

**THIRTEENTH DAY - JANUARY 28, 2013****LEGISLATIVE JOURNAL****ONE HUNDRED THIRD LEGISLATURE  
FIRST SESSION****THIRTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, January 28, 2013

**PRAYER**

The prayer was offered by Senator Johnson.

**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 Price who was excused; and Senator Nordquist who was excused until he arrives.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the twelfth day was approved.

**COMMITTEE REPORTS**

Urban Affairs

**LEGISLATIVE BILL 87.** Placed on General File.

**LEGISLATIVE BILL 111.** Placed on General File.

**LEGISLATIVE BILL 112.** Placed on General File.

**LEGISLATIVE BILL 113.** Placed on General File.

**LEGISLATIVE BILL 49.** Placed on General File with amendment.  
AM31

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 71-1581, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 71-1581 Any two or more cities, two or more counties,
- 6 or any combination of cities and counties may, by resolution
- 7 or ordinance of their separate governing bodies, establish
- 8 a regional housing agency by adopting a joint resolution or
- 9 ordinance declaring that there is a need for a regional housing
- 10 agency to provide decent, safe, and sanitary housing that is
- 11 affordable to persons of low and moderate income residing in

12 a multijurisdictional area and that this need would be more  
 13 efficiently served by the establishment of a regional housing  
 14 agency. A local housing authority or agency established by a county  
 15 which contains a city of the metropolitan class and a local housing  
 16 authority or agency established by a city of the metropolitan  
 17 class within such county, which authorities or agencies were  
 18 established prior to the effective date of this act, shall create  
 19 a joint committee to develop a plan for the creation of a single  
 20 housing agency within such county. The committee shall consist of  
 21 two members from the board of each existing authority or agency  
 22 and three independent members selected by the four authority or  
 23 agency board members. The committee shall report its findings and  
 1 recommendations to the Urban Affairs Committee of the Legislature  
 2 by January 1, 2014.

3 Sec. 2. Original section 71-1581, Reissue Revised  
 4 Statutes of Nebraska, is repealed.

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

(Signed) Amanda McGill, Chairperson

Government, Military and Veterans Affairs

**LEGISLATIVE BILL 125.** Placed on General File with amendment.  
 AM47

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

3 Section 1. Section 32-545, Reissue Revised Statutes of  
 4 Nebraska, is amended to read:

5 32-545 (1) A member of the board of education of a Class  
 6 V school district shall be elected from each district provided for  
 7 in section 32-552. Such election shall be held on the date provided  
 8 in section 14-201 for the election of elective officers of a city  
 9 of the metropolitan class. The members of such board of education  
 10 shall meet the qualifications found in ~~section~~ sections 79-543 and  
 11 79-552. ~~At each statewide general election, six~~

12 (2) The term of office of each member serving on the  
 13 effective date of this act expires on the fourth Monday after such  
 14 election in 2013.

15 (3) At the election on the date provided in subsection  
 16 (1) of this section for 2013, members of the board shall be  
 17 elected to serve for four years from and including the ~~first~~ fourth  
 18 Monday ~~of the January following~~ after their election or until their  
 19 successors are elected and qualified.

20 (4) Beginning in 2013, candidates ~~Candidates~~ shall be  
 21 nominated at the ~~statewide~~ primary election held for nomination of  
 22 candidates for city council pursuant to section 14-204. Candidates  
 23 for election to such board of education shall be nominated upon  
 1 a nonpartisan ballot. ~~At the statewide general election in 1976~~

~~2 and each four years thereafter, one member shall be elected from  
3 each even numbered district. At the statewide general election  
4 in 1978 and each four years thereafter, one member shall be  
5 elected from each odd numbered district. The members shall meet the  
6 qualifications found in section 79-543.~~

7 Sec. 2. Section 32-552, Reissue Revised Statutes of  
8 Nebraska, is amended to read:

9 32-552 (1) At least five months prior to an election,  
10 the governing board of any political subdivision requesting the  
11 adjustment of the boundaries of election districts shall provide  
12 written notification to the election commissioner or county clerk  
13 of the need and necessity of his or her office to perform such  
14 adjustments.

