

THIRTY-SIXTH DAY - FEBRUARY 29, 2012**LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE
SECOND SESSION****THIRTY-SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 29, 2012

PRAYER

The prayer was offered by Pastor Carl Ratcliff, United Faith Community Church, Valley.

ROLL CALL

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

The roll was called and all members were present except Senator Conrad who was excused; and Senators Cook, Cornett, Karpisek, Langemeier, Lathrop, and Lautenbaugh who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-fifth day was approved.

COMMITTEE REPORTS**Health and Human Services**

The Health and Human Services Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Joel Cerny - Board of Emergency Medical Services
Thomas Deegan - Board of Emergency Medical Services
Carl Rennerfeldt - Board of Emergency Medical Services
James Smith - Board of Emergency Medical Services

Aye: 7 Bloomfield, Campbell, Cook, Gloor, Howard, Krist, Lambert. Nay: 0. Absent: 0. Present and not voting: 0.

The Health and Human Services Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Michael Hansen - Commission for the Blind and Visually Impaired
 James Jirak - Commission for the Blind and Visually Impaired
 Julie Johnson - Commission for the Blind and Visually Impaired

Aye: 7 Bloomfield, Campbell, Cook, Gloor, Howard, Krist, Lambert. Nay: 0. Absent: 0. Present and not voting: 0.

The Health and Human Services Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Jan Moore - Commission for the Deaf and Hard of Hearing

Aye: 7 Bloomfield, Campbell, Cook, Gloor, Howard, Krist, Lambert. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Kathy Campbell, Chairperson

GENERAL FILE

LEGISLATIVE BILL 961. Committee AM2159, found on page 644 and considered on page 690, was renewed.

SENATOR LANGEMEIER PRESIDING

SENATOR ADAMS PRESIDING

Senator Howard requested a record vote on the committee amendment.

Voting in the affirmative, 40:

Adams	Cook	Hadley	Langemeier	Pirsch
Avery	Cornett	Hansen	Larson	Price
Bloomfield	Council	Harms	Lautenbaugh	Schilz
Brasch	Dubas	Howard	McGill	Schumacher
Campbell	Fischer	Janssen	Mello	Seiler
Carlson	Flood	Karpisek	Nelson	Smith
Christensen	Gloor	Krist	Nordquist	Sullivan
Coash	Haar, K.	Lambert	Pahls	Wallman

Voting in the negative, 0.

Present and not voting, 7:

Ashford	Harr, B.	Lathrop	Wightman
Fulton	Heidemann	Louden	

Excused and not voting, 2:

Conrad	McCoy
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The committee amendment was adopted with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

Senator Howard requested a record vote on the advancement of the bill.

Voting in the affirmative, 42:

Adams	Cornett	Harms	Lathrop	Schilz
Avery	Council	Harr, B.	Lautenbaugh	Schumacher
Bloomfield	Dubas	Howard	McGill	Seiler
Brasch	Fischer	Janssen	Mello	Smith
Campbell	Flood	Karpisek	Nelson	Sullivan
Carlson	Gloor	Krist	Nordquist	Wallman
Christensen	Haar, K.	Lambert	Pahls	
Coash	Hadley	Langemeier	Pirsch	
Cook	Hansen	Larson	Price	

Voting in the negative, 0.

Present and not voting, 5:

Ashford	Fulton	Heidemann	Louden	Wightman
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Excused and not voting, 2:

Conrad	McCoy
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Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 5 present and not voting, and 2 excused and not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 950A. Introduced by Christensen, 44.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 950, One Hundred Second Legislature, Second Session, 2012; and to declare an emergency.

LEGISLATIVE BILL 806A. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 806, One Hundred Second Legislature, Second Session, 2012.

AMENDMENT - Print in Journal

Senator Hadley filed the following amendment to LB830:
AM2209

- 1 1. Strike section 3 and all amendments thereto and insert
2 the following new section:
3 Sec. 3. (1) Sales and use taxes shall not be imposed
4 on the gross receipts from the sale, lease, or rental of and
5 the storage, use, or other consumption in this state of biochips
6 used for the purposes of conducting genotyping or the analysis of
7 gene expression, protein expression, genomic sequencing, or protein
8 profiling of plants, animals, or nonhuman laboratory research model
9 organisms.
10 (2) For purposes of this section, a biochip is a solid
11 substrate upon or into which is incorporated specific genetic or
12 protein information or chemicals that are queried through one or
13 more chemical interactions allowing (a) an isolation of one or
14 more single nucleotide polymorphisms which constitute an animal or
15 plant genotype, (b) an expression profile which measures activity
16 of genes or the presence of proteins, or (c) a detailed genomic
17 sequence or protein profile. The specific genetic or protein
18 information or chemicals incorporated upon or into the biochip are
19 consumed in the process of conducting the analysis.

