funds designated by the Legislature  
 16 nor shall any institution utilize any such funds for such an  
 17 increase. The Governor shall not include in his or her budget

18 recommendations, and the Legislature shall not appropriate, such  
19 funds for such increase.

20 (b) For purposes of this subdivision:

21 (i) Directly financed shall mean funded by:

22 (A) Appropriation of tax funds designated by the  
23 Legislature for the specific capital construction project;

24 (B) Property tax levies authorized pursuant to  
25 subdivision (1)(b) of section 85-1517 for fiscal years prior to  
26 fiscal year 2013-14 and subdivision (2)(b) of section 85-1517  
27 for fiscal year 2013-14 and each fiscal year thereafter used to  
1 establish a capital improvement and bond sinking fund ~~pursuant to~~  
2 as provided in section 85-1515; or

3 (C) That portion of tax funds designated by the  
4 Legislature and appropriated by the Legislature for the general  
5 operation of the public institution and utilized to fund the  
6 capital project;

7 (ii) Incremental increase shall mean an increase in  
8 appropriation or expenditure of tax funds designated by the  
9 Legislature of at least the minimum capital expenditure for a  
10 facility's operations and maintenance costs, beyond any increase  
11 due to inflation, to pay for a capital structure's operations  
12 and maintenance costs that are a direct result of a capital  
13 construction project; and

14 (iii) Minimum capital expenditure shall mean:

15 (A) For purposes of subdivision (a)(i) of this  
16 subdivision, a base amount of two million dollars; and

17 (B) For the facility's operations and maintenance costs  
18 pursuant to subdivision (a)(ii) of this subdivision, a base amount  
19 of eighty-five thousand dollars for any one fiscal year.

20 The base amount for the facility's operations and  
21 maintenance costs shall be subject to any inflationary or market  
22 adjustments made by the commission pursuant to this subdivision.  
23 The commission shall adjust the base amount on a biennial basis  
24 beginning January 1, 2010. The adjustments shall be based on  
25 percentage changes in a construction cost index and any other  
26 published index relevant to operations and utilities costs, both  
27 as selected by the commission in cooperation with the public  
1 institutions. The index or indices shall reflect inflationary or  
2 market trends for the applicable operations and maintenance or  
3 construction costs;

4 (2) Commission shall mean the Coordinating Commission for  
5 Postsecondary Education;

6 (3) Coordination shall mean:

7 (a) Authority to adopt, and revise as needed, a  
8 comprehensive statewide plan for postsecondary education which  
9 shall include (i) definitions of the role and mission of each  
10 public postsecondary educational institution within any general  
11 assignments of role and mission as may be prescribed by the

12 Legislature and (ii) plans for facilities which utilize tax funds  
13 designated by the Legislature;

14 (b) Authority to review, monitor, and approve or  
15 disapprove each public postsecondary educational institution's  
16 programs and capital construction projects which utilize tax funds  
17 designated by the Legislature in order to provide compliance and  
18 consistency with the comprehensive plan and to prevent unnecessary  
19 duplication; and

20 (c) Authority to review and modify, if needed to promote  
21 compliance and consistency with the comprehensive statewide plan  
22 and prevent unnecessary duplication, the budget requests of the  
23 governing boards or any other governing board for any other public  
24 postsecondary educational institution which may be established by  
25 the Legislature;

26 (4) Education center shall mean an off-campus branch of  
27 a public institution or cooperative of either public or public  
1 and private postsecondary educational institutions which offers  
2 instructional programs to students;

3 (5) Governing board shall mean the Board of Regents of  
4 the University of Nebraska, the Board of Trustees of the Nebraska  
5 State Colleges, or the board of governors for each community  
6 college area;

