

SEVENTH DAY - JANUARY 17, 2013**LEGISLATIVE JOURNAL****ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION****SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, January 17, 2013

PRAYER

The prayer was offered by Senator Coash.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:45 a.m., President Sheehy presiding.

The roll was called and all members were present except Senator Lautenbaugh who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixth day was approved.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LB38	Banking, Commerce and Insurance (referred)
LB194	Appropriations
LB195	Appropriations
LB196	Appropriations
LB197	Appropriations
LB198	Appropriations
LB199	Appropriations
LB200	Appropriations
LB201	Education
LB202	Judiciary
LB203	Natural Resources
LB204	Judiciary
LB205	Banking, Commerce and Insurance
LB206	Government, Military and Veterans Affairs
LB207	Transportation and Telecommunications
LB208	Urban Affairs

LB209	Banking, Commerce and Insurance
LB210	Banking, Commerce and Insurance
LB211	Education
LB212	Judiciary
LB213	Banking, Commerce and Insurance
LB214	Banking, Commerce and Insurance
LB215	Government, Military and Veterans Affairs
LB216	Health and Human Services
LB217	Government, Military and Veterans Affairs
LB218	Banking, Commerce and Insurance
LB219	Government, Military and Veterans Affairs
LB220	Health and Human Services
LB221	Health and Human Services
LB222	Government, Military and Veterans Affairs
LB223	Transportation and Telecommunications
LB224	Government, Military and Veterans Affairs
LB225	Health and Human Services
LB226	Judiciary
LB227	Revenue
LB228	Banking, Commerce and Insurance
LB229	Nebraska Retirement Systems
LB230	General Affairs
LB231	Health and Human Services
LB232	Judiciary
LB233	Judiciary
LB234	Appropriations
LB235	Government, Military and Veterans Affairs
LB236	Health and Human Services
LB237	Revenue
LB238	Revenue

(Signed) John Wightman, Chairperson
Executive Board

EXECUTIVE BOARD REPORT

Senator Wightman, Chairperson of the Executive Board, reported the appointments of the following members of the Legislature to the following special committees:

Building Maintenance

Senator Tom Hansen (Chairperson)

Senator Al Davis

Senator Jerry Johnson

Senator Heath Mello

Senator John Nelson

Senator Norm Wallman

Education Commission of the States

Senator Bill Avery
Senator John Harms
Senator Kate Sullivan

Midwestern Higher Education Compact Commission (Midwest Compact)

Senator Sue Crawford
Senator Rick Kolowski

Legislative Performance Audit

Senator Greg Adams
Senator Annette Dubas
Senator John Harms
Senator Bob Krist
Senator Heath Mello
Senator Dan Watermeier
Senator John Wightman

Legislature's Planning

Senator Greg Adams
Senator Kathy Campbell
Senator Tanya Cook
Senator Mike Gloor
Senator John Harms
Senator Heath Mello
Senator Paul Schumacher
Senator Kate Sullivan
Senator John Wightman

State-Tribal Relations

Senator Bill Avery
Senator Dave Bloomfield
Senator Lydia Brasch (Vice Chairperson)
Senator Colby Coash (Chairperson)
Senator Al Davis
Senator Annette Dubas
Senator Jeremy Nordquist

Homeland Security Policy Group

Senator Scott Price
Position to be filled – must be a member of the Appropriations Committee

The Interstate Compact for Adult Supervision

Senator Mark Christensen

State Council for Interstate Juvenile Supervision

Senator Amanda McGill

Nebraska Information Technology Commission

Senator Dan Watermeier

Streamlined Sales and Use Tax System

Senator Galen Hadley

Senator Burke Harr

(Signed) John Wightman, Chairperson
Legislative Council, Executive Board

ANNOUNCEMENT

The Natural Resources Committee elected Senator Brasch as Vice Chairperson.

NOTICE OF COMMITTEE HEARINGS

Health and Human Services

Room 1510

Thursday, January 24, 2013 1:30 p.m.

LB225

LB23

LB156

Friday, January 25, 2013 1:30 p.m.

LB132

LB54

LB42

(Signed) Kathy Campbell, Chairperson

Judiciary

Room 1113

Wednesday, February 6, 2013 1:30 p.m.

LB22

LB212

LB124

LB107

LB126

(Signed) Brad Ashford, Chairperson

MOTION - Escort Chief Justice

Senator Wightman moved that a committee of five be appointed to escort the Chief Justice of the Supreme Court and members of the Supreme Court to the Legislative Chamber for the purpose of delivering the State of the Judiciary Address.