15 (2) After the next federal decennial census, the election  
16 commissioner of the county in which the greater part of a Class IV  
17 school district is situated shall, subject to review by the school  
18 board, divide the school district into seven numbered districts,  
19 substantially equal in population as determined by the most recent  
20 federal decennial census. The election commissioner shall consider  
21 the location of schools within the district and their boundaries.  
22 The election commissioner shall adjust the boundaries of the  
23 election districts, subject to final review and adjustment by the  
24 school board, to conform to changes in the territory and population  
25 of the school district and also following each federal decennial  
26 census. Except when specific procedures are otherwise provided,  
27 section 32-553 shall apply to all Class IV school districts.

1 (3) For purposes of election of members to the board of  
2 education of a Class V school district:

3 (a)(i) The Legislature hereby divides such school  
4 district into nine numbered election districts of compact and  
5 contiguous territory and of as nearly equal population as may  
6 be practical. Each election district shall be entitled to one  
7 member on the board of education of such Class V school district.  
8 The Legislature adopts the official population figures and maps  
9 from the 2010 Census Redistricting (Public Law 94-171) TIGER/Line  
10 Shapefiles published by the United States Department of Commerce,  
11 Bureau of the Census. The numbers and boundaries of the election  
12 districts are designated and established by maps identified and  
13 labeled as OPS 13-001, filed with the election commissioner of  
14 the county in which such school district is located and with  
15 the Secretary of State, and incorporated by reference as part  
16 of this legislative bill; (ii) when questions of interpretation  
17 of such election district boundaries arise, the maps referred  
18 to in subdivision (a)(i) of this subsection in possession of  
19 such election commissioner shall serve as the indication of the  
20 legislative intent in drawing the election district boundaries;  
21 (iii) the Secretary of State and such election commissioner shall  
22 also have available for viewing on his or her web site the maps  
23 referred to in subdivision (a)(i) of this subsection identifying

24 the boundaries for such election districts; and (iv) the twelve  
 25 numbered districts in existence on January 1, 2013, shall remain  
 26 unchanged until the terms of members elected at the election in  
 27 May 2013 begin; and

1 ~~(3) The~~ (b) After the next federal decennial census after  
 2 the effective date of this act, the election commissioner of the  
 3 county in which the greater part of a Class V school district is  
 4 situated shall divide the school district into ~~twelve~~ nine numbered  
 5 districts of compact and contiguous territory and of as nearly  
 6 equal population as may be practical. The election commissioner  
 7 shall adjust the boundaries of such districts, subject to final  
 8 review and adjustment by the school board, to conform to changes  
 9 in the territory of the school district and also following each  
 10 federal decennial census.

11 Sec. 3. Section 32-570, Revised Statutes Cumulative  
 12 Supplement, 2012, is amended to read:

13 32-570 (1) A vacancy in the membership of a school board  
 14 shall occur as set forth in section 32-560 or in the case of  
 15 absences, unless excused by a majority of the remaining members  
 16 of the board, when a member is absent from the district for a  
 17 continuous period of sixty days at one time or from more than two  
 18 consecutive regular meetings of the board. The resignation of a  
 19 member or any other reason for a vacancy shall be made a part  
 20 of the minutes of the school board. The school board shall give  
 21 notice of the date the vacancy occurred, the office vacated, and  
 22 the length of the unexpired term (a) in writing to the election  
 23 commissioner or county clerk and (b) by a notice published in a  
 24 newspaper of general circulation in the school district.

25 (2) A person appointed to fill a vacancy on the school  
 26 board of a Class I school district by the remaining members of  
 27 the board shall hold office until the beginning of the next school  
 1 year. A board member of a Class I school district elected to fill a  
 2 vacancy at a regular or special school district meeting shall serve  
 3 for the remainder of the unexpired term or until a successor is  
 4 elected and qualified.