7 (6) Program shall mean any program of instruction which  
8 leads directly to a degree, diploma, or certificate and, for  
9 purposes of section 85-1414, shall include public service programs  
10 and all off-campus instructional programs, whether or not such  
11 programs lead directly to a degree, diploma, or certificate.  
12 Program shall also include the establishment of any new college,  
13 school, major division, education center, or institute but  
14 shall not include reasonable and moderate extensions of existing  
15 curricula which have a direct relationship to existing programs;

16 (7) Public institution shall mean each campus of a  
17 public postsecondary educational institution which is or may be  
18 established by the Legislature, which is under the direction of a  
19 governing board, and which is administered as a separate unit by  
20 the board; and

21 (8) Tax funds designated by the Legislature shall mean  
22 all state tax revenue and all property tax revenue.

23 Sec. 22. Section 85-1539, Reissue Revised Statutes of  
24 Nebraska, is amended to read:

25 85-1539 There is hereby created the Nebraska Community  
26 College Aid, Grant, and Contract Review Student Performance and  
27 Occupational Education Grant Committee. The committee shall be  
1 selected by the Director of Administrative Services and shall  
2 consist of (1) a representative of the University of Nebraska  
3 who has expertise and experience in research and development,  
4 Coordinating Commission for Postsecondary Education, (2) a  
5 representative of the Department of Economic Development, (3) a  
6 representative of the Department of Labor, (4) a representative

7 of the State Department of Education, ~~and~~(5) a representative  
 8 ~~of the community colleges~~; affiliated with one of the two  
 9 community college areas with the two smallest full-time equivalent  
 10 student enrollment totals for the most recent fiscal year, (6) a  
 11 representative affiliated with one of the two community college  
 12 areas with the two largest full-time equivalent student enrollment  
 13 totals for the most recent fiscal year, and (7) a representative  
 14 affiliated with one of the two community college areas not included  
 15 in the categories provided in subdivisions (5) and (6) of this  
 16 section. Each member shall be appointed by the agency or community  
 17 college areas being represented. The representatives appointed  
 18 pursuant to subdivisions (5) through (7) of this section shall  
 19 serve terms of two years and shall be succeeded by a representative  
 20 affiliated with the community college areas not represented for the  
 21 preceding term.

22 The committee shall develop guidelines ~~and submit~~  
 23 ~~recommendations to the Director of Administrative Services for~~  
 24 ~~the distribution for and annually determine the allocation of~~  
 25 ~~the Nebraska Community College Aid-Cash-Student Performance~~  
 26 ~~and Occupational Education Grant Fund and any other funds~~  
 27 ~~appropriated to Program 99 in Agency 83, Aid to Community Colleges,~~  
 1 ~~pursuant to any directives of the Governor or the Legislature.~~  
 2 ~~Recommendations made by the committee shall not exceed the amount~~  
 3 ~~appropriated to the fund; this section and section 85-1540. The~~  
 4 ~~total amount allocated for a fiscal year shall not exceed the~~  
 5 ~~amounts appropriated from the fund and such other funds as may~~  
 6 ~~be appropriated by the Legislature for such fiscal year. The~~  
 7 ~~commission shall certify the allocation determined by the committee~~  
 8 ~~on or before September 10 of the fiscal year for which such~~  
 9 ~~allocation is being certified and shall report such allocation to~~  
 10 ~~the Department of Administrative Services. The department shall~~  
 11 ~~distribute the total of such appropriated and allocated funds to~~  
 12 ~~the selected community college board or boards in a single payment~~  
 13 ~~between the fifth and twentieth day of October of the fiscal year~~  
 14 ~~for which such allocation is certified.~~

15 2. On page 3, line 1, strike "8" and insert "7".

16 3. On page 4, line 4, strike "pursuant to the act" and  
 17 insert "attributable to the allocations pursuant to subdivisions  
 18 (1) and (3) of section 4 of this act"; in line 6 strike "prior  
 19 to" and insert "on or before"; and in line 11 after the period  
 20 insert "Any amount transferred to the Nebraska Community College  
 21 Student Performance and Occupational Education Grant Fund pursuant  
 22 to subdivision (2) of section 4 of this act for a fiscal year shall  
 23 be certified and distributed in accordance with sections 85-1539  
 24 and 85-1540.".