The motion prevailed.

The Chair appointed Senators Ashford, Conrad, Nelson, Seiler, and Wightman to serve on said committee.

The committee escorted Chief Justice Michael G. Heavican to the rostrum where he delivered the following message:

Mr. President, Mr. Speaker, Members of the Legislature, and fellow Justices of the Nebraska Supreme Court. I would like to thank the members of this body, and specifically thank Speaker Greg Adams, for inviting me to address you again this year.

It is always a great honor for me to report on the Court's past year and to discuss the Court's future. But first I will introduce my fellow Justices of the Nebraska Supreme Court.

To my immediate right is Justice John Wright of Scottsbluff. Next to Justice Wright is Justice Kenneth Stephan of Lincoln. To the right of Justice Stephan is Justice Lindsay Miller-Lerman of Omaha.

To my immediate left is Justice Michael McCormack of Omaha. And to Justice McCormack's left is Justice William Cassel of O'Neill. Justice William Connolly of Hastings is unable to be with us this morning.

You have been provided with a copy of these remarks along with the Nebraska Supreme Court's Strategic Agenda. Because my time with you is limited, I will only be able to touch on a handful of our many important goals and initiatives.

The core mission of the Nebraska Judicial Branch is the delivery of justice in a fair and timely manner. Justice may be as mundane as paying a traffic fine or as significant as protecting the constitutional rights of an accused in a capital case. Our courts provide access to justice for all of our citizens.

Today I will speak to you about children's rights in Nebraska's courts, sentencing alternatives such as drug courts and community-based supervision, the rights of Nebraska's vulnerable adults, the challenge of providing language access in our courts, and Judicial Branch technology.

1. Children in the Courts

First I will speak to you about the need to have adequate rehabilitative services for delinquent children in our courts. In January 2012, Senator Bob Krist introduced legislative bill 985 to enhance the Nebraska Juvenile Service Delivery Project.

The project is designed to keep children who are involved in the juvenile justice system from becoming repeat offenders by providing individually

targeted services for youth while on probation. The project aims to keep children from being jailed while they receive services or treatment. Emphasis is placed on school attendance, and parents are involved in the rehabilitative process.

Significantly, children do not have to become wards of the State in order to receive services from the project. Thus, not only does this project provide individualized treatment for children, but it is designed to save money for the State and to assist our juvenile courts with case management. The program also builds communities by reducing recidivism in our juvenile population.

In the three pilot projects established Omaha, North Platte, and Scottsbluff, approximately 600 youth have been served since July 1, 2012. Eighty percent of these young people were able to remain in their family home rather than being institutionalized. In the first six months of this project, there has been an 80 percent successful probation completion rate -- which is higher than the statewide average.

In addition to Senator Krist, I would also like to thank Senator Brad Ashford, Senator John Harms, and Senator Tom Hansen for their considerable work toward the passage of this bill.

2. Through the Eyes of the Child

I have spoken to you in the past about our Through the Eyes of the Child Initiative and am pleased to give you this annual update. The Initiative is comprised of 25 judge-led, multidisciplinary teams located across the State. The Initiative continues to improve the way abused and neglected children are served in our courts, on both a local and statewide level.

In 2012, the Initiative hosted or co-hosted eight educational training sessions attended by over 700 people in the following locations: Kearney, Scottsbluff, South Sioux City, Hastings, Papillion, North Platte, Lincoln, and Omaha. One of these training sessions was our Nebraska Children's Summit held in Kearney. This event was attended by over 450 individuals, including all of our juvenile court judges, as well as attorneys, caseworkers, Department of Health and Human Services (DHHS) supervisors, service providers, and youth.

I would like to express my gratitude to Senator Kathy Campbell, Senator Mike Gloor, and Senator Annette Dubas for supporting and participating in the Summit.

Several of our local teams have excelled in providing increased services to abused children. The largest project is led by Judge Michael Burns of Hastings and his fellow judges in the 10th Judicial District. The Hastings team has been awarded over \$1 million in grants to create a transitional living center for foster youth who have reached the age of majority. This facility is currently being renovated and is set to open in the summer of 2013.

Also, our Sidney-area team, under the leadership of Judge Randin Roland, secured and renovated a housing unit where families can live independently while participating in substance-abuse and mental health treatment. They enrolled their first family in April 2012, using a blending of HUD funding and DHHS support.

I would like to thank Senator Harms and Senator Ken Schilz for being part of this endeavor. These teams are great examples of how collaboration among local, State, and national organizations can create positive, sustainable change.