5 (3) Except as provided in subsection (4) of this section,  
 6 a vacancy in the membership of a school board of a Class II,  
 7 III, IV, ~~V~~, or VI school district resulting from any cause other  
 8 than the expiration of a term shall be filled by appointment of a  
 9 qualified registered voter by the remaining members of the board.  
 10 If the vacancy occurs in a Class II school district prior to July  
 11 1 preceding the general election in the middle of the vacated term,  
 12 the appointee shall serve until a registered voter is elected at  
 13 such general election for the remainder of the unexpired term. If  
 14 the vacancy occurs in a Class III, IV, ~~V~~, or VI school district  
 15 prior to February 1 preceding the general election in the middle  
 16 of the vacated term, the appointee shall serve until a registered  
 17 voter is nominated at the next primary election and elected at  
 18 the following general election for the remainder of the unexpired

19 term. If the vacancy occurs on or after the applicable deadline,  
 20 the appointment shall be for the remainder of the unexpired term.  
 21 A registered voter appointed or elected pursuant to this subsection  
 22 shall meet the same requirements as the member whose office is  
 23 vacant.

24 (4) Any vacancy in the membership of a school board  
 25 of a school district described in section 79-549 which does not  
 26 nominate candidates at a primary election and elect members at  
 27 the following general election shall be filled by appointment of a  
 1 qualified registered voter by the remaining members of the board.  
 2 If the vacancy occurs at least twenty days prior to the first  
 3 regular caucus to be held during the term that was vacated, the  
 4 appointee shall serve until a registered voter is nominated and  
 5 elected to fill the vacancy for the remainder of the term in the  
 6 manner provided for nomination and election of board members in  
 7 the district. If the vacancy occurred less than twenty days prior  
 8 to the first regular caucus and at least twenty days prior to the  
 9 second regular caucus to be held during the term that was vacated,  
 10 the appointee shall serve until a registered voter is nominated and  
 11 elected to fill the vacancy for the remainder of the term in the  
 12 manner provided for nomination and election of board members in the  
 13 district. If the vacancy occurred less than twenty days prior to  
 14 the second regular caucus held during the term that was vacated or  
 15 after such caucus, the appointment shall be for the remainder of  
 16 the unexpired term.

17 (5) A vacancy in the membership of a school board of a  
 18 Class V school district resulting from any cause other than the  
 19 expiration of a term shall be filled by appointment of a qualified  
 20 registered voter by the remaining members of the board for the  
 21 remainder of the unexpired term. A registered voter appointed  
 22 pursuant to this subsection shall meet the same requirements as the  
 23 member whose office is vacant.

24 ~~(5)~~(6) If any school board fails to fill a vacancy on  
 25 the board, the vacancy may be filled by election at a special  
 26 election or school district meeting called for that purpose.  
 27 Such election or meeting shall be called in the same manner and  
 1 subject to the same procedures as other special elections or school  
 2 district meetings.

3 ~~(6)~~(7) If there are vacancies in the offices of one-half  
 4 or more of the members of a school board, the Secretary of State  
 5 shall conduct a special school district election to fill such  
 6 vacancies.

7 Sec. 4. Section 79-4,129, Reissue Revised Statutes of  
 8 Nebraska, is amended to read:

9 79-4,129 (1) Within thirty days after the classification  
 10 of the reorganized school districts by the county clerk under  
 11 section 79-4,128, the state committee shall appoint from among the  
 12 legal voters of each new school district created the number of  
 13 members necessary to constitute a school board of the class in

14 which the new school district has been classified. A reorganized  
15 school district shall be formed and organized and shall have a  
16 school board not later than April 1 following the last legal  
17 action, as prescribed in section 79-4,128, necessary to effect the  
18 changes in boundaries as set forth in the plan of reorganization,  
19 although the physical reorganization of such reorganized school  
20 district shall take effect July 1 following the classification of  
21 the reorganized school districts under section 79-4,128. The first  
22 board shall be appointed on an at-large basis, and all boards  
23 shall be elected at large until such time as election districts are  
24 established as provided in section 32-554.