RESOLUTIONS

LEGISLATIVE RESOLUTION 431. Introduced by Gloor, 35; Adams, 24; Carlson, 38; Christensen, 44; Dubas, 34; Hadley, 37; Hansen, 42; Seiler, 33; Sullivan, 41; Wightman, 36.

WHEREAS, the Soldiers and Sailors Home in Grand Island was created by LB 247 (1887) to provide for the "many old soldiers in Nebraska who, from wounds or disabilities received while in the union army during the rebellion, are in the county poorhouses of this state"; and

WHEREAS, the Soldiers and Sailors Home, now known as the Grand Island Veterans' Home, was the first and is the oldest of the veterans homes in the State of Nebraska; and

WHEREAS, the Grand Island Veterans' Home has, for the last one hundred twenty-five years, served the health care and social needs of many Nebraska veterans with loving care and appreciation for their selfless service in our nation's military; and

WHEREAS, the Grand Island Veterans' Home has been home to thousands of Nebraska veterans and today is home to hundreds of veterans and their families who are celebrating the 125th anniversary of the establishment of the home.

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

1. That the Legislature congratulates and celebrates with the residents, staff, and many community supporters of the Grand Island Veterans' Home on the 125th anniversary of the establishment of the home and for the excellent service to Nebraska veterans and their families.

2. That a copy of this resolution be sent to the Grand Island Veterans' Home and to the Department of Veterans' Affairs.

Laid over.

LEGISLATIVE RESOLUTION 432. Introduced by Gloor, 35; Dubas, 34.

WHEREAS, Grand Island Senior High School won the 2012 Class A State Wrestling Championship, the school's fourth team championship in a row; and

WHEREAS, Grand Island Senior High School produced two individual champions and eight individual medalists; 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 Grand Island Senior High School on winning the 2012 Class A State Wrestling Championship.

2. That a copy of this resolution be sent to the Grand Island wrestling team and their coach, Mike Schadwinkel.

Laid over.

AMENDMENT - Print in Journal

Senator Sullivan filed the following amendment to LB473:

FA36

Strike the enacting clause.

COMMITTEE REPORT Nebraska Retirement Systems

LEGISLATIVE BILL 1082. Placed on General File with amendment. AM2105 is available in the Bill Room.

(Signed) Jeremy Nordquist, Chairperson

GENERAL FILE

LEGISLATIVE BILL 916. Title read. Considered.

Committee AM1739, found on page 522, was adopted with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 751. Title read. Considered.

Committee AM1939, found on page 558, was considered.

Senator Fischer renewed her amendment, AM2032, found on page 573, to the committee amendment.

The Fischer amendment was adopted with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

Senator Flood renewed his amendment, AM2078, found on page 631, to the committee amendment.

The Flood amendment was adopted with 32 ayes, 0 nays, 10 present and not voting, and 7 excused and not voting.

Senator Fischer renewed her amendment, AM2190, found on page 687, to the committee amendment.

The Fischer amendment was adopted with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

Senator Fischer renewed her amendment, AM2090, found on page 687, to the committee amendment.

The Fischer amendment was adopted with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

The committee amendment, as amended, was adopted with 32 ayes, 0 nays, 10 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 30 ayes, 1 nay, 11 present and not voting, and 7 excused and not voting.

AMENDMENT - Print in Journal

Senator Schilz filed the following amendment to LB799: AM2164 is available in the Bill Room.

UNANIMOUS CONSENT - Add Cointroducer

Senator Pirsch asked unanimous consent to add his name as cointroducer to LB750. No objections. So ordered.

VISITORS

Visitors to the Chamber were 55 fourth-grade students and teachers from St. Joseph's School, Lincoln; and Lisa Skinner from Herman.

RECESS

At 11:59 a.m., on a motion by Senator Christensen, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Senator Langemeier presiding.

ROLL CALL

The roll was called and all members were present except Senators Conrad, Krist, and McCoy who were excused; and Senators Coash, Heidemann, Lathrop, and Lautenbaugh who were excused until they arrive.

SENATOR GLOOR PRESIDING**AMENDMENT - Print in Journal**

Senator Seiler filed the following amendment to LB536:
AM2232

(Amendments to Final Reading copy)

1. On page 6, line 12, strike "a proportionate".

GENERAL FILE

LEGISLATIVE BILL 950. Title read. Considered.