On a broader scale, children are achieving stability more quickly because of court-based initiatives such as prehearing conferences. These prehearing conferences are led by specialized facilitators trained at our Office of Dispute Resolution's regional mediation centers. Due to the success of these hearings and coordination between the courts and DHHS, some termination of parental rights trials and appeals have been avoided, resulting in more timely permanency for children.

3. Sentencing Alternatives

A. Drug Courts

I now call your attention to important sentencing alternatives to incarceration for adults in Nebraska. In an effort to craft better, longer-lasting solutions to drug abuse, we have developed specialty drug courts which target the underlying problems that bring people into our criminal courts.

For too many Nebraska offenders, crime and drug addiction are intertwined. We now have 25 drug courts in operation across the State. This year, for the first time, we anticipate drug courts will be available in all 12 judicial districts when the 5th Judicial District in east-central Nebraska opens its first drug court.

Recently, a 3-year Statewide evaluation of Nebraska's drug courts was conducted by the University of Nebraska Public Policy Center. The evaluation confirmed several areas of success:

- Nebraska drug courts match or exceed national drug court participant graduation rates and boast lower rates of recidivism;
- Nebraska drug court programs are cost-efficient and comparable in cost to drug courts across the nation; and as noted,
- Nebraska drug courts are becoming more widely available.

Upon completion of the evaluation, the Supreme Court Committee on Drug Courts, under the leadership of Judge James Doyle of Lexington, created a 5-year Strategic Plan.

B. Specialized Substance Abuse Supervision

Another sentencing alternative provided by the Court's adult probation system is the Specialized Substance Abuse Supervision Program (known as SSAS). SSAS is designed for adult felony offenders with chronic drug problems. The program and has been in effect since 2006.

This sentencing alternative, available in Omaha, Lincoln, Papillion, Nebraska City, South Sioux City, Kearney, and Lexington, addresses the treatment and supervision needs of offenders who might otherwise have been incarcerated. The SSAS Program continues to show success. Nearly 90 percent of SSAS alumni were not re-arrested within the first year of program completion.

Reporting centers are an essential component of the SSAS Program.

Funded by both State and county dollars, these on-site, community-based facilities blend high levels of offender control with intensive delivery of services. The reporting centers offer 96 different rehabilitative services. This, in turn, reduces the reliance on prisons and jails. The program is currently filled to capacity.

4. Vulnerable Adults

I will now speak to you about the Court's efforts to better serve vulnerable adults. In April 2010, following well-publicized cases of theft, the Supreme Court organized a Review Task Force on the Status of Adult Guardianships and Conservatorships in the Nebraska Court System. The Task Force was chaired by Senator John Wightman.

In October 2010, the Task Force submitted its recommendations to the Nebraska Supreme Court, the Nebraska Legislature, and the Nebraska State Bar Association. The laws enacted by the Legislature, and the rules adopted by the Court, were in response to the recommendations of the Task Force.

We applaud the Legislature for its thoughtful and timely response to the needs of Nebraska's vulnerable adults.

There have been many issues and concerns with the implementation of these new laws and Court rules. We are working with the Nebraska State Bar Association to identify areas where the process can be simplified while maintaining an adequate level of protection for these vulnerable adults.

Nebraska's county courts monitor nearly 13,000 ongoing guardian and conservator cases each year. Nebraska court staff and administrative office staff field a multitude of calls, inquiries, and complaints about the new guardianship rules, forms, and procedures.

I want to thank our judges and court staff for their exemplary response to the additional work and responsibilities created by these changes.

Judges and Clerk Magistrates report these changes have provided additional protection to Nebraska's wards. They also note that the increased monitoring of annual reports has uncovered further instances of theft and misuse of funds by guardians and conservators.

The Supreme Court has announced the creation of a permanent Commission on Guardianships and Conservatorships to carry on the work begun by the original Task Force. The Commission will focus on further implementation of the protections provided by Nebraska's laws and Court rules. Emphasis will be placed on balancing those protections with the legitimate needs of guardians and conservators to have simple, understandable reporting requirements.

5. Language Access

I turn now to another of the ongoing challenges facing Nebraska courts: Providing justice to the increasing number of individuals who speak little or no English. These individuals come before our courts as victims, witnesses, defendants, and parents of juveniles. Not only is it important that these individuals be heard, but it is equally important that judges, attorneys, and jury members understand the testimony and arguments of non-English speakers so that justice can be served.

The number of Nebraskans with limited English skills increased

significantly between 1990 and 2010. Last year interpreter services were provided in 39 spoken languages and American Sign Language for over 20,000 court hearings and probation appointments.