25 (2) In appointing the first school board of a Class  
26 II school district, the members shall be appointed so that the  
27 terms of three members expire on the date of the first regular  
1 meeting of the board in January after the first even-numbered year  
2 following their appointment and the terms of the three remaining  
3 members expire on the date of the first regular meeting of the  
4 board in January after the second even-numbered year following  
5 their appointment. At the statewide general election in the first  
6 even-numbered year after the reorganization, three board members  
7 in each Class II school district shall be elected to terms of  
8 four years. Thereafter all candidates shall be elected to terms  
9 of four years. Each member's term shall begin on the date of the  
10 first regular meeting of the board in January following his or her  
11 election.

12 (3) In appointing the first school board of a Class  
13 III school district with a six-member board serving terms of  
14 four years, the terms of three members shall expire on the first  
15 Thursday after the first Tuesday in January after the first  
16 even-numbered year following their appointment and the terms of  
17 the three remaining members shall expire on the first Thursday  
18 after the first Tuesday in January after the second even-numbered  
19 year following their appointment. Thereafter all Class III district  
20 school boards with six-member boards shall be elected to terms of  
21 four years.

22 (4) In appointing the first school board of a Class  
23 III school district with a nine-member board serving terms of  
24 four years, the terms of four members shall expire on the first  
25 Thursday after the first Tuesday in January after the first  
26 even-numbered year following their appointment and the terms of  
27 five members shall expire on the first Thursday after the first  
1 Tuesday in January after the second even-numbered year following  
2 their appointment. Thereafter all Class III district school boards  
3 with nine-member boards shall be elected to terms of four years.

4 (5) In appointing the first school board of a Class IV  
5 school district, the members shall be appointed so that the terms  
6 of three members shall expire on the third Monday in May of the  
7 first odd-numbered year following their appointment and the terms  
8 of four members shall expire on the third Monday in May of the

9 second odd-numbered year following their appointment. Thereafter  
 10 all Class IV district school boards shall be elected to terms of  
 11 four years.

12 (6) In appointing the first school board of a Class V  
 13 school district after a reorganization under this section with a  
 14 ~~twelve member nine-member~~ board serving terms of four years, the  
 15 terms of ~~six the~~ members shall expire on the ~~first Monday in~~  
 16 ~~January after the first even numbered fourth Monday after the date~~  
 17 ~~of the election held pursuant to section 14-201 year following~~  
 18 ~~their appointment and the terms of six members shall expire on~~  
 19 ~~the first Monday in January after the second even numbered year~~  
 20 ~~following their appointment. Thereafter all~~ All Class V district  
 21 school boards shall be elected to terms of four years.

22 (7) The school boards appointed under this section shall  
 23 proceed at once to organize in the manner prescribed by law.

24 Sec. 5. Section 79-552, Reissue Revised Statutes of  
 25 Nebraska, is amended to read:

26 79-552 (1) The board of education of a Class V school  
 27 district shall consist of twelve members, ~~one~~ until the fourth  
 1 Monday after the date in 2013 of the election held pursuant to  
 2 section 14-201 and shall consist of nine members thereafter. One  
 3 member shall be elected from each district pursuant to section  
 4 32-545, and also may include a nonvoting student member or  
 5 members selected pursuant to section 79-559. Each elected member  
 6 shall be a resident of the district for at least six months prior  
 7 to the election. Each candidate for election to and each member of  
 8 the board of education shall be a taxpayer in and a resident of the  
 9 district of such school district as designated pursuant to section  
 10 32-552.

11 (2) All persons elected as members of the board of  
 12 education shall take and subscribe to the usual oath of office  
 13 before the ~~first fourth Monday in January~~ following their election,  
 14 ~~and the student member shall take and subscribe to the usual oath~~  
 15 ~~of office before the first Monday in January following his or her~~  
 16 ~~designation.~~ In case any person so elected fails so to do, his or  
 17 her election shall be void and the vacancy shall be filled by the  
 18 board as provided in section 32-570.