25 4. On page 5, line 19, strike "allocated" and insert  
 26 "divided".

27 5. On page 6, line 14, strike "provided by" and insert  
 1 "of".

- 2 6. On page 13, line 4, after the semicolon insert "and";  
 3 and strike beginning with "To" in line 5 through "(iv)" in line 8  
 4 and show the old matter as stricken.
- 5 7. On page 32, line 4; and page 38, line 13, strike  
 6 "Community College Assistance Act" and insert "College or  
 7 University Assistance Act of 1978".
- 8 8. On page 37, line 8, strike "Community College  
 9 Assistance Act", show as stricken, and insert "College or  
 10 University Assistance Act of 1978".
- 11 9. On page 44, line 1, strike "authorized" through  
 12 "purposes" and insert "and charges established for facilities".
- 13 10. On page 45, line 13, strike "of" and show as  
 14 stricken.
- 15 11. On page 47, line 13, strike "of".
- 16 12. On page 48, line 15, strike "the projects authorized  
 17 in this subdivision" and insert "accessibility barrier elimination  
 18 project costs and abatement of environmental hazards as such terms  
 19 are defined in section 79-10,110".
- 20 13. On page 53, strike line 25 and all amendments  
 21 thereto, show the old matter as stricken, and insert "subdivision  
 22 (2) of section 4 of this act and such other amounts as may be  
 23 transferred or otherwise accrue to the fund. The fund".
- 24 14. On page 54, strike lines 1 and 2 and show the old  
 25 matter as stricken.
- 26 15. Renumber the remaining sections, amend the repealer,  
 27 and correct internal references accordingly.

The Adams amendment was adopted with 39 ayes, 0 nays, 6 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

## GENERAL FILE

**LEGISLATIVE BILL 677.** Committee AM1704, found on page 306 and considered on page 394, was renewed.

**SENATOR LANGEMEIER PRESIDING**

**SENATOR SULLIVAN PRESIDING**

**SPEAKER FLOOD PRESIDING**

The committee amendment was adopted with 32 ayes, 3 nays, 11 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 4 nays, 8 present and not voting, and 3 excused and not voting.

**COMMITTEE REPORTS**

## Enrollment and Review

**LEGISLATIVE BILL 427.** Placed on Select File with amendment. ER165 is available in the Bill Room.

**LEGISLATIVE BILL 344.** Placed on Select File with amendment. ER162

- 1 1. On page 1, strike beginning with "municipal" in line 1
- 2 through line 6 and insert "political subdivisions; to provide for
- 3 an interjurisdictional planning commission for counties containing
- 4 a city of the metropolitan class."

**LEGISLATIVE BILL 576.** Placed on Select File with amendment. ER164

- 1 1. On page 1, lines 2 and 3, strike "a fund" and insert
- 2 "funds".

**LEGISLATIVE BILL 498.** Placed on Select File with amendment. ER163

- 1 1. On page 1, strike beginning with "water" in line 1
- 2 through line 5 and insert "the Industrial Ground Water Regulatory
- 3 Act; to amend section 46-683.01, Reissue Revised Statutes of
- 4 Nebraska; to provide an exception for amendments for permits for
- 5 mineral exploration and production; and to repeal the original
- 6 section."

**LEGISLATIVE BILL 836.** Placed on Select File.

**LEGISLATIVE BILL 714.** Placed on Select File.

**LEGISLATIVE BILL 852.** Placed on Select File.

**LEGISLATIVE BILL 853.** Placed on Select File with amendment. ER166

- 1 1. On page 3, line 23, strike "other" and show as
- 2 stricken.