For example, during the past six months, Czech interpreters were provided in Sidney; interpreters skilled in the African languages of Dinka and Somali were provided in Grand Island; Mandarin Chinese interpreters were provided in Valentine, Fremont, O'Neill, and Kearney; interpreters skilled in K'iche, a Guatemalan language, were provided in Fremont, Hartington, Schuyler, Columbus, Madison, and Grand Island; and American Sign interpreters were provided in Center, Scottsbluff, and Ord. Spanish language interpreters are regularly provided throughout the State.

In response to this challenge, Nebraska joined 48 other states, the District of Columbia, and two territories in a grant-funded National Summit on Language Access in the Courts. Attendees included Senator Harms, Justice Cassel, Judge Patrick McDermott, and staff of the Administrative Office of the Courts.

We thank Senator Harms in particular for taking his valuable time to explore with us the challenges of language access in Nebraska's courts.

The Supreme Court is addressing language access needs in a number of other ways as well. Work is progressing on a Language Access Plan to help the court system identify and meet the needs of all court users, including judges, attorneys, and jury members. This plan consists of research into Nebraska's immigrant and refugee language needs, appropriate signage and translation of documents, interpreter availability, and education for judges and court staff. The Language Access Plan is expected to be completed in 2013.

Nebraska courts and probation offices are also utilizing technology in providing interpreter services. Spanish-certified interpreters are available statewide, daily, via video conferencing and by telephone. This program has increased access to interpreters and has saved the State of Nebraska almost \$100,000 in travel time and mileage compensation since January 2010.

Interpreters for hard to find languages can also be accessed remotely. And in order to encourage and support the use of remote interpreters, equipment such as web cams, monitors, and laptops has been distributed to courts in 53 counties utilizing a federal grant.

6. Technology

Technology is increasingly important to the operation of the entire judicial branch. In June 2012, the Supreme Court adopted a new Strategic Plan submitted by the Court's Technology Committee. Among the objectives established under the plan, the Court will work toward electronic filing in appellate court cases, electronic publishing of appellate opinions, additional use of video conferencing in the trial courts, and increased use of technology in the courts to further promote judge and staff productivity.

In 2012, the trial courts collected over \$11 million by electronic payments using the Nebraska.gov website. Nearly 65 percent of civil case filings in the county courts were electronically filed in 2012. This is a 20 percent increase over 2011 filings, and represents a savings both for the State and all of Nebraska's counties. Over 2,700 attorneys are now registered to use

e-filing in Nebraska's courts.

This past year was a banner year for the use of video conferencing in our trial courts. Sixty county courts and 10 district courts used the technology in a variety of court proceedings to save travel time.

Probation is also using secure teleconferencing to expedite investigations for the trial courts and to improve supervision of probationers. We will continue to expand the use of video conferencing in 2013.

7. Conclusion

In conclusion, I note that citizens interact with the State courts through our employees and judges in all 93 Nebraska counties. We have over 1,100 court staff and probation employees providing services to you and your constituents in civil, criminal, probate, juvenile, and family court matters.

Over 400,000 new cases are filed annually in Nebraska's trial courts, and every day approximately 17,000 adults and children are being supervised by our probation officers. Over 1,000 cases are heard each year by the Nebraska Supreme Court and Nebraska Court of Appeals.

The judicial branch touches all Nebraskans, including the most vulnerable of our citizens – children, elderly, the poor, and the unfortunate victims of crime and abuse. We are proud of the accomplishments our programs have achieved in addressing the needs of all of these Nebraska citizens and appreciate the support the Legislature has given the judiciary. We look forward to working with you and continuing to serve all of Nebraska's citizens in the coming years.

Thank you again for the opportunity to speak with you today.

The committee escorted the Chief Justice from the Chamber.

ANNOUNCEMENT

The Chair announced today is Senator Schilz's birthday.

MOTION - Suspend Rules

Senator Dubas offered the following motion to LB31:

MO1

Suspend the rules, Rule 3, Sec. 14, to permit cancellation of the public hearing on LB31.

The Dubas motion to suspend the rules prevailed with 30 ayes, 0 nays, 18 present and not voting, and 1 excused and not voting.

NOTICE OF COMMITTEE HEARING
Transportation and Telecommunications

Room 1113

Tuesday, January 22, 2013 1:30 p.m.

LB31 (cancel)

(Signed) Annette Dubas, Chairperson

BILLS ON FIRST READING

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

LEGISLATIVE BILL 298. Introduced by McCoy, 39.