19 Sec. 6. Section 79-559, Reissue Revised Statutes of  
 20 Nebraska, is amended to read:

21 79-559 (1) The school board or board of education of  
 22 any Class II, III, IV, ~~V,~~ or VI school district may include at  
 23 least one nonvoting member who is a public high school student  
 24 from the district. If the board elects to include such a nonvoting  
 25 student member, the student member shall serve for a term of one  
 26 year, beginning on September 1, and shall be the student body or  
 27 student council president, the senior class representative, or a  
 1 representative elected from and by the entire student body, as  
 2 designated by the voting members of the board.

3 (2) Any nonvoting student member of the board has the

- 4 privilege of attending all open meetings of the board but shall be  
5 excluded from executive sessions.  
6 Sec. 7. Original sections 32-545, 32-552, 79-4,129,  
7 79-552, and 79-559, Reissue Revised Statutes of Nebraska, and  
8 section 32-570, Revised Statutes Cumulative Supplement, 2012, are  
9 repealed.  
10 Sec. 8. Since an emergency exists, this act takes effect  
11 when passed and approved according to law.

(Signed) Bill Avery, Chairperson

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

Room 1507

Monday, February 4, 2013 1:30 p.m.

LB27  
LB337  
LB426  
LB628

Tuesday, February 5, 2013 1:30 p.m.

LB170  
LB616  
LB38  
LB283

(Signed) Mike Gloor, Chairperson

Transportation and Telecommunications

Room 1113

Monday, February 4, 2013 1:30 p.m.

LB117  
LB174  
LB398  
LB548

(Signed) Annette Dubas, Chairperson



Education

Room 1525

Monday, February 4, 2013 1:30 p.m.

LB480  
LB481  
LB366  
LB367  
LB408

(Signed) Kate Sullivan, Chairperson

### GENERAL FILE

**LEGISLATIVE BILL 1.** Title read. Considered.

Advanced to Enrollment and Review Initial with 43 ayes, 0 nays, 3 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 2.** Title read. Considered.

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 4 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 30.** Title read. Considered.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 5 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 35.** Title read. Considered.

Senator Dubas offered the following amendment:

AM46

- 1 1. Insert the following new section:
- 2 Sec. 11. Since an emergency exists, this act takes effect
- 3 when passed and approved according to law.

The Dubas amendment was adopted with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 72.** Title read. Considered.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 6 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 100.** Title read. Considered.

**SPEAKER ADAMS PRESIDING**

**PRESIDENT SHEEHY PRESIDING**

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 5 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 146.** Title read. Considered.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

**RESOLUTION**

**LEGISLATIVE RESOLUTION 44.** Introduced by Mello, 5.

WHEREAS, the Omaha Jaycees recently named the 2012 recipients of the 80th Annual Ten Outstanding Young Omahans Award; and

WHEREAS, this award is annually presented to ten people between the ages of twenty-one and forty who exemplify excellence in both the professional and personal arenas while also taking an active role in the community; and

WHEREAS, the 2012 recipients of the 80th Annual Ten Outstanding Young Omahans Award are Oscar Duran, Adrienne Fay, Dan Gilbert, Christian D. Gray, Sarah Helvey, David Patterson, Angie Schendt, Meagon Schnoor, Angel Starks, and Erin E. Swanson; and

WHEREAS, these ten individuals will be recognized at an award dinner to be held on January 30, 2013; and

WHEREAS, the Legislature recognizes outstanding individual achievements like receiving the 80th Annual Ten Outstanding Young Omahans Award.

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

1. That the Legislature congratulates Oscar Duran, Adrienne Fay, Dan Gilbert, Christian D. Gray, Sarah Helvey, David Patterson, Angie Schendt, Meagon Schnoor, Angel Starks, and Erin E. Swanson on receiving the 80th Annual Ten Outstanding Young Omahans Award.