Committee AM2158, found on page 638, was adopted with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 433. Introduced by Ashford, 20; B. Harr, 8; Howard, 9; Nelson, 6.

WHEREAS, the Omaha Westside Warriors won the 2012 Girls' State Swimming Championship; and

WHEREAS, the Warriors defeated defending champion Millard West 195-178 to take the state title; and

WHEREAS, the Warriors were led by thirty-five-year veteran coach Doug Krecklow, who won his twentieth state title with the Warriors' win; 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 Omaha Westside Warriors on winning the 2012 Girls' State Swimming Championship and Coach Doug Krecklow on winning his twentieth state title.

2. That a copy of this resolution be sent to the Omaha Westside Warriors girls' swimming team and their coach, Doug Krecklow.

Laid over.

LEGISLATIVE RESOLUTION 434. Introduced by Ashford, 20; B. Harr, 8; Nelson, 6.

WHEREAS, Molly Kroeger, a senior at Omaha Westside High School, was named Outstanding Female Swimmer at the 2012 Girls' State Swimming Championship; and

WHEREAS, Molly was the only competitor to win two individual gold medals at the meet; and

WHEREAS, Molly won the 200-yard freestyle gold medal with a season-best time of 1:53.89 and beat Natalie Renshaw of Millard North to win the 100-yard freestyle in 52.45; 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 Molly Kroeger on winning two individual gold medals and being named Outstanding Female Swimmer at the 2012 Girls' State Swimming Championship.

2. That a copy of this resolution be sent to Molly Kroeger.

Laid over.

LEGISLATIVE RESOLUTION 435. Introduced by Fulton, 29.

WHEREAS, the Lincoln Chamber of Commerce and the Gallup Organization recognized five years ago the need to form a group for young professionals in Lincoln; and

WHEREAS, the Lincoln Young Professionals Group has grown to include over eight hundred members and has become the largest such organization in Nebraska; and

WHEREAS, the Lincoln Young Professionals Group continues to be successful in its critical function of developing business and civic leadership skills among young professionals; and

WHEREAS, members of the Lincoln Young Professionals Group continue to make significant philanthropic contributions to Lincoln organizations; and

WHEREAS, the Lincoln Young Professionals Group's mission of empowering young professionals to create an energetic and dynamic environment of learning, networking, and entrepreneurship is of great importance in ensuring the sustained economic vitality of the city of Lincoln and the State of Nebraska.

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

1. That the Legislature congratulates the Lincoln Young Professionals Group on its fifth anniversary and commends the success of its members.

2. That a copy of this resolution be sent to the Lincoln Chamber of Commerce.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 727. Title read. Considered.

SENATOR CARLSON PRESIDING

Committee AM1902, found on page 515, was considered.

Senator Fulton renewed his amendment, AM2132, found on page 618.

The Fulton amendment was adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

The committee amendment was adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 834. Title read. Considered.

Committee AM1866, found on page 500, was adopted with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

AMENDMENTS - Print in Journal

Senator Lautenbaugh filed the following amendment to LB807:
AM2030

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 69-2433, Revised Statutes Supplement,
- 4 2011, is amended to read:
- 5 69-2433 An applicant shall:
- 6 (1) Be at least twenty-one years of age;
- 7 (2) Not be prohibited from purchasing or possessing a
- 8 handgun by 18 U.S.C. 922, as such section existed on January 1,
- 9 2005;
- 10 (3) Possess the same powers of eyesight as required under
- 11 section 60-4,118 for a Class O operator's license. If an applicant
- 12 does not possess a current Nebraska motor vehicle operator's
- 13 license, the applicant may present a current optometrist's or
- 14 ophthalmologist's statement certifying the vision reading obtained
- 15 when testing the applicant. If such certified vision reading meets
- 16 the vision requirements prescribed by section 60-4,118 for a Class
- 17 O operator's license, the vision requirements of this subdivision
- 18 shall have been met;
- 19 ~~(4) Not have pled guilty to, not have pled nolo~~
- 20 ~~contendere to, or not have been convicted of a felony under~~
- 21 ~~the laws of this state or under the laws of any other jurisdiction;~~
- 22 (5) ~~Not have pled guilty to, not have pled nolo~~
- 23 ~~contendere to, or not have been convicted of a misdemeanor crime~~
- 1 of violence under the laws of this state or under the laws of any
- 2 other jurisdiction within the ten years immediately preceding the
- 3 date of application;
- 4 (6) Not have been found in the previous ten years to be a
- 5 mentally ill and dangerous person under the Nebraska Mental Health
- 6 Commitment Act or a similar law of another jurisdiction or not be
- 7 currently adjudged mentally incompetent;
- 8 (7)(a) Have been a resident of this state for at least
- 9 one hundred eighty days. For purposes of this section, resident
- 10 does not include an applicant who maintains a residence in another
- 11 state and claims that residence for voting or tax purposes except
- 12 as provided in subdivision (b) or (c) of this subdivision;
- 13 (b) If an applicant is a member of the United States
- 14 Armed Forces, such applicant shall be considered a resident of