A BILL FOR AN ACT relating to the Uniform Controlled Substances Act; to amend sections 28-405 and 28-416, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to controlled substances schedules and penalties; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 299. Introduced by Seiler, 33.

A BILL FOR AN ACT relating to elections; to amend section 32-554, Reissue Revised Statutes of Nebraska; to change provisions regarding political subdivisions; and to repeal the original section.

LEGISLATIVE BILL 300. Introduced by Krist, 10.

A BILL FOR AN ACT relating to health care facilities; to amend section 71-401, Revised Statutes Cumulative Supplement, 2012; to require the Department of Health and Human Services and health care facilities to provide information regarding abortion; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 301. Introduced by Carlson, 38.

A BILL FOR AN ACT relating to schools; to amend section 79-458, Reissue Revised Statutes of Nebraska, and section 77-3442, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to transfers of property; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 302. Introduced by Wallman, 30.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-121, Reissue Revised Statutes of Nebraska; to

provide annual adjustments for total disability income benefits; and to repeal the original section.

LEGISLATIVE BILL 303. Introduced by Wallman, 30.

A BILL FOR AN ACT relating to land surveying; to amend sections 81-8,114, 81-8,115, 81-8,117, and 81-8,120, Reissue Revised Statutes of Nebraska; to change provisions relating to application for registration and a required examination; and to repeal the original sections.

LEGISLATIVE BILL 304. Introduced by Wallman, 30.

A BILL FOR AN ACT relating to the Department of Roads; to amend sections 66-821, 66-822, 66-823, and 66-824, Reissue Revised Statutes of Nebraska; to change provisions relating to usage of gasohol; to require usage of E15 as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 305. Introduced by Nordquist, 7.

A BILL FOR AN ACT relating to the Nebraska State Patrol Retirement Act; to amend sections 81-2014.01, 81-2017, 81-2026, 81-2027.08, and 81-2041, Revised Statutes Cumulative Supplement, 2012; to change benefit calculations and provisions related to retirement system funding; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 306. Introduced by Nordquist, 7.

A BILL FOR AN ACT relating to the Judges Retirement Act; to amend sections 24-703 and 24-710.13, Revised Statutes Cumulative Supplement, 2012; to change provisions related to retirement plans funding; to change judges' contribution as prescribed; to eliminate obsolete language; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 307. Introduced by Nelson, 6.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend sections 48-121, 48-141, and 48-162.01, Reissue Revised Statutes of Nebraska, and sections 48-120 and 48-1,110, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to medical treatment, temporary disability compensation, and periodic payment modification; to provide intent and purpose; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 308. Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715, Reissue Revised Statutes of Nebraska, and section 77-2717,

Revised Statutes Cumulative Supplement, 2012; to change income tax calculations relating to the federal alternative minimum tax; and to repeal the original sections.

LEGISLATIVE BILL 309. Introduced by Bolz, 29; Cook, 13.

A BILL FOR AN ACT relating to social services; to adopt the Department of Health and Human Services Delivery Improvement and Efficiency Act.

LEGISLATIVE BILL 310. Introduced by Bolz, 29.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-121, Reissue Revised Statutes of Nebraska; to clarify compensation for shoulder injuries; and to repeal the original section.

LEGISLATIVE BILL 311. Introduced by Scheer, 19.

A BILL FOR AN ACT relating to official bonds and oaths; to amend sections 11-105 and 11-115, Reissue Revised Statutes of Nebraska; to change provisions relating to filing requirements; and to repeal the original sections.

LEGISLATIVE BILL 312. Introduced by Scheer, 19; Chambers, 11; Crawford, 45; Howard, 9; Kintner, 2.

A BILL FOR AN ACT relating to insurance; to amend section 44-1525, Reissue Revised Statutes of Nebraska; to designate certain acts by insurers as unfair trade practices; and to repeal the original section.

LEGISLATIVE BILL 313. Introduced by Christensen, 44.

A BILL FOR AN ACT relating to prisons; to amend sections 29-2262, 83-4,142, and 83-4,143, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to incarceration work camps; to harmonize provisions; to repeal the original sections; and to outright repeal sections 83-4,144, 83-4,145, and 83-4,146, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 314. Introduced by Christensen, 44.

A BILL FOR AN ACT relating to escort agencies; to adopt the Escort Services Accountability and Permit Act; to provide penalties; to provide an operative date; and to provide severability.

LEGISLATIVE BILL 315. Introduced by Christensen, 44.

A BILL FOR AN ACT relating to massage therapy; to amend sections 38-1706 and 38-1709, Reissue Revised Statutes of Nebraska; to redefine massage therapy; to change licensure requirements; and to repeal the original sections.