2. That a copy of this resolution be sent to Oscar Duran, Adrienne Fay, Dan Gilbert, Christian D. Gray, Sarah Helvey, David Patterson, Angie Schendt, Meagon Schnoor, Angel Starks, and Erin E. Swanson.

Laid over.

**NOTICE OF COMMITTEE HEARINGS**  
Business and Labor

Room 2102

Monday, February 4, 2013 1:30 p.m.

LB177  
LB560  
LB559  
LB248

(Signed) Steve Lathrop, Chairperson

Urban Affairs

Room 1510

Tuesday, February 5, 2013 1:30 p.m.

LB377  
LB591  
LB633  
LB643

(Signed) Amanda McGill, Chairperson

General Affairs

Room 1510

Monday, February 4, 2013 1:30 p.m.

LB6  
LB413  
LB579

(Signed) Russ Karpisek, Chairperson

**MOTION - Print in Journal**

Senator Larson filed the following motion to LB654:

MO4

Indefinitely postpone.

**AMENDMENTS - Print in Journal**

Senator Schumacher filed the following amendment to LB84:  
AM25

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 60-6,356, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 60-6,356 (1) An all-terrain vehicle or a utility-type
- 6 vehicle shall not be operated on any controlled-access highway with
- 7 more than two marked traffic lanes. ~~The, and the~~ crossing of
- 8 any controlled-access highway with more than two marked traffic
- 9 lanes shall not be permitted except as provided in subsection (9)
- 10 of this section. Subsections (2), (3), and (5) through (8) of
- 11 this section authorize and apply to operation of an all-terrain
- 12 vehicle or a utility-type vehicle only on a highway other than a
- 13 controlled-access highway with more than two marked traffic lanes.
- 14 (2) An all-terrain vehicle or a utility-type vehicle
- 15 may be operated in accordance with the operating requirements of
- 16 subsection (3) of this section:
- 17 (a) Outside the corporate limits of a city, village,
- 18 or unincorporated village if incidental to the vehicle's use for
- 19 agricultural purposes;
- 20 (b) Within the corporate limits of a city or village
- 21 if authorized by the city or village by ordinance adopted in
- 22 accordance with this section; or
- 23 (c) Within an unincorporated village if authorized by the
- 1 county board of the county in which the unincorporated village is
- 2 located by resolution in accordance with this section.
- 3 (3) An all-terrain vehicle or a utility-type vehicle may
- 4 be operated as authorized in subsection (2) of this section when
- 5 such operation occurs only between the hours of sunrise and sunset.
- 6 Any person operating an all-terrain vehicle or a utility-type
- 7 vehicle as authorized in subsection (2) of this section shall have
- 8 a valid Class O operator's license or a farm permit as provided
- 9 in section 60-4,126, shall have liability insurance coverage for
- 10 the all-terrain vehicle or a utility-type vehicle while operating
- 11 the all-terrain vehicle or a utility-type vehicle on a highway,
- 12 and shall not operate such vehicle at a speed in excess of thirty
- 13 miles per hour. The person operating the all-terrain vehicle or a
- 14 utility-type vehicle shall provide proof of such insurance coverage
- 15 to any peace officer requesting such proof within five days of such
- 16 a request. When operating an all-terrain vehicle or a utility-type
- 17 vehicle as authorized in subsection (2) of this section, the
- 18 headlight and taillight of the vehicle shall be on and the vehicle
- 19 shall be equipped with a bicycle safety flag which extends not less
- 20 than five feet above ground attached to the rear of such vehicle.
- 21 The bicycle safety flag shall be triangular in shape with an area
- 22 of not less than thirty square inches and shall be day-glow in

23 color.

24 (4) All-terrain vehicles and utility-type vehicles may  
25 be operated without complying with subsection (3) of this section  
26 on highways in parades which have been authorized by the State  
27 of Nebraska or any department, board, commission, or political  
1 subdivision of the state.