15 this state for purposes of this section after he or she has been
 16 stationed at a military installation in this state pursuant to
 17 permanent duty station orders even though he or she maintains a
 18 residence in another state and claims that residence for voting or
 19 tax purposes; or

20 (c) If an applicant is a new Nebraska resident and
 21 possesses a valid permit to carry a concealed handgun issued by his
 22 or her previous state of residence that is recognized by this state
 23 pursuant to section 69-2448, such applicant shall be considered a
 24 resident of this state for purposes of this section;

25 ~~(8) Have Not have had no violations a conviction of~~
 26 any law of this state relating to firearms, unlawful use of
 27 a weapon, or controlled substances or of any similar laws of
 1 another jurisdiction ~~in within~~ the ten years preceding the date
 2 of application. This subdivision does not apply to any conviction
 3 under Chapter 37 or under any similar law of another jurisdiction,
 4 except for a conviction under section 37-509, 37-513, or 37-522 or
 5 under any similar law of another jurisdiction;

6 (9) Not be on parole, probation, house arrest, or work
 7 release;

8 (10) Be a citizen of the United States; and

9 (11) Provide proof of training.

10 Sec. 2. Original section 69-2433, Revised Statutes
 11 Supplement, 2011, is repealed.

12 Sec. 3. Since an emergency exists, this act takes effect
 13 when passed and approved according to law.

Senator Lautenbaugh filed the following amendment to LB807:
 AM2089

(Amendments to AM2030)

1 1. Insert the following new section:

2 Sec. 2. Section 69-2443, Reissue Revised Statutes of
 3 Nebraska, is amended to read:

4 69-2443 (1) A permitholder who violates subsection (1)
 5 or (2) of section 69-2440 or section 69-2441 or 69-2442 is guilty
 6 of a Class III misdemeanor for the first violation and a Class I
 7 misdemeanor for any second or subsequent violation.

8 (2) A permitholder who violates subsection (3) of section
 9 69-2440 is guilty of a Class I misdemeanor.

10 (3) A permitholder convicted of a violation ~~described in~~
 11 subsection (1) or (2) of this section of section 69-2440 or 69-2442
 12 may also have his or her permit revoked.

13 (4) A permitholder convicted of a violation of section
 14 69-2441 shall not have his or her permit revoked for a first
 15 offense but may have his or her permit revoked for any second or
 16 subsequent offense.

17 2. Renumber the remaining sections and correct the
 18 repealer section accordingly.

COMMITTEE REPORT

Agriculture

The Agriculture Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

William Marshall III - Nebraska State Fair Board

Aye: 8 Bloomfield, Brasch, Carlson, B. Harr, Karpisek, Larson, Lathrop, Wallman. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Tom Carlson, Chairperson

GENERAL FILE

LEGISLATIVE BILL 933. Title read. Considered.

Committee AM2001, found on page 573, was considered.

SENATOR GLOOR PRESIDING

Senator Langemeier offered the following amendment to the committee amendment:

AM2245

(Amendments to Standing Committee amendments, AM2001)

- 1 1. On page 1, line 5, after "equivalent" insert "and all
- 2 of the absences are due to documented illness that makes attendance
- 3 impossible or impracticable or are otherwise excused by school
- 4 authorities, the attendance officer may report such information to
- 5 the county attorney of the county in which the person resides. If
- 6 the child is absent more than twenty days per year or the hourly
- 7 equivalent and any of such absences are not excused"; in line 7
- 8 strike "three" through "least" and insert "two statements."; strike
- 9 beginning with "absences" in line 9 through "the" in line 11; and
- 10 in line 13 strike "(c)" and insert "(b)".

SENATOR CARLSON PRESIDING

The Langemeier amendment was adopted with 27 ayes, 3 nays, 12 present and not voting, and 7 excused and not voting.

The committee amendment, as amended, was adopted with 35 ayes, 1 nay, 6 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 3 nays, 4 present and not voting, and 7 excused and not voting.

ADJOURNMENT

At 5:04 p.m., on a motion by Senator Hadley, the Legislature adjourned until 9:00 a.m., Thursday, March 1, 2012.

Patrick J. O'Donnell
Clerk of the Legislature