LEGISLATIVE BILL 316. Introduced by B. Harr, 8.

A BILL FOR AN ACT relating to the Motor Vehicle Registration Act; to amend section 60-310, Reissue Revised Statutes of Nebraska; to redefine automobile liability policy; and to repeal the original section.

LEGISLATIVE BILL 317. Introduced by Price, 3.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1311.03, Revised Statutes Cumulative Supplement, 2012; to change a duty of county assessors; and to repeal the original section.

LEGISLATIVE BILL 318. Introduced by McGill, 26.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-209, Reissue Revised Statutes of Nebraska; to change provisions relating to duties of law enforcement officers and agencies relating to the taking and distribution of fingerprints; to provide a penalty; and to repeal the original section.

LEGISLATIVE BILL 319. Introduced by McGill, 26.

A BILL FOR AN ACT relating to the Concealed Handgun Permit Act; to amend section 69-2443, Revised Statutes Cumulative Supplement, 2012; to change certain permitholder penalty provisions; and to repeal the original section.

LEGISLATIVE BILL 320. Introduced by McGill, 26.

A BILL FOR AN ACT relating to the Nebraska Juvenile Code; to amend sections 43-248, 43-250, 43-254, 43-256, and 43-272.01, Revised Statutes Cumulative Supplement, 2012; to change temporary custody of juvenile without warrant provisions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 321. Introduced by Crawford, 45; Nordquist, 7; Wallman, 30.

A BILL FOR AN ACT relating to retirement; to amend section 16-1011, Reissue Revised Statutes of Nebraska; to change a provision concerning police officer disability payments; and to repeal the original section.

LEGISLATIVE BILL 322. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to the Department of Natural Resources; to require an environmental study relating to the Blue River; and to declare an emergency.

LEGISLATIVE BILL 323. Introduced by K. Haar, 21.

A BILL FOR AN ACT relating to schools; to create the School Finance Review Committee; and to provide powers and duties.

LEGISLATIVE BILL 324. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-144.01, Reissue Revised Statutes of Nebraska, and sections 48-125 and 48-1,110, Revised Statutes Cumulative Supplement, 2012; to change interest rate provisions on certain compensation court awards; to change provisions relating to first injury reports; to deny compensation in situations of false representation; to eliminate a sunset provision; to harmonize provisions; to provide operative dates; to repeal the original sections; and to outright repeal section 48-1,111, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 325. Introduced by Brasch, 16; Bloomfield, 17; Johnson, 23; Schilz, 47.

A BILL FOR AN ACT relating to natural resources districts; to amend section 2-3211, Reissue Revised Statutes of Nebraska; to change provisions relating to board approval of boundary changes, division, or merger; and to repeal the original section.

LEGISLATIVE BILL 326. Introduced by Howard, 9; Gloor, 35.

A BILL FOR AN ACT relating to pharmacists; to amend sections 38-2845, 38-2847, 71-2444, 71-2445, 71-2446, 71-2447, 71-2448, 71-2449, and 71-2452, Reissue Revised Statutes of Nebraska; to define and redefine terms; to change provisions of the Pharmacy Practice Act and the Automated Medication Systems Act; to provide for registration of long-term care automated pharmacies; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 327. Introduced by Pirsch, 4; Brasch, 16; Lautenbaugh, 18; Nelson, 6; Price, 3; Schilz, 47.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.03, Revised Statutes Cumulative Supplement, 2012; to change income tax rates; and to repeal the original section.

LEGISLATIVE BILL 328. Introduced by Pirsch, 4; B. Harr, 8.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2734.02, Revised Statutes Cumulative Supplement, 2012; to change corporate income tax rates; and to repeal the original section.

LEGISLATIVE BILL 329. Introduced by Howard, 9.

A BILL FOR AN ACT relating to offenses against animals; to amend sections 28-1005 and 28-1009, Reissue Revised Statutes of Nebraska, and sections 28-1005.01 and 28-1010, Revised Statutes Cumulative Supplement, 2012; to reference a statute restricting ownership, possession, or residence with any animal as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 330. Introduced by Howard, 9; Cook, 13; Nordquist, 7.

A BILL FOR AN ACT relating to public health and welfare; to amend section 68-1017.02, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to the Supplemental Nutrition Assistance Program; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 331. Introduced by Harms, 48.

A BILL FOR AN ACT relating to the Nebraska Opportunity Grant Act; to amend sections 85-1903 and 85-1907, Revised Statutes Cumulative Supplement, 2012; to redefine terms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 332. Introduced by Harms, 48.