(Signed) Tyson Larson, Chairperson

**RESOLUTION**

**LEGISLATIVE RESOLUTION 388.** Introduced by Dubas, 34; Sullivan, 41.

WHEREAS, James "Tom" McMahon was a lifelong resident of and farmer from Central City; and

WHEREAS, Tom McMahon was active on the board of directors of the Nebraska Farm Bureau, as a Central City city council member for thirty-

three years, and as a city representative for the Central City Senior Center and the Merrick County Child Development Center; and

WHEREAS, Tom McMahon was a lifelong member of St. Michael's Catholic Church and served on the parish council, as church trustee, lector, Eucharist minister, and CCD teacher, and was a Fourth Degree Knights of Columbus; and

WHEREAS, Tom McMahon was an avid supporter of American Legion Baseball as a fan, an umpire, and an announcer; and

WHEREAS, Tom McMahon demonstrated a long-standing commitment to making his community a great place to live, work, and play; and

WHEREAS, Tom McMahon passed away on January 22, 2012, at the age of seventy-two.

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

1. That the Legislature honors the memory of Tom McMahon for his years of public service to the community and youth of Central City.

2. That the Legislature extends its sympathy and condolences to the family of Tom McMahon.

3. That a copy of this resolution be sent to the family of Tom McMahon.

Laid over.

**NOTICE OF COMMITTEE HEARING**  
Health and Human Services

Room 1510

Thursday, February 16, 2012 1:30 p.m.

Julie Johnson - Commission for the Blind and Visually Impaired

(Signed) Kathy Campbell, Chairperson

**COMMITTEE REPORTS**  
Health and Human Services

**LEGISLATIVE BILL 904.** Placed on General File with amendment.  
AM1722

- 1 1. Strike section 1 and insert the following new section:  
2 Section 1. Section 71-615, Reissue Revised Statutes of  
3 Nebraska, is amended to read:  
4 71-615 On or before the fifth day of each month, the  
5 clerk of the district court of each county shall make and  
6 return to the department, upon suitable forms furnished by the  
7 department, a statement of each action for annulment or dissolution  
8 of marriage granted in the court of which he or she is clerk during  
9 the preceding calendar month. The information requested by the  
10 department shall be furnished by the ~~petitioner~~ plaintiff or his or

11 her legal representative and presented to the clerk of the court  
 12 with the petition. ~~In all cases, the furnishing of the information~~  
 13 ~~to complete the record shall be a prerequisite to the granting~~  
 14 ~~of the final decree.~~ complaint. If, after reasonable attempts are  
 15 made by the plaintiff or his or her legal representative to attain  
 16 such information, the information is unavailable, the designation  
 17 unknown shall be accepted by the department. If no annulments or  
 18 dissolutions of marriage were granted in the county during the  
 19 preceding month, a card furnished by the department indicating such  
 20 information shall be submitted on or before the fifth day of each  
 21 month to the department. ~~Upon neglect or refusal to make such~~  
 22 ~~return, such clerk shall, for each neglect or refusal, forfeit and~~  
 23 ~~pay the sum of twenty five dollars for the use of the county.~~

(Signed) Kathy Campbell, Chairperson

Judiciary

**LEGISLATIVE BILL 721.** Placed on General File.

**LEGISLATIVE BILL 814.** Placed on General File.

(Signed) Brad Ashford, Chairperson

#### **AMENDMENT - Print in Journal**

Senator Krist filed the following amendment to LB60:

AM1840

1 1. Strike the original sections and all amendments  
 2 thereto and insert the following new sections:  
 3 Section 1. Section 53-1,122, Reissue Revised Statutes of  
 4 Nebraska, is amended to read:  
 5 53-1,122 In order to further the public policy of  
 6 deterring minors from illegally obtaining or consuming alcoholic  
 7 liquor, persons under twenty-one years of age may be authorized  
 8 to assist duly authorized law enforcement officers to determine  
 9 compliance with sections 53-180 and 53-180.02. Such compliance  
 10 checks shall be conducted pursuant to guidelines adopted and  
 11 promulgated by the Nebraska State Patrol with input from the  
 12 commission. Law enforcement officers and minors conducting such  
 13 compliance checks shall not consume alcoholic liquor during the  
 14 course of such compliance check. Unless a person is an emancipated  
 15 minor at least eighteen years of age, no person under twenty-one  
 16 years of age shall be authorized to participate or assist law  
 17 enforcement officers in such compliance checks without the written  
 18 consent of his or her parents or legal guardian. A person under  
 19 twenty-one years of age assisting with a compliance check under  
 20 this section shall be truthful about all questions asked by a  
 21 retailer after the retailer or his or her employee asks the person  
 22 under twenty-one years of age for his or her identification and,

- 23 when asked if he or she is age twenty-one, or old enough to consume  
 1 alcoholic liquor, shall tell the truth about his or her age. The  
 2 primary source for age verification shall be a government-issued  
 3 identification pursuant to subsection (1) of section 53-180.06.  
 4 Sec. 2. Original section 53-1,122, Reissue Revised  
 5 Statutes of Nebraska, is repealed.

### GENERAL FILE

**LEGISLATIVE BILL 873.** Title read. Considered.

### SENATOR COASH PRESIDING

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 13 present and not voting, and 1 excused and not voting.

### MOTION - Suspend Rules

Senator Flood offered the following motion:

To suspend the rules, Rule 3, Sec. 14, to permit cancellation of hearings on the following bills: LBs 765, 792, 858, 1159, 995, 1042, 1047, 1077, 917, 933, 993, 1165, 1087, 752, 962, and 1128 as scheduled for Friday, February 3, 2012.

The Flood motion to suspend the rules prevailed with 41 ayes, 0 nays, 7 present and not voting, and 1 excused and not voting.

### GENERAL FILE

**LEGISLATIVE BILL 770.** Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 14 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 771.** Title read. Considered.

Committee AM1707, found on page 309, was adopted with 35 ayes, 0 nays, 13 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 10 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 536.** Title read. Considered.

Committee AM1668, found on page 310, was considered.

Pending.

**COMMITTEE REPORT**  
Natural Resources

**LEGISLATIVE BILL 1043.** Placed on General File with amendment.  
AM1822

- 1 1. On page 2, line 22, strike "be", show as stricken,  
2 and insert "include a production component that is" and after "the"  
3 insert "incremental production".  
4 2. On page 3, line 11, after "Act" insert ", any  
5 agency created pursuant to the Municipal Cooperative Financing Act,  
6 and any municipality engaged in furnishing electrical service to  
7 customers at retail or wholesale".

(Signed) Chris Langemeier, Chairperson

**AMENDMENT - Print in Journal**

Senator Council filed the following amendment to LB190:  
AM1847

(Amendments to E & R amendments, ER144)

- 1 1. Strike the original sections and all amendments  
2 thereto and insert the following new sections:  
3 Section 1. Section 14-2102, Revised Statutes Cumulative  
4 Supplement, 2010, is amended to read:  
5 14-2102 In each metropolitan utilities district service  
6 area, there shall be a board of directors consisting of seven  
7 members. The members shall be elected as provided in section  
8 32-540.  
9 Registered voters within the boundaries of the district  
10 shall be registered voters of such district. A registered voter of  
11 the district ~~and~~ shall be eligible for the office of director from  
12 the election district in which he or she resides, subject to the  
13 special qualification of residence for the outside member.  
14 ~~The~~ Until the members elected in 2014 take office, the  
15 outside member specified in subsection (1) of section 32-540 shall  
16 be a registered voter residing within the district but outside  
17 the corporate limits of the city of the metropolitan class for  
18 which the district was created. In the event of the annexation of  
19 the area within which the outside member resides, he or she may  
20 continue to serve as the outside member until the expiration of  
21 the term of office for which such member was elected and until a  
22 successor is elected and qualified.  
1 Sec. 2. Section 32-540, Reissue Revised Statutes of  
2 Nebraska, is amended to read:  
3 32-540 (1) This subsection applies until members of  
4 the board of directors are elected and take office pursuant to  
5 subsection (2) of this section. In each metropolitan utilities  
6 district service area, two of the members of the board of directors  
7 shall be chosen at large by the registered voters within the