2 (5) ~~Subject to subsection (1) of this section, the~~ The  
3 crossing of a highway other than a controlled-access highway with  
4 more than two marked traffic lanes shall be permitted by an  
5 all-terrain vehicle or a utility-type vehicle without complying  
6 with subsection (3) of this section only if:

7 (a) The crossing is made at an angle of approximately  
8 ninety degrees to the direction of the highway and at a place where  
9 no obstruction prevents a quick and safe crossing;

10 (b) The vehicle is brought to a complete stop before  
11 crossing the shoulder or roadway of the highway;

12 (c) The operator yields the right-of-way to all oncoming  
13 traffic that constitutes an immediate potential hazard;

14 (d) In crossing a divided highway, the crossing is made  
15 only at an intersection of such highway with another highway; and

16 (e) Both the headlight and taillight of the vehicle are  
17 on when the crossing is made.

18 (6) All-terrain vehicles and utility-type vehicles may  
19 be operated outside the corporate limits of any municipality by  
20 electric utility personnel within the course of their employment  
21 in accordance with the operation requirements of subsection (3) of  
22 this section, except that the operation of the vehicle pursuant to  
23 this subsection need not be limited to the hours between sunrise  
24 and sunset.

25 (7) A city or village may adopt an ordinance authorizing  
26 the operation of all-terrain vehicles and utility-type vehicles  
27 within the corporate limits of the city or village if the operation  
1 is in accordance with subsection (3) of this section. The city  
2 or village may place other restrictions on the operation of  
3 all-terrain vehicles and utility-type vehicles within its corporate  
4 limits.

5 (8) A county board may adopt a resolution authorizing the  
6 operation of all-terrain vehicles and utility-type vehicles within  
7 any unincorporated village within the county if the operation is  
8 in accordance with subsection (3) of this section. The county may  
9 place other restrictions on the operation of all-terrain vehicles  
10 and utility-type vehicles within the unincorporated village.

11 (9) The crossing of a controlled-access highway with more  
12 than two marked traffic lanes shall be permitted by a utility-type  
13 vehicle if the operation is in accordance with the operation  
14 requirements of subsection (3) of this section and if the following  
15 requirements are met:

16 (a) The crossing is made at an intersection that is  
17 controlled by a traffic control signal and is made in compliance

- 18 with such traffic control signal; and  
 19 (b) The crossing at such intersection is specifically  
 20 authorized as follows:  
 21 (i) If such intersection is located within the corporate  
 22 limits of a city or village, by ordinance of such city or village;  
 23 (ii) If such intersection is located within an  
 24 unincorporated village, by resolution of the county board of the  
 25 county in which such unincorporated village is located; or  
 26 (iii) If such intersection is located outside the  
 27 corporate limits of a city or village and outside any  
 1 unincorporated village, by resolution of the county board of the  
 2 county in which such intersection is located.  
 3 Sec. 2. Original section 60-6,356, Reissue Revised  
 4 Statutes of Nebraska, is repealed.

Senator Schumacher filed the following amendment to LB85:  
 AM37

- 1 1. On page 4, line 17, strike "and (ii)" and insert  
 2 ", (ii) there is no other vehicular traffic stopped at the  
 3 intersection, and (iii)".

### **UNANIMOUS CONSENT - Add Cointroducers**

Senators Ashford and Murante asked unanimous consent to add their names as cointroducers to LB125. No objections. So ordered.

Senators Lautenbaugh and Schilz asked unanimous consent to add their names as cointroducers to LB204. No objections. So ordered.

Senator Davis unanimous consent to add his name as cointroducer to LB613. No objections. So ordered.

### **VISITORS**

Visitors to the Chamber were members representing ABATE of Nebraska.

### **ADJOURNMENT**

At 11:45 a.m., on a motion by Senator Carlson, the Legislature adjourned until 10:00 a.m., Tuesday, January 29, 2013.

Patrick J. O'Donnell  
 Clerk of the Legislature