A BILL FOR AN ACT relating to the Access College Early Scholarship Program Act; to amend section 85-2105, Revised Statutes Cumulative Supplement, 2012; to change requirements relating to application submission; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 333. Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2703 and 77-2708, Revised Statutes Cumulative Supplement, 2012; to change the sales and use tax collection fees; and to repeal the original sections.

LEGISLATIVE BILL 334. Introduced by Nordquist, 7.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the Nebraska Opportunity Grant Program.

LEGISLATIVE BILL 335. Introduced by Christensen, 44.

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

LEGISLATIVE BILL 336. Introduced by Carlson, 38.

A BILL FOR AN ACT relating to sickness and accident insurance; to amend section 44-710, Reissue Revised Statutes of Nebraska; to change provisions relating to policies subject to the federal Patient Protection and Affordable Care Act; and to repeal the original section.

LEGISLATIVE BILL 337. Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to insurance; to amend sections 44-4805, 44-4815, 44-4821, 44-4826, 44-4827, and 44-4828, Reissue Revised Statutes of Nebraska; to change provisions of the Nebraska Insurers Supervision, Rehabilitation, and Liquidation Act relating to security arrangements involving a Federal Home Loan Bank; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 338. Introduced by Gloor, 35.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 38-178, 38-182, 68-901, and 71-448, Revised Statutes Cumulative Supplement, 2012; to prohibit certain practices by health care professionals and facilities; to provide for disciplinary action; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 339. Introduced by Schilz, 47.

A BILL FOR AN ACT relating to fences; to amend sections 2-4808, 34-112.02, and 34-112.03, Reissue Revised Statutes of Nebraska; to change fence dispute provisions; to harmonize provisions; and to repeal the original sections.

NOTICE OF COMMITTEE HEARING

Natural Resources

Room 1525

Thursday, January 24, 2013 1:30 p.m.

LB91

LB203

(Signed) Tom Carlson, Chairperson

ANNOUNCEMENT

The Building Maintenance Committee elected Senator Nelson as Vice Chairperson.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Section 8, LR22 was referred to the Reference Committee.

RESOLUTIONS**LEGISLATIVE RESOLUTION 23.** Introduced by Avery, 28.

WHEREAS, the United States Constitution and the Bill of Rights are intended to protect the rights of individual human beings (real people); and

WHEREAS, corporations are not mentioned in the United States Constitution and "The People" have never granted constitutional rights to corporations, nor have "We" decreed that corporations have authority that exceeds the authority of "We the People"; and

WHEREAS, corporations can and do make important contributions to our society using powerful advantages that government has wisely granted them, but the Legislature does not consider them real people; and

WHEREAS, United States Supreme Court Justice Hugo Black in a 1938 dissenting opinion stated, "I do not believe the word 'person' in the Fourteenth Amendment includes corporations"; and

WHEREAS, the United States Supreme Court recognized in *Austin v. Michigan Chamber of Commerce* (1990) the threat to a republican form of government posed by "the corrosive and distorting effects of immense aggregations of wealth that are accumulated with the help of the corporate form and that have little or no correlation to the public's support for the corporation's political ideas"; and

WHEREAS, the United States Supreme Court in *Citizens United v. Federal Election Commission* (2010) reversed the decision in *Austin v. Michigan Chamber of Commerce* and the portion of *McConnell v. Federal Election Commission* (2003) that upheld bans on corporate and labor treasury funds for electioneering and presents a serious threat to self-government by rolling back previous bans on corporate spending in the electoral process and allows unlimited corporate spending to influence elections, candidate selection, policy decisions, and public debate; and

WHEREAS, the opinion of the four dissenting justices in *Citizens United v. Federal Election Commission* noted that corporations have special privileges not enjoyed by real people, such as limited liability, perpetual life, and favorable treatment of the accumulation and distribution of assets, that allow them to spend huge sums on campaign messages that have little or no correlation with the beliefs held by real people; and

WHEREAS, the law obligates corporations to put profits for shareholders ahead of concerns for the greatest good of society while individual shareholders as real people balance their narrow self interest and the broader public interest when making political decisions; and

WHEREAS, corporations have used the artificial rights bestowed upon them by the courts to overturn democratically enacted laws that municipal, state, and federal governments passed to curb corporate abuse, thereby impairing local governments' ability to protect their citizens against

corporate harms to the environment, to consumers, to workers, to independent businesses, and to local and regional economies; and