8 district at the time of the statewide primary and statewide general  
 9 elections held in the even-numbered years, except that at the  
 10 primary and general elections held in 1978 and every six years  
 11 thereafter, three members, one of whom shall be known as the  
 12 outside member, shall be elected at large by the registered voters  
 13 within the district.

14 (2) The election commissioners of the two most populous  
 15 counties with territory in the metropolitan utilities district  
 16 service area shall divide the service area into seven election  
 17 districts of compact and contiguous territory and of approximately  
 18 equal population as determined pursuant to the most recent  
 19 federal decennial census. The election districts shall be numbered  
 20 consecutively from one to seven. Beginning in 2014, one member of  
 21 the metropolitan utilities district board of directors shall be  
 22 nominated and elected from each election district by the registered  
 23 voters of the metropolitan utilities district. At the statewide  
 24 primary and general elections in 2014, the members representing  
 25 election districts 1 and 5 shall be nominated and elected for  
 26 initial terms of six years and until their successors are elected  
 27 and qualified. At the statewide primary and general elections in  
 1 2014, the members representing election districts 2, 4, and 6  
 2 shall be nominated and elected for initial terms of four years and  
 3 until their successors are elected and qualified. At the statewide  
 4 primary and general elections in 2014, the members representing  
 5 election districts 3 and 7 shall be nominated and elected for  
 6 initial terms of two years and until their successors are elected  
 7 and qualified. Thereafter, all members shall be elected for terms  
 8 of six years and until their successors are elected and qualified.  
 9 Any member of the board elected before the effective date of this  
 10 act shall remain on the board until his or her successor is elected  
 11 and takes office pursuant to this section unless removed for cause  
 12 other than failure to reside in his or her assigned election  
 13 district. Any such member may be nominated and elected for the  
 14 election district in which he or she resides.

15 (3) Nomination and election of all directors shall be by  
 16 nonpartisan ballot. ~~Members~~ Except as provided in subsection (2)  
 17 of this section, members of the board shall hold office for a  
 18 period of six years from the first Tuesday after the first Monday  
 19 in January following their election or until their successors are  
 20 elected and qualified. The directors shall meet the qualifications  
 21 found in sections 14-2102 and 14-2103.

22 Sec. 3. Original section 32-540, Reissue Revised Statutes  
 23 of Nebraska, and section 14-2102, Revised Statutes Cumulative  
 24 Supplement, 2010, are repealed.

### UNANIMOUS CONSENT - Add Cointroducers

Senator Conrad asked unanimous consent to add her name as cointroducer to LB989. No objections. So ordered.

Senators Lautenbaugh and Nordquist asked unanimous consent to add their names as cointroducers to LB1128. No objections. So ordered.

Senators Mello and Nordquist asked unanimous consent to add their names as cointroducers to LB1015. No objections. So ordered.

Senator Cook asked unanimous consent to add her name as cointroducer to LB1145 and LB1146. No objections. So ordered.

Senator Howard asked unanimous consent to add her name as cointroducer to LB1016. No objections. So ordered.

### **VISITORS**

Visitors to the Chamber were 60 members of the UNL Extension Leadership Program from across Nebraska; and 35 fifth-grade students and teachers from Washington Elementary, Fremont.

The Doctor of the Day was Dr. Nollendorfs from Lincoln.

### **ADJOURNMENT**

At 11:57 a.m., on a motion by Senator Langemeier, the Legislature adjourned until 9:00 a.m., Friday, February 3, 2012.

Patrick J. O'Donnell  
Clerk of the Legislature