WHEREAS, the United States Supreme Court held in *Buckley v. Valeo* (1976) that the appearance of corruption justified some limits on contributions to candidates, but it wrongly rejected other fundamental interests that the citizens of Nebraska find compelling such as creating a level playing field and ensuring that all citizens, regardless of wealth, have an opportunity to have their political views heard; and

WHEREAS, federal courts in *Buckley v. Valeo* and in *SpeechNow.org v. Federal Election Commission* (2010) overturned spending and contribution limits on independent campaigns that helped level the political playing field because they concluded that the threat of corruption was only applicable to direct contributions to candidates; and

WHEREAS, the United States Supreme Court in *First National Bank of Boston v. Bellotti* (1978) and *Citizens Against Rent Control v. City of Berkeley* (1986) rejected limits on contributions to ballot measure campaigns because they concluded they posed no threat of candidate corruption; and

WHEREAS, United States Supreme Court Justice Stevens observed in *Nixon v. Shrink Missouri Government PAC* (2000) that "money is property, it is not speech"; and

WHEREAS, a February 2010 Washington Post-ABC News poll found that eighty percent of Americans oppose the United States Supreme Court ruling in *Citizens United v. Federal Election Commission*; and

WHEREAS, as state legislators, we have sworn to uphold the United States Constitution in our oath of office; and

WHEREAS, Article V of the United States Constitution empowers and obligates the people of the United States of America to use the constitutional amendment process to correct those egregiously wrong decisions of the United States Supreme Court that go to the heart of our democracy and the republican form of self-government.

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

1. That the Legislature supports an amendment to the United States Constitution that would clarify several misinterpretations of the Constitution by divided actions of the United States Supreme Court that have culminated in the wrongly decided *Citizens United v. Federal Election Commission*. The amendment should make clear that corporations have only the privileges bestowed upon them by their charters and by state and federal law and the inalienable rights of the real people who are their shareholders or members. Further, the amendment shall clarify that: Money is property; it is not speech; and in order to ensure that all citizens, regardless of wealth, have an opportunity to express their views to their fellow citizens and to their government on a level playing field, the amount of speech that any one citizen may purchase should be limited to levels that do not overwhelm other citizens.

2. That a copy of this application be sent by the Clerk of the Legislature to the President of the United States Senate, to the Speaker of the United States

House of Representatives, to each member of Nebraska's delegation to the United States Congress, and to the presiding officers of each house of the several state legislatures.

LEGISLATIVE RESOLUTION 24. Introduced by Nordquist, 7; Crawford, 45; B. Harr, 8; Howard, 9; Lathrop, 12; Mello, 5; Pirsch, 4.

WHEREAS, the 2012 Creighton University men's soccer team reached the NCAA Men's College Cup for the fifth time in school history and in back-to-back seasons for the first time in program history; and

WHEREAS, Creighton's 2012 appearance in the NCAA Men's College Cup is the twentieth postseason appearance since 1992; and

WHEREAS, Head Coach Elmar Bolowich made his fifth consecutive College Cup appearance in 2012, which ranks third all-time in the NCAA; and

WHEREAS, two seniors, defender Andrew Ribeiro and forward Jose Gomez, were named National Soccer Coaches Association of America All-Americans; and

WHEREAS, Creighton captured the Missouri Valley Conference Tournament title in the same season as the conference regular-season championship for the eighth time in program history and for the second straight season; and

WHEREAS, the 2012 Bluejays were undefeated in Missouri Valley Conference play and went 9-2-1 on their home field at Morrison Stadium, which College Soccer News has called the most exciting college soccer stadium in the nation and where Creighton ranked in the top 12 in the NCAA in average attendance for the tenth straight season; and

WHEREAS, the achievements of the Creighton University men's soccer team in 2012 are a source of great pride to Creighton University students, faculty, and alumni, to Omahans, and to the people of the State of Nebraska.

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

1. That the Legislature congratulates the Creighton University men's soccer team for their achievements in the 2012 season and extends its best wishes for continued success.

2. That a copy of this resolution be sent to Creighton University Athletic Director Bruce Rasmussen and Head Coach Elmar Bolowich.

Laid over.

VISITORS

Visitors to the Chamber were members of the Nebraska State Bar Association; Marsha Fangmeyer, Amie Martinez, Bob Bartle, Jane Schoenike, and Sam Clinch.

The Doctor of the Day was Dr. Kevin Wycoff from Hastings.

ADJOURNMENT

At 11:31 a.m., on a motion by Senator Bloomfield, the Legislature adjourned until 10:00 a.m., Friday, January 18, 2013.

Patrick J. O'Donnell
Clerk of the Legislature